

The Cannon Falls City Council met in a regular session on Tuesday, April 18, 2017, in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Morris Mattson, Cedar Abadie, Mike Dalton, Ken Carpenter, and LeRoy McCusker. Also present were Ron Johnson, City Administrator; Lanell Endres, Assistant City Administrator; Dave Maroney, Community Development Director; Tom Bergeson, Public Works Director; Samantha Meyer, Planning / Zoning Assistant; and Jeffrey McCormick, Police Chief

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| 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 Mattson, seconded by Council Member Carpenter and unanimously carried, to approve the Amended Agenda as submitted. |
| Public Input | Rosie Schluter, 33411 55th Avenue Way, Cannon Falls, discussed the Dwarf Trout Lily, which grows on her property. She reported that a woodlands open house has been scheduled on April 23. She commented that the Cannon River Watershed is the only place in the world where the Dwarf Trout Lily grows. |
| Introduction:
Introduction of
Samantha Meyer | City Administrator Johnson introduced Samantha Meyer, Planning and Zoning Assistant, who was hired in collaboration with Goodhue County. Ms. Meyer described her background and experience. Ms. Meyer was welcomed by the Mayor and Council Members. Council Member Dalton asked about the breakdown of her time. Administrator Johnson indicated that her schedule has not been finalized, adding that the position will be a 50/50 share. He commented that her initial responsibilities will include working with the Planning Commission. |
| Consent Agenda | <ul style="list-style-type: none">A. Just and Correct Claims – Accounting Period Ending March 31, 2017B. Just and Correct Claims – Accounting Period Ending April 12, 2017C. Meeting Minutes for April 4, 2017, City Council MeetingD. Resolution 2270, Final Plat for Winter AdditionE. Resolution 2271, Sign Variance for Family FareF. Confirm Appointment of Jessica Althoff to Park BoardG. Introduction and First Reading of Ordinance 352, Amending Section 111 of the Cannon Falls City Code, Alcohol Licensing and Regulation |

- This item was pulled by Council Member Abadie.*
- ~~H. Resolution 2272, Setting Fees for Chicken Permit~~
This item was pulled by Council Member Mattson.
- I. Resolution 2273, Authorizing Acceptance of Monetary Donation for the Fire Department
- ~~J. Temporary Trail Connection~~
This item was pulled by Council Member Abadie
- K. Disposal of 1997 Chevrolet S10 Vehicle
- L. Sale of Morebark Brush Chipper
- ~~M. Award Bid for Alexander Court and Authorize Professional Services~~
This item was pulled by Council Member McCusker.

A motion was made by Council Member Carpenter, seconded by Council Member Mattson and unanimously carried, to approve the Consent Agenda, minus Items G, H, J, and M.

Council Business:

Police Officer Position

Police Chief McCormick provided background information, stating that the Council previously voted to approve filling the vacancy created by the resignation of Officer Edwinston. He reported that the Police Commission met on March 7 and discussed staffing. The Police Commission recommends maintaining the current staffing level. It was clarified that no Council action is needed at this time. Council Member Dalton expressed appreciation for Chief McCormick and the Police Commission reviewing staffing levels and providing a recommendation.

Resolution 2274,
Approving Final Plat
for Knowlton Addition

Community Development Director Maroney provided background information. He reported that this plat was initially approved in 2008. He indicated that the final plat was not filed with Goodhue County within 90 days, which had been a condition of approval. The project was subsequently reviewed with the Public Works Commission, at which point utility services issues were discussed. Director Maroney reported that Mr. Knowlton recently submitted a revised final plat for the two lots in the Knowlton Addition, which is in the Cedar Hills / Sandstone Ridge area. He indicated that nothing has substantially changed from 2008 in terms of the design of the plan, adding that the plat has been updated by a surveyor, David Rapp. The Council is requested to approve the final plat, which will be filed with Goodhue County.

Council Member McCusker expressed appreciation to the applicant for investing in Cannon Falls.

A motion was made by Council Member Carpenter, seconded by Council Member Dalton, to adopt Resolution 2274, approving the final plat for the Knowlton Addition. Council Member Abadie inquired with regard to park dedication fees. Director Maroney reported that, according to the ordinance, with any subdivision of land for residential development there is either a per-lot contribution that goes to the Park Fund or a cash donation. Director Maroney referenced the contribution that was agreed upon in 2008, which will be brought forward with this plat. A vote was taken, and the motion carried unanimously.

Introduction and First
Reading of Ordinance
352, Amending
Section 111 of the
Cannon Falls City
Code, Alcohol
Licensing and
Regulation

Council Member Abadie referenced Section 111.139, stating that this language appears to permit a person of any age to sell 3.2 beer or alcohol under a 3.2 concentration. Chief McCormick clarified the proposed ordinance language pertaining to intoxicating liquor licenses, stating that 3.2 liquor licenses are addressed under a different section of the City Code. The ordinance would permit a licensed establishment to employ persons aged 16 or 17, but they could not serve or sell alcoholic beverages. He discussed the differences between an intoxicating liquor license and a 3.2 license and the regulations for each. Chief McCormick indicated that he will review the section pertaining to 3.2 licenses. Chief McCormick discussed the farm wine license under which Cannon River Winery operates. He offered to review this language with the City Attorney prior to the second reading of Ordinance 352. Council Member Abadie asked whether language changes will be made to other sections of the City Code. Chief McCormick indicated that 3.2 liquor licenses are temporary. He offered to review this section with the City Attorney to determine whether any language changes are recommended. It was clarified that any substantive changes would be brought back for Council review as a first reading.

When asked by Council Member Dalton what prompted the ordinance language changes, Chief McCormick reported that the revisions were prompted by a restaurant owner requesting clarification of the regulations pertaining to employment of minors.

Council Member McCusker commented that this topic was discussed by the Police Commission, which recommended following State guidelines and keeping the ordinance language as simple as possible. He suggested reviewing the ordinance in six months to see whether there are any concerns.

A motion was made by Council Member Carpenter, seconded by Council Member McCusker and unanimously carried, to approve the

first reading of Ordinance 352, amending Section 111 of the Cannon Falls City Code. Chief McCormick requested direction with regard to seeking an opinion from the City Attorney relative to adding 3.2 language to Section 111 versus reviewing the 3.2 section language to see whether it would be appropriate to recommend revisions. Council Member Abadie recommended making sure that the language is consistent across all categories of licensure. Chief McCormick indicated that he will review the 3.2 section specifically.

Temporary Trail
Connection

Council Member Abadie referenced discussion of this topic during the April 4 Council meeting. She stated that she wished to clear up any confusion and clarify that this is intended to be a temporary trail connection. She indicated that the goal will be to make this a safe and effective temporary connection and to evaluate its merit.

A motion was made by Council Member McCusker, seconded by Council Member Carpenter, to approve the temporary connection of the City trail to the Mill Towns Trail. Mayor Robinson stated his opinion that this will provide safe temporary access to the Mill Towns Trail. Council Member McCusker commented that this this will be accomplished without external assistance. A vote was taken, and the motion carried unanimously.

Award Bid for
Alexander Court and
Authorize
Professional Services

Council Member McCusker requested clarification of the bid award and the tax abatement amount, and Director Maroney provided additional information. Council Member McCusker asked about future trail connections. Director Maroney reported that the trails are still under consideration at this point, with no inclusions in the Alexander Court construction bid with regard to building a trail.

A motion was made by Council Member McCusker, seconded by Council Member Abadie and unanimously carried, to award the bid for Alexander Court to Rochester Sand & Gravel for \$207,780 and authorize professional services as indicated.

Resolution 2272,
Setting Fees for
Chicken Permit

Council Member Mattson commented that he was shocked by the proposed permit fees. Council Member McCusker expressed agreement with this comment. Council Member Abadie inquired with regard to the fees for dog permits in order to provide context, and this information was provided. Assistant City Administrator Endres provided additional background information with regard to the proposed permit fees and discussed administrative costs. When asked when the ordinance would be effective, Chief McCormick recommended a spring or mid-year permit renewal cycle. Assistant Administrator Endres suggested that the renewal process be

coordinated to occur at the same every year for continuity. Council Member Abadie commented that the fees would help ensure that prospective chicken owners are committed to pursuing a chicken enterprise and may discourage casual chicken ownership.

A motion was made by Council Member Dalton, seconded by Council Member Abadie and unanimously carried, to adopt Resolution 2272.

Reports:

Staff

Director Maroney publicly welcomed Ms. Meyer to the staff, commenting that he appreciates the assistance that she will be providing.

Public Works Director Bergeson clarified that there will be no City-wide clean-up day this spring, adding that this is scheduled every other year.

Chief McCormick discussed upcoming events. Mayor Robinson commented that the Police Department does a good job of making sure that everyone stays safe and that traffic keeps flowing.

Administrator Johnson welcomed Ms. Meyer and Library Director Nicole Miller to the staff. He reported that Ms. Miller's employment will begin on April 24.

Mayor and Council

Council Member Dalton reported that he was unable to attend the Planning Commission meeting on April 10 and asked whether Director Maroney had any updates to share. Director Maroney reported that a good discussion was held.

Council Member Dalton referenced a recent letter to the editor of the *Beacon* by Dick Jacobson, who is wondering why the ballpark downtown is locked and not accessible for kids to play ball. Council Member McCusker reported that the Park Board will be discussing this concern. Director Bergeson commented regarding potential liability or vandalism issues as reasons for the ballpark being locked. It was stated that this has been case for many years.

Council Member Dalton commented with regard to comments about City staff. He made a motion for the Council to schedule a special closed session on April 24 for discussion of the job performance of the Public Works Director and the City Administrator. Council Member Abadie expressed agreement with this recommendation, adding that according to the City Charter two Council Members are required to call for a closed meeting. Council Member Abadie

commented that both a Council discussion and an annual performance evaluation can take place. Administrator Johnson clarified that the recommendation for a special meeting does not require a vote but that staff will need to receive a written request from the Mayor or at least two Council Members. In addition, impacted employees need to be provided with a reasonable notice of this discussion. Council Member Dalton recommended that a representative of the City Attorney's office attend this meeting. Mayor Robinson commented that impacted employees may opt for an open meeting discussion. Administrator Johnson reported that the Council may hold a special meeting but would need to vote to go into closed session. Council Member McCusker agreed with the recommendation to schedule a special meeting for discussion of personnel matters. Council Member Abadie commented that the cloud surrounding this issue is not serving the City well.

A special meeting was scheduled on April 24 at City Hall beginning at 6:00 p.m. in the City Council Chambers. Notice of this meeting was discussed.

Council Member Abadie expressed concerns regarding comments that were offered by a Council Member during the April 4 Council meeting. She stated that some of the information that was shared could arguably be considered to be in violation of the Data Practices Act. She expressly disavowed the practice of taking inventory of valued City employees as a part of Council Member reports, stating that this is inappropriate, disrespectful at best, and disingenuous at worst. She commented that whatever has to be aired should be done so appropriately. She stated her hope that the special meeting will serve to resolve these issues.

Council Member Carpenter provided an update with regard to the Highway 52 and Dakota County Road 42 construction project.

Council Member McCusker reported that the Police Department and Police Commission are working on public relations posters.

Council Member McCusker expressed appreciation for Director Maroney contacting residents with regard to their issues.

Council Member McCusker expressed appreciation to the Library staff for their service during the transition to a new Library Director.

Council Member McCusker reported that the Park Board held its first meeting. He stated that he looks forward to working with the new

Park Board Members.

Mayor Robinson provided a reminder with regard to picking up after dogs along the trails.

Adjournment

The meeting adjourned at 7:18 p.m.

Adopted by the City Council of the City of Cannon Falls on the 2nd day of May, 2017.

Lyman M. Robinson, Mayor

ATTEST:

Ronald S. Johnson, City Administrator