

The Cannon Falls City Council met in a regular session on Tuesday, February 21, 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, Mike Dalton, Ken Carpenter, and LeRoy McCusker (who left at 7:21 p.m. and returned at 7:24 p.m.). Also present were Ron Johnson, City Administrator; Tom Bergeson, Public Works 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 Berg, seconded by Council Member Mattson and unanimously carried, to approve the Agenda as submitted.

Public Input Mayor Robinson introduced Senator Mike Goggin. Senator Goggin discussed passage of a health insurance relief bill and commented that the Legislature is working on additional healthcare reform legislation. He reviewed recent discussions regarding buffer laws. He reported that he is sponsoring Senate File 254, which would provide disincentives to construction of the proposed zip rail. He provided his contact information and encouraged constituents to call him any time.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending February 15, 2017
- B. Meeting Minutes for February 7, 2017, City Council Meeting
- ~~C. Authorize Staff to Submit SHIP Grant Request Pulled by Council Member Dalton~~
- ~~D. Accept Resignation from Officer Edwinson and Approve to Fill Vacant Position Pulled by Council Member Dalton~~
- E. Resolution 2263, Recognizing the Cannon Falls School Board
- F. Approve Robbin Thrailkill to Practice Massage in the City Limits
- G. Sunrise Villa Sewer Credit
- H. Dolan Sewer Credit
- I. Resolution 2264, Accepting Monetary Donation by John and Debbie Levin for the Library

A motion was made by Council Member Dalton, seconded by Council Member Carpenter and unanimously carried, to approve the Consent Agenda, minus Items C and D.

Resolution 2265,
Approve Conditional
Use Permit for
Spartan Nash (Family
Fare)

City Administrator Johnson provided background information with regard to past discussions of the CUP request by Spartan Nash for an accessory use drive-through pharmacy in the B1 Central Business District. He referenced conditions that needed to be met according to

the zoning ordinance and letters from the contractor describing how these conditions would be addressed. He referenced a letter from Spartan Nash discussing anticipated traffic considerations. Administrator Johnson reported that he forwarded photometric information to City Engineer Greg Anderson but had not yet heard back from him. Signage was discussed, and Administrator Johnson recommended a Council motion in this regard.

Council Member Abadie requested additional information related to parking stalls near the drive-through area. Administrator Johnson provided additional information, stating that the parking stalls under discussion would not be labeled as employee parking only. Council Member Abadie expressed concerns with this plan, stating that it would be inconvenient and potentially dangerous for the public to park in these stalls. Mayor Robinson expressed agreement with these comments.

Council Member McCusker expressed concerns that construction began prior to the CUP being approved. He commented with regard to this being a learning experience and encouraged keeping an open mind. He commented with regard to traffic considerations and signage.

Mayor Robinson expressed appreciation for installation of the curb and gutter. Council Member Dalton inquired whether there would be directional indicators on the street. A representative from Spartan Nash provided additional information in this regard.

Council Member Berg expressed concerns related to cars meeting each other in the area of the drive-through and suggested eliminating two parking stalls to allow additional traffic flow. Council Member McCusker expressed agreement with these comments, stating that this should be monitored and that there may need to be some adjustments made in the future. The representative from Spartan Nash commented regarding the importance of safety and indicated that traffic flow would be monitored and modifications made as needed. Mayor Robinson suggested consideration of angled parking.

A motion was made by Council Member Carpenter, seconded by Council Member Abadie, to adopt Resolution 2265, approving the Conditional Use Permit for Spartan Nash and the accessory use drive-through pharmacy in the B1 District. Council Member Dalton asked about the separate issue that Administrator Johnson recommended addressing. Administrator Johnson suggested a development agreement related to signage. A vote was taken with

regard to adoption of Resolution 2265 and carried unanimously

A motion was made by Council Member Berg, seconded by Council Member Dalton, to enter into a development agreement with Spartan Nash with regard to signage and traffic flow issues that may arise so that they can be addressed. Council Member McCusker suggested that everyone be kept informed with regard to these issues. A vote was taken, and the motion carried unanimously.

Sandstone Ridge
Development

Administrator Johnson introduced Joe Wheeler, Executive Director of the Southeast Minnesota Multi-County HRA, and Carmen Briggs, Administrative Manager. Mr. Wheeler introduced former Goodhue County Commissioner Richard Samuelson, who helped initiate the project. Background information was provided. The results of a 2016 feasibility study and the cost of soil corrections were reviewed. The proposal that was developed based on this information was discussed. Mr. Wheeler reviewed information from a prior housing study, adding that this study would need to be updated. He reviewed next steps in the process. Upon approval of the redevelopment plan by Goodhue County and the City of Cannon Falls, SEMMCHRA would hire Stantec to develop a preliminary site layout. He added that an RFP process may be conducted to involve a for-profit or nonprofit developer. He discussed the need for tax credits. Mr. Wheeler discussed testing and inspection of utility connections and the stormwater collection and retention system. Mr. Wheeler reported that SEMMCHRA had budgeted approximately \$50,000 for the contract with Stantec to move the project forward. Mr. Wheeler discussed the anticipated project schedule and potential funding sources. He discussed assistance provided by the Minnesota Housing Partnership. He discussed a potential solar garden option to help generate capital and/or electrical power for the townhome development

Mr. Wheeler reviewed discussions with Goodhue County and the need for the City of Cannon Falls to approve the project. He stated that Goodhue County could sign the property over to SEMMCHRA for \$1, which could, in turn, turn the property over to a developer.

Mayor Robinson commented with regard to the need for affordable housing. He stated that the City would need to evaluate the feasibility and costs involved with the proposed project.

Council Member Berg inquired with regard to Federal funding and the time frame to apply for next year's review process. Mr. Wheeler provided additional information with regard to the application process

and tax credit incentives. He also commented regarding the number of steps involved.

Council Member McCusker provided additional background information regarding to the Sandstone Ridge development. He expressed concerns related to tax increment financing. He commented with regard to other available lots within the City. He discussed issues pertaining to the use of floating slabs. He recommended that the existing water mains should be disconnected for now.

Mr. Wheeler clarified the cost of single-family lots and a plan for doing soil correction only where the townhomes would be built. He reviewed other costs, including bringing in a road and potential utility costs. He discussed the need to gather additional data.

Council Member Dalton commented regarding the cost of a treatment plant that was built with this project in mind. Mr. Wheeler commented with regard to financing considerations.

Council Member Dalton inquired with regard to a decision from the City. Mr. Wheeler indicated that a decision would be needed with regard to whether the Council was interested in proceeding, at which point SEMMCHRA would enter into a development agreement with the City and begin pulling all of the pieces together. He added that SEMMCHRA would most likely not be the owner / operator of the development. He commented regarding the need for both workforce housing and elderly housing.

Mayor Robinson commented with regard to the City's significant investment in this property in terms of infrastructure and expressed concerns about putting additional funding into this development. He stated that the proposal would need to be evaluated and discussed before a decision could be made. Mr. Wheeler commented further with regard to the process. Council Member Abadie requested clarification of the next steps, and Mr. Wheeler provided additional information. He clarified that Goodhue County was awaiting a decision from the City regarding use of the property. Administrator Johnson clarified that the property was in tax forfeiture and actually owned by the State of Minnesota, with Goodhue County as the custodian of the property.

Council Member McCusker commented with regard to the changing housing market. He expressed appreciation for the work that had been done with regard to this project to date.

No Council action was taken.

Second Reading and Adoption of Ordinance 349 and Approval of Summary Publication, Granting a Franchise to Hiawatha Broadband Communications, Inc., to Construct, Operate, and Maintain a Cable Communications System in the City of Cannon Falls

Administrator Johnson provided background information and reviewed the next steps in the process of a franchise agreement with Hiawatha Broadband Communications.

A motion was made by Council Member Mattson, seconded by Council Member Carpenter, to approve the second reading and adoption 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. The motion carried by a vote of 5:0, as Council Member McCusker was not present for the vote.

A motion was made by Council Member Berg, seconded by Council Member Carpenter and unanimously carried, to approve the summary of publication for Ordinance 349. The motion carried by a vote of 5:0, as Council Member McCusker was not present for the vote.

Discussion on Proposed Urban Chicken Ordinance

Police Chief McCormick provided background information with regard to the development of a proposed urban chicken ordinance. He reviewed discussions by the Police Commission and the Planning Commission relative to this topic. It had been recommended that the proposed ordinance be brought before the City Council for discussion and direction.

Council Member Dalton commented that, although he feels rather ambivalent about the proposed ordinance, he had received feedback from citizens who were opposed to the proposed ordinance. He stated that there did not appear to be a large amount of support to allow chickens.

Council Member McCusker reported receiving feedback that chickens should be allowed. He expressed appreciation to Chief McCormick for the research that he provided. Chief McCormick commented regarding the research process. Council Member McCusker commented regarding the educational value of raising chickens. He suggested reviewing the ordinance after a year, if it was adopted.

Mayor Robinson commented with regard to the benefits of fresh eggs and spoke in support of the proposed ordinance.

Council Member Carpenter discussed the benefits of raising animals.

He commented that the number of restrictions should prevent this situation from becoming a nuisance.

Mayor Robinson stated that raising chickens may be a good way for kids to become involved in 4-H. Council Member McCusker expressed agreement with this comment.

Council Member Mattson asked whether communities that allow chickens have experienced any problems. Chief McCormick discussed challenges encountered by other communities. He also commented with regard to communities that have adopted chicken ordinances, only to find that no one applied for a permit to raise chickens. He commented that the structure of the ordinance would provide for an annual renewal of the permit and discussed how the ordinance would be enforced.

Council Member McCusker commented with regard to the restrictions. Chief McCormick provided rationale for the 50-foot component.

Council Member Abadie referenced discussion by the Police Commission, indicating her recollection that four chickens would be the maximum number allowed. Chief McCormick referenced discussion of allowing up to six chickens.

Council Member Abadie asked about establishing criteria related to the requirement for submission of a detailed feces and waste management plan. Chief McCormick reviewed information provided by the State. He commented that an information sheet would be provided to permit applicants. Council Member Abadie commented with regard to the potential benefits of composting chicken manure.

Council Member Dalton asked about a short-term probationary period. Council Member Abadie commented with regard to the significant investment involved in raising chickens. Mayor Robinson commented regarding the inspection process and the 50-foot restriction.

Council Member McCusker asked whether eggs could be sold. Chief McCormick indicated that the original proposal did not provide for the sale of eggs, adding that this had since been modified to allow egg sales at the farmers market or similar venues.

Council Member McCusker provided rationale for a one-year trial period. Council Member Carpenter commented that the ordinance could be modified in the future. Council Member Mattson asked

about the permit renewal process, and Chief McCormick provided additional information in this regard.

A motion was made by Council Member McCusker, seconded by Council Member Abadie, to move the proposed ordinance forward. A vote was taken, and the the motion carried by vote of 4:2, with Council Members Dalton and Berg voting nay. Chief McCormick indicated that the ordinance would be placed on the next Council meeting agenda for a first reading.

Authorize Staff to
Submit SHIP Grant
Request

Council Member Dalton recused himself from discussion or voting on this item, citing a conflict of interest as a result of the *Beacon* potentially benefiting from this grant and his relationship with the *Beacon*.

Mayor Robinson provided background information regarding the SHIP Grant application.

A motion was made by Council Member Abadie, seconded by Council Member Mattson, to authorize staff to submit the SHIP Grant request. A vote was taken, and the motion carried by a vote of 5:0, with Council Member Dalton abstaining from the vote.

Accept Resignation
from Officer Edwinson
and Approve to Fill
Vacant Position

Council Member Dalton commented with regard to feedback he has received related to the size of the Police Department budget. He suggested reevaluation of Police Department staffing, now that there was a vacancy.

Mayor Robinson commented regarding past downsizing of the Police Department and provided rationale for maintaining the current level of staffing. Mayor Robinson added that Cannon Falls Police Officers also conduct investigations. He compared the Cannon Falls Police Department budget with the Police Department budget for Lake City.

Council Member Dalton shared information available from the League of Minnesota Cities, stating that Cannon Falls ranks close to the top in terms of budgets and the number of officers for cities with populations between 4,000 and 4,500.

Chief McCormick commented with regard to Cannon Falls offering 24-hour Police Department staffing. He also discussed the City's proximity to the Twin Cities and Rochester. He discussed the negative impacts of past downsizing. He discussed working with Social Services to conduct investigations. He reported that the

Police Department budget has been extensively examined since 2010 and has been found to be very conservative, with approximately 83% to 84% of the budget allocated toward personnel costs. He discussed the added costs of part-time officers.

Council Member McCusker expressed agreement with these comments.

Council Member Abadie commented with regard to the negative impacts of trying to provide the same level of service with fewer people but agreed with Council Member Dalton's suggestion for further exploration or tracking. Council Member Berg commented that personnel changes offer an opportunity to reevaluate current staffing needs.

Mayor Robinson commented regarding the amount of time needed for training, especially with the busy summer season coming up. He recommended filling the position while conducting more study. Chief McCormick provided a historical perspective. He also discussed the hiring process and the anticipated training schedule.

A motion was made by Council Member Dalton to accept the resignation of Officer Edwinson and table the posting of the position for two weeks to allow more time for Council Member review. Council Member Berg commented with regard to the hiring process, adding that an offer would not be made for several weeks. She proposed moving forward with advertising the position, which would give the Council time to review the comments and questions that have been raised. Chief McCormick discussed the process of making a conditional offer of employment. Council Member Dalton rescinded his motion at this point.

Council Member McCusker spoke in support of filling the position and working with the Police Commission to do a study.

A motion was made by Council Member McCusker, seconded by Council Member Carpenter, to accept the resignation of Officer Edwinson and move forward with the hiring process. It was clarified that passage of the motion would approve the filling of the vacant position, as recommended by the Police Commission. Council Member McCusker commented with regard to safety issues, stating that he would not be opposed to further study and discussion. Mayor Robinson commented regarding the potential for medical or other absences by current officers. Chief McCormick commented regarding other staffing impacts. A vote was taken, and the motion carried.

unanimously.

Mayor Robinson and Council Members expressed appreciation to Officer Edwinson for his service to the City.

Staff Reports

Chief McCormick commented regarding the anticipated snowstorm on Friday.

Chief McCormick stated that he welcomes and appreciates discussion relative to the Police Department. He indicated that he will forward these comments to the Police Commission for further discussion and encouraged Council Members to forward any additional concerns to him or Police Commission members.

Administrator Johnson provided an update regarding the Third Street Bridge project. He stated that two bid proposals were received and would be reviewed.

Administrator Johnson provided an update regarding the joint planning position with Goodhue County. He reported that 16 applications were received and that four applicants would be interviewed in early March.

Administrator Johnson reported that the Library Board approved the hiring of a Library Director, Nicole Miller. Ms. Miller was the current Library Director for the City of Gilbert, Minnesota, and would begin her employment in early April.

Council Member Dalton inquired with regard to the status of the River Road project. Administrator Johnson discussed the submission of a project priority list to the State.

Mayor and Council Reports

Council Member Abadie discussed her intention to work with the Goodhue County Extension Office and the Master Gardeners to hopefully establish a repository for chicken waste as a source of sustainable compost.

Council Member McCusker suggested including an article in the *Beacon* including notes from the City and provided suggestions for potential topics.

Council Member McCusker discussed recent communication from a citizen regarding the excellent service provided by Aftin at City Hall. Administrator Johnson reported that he will pass along the compliment to Aftin.

Council Member McCusker expressed concerns related to Mediacom. Administrator Johnson reported that Attorney Bob Vose would be discussing a proposed agreement with Mediacom during the next Council meeting.

Council Member Carpenter discussed feedback he received with regard to streaming City Council meetings live. Administrator Johnson reported that there was a problem with the sound during the last meeting. Mike Gesme had made some modifications, which hopefully have solved the problem.

Mayor Robinson inquired regarding the availability of dog waste bags along the trail. Director Bergeson indicated that he would look into this.

Mayor Robinson reported that Cannon Taxi & Courier Services will be operational in Cannon Falls beginning on March 1st. Chief McCormick offered to help distribute business cards.

Adjournment

The meeting adjourned at 8:20 p.m.

Adopted by the City Council of the City of Cannon Falls on the 7th day of March, 2017.

Lyman M. Robinson, Mayor

ATTEST:

Ronald S. Johnson, City Administrator