

The Cannon Falls City Council met in a regular session on Tuesday, March 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, Mike Dalton, Ken Carpenter, and LeRoy McCusker. Also present were Ron Johnson, City Administrator; Lanell Endres, Assistant City Administrator; Tom Bergeson, Public Works Director; Greg Anderson, City Engineer; Mike Gesme, PEG Access Coordinator; and Jeffrey McCormick, Police Chief.

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

Roll Call All members were present.

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 Carpenter and unanimously carried, to approve the Agenda as submitted.

Public Input Janet Otte, 28989 Gaylord Avenue, Cannon Falls, requested feedback related to a proposal to construct a twin home on a three-acre parcel located at 720 River Road. Issues regarding the driveway were discussed. Council Member McCusker suggested working with Community Development Director Maroney. Council Member Berg asked whether the proposal has been brought to the Planning Commission. Ms. Otte indicated that the proposal has not been discussed with the Planning Commission yet and asked whether the City Council had any initial questions prior to initiating this process. Mayor Robinson indicated that the City Council has not reviewed the plans and will provide input as the process proceeds. The location of the property was clarified.

Consent Agenda A. Just and Correct Claims – Accounting Period Ending March 2, 2017
B. Meeting Minutes for February 21, 2017, City Council Meeting
C. Introduction and First Reading of Ordinance 350, Amending Title IX, Chapter 94, of the Cannon Falls City Code Concerning Animals
D. Approve Proposal for Third Street Bridge: Pre-Development Construction Plans and Specifications Project
~~E. Park Reservation Form and Beer & Wine Permit~~ Pulled by Council Member McCusker

A motion was made by Council Member Carpenter, seconded by Council Member Abadie and unanimously carried, to approve the Consent Agenda, minus Item E.

Council Business:

Mediacom Franchise
Renewal

City Administrator Johnson introduced Bob Vose, Attorney from Kennedy & Graven, who provided background information regarding the three-year process to negotiate a franchise renewal agreement with Mediacom. Mr. Vose reported that attorney fees for the City have totaled \$7,800. Mr. Vose discussed concerns related to funding for community programming (PEG), high-definition channels, and provisions for live programming. He commented that, other than these issues, similar franchise agreement terms have been negotiated with both Mediacom and with Hiawatha Broadband Communications (HBC).

Mr. Vose reviewed the proposed franchise agreement. He reported that issues related to two-way “live” programming sites have been resolved.

With regard to high definition programming capacity, Mr. Vose reported that Mediacom is unwilling to provide community cable channel programming in HD format, citing technical and cost considerations. He added that Mediacom is willing to revisit this issue within five years. Council Member McCusker requested clarification of HD programming. It was clarified that HD programming will not be available on community programming channels but that commercial programming will be available in high definition.

Mr. Vose reported that Mediacom has recently agreed to provide grant funding of \$30,000 to the City as well as continue to pay up to \$1.25 in PEG support fees per customer per month to support community programming. Mediacom has proposed an increase in PEG fees to either \$1.85 or \$2.25, in order to retain a portion of these fees and recoup the \$30,000 grant funding. Mr. Vose commented that Mediacom could initiate a rate increase in lieu of increasing PEG fees.

Mr. Vose stated his opinion that the proposed agreement does not represent a perfect solution but does represent the best possible agreement.

Council Member Mattson inquired with regard to improving programming from the ball field. Theresa Sunde, Senior Manager of Government Relations at Mediacom, offered for someone from Mediacom to look into this. Council Member Mattson commented with regard to poor customer service, stating that Mediacom does not seem to care about providing good service. Ms. Sunde commented

that Mediacom does care about the service it provides. She provided additional rationale for not providing HD programming at this time due to the expense and technical issues, adding that this could be reviewed within the next five years. She requested more information with regard to community programming. PEG Access Coordinator Mike Gesme provided additional information, stating that most of the video content is in HD format and that upgrades are planned. Ms. Sunde discussed technology grants that other communities have received. She commented regarding a \$25,000 grant that was provided to Cannon Falls in 2003 and a grant that was awarded to the Library.

Council Member McCusker expressed agreement with regard to service issues. He indicated that competition is a good thing and commented with regard to rising cable rates. He suggested working together to provide better service. Ms. Sunde provided additional information with regard to retransmission costs. She indicated that she will forward concerns related to service to the engineering and technical staff. Council Member Berg commented that her family could not watch coverage of the Olympics last year because the cable was not working. She reported that service was not restored for three weeks. She added that she has switched Internet and telephone providers because of poor customer service from Mediacom. Ms. Sunde indicated that she will forward these concerns.

Mayor Robinson asked what types of products will be offered by HBC. Administrator Johnson provided additional information in this regard, commenting that HBC customers will be able to watch local programming in HD.

Council Member McCusker commented regarding telephone service issues. Council Member Dalton asked whether service requirements can be added to the franchise agreement. Mr. Vose summarized service issues, indicating that these have been addressed in the franchise agreement. He discussed the process of contract enforcement.

Council Member Abadie asked what additional service commitments have been added to the proposed agreement. Mr. Vose reported that the prior contract did contain strong provisions related to service. He commented that additional language has been added to address specific issues. He added that the FCC, which regulates the cable industry, has developed a set of customer service standards, which was used as a framework for this agreement.

Council Member Dalton inquired with regard to the role of the Cable Commission. He suggested that the Cable Commission hold quarterly meetings and invite a Mediacom representative to attend these meetings. Ms. Sunde indicated that someone from the technical or operations area could potentially attend these meetings. Council Member Dalton suggested that a better system be developed to handle customer complaints. Mr. Vose indicated that there is a process in place, including the City's phone number being published on cable bills. He suggested that the City develop a process for tracking these complaints. Mayor Robinson commented that citizens should not have to call the City to complain about Mediacom, adding that good customer service is essential. Mr. Vose commented that Mediacom is committed to fulfilling the terms of the contract, adding that competition will offer a more direct way to push Mediacom to be a better company.

Council Member McCusker stated that citizens have asked whether they will be able to switch cable providers if they have a current contract with Mediacom. He asked whether these contracts are legally binding, as the City's franchise agreement with Mediacom was allowed to lapse. Mr. Vose indicated that he was unable to provide an opinion without reviewing the actual contract. He added that there are limits on the ability of cable companies to bind customers to long-term contracts.

Council Member McCusker reiterated the City's desire to work together with Mediacom.

Council Member Dalton and Mayor Robinson asked about next steps. Mr. Vose indicated that Council action is needed with regard to the franchise agreement terms. Council Member McCusker expressed opposition to raising PEG fees. Council Member Dalton commented that one of the two options will be required in order to move forward with the agreement and asked whether there is a staff recommendation in this regard. Administrator Johnson reported that the Cable Commission did not make a specific recommendation with regard to PEG fees but favored the \$2.25 PEG fee (Option #1).

A motion was made by Council Member McCusker, seconded by Council Member Dalton, to move forward with the franchise agreement, including Option #1. Administrator Johnson asked whether Mr. Vose will provide the final agreement for review. Mr. Vose indicated that he will review the agreement with Mediacom and provide it to the City by next meeting. A vote was taken, and the

motion carried unanimously.

SEMMCHRA
Proposal

Administrator Johnson referenced the presentation by Joe Wheeler, Executive Director of the Southeastern Minnesota Multi-County HRA, which was provided to the City Council in February. Administrator Johnson indicated that there has been discussion with regard to forming an ad hoc committee to determine what sort of research may be required and potentially forward a recommendation to the City Council. Council Member Dalton asked whether the Planning Commission could serve in this capacity. Mayor Robinson commented that information should be gathered with regard to potential costs and feasibility prior to moving the process forward. He suggested that a committee be formed comprised of staff and two or three Council Members to gather additional information. Council Member Dalton commented that the proposal should be evaluated from the City's perspective. Mayor Robinson and Council Members Dalton and Abadie volunteered to participate on this committee. Administrator Johnson reported that Goodhue County Administrator Scott Arneson has offered to appoint a representative to this group.

A motion was made by Council Member Abadie, seconded by Council Member Carpenter and unanimously carried, to establish an ad hoc committee to evaluate the City's position regarding the SEMMCHRA proposal.

Park Reservation
Form and Beer &
Wine Permit

Council Member McCusker commented that water connection issues at Sandstone Ridge need to be addressed and suggested that the committee discuss this issue as well. Public Works Director Bergeson commented that the stubs have been turned off to individual lots. Council Member McCusker commented that water mains need to be addressed. Mayor Robinson recommended that the Public Works Commission discuss these concerns.

Council Member McCusker inquired with regard to fees and the need for portable restroom facilities. Director Bergeson commented that large group reservations have been addressed by the form. Council Member Abadie provided additional information in this regard.

A motion was made by Council Member McCusker, seconded by Council Member Carpenter, to approve the revised park reservation form and beer & wine permit along with the associated fees. Administrator Johnson asked about garbage pick-up costs. Council Member Berg suggested an amendment to the motion to add this language. A motion was made by Council Member McCusker, seconded by Council Member Carpenter, to amend the motion to

include the addition of language related to garbage receptacles for large groups. A vote was taken, and the motion to amend the motion carried unanimously. Assistant City Administrator Endres clarified that a vote on the amended motion was also required. A vote was taken, and the amended motion carried unanimously.

Reports:

Staff

Director Bergeson commented with regard to street maintenance, including snowplowing and pothole issues.

Police Chief McCormick provided a reminder with regard to winter parking restrictions, reporting that several citations were issued during the last large snow event.

Administrator Johnson reported that a recommendation will be provided during the City Council meeting on March 21 with regard to the candidate selected to fill the collaborative planning position.

Mayor and Council

Council Member Dalton reported with regard to his participation in newly elected official training offered by the League of Minnesota Cities, describing this training as very valuable. He commented that teamwork was emphasized.

Council Member Dalton discussed a recent meeting of the Trail Board. He reported that the Trail Board is in the process of formalizing a Master Plan.

Council Member Abadie reported that the Public Works Commission has suggested scheduling a workshop with the City Council to discuss how the Park Board and the Public Works Commission will function together and separately and the roles and responsibilities of each entity. Council Member McCusker commented regarding the value of the two groups working together. It was suggested to schedule this workshop on March 21.

Administrator Johnson reported that a citizen application has been received for the Park Board and encouraged other interested residents to contact him.

Council Member McCusker suggested better coordination of board and commission meeting schedules. He expressed appreciation to those who worked on the Mediacom franchise renewal agreement.

Mayor Robinson referenced Highway 52 Freeway Partnership information that was distributed and discussed this partnership

between Dakota County, Goodhue County, and Olmsted County. He reported that he will be traveling to the Minnesota State Capitol on March 8 to discuss transportation issues with legislators.

Mayor Robinson provided an update regarding the Cannon Taxi & Courier Services, which began operation on March 1.

Adjournment

The meeting adjourned at 7:32 p.m.

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

Lyman M. Robinson, Mayor

ATTEST:

Ronald S. Johnson, City Administrator