

The Cannon Falls City Council met in a regular session on Tuesday, July 18, 2017, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Morris Mattson, Cedar Abadie, Mike Dalton, Ken Carpenter, John Althoff, and LeRoy McCusker. Also present were Ron Johnson, City Administrator; Dave Maroney, Community Development Director; Greg Anderson, City Engineer; Tom Bergeson, Public Works Director; Todd Anderson, Fire Chief; 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 Carpenter, seconded by Council Member Mattson and unanimously carried, to approve the Agenda as submitted.
- Public Input Martin Balfe, 315 West 8th Street, Cannon Falls, expressed concerns related to the alley on the north side of the winery being blocked off. He indicated that he was told by someone at the Police Department that this was for safety reasons and that if he had issues he should address these with the City Council. Mr. Balfe commented that he frequently uses this alley in the process of transporting disabled persons. Mayor Robinson clarified that the City owns the alley and reported that it was temporarily closed while a forklift was being used by the winery during the bottling process. Mr. Balfe reported that he watched for 29 minutes, during which the forklift crossed the alley three times. He commented that he worked for a warehouse in St. Paul for five years using a forklift to cross an alley, noting that the City of St. Paul would never have allowed the alley to have been blocked off. He added that forklift drivers were told to watch out for and yield to vehicles using the alley. He expressed concerns that the winery is being allowed to block off a public alley and use it for their own purposes. He commented that many people use this alley. He asked how this decision was made, and Mayor Robinson indicated that he approved this as a safety concern. Mr. Balfe provided rationale for his preference in using this alley. Mr. Balfe also expressed concerns with regard to an unleashed dog.
- Council Member McCusker asked Mayor Robinson whether he had received any calls related to this issue, and Mayor Robinson indicated that he had received one call. Council Member McCusker stated that he had received 10 or 12 calls, with callers expressing concerns similar to those expressed by Mr. Balfe. He suggested that perhaps the Council should have discussed this request. He expressed

concerns that the winery is using public property for financial gain, adding that he understood the safety factor but commenting that people did not like having the alley blocked off.

Mayor Robinson asked Police Chief McCormick to look into the unleashed dog concern and alley concerns. He stated his understanding that the forklift work was supposed to have been completed the prior week. Chief McCormick stated his understanding with regard to this. Mayor Robinson indicated that, if this request was brought up in the future, it would be further addressed. Chief McCormick commented that, due to the July Council meeting schedule, there would have been no time for Council action. He offered to send a letter to the winery indicating that advance notice should be provided in the event of future alley closure requests, in order to allow formal Council action. Mayor Robinson also suggested working with the winery with regard to a partial alley closure in the future.

Council Member Abadie inquired with regard to the definition of an alley as opposed to a parking lot entrance. Mayor Robinson described this as a parking lot entrance. It was discussed that this is used by residents as an alley. Chief McCormick indicated that, for Police Department purposes, this is considered to be a driveway, indicating that the alleyway exists further to the east. Council Member Abadie commented that many businesses and individuals, including the farmers market, utilize this property and the parking lot for financial gain.

Babe O’Gorman, Cannon Falls, commented that the area under discussion has been used as a public roadway for many years.

Adam Peters, 700 West State Street, Cannon Falls, expressed concerns with regard to the diagonal parking stalls in front of the winery, stating that this narrows the street too much and causes problems with visibility. He expressed agreement that the alley under discussion is used as a roadway. He suggested consideration of a wine tax or parking fees.

Mr. Peters expressed concerns with regard to vehicle parking along Highway 20 in the area used by Welch Mill Canoeing and Tubing.

Mr. Peters suggested further discussion of the parking situation in Cannon Falls, in light of increased tourism.

Council Member McCusker referenced ongoing discussion with regard to parking issues. He expressed agreement with the suggestion to consider potential revenue sources for the City.

John Peterson, owner of Ferndale Market, inquired with regard to discussion related to the proposed overpass. Mayor Robinson indicated that this topic would be discussed later in the meeting.

Legislative Update
Presentation

Mayor Robinson introduced Representative Barb Haley. Representative Haley provided an update with regard to the 2017 legislative session. She discussed her committee assignments. She indicated that the Legislature spent much of the session working on the State budget, including extensive discussions of healthcare and education. She discussed the passage of tax relief legislation, which she noted will help senior citizens and farmers. She described innovative incentives that will allow students who want to work in Minnesota to deduct the interest on their student loans. She discussed increased funding toward roads and bridges, including local projects. She discussed LGA and education funding. She detailed education policy changes. Representative Haley reported that she worked with Representative Steve Drazkowski and Senator Mike Goggin on legislation that would prevent State funds from being allocated toward a zip rail project. She discussed the passage of legislation that will allow Cannon Falls to be excluded from Metropolitan Council authority.

Representative Haley reviewed a pending MPCA grant application pertaining to the sewer bridge project. She referenced ongoing discussions relating to the bike path, workforce shortages, housing concerns, healthcare costs, and transportation funding.

Mayor Robinson expressed appreciation to Representative Haley for her work at the Legislature and for the open line of communication.

Representative Haley reported that a Grand Opening event for the Capitol renovation project is planned in August. She encouraged constituents to continue to contact her and provide input.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending July 11, 2017
- B. Meeting Minutes for June 13, 2017, City Council Meeting
- C. Meeting Minutes for June 20, 2017, City Council Meeting
- ~~D. Disposal of Forfeited Vehicles~~
This item was pulled by Council Member Mattson.
- E. Police Volunteer Vehicle

- F. Authorization to Dispose of Police Fleet Vehicle
- G. Resolution 2288, Accepting a Donation for the Fire Department
- H. Resolution 2289, Accepting Donations in Memory of Joan Risty
- I. ~~Hire Unscheduled Part-Time Employees for Ambulance Department~~
This item was pulled by Council Member McCusker.
- J. ~~Hire Temporary Administrative Staff~~
This item was pulled by Council Member McCusker.
- K. Payment Request No. 1 for Alexander Court

A motion was made by Council Member McCusker, seconded by Council Member Althoff and unanimously carried, minus Items D, I, and J.

Authorization to
Prepare TED
Application

Community Development Director Maroney provided background information. He described the next steps involving the Highway 52 improvement project. He noted that the original project included construction of an overpass bridge just north of the former Cannonball, in addition to the four roundabouts and the new interchange. Due to funding restrictions, MnDOT removed funding for the overpass bridge but proceeded with planning to accommodate the overpass bridge. During the last several years a variety of funding sources have been researched, and assistance has been sought from State and Federal legislators in this regard. It has been recommended to pursue funding through the TED program. Applications for TED grants are due September 15. Director Maroney commented that the application process has been reviewed with the EDA, as one of the components of this competitive grant process is to demonstrate that the project would benefit, facilitate, and/or generate new economic and community development. A proposal has been solicited from SRF Consulting to assist with preparing the application. The application would be brought back to the Council in early September for review and approval. If the application is submitted, a funding decision would be made by the end of the year, construction would need to begin by the year 2020, and the project would need to be completed by the year 2022. Director Maroney commented that things have happened in the last couple of years that should make the request, if it is submitted, more favorable. The EDA is recommending that the City Council pursue working on the application.

Mayor Robinson commented with regard to legislator support for the submission of a TED grant application. He stated his opinion that this option should be pursued, and if the application was denied there may be other avenues available, such as State bond funding.

Council Member Mattson referenced past discussions with Director Maroney with regard to access issues.

Council Member Althoff asked why the timing is now better, if it was not right two years ago. Mayor Robinson commented with regard to economic development opportunities. Council Member Abadie commented that the overpass bridge would not provide Highway 52 access to south side businesses. Mayor Robinson commented with regard to safety issues in the event that the roundabouts are down.

Council Member McCusker commented that emergency vehicle access should have been incorporated into the original project. He discussed how the original project was developed. He referenced a recent discussion with MnDOT. He reviewed past discussion of on and off ramps. He discussed other construction projects along the Highway 52 corridor. He commented with regard to feedback he has received from residents stating that the overpass bridge would not be an asset. He stated his opinion that it would not be fiscally responsible to proceed with the proposed overpass bridge, as too many other things were more important.

Mayor Robinson referenced the safety study that was conducted involving the feasibility of on and off ramps. Council Member McCusker commented with regard to funding that the City has already contributed toward the project, adding that grant assistance is also taxpayer funded.

Council Member Dalton requested clarification of the requested Council action at this time. He asked what the City was hoping to learn if the consulting group was hired to assist with the application process. Director Maroney commented that the consultant would compile information relating to the revised cost for the construction of the bridge itself, how MnDOT would handle the acquisition of property relative to the budget, some of the final details and engineering on the location of the bridge, and the anticipated project schedule. Director Maroney commented with regard to planning that has already been completed by MnDOT. He clarified that the original project included the overpass bridge. He commented that the information would enable the Council to decide whether or not to submit the TED application.

Council Member Abadie stated her understanding that the overpass bridge was part of the original project, adding that this would not make it a good solution for south side businesses. Director Maroney

commented with regard to timing of this phase of the project.

Director Maroney reviewed the economic development component of the TED grant application process, which would require commitment from property owners, especially on the west side of Highway 52. He discussed the challenges of funding assistance through the State Legislature.

Council Member Abadie requested assurance that this would not compromise the City's standing with regard to any other future requests to MnDOT.

Council Member Mattson inquired with regard to land owned by Xcel Energy. Director Maroney commented with regard to 63 acres of land that Xcel Energy purchased in conjunction with the transmission line project. He stated his opinion that better transportation connections would benefit this property and other properties in the area. He reiterated that he would be discussing the proposed overpass bridge project with property owners as part of the TED application development process.

Council Member McCusker commented with regard to increased project costs. He suggested discussing the project timing with MnDOT as opposed to spending \$7,000 on consulting fees. Director Maroney indicated that the overpass bridge was not currently on the list of projects scheduled to be funded by MnDOT in the future. He commented that funding was set aside for the City's portion of the Highway 52 project, some of which was not spent when the project changed.

Council Member McCusker commented that the project plan should include walking and bicycle access. Director Maroney reported that MnDOT engineers have indicated that there would be a sidewalk constructed in conjunction with the overpass from 4th Street to 63rd Avenue on the west side.

When asked about leftover City funding from the original project, Director Maroney indicated that this number will be calculated if the project moves forward. Council Member Dalton asked whether this money could be allocated toward the consulting fees. Director Maroney commented with regard to project funding, indicating that consulting fees could be incorporated into the overpass bridge project financing plan.

Council Member Dalton commented with regard to anger directed toward MnDOT. He spoke in support of compiling the information in order for the Council to make an informed decision with regard to the project. Director Maroney commented that the grant, if approved, would cover up to 70% of the project costs. He stated his opinion that the \$7,000 would constitute a reasonable investment in order to determine the potential costs and benefits of the project.

Mayor Robinson opened the meeting for public comment at this point.

John Peterson, owner of Ferndale Market, discussed the importance of traffic counts to his business. He spoke in favor of anything that would increase access or traffic counts. He stated his opinion that \$7,000 would be better spent on projects that would provide an immediate impact to south side businesses, such as signage.

Dick Peterson introduced himself as John Peterson's father. He spoke in opposition to the proposed overpass bridge, agreeing with Council Member McCusker that it would be a bridge to nowhere. He commented that MnDOT acquired three acres of his family's property five years ago, adding that they have still not been paid for this. He reported a good working relationship with Xcel Energy with regard to an easement. He discussed how the proposed overpass would adversely impact his family's property. He stated his opinion that there was no reason to throw money away on a bridge because of anger at MnDOT, as this project would not provide any significant benefit to the community.

Council Member Abadie referenced discussion of TED grant funding as an opportunity. She described the requested Council action as an opportunity to study for the sake of study, to build for the sake of building, and spend for the sake of spending, with no other benefits. She indicated that she would not support moving forward with the application.

Adam Peters, 700 West State Street, Cannon Falls, spoke in opposition to the overpass bridge, stating that there would be easier ways to provide access. He commented that the entire community is losing money because of the lack of access. He agreed with the description of the proposal as a bridge to nowhere.

There being one else present whom wished to speak concerning the TED grant, no additional comments were taken.

Council Member McCusker discussed how far the overpass bridge would extend. He expressed frustration with the process of working with MnDOT.

Mayor Robinson summarized the request to compile a TED grant application.

A motion was made by Council Member Dalton, seconded by Council Member Carpenter, to authorize a consulting firm to assist with the preparation and submission of a TED grant application. Upon call of the roll, Council Members Dalton, Carpenter, and Mattson voted aye; Council Members, Abadie, Althoff, and McCusker voted nay. Mayor Robinson cast the deciding vote in favor of the motion. The motion was declared passed.

Compost
Discussion

Public Works Director Bergeson provided background information regarding the compost site and offering for sale 450 cubic yards of compost. He reported that only one bid was received, which was lower than expected. The Public Works Commission recommended offering compost to the public. Council Member McCusker inquired with regard to the bid, and Director Bergeson provided additional information. Council Member Abadie commented with regard to Public Works Commission discussion that the bid amount would not cover the City's costs and that another bidding process could be undertaken next spring. She provided rationale for offering compost to the public. Council Member McCusker commented that some of the compost was deposited by commercial haulers. Council Member Dalton requested clarification of the screening costs, and Director Bergeson provided additional information. Council Member Mattson requested clarification of the two compost piles, and Director Bergeson provided additional information in this regard. Council Member McCusker commented regarding liability concerns pertaining to unscreened compost material. No action was taken.

Discuss Charter
Commission
Logistics

City Administrator Johnson provided background information and discussed options for re-establishing the Charter Commission. He commented with regard to Council representation on the Charter Commission. He suggested that an ad hoc task force review the applications, potentially conduct interviews, and provide a recommendation to the City Council. The Council would then provide a recommendation to the District Court, and the Judge would make the final appointments. He requested direction from the Council prior to advertising for Charter Commission applicants.

Council Member Abadie recommended that no more than one Council Member serve on the Charter Commission. Council Members suggested that one Council Member serve on the Charter Commission. Council Member Abadie asked whether this would be a volunteer position or an appointed position. Council Members suggested that this be a volunteer position. Administrator Johnson reiterated that the District Court Judge will make the final appointments. The advertising process was discussed. Council Member Abadie suggested that a citizen serve on the ad hoc committee. Mayor Robinson suggested that the ad hoc committee include two Council Members and one citizen. Council Member Abadie commented that anyone who was registered to vote in the City of Cannon Falls was eligible to serve on the Charter Commission.

Call for Proposals
for Limestone Road
Reconstruction
Project

City Engineer Anderson provided background information regarding a settlement issue on the east end of Limestone Road in the Woodridge Bluffs Development. He reviewed what was felt to be the most cost effective approach for making the repairs. He stated that the Council was asked to authorize a call for quotes from contractors to perform this work. Potential funding sources were discussed.

Council Member McCusker inquired with regard to the City's responsibility in terms of the street repairs. Engineer Anderson provided additional information stating that the project was completed and accepted by the City. Council Member McCusker asked about the number of lots. Engineer Anderson clarified that the requested Council action is limited to street repairs. He indicated that there was one existing house and one under construction.

Council Member Althoff expressed disappointment that S.M. Hentges was not willing to participate in the project but spoke in support of the requested Council action to authorize bids.

A motion was made by Council Member Althoff, seconded by Council Member Carpenter, to authorize a call for proposals for the Limestone Road reconstruction project. Administrator Johnson clarified that this would involve a call for proposals and not a formal bidding process, as the estimated project cost is less than \$100,000. A vote was taken, and the motion carried by a vote of 5:1, with Council Member McCusker voting nay.

Fire Department
Request to
Purchase Truck

Fire Chief Anderson provided background information for the Fire Department's request to purchase a new rescue truck and introduced Scott Lumby from Custom Fire Apparatus, Inc. Chief Anderson

described the proposed rescue truck and provided rationale for this purchase. He discussed the benefits of purchasing a new truck as opposed to a used truck.

Council Member Althoff inquired with regard to the need to purchase tanker trucks in the future. Chief Anderson provided additional information. He discussed the fact that the rescue truck is one of the main vehicles that is used by the Fire Department, as it carries all of the necessary equipment. Mayor Robinson asked about the number of calls during which this truck is used. Chief Anderson indicated that this number varies. He estimated between 60 and 70 calls so far this year, adding that the number of calls is down so far this year. It was suggested that the Fire Department work with the City Administrator in terms of the capital budget. Chief Anderson commented with regard to the budgeting process. It was discussed that the truck is used fairly often. Administrator Johnson reviewed funding options for the proposed truck purchase. Council Member Althoff recommended that the proposal be given serious consideration, commenting that there may not be a better time to pursue this purchase, in light of other upcoming projects. Chief Anderson commented regarding the eight-month build time. Administrator Johnson discussed the budget planning and levy adoption process. Mayor Robinson suggested that the proposal be included in the budget discussion.

Hire Unscheduled
Part-Time
Employees for
Ambulance
Department

Council Member McCusker commented that it would be helpful to receive an update with regard to Ambulance Department staffing. A motion was made by Council Member McCusker, seconded by Council Member Mattson and unanimously carried, to approve the hiring of part-time Ambulance Department employees.

Hire Temporary
Administrative Staff

Council Member McCusker requested additional information concerning the request to hire a temporary staff person and Administrator Johnson reiterated that this would be a temporary part-time hire to help catch up on a backlog of work.

A motion was made by Council Member McCusker, seconded by Council Member Dalton and unanimously carried, to approve the hiring of temporary administrative staff.

Disposal of
Forfeited Vehicles

Council Member Mattson commented that the Council previously approved the disposal of forfeited vehicles. Chief McCormick provided additional information stating that more vehicles have been forfeited in the meantime. He stated that these vehicles were being evaluated to determine their operating condition. Council Member McCusker suggested discussion by the Police Commission with

regard to forfeited vehicles. Chief McCormick discussed the reasons for the forfeitures and the forfeiture policy that the City has adopted.

A motion was made by Council Member Mattson, seconded by Council Member Carpenter and unanimously carried, to approve the disposal of forfeited vehicles.

Staff Reports

Director Maroney commented regarding ongoing discussion of signage in the area of the roundabouts. He reported that progress was being made with MnDOT, adding that he will have more information to share in the coming weeks.

Engineer Anderson provided an update with regard to the Alexander Court project.

Director Bergeson reported with regard to asphalt patching and noxious weed control projects. He provided a reminder with regard to monitoring water bills. He discussed three new Cayuga ducks in the pond. Director Bergeson reviewed Public Works involvement in telecommunication infrastructure installation activities.

Chief McCormick discussed upcoming community events.

Administrator Johnson discussed Department of Public Safety system upgrades, which will impact the Cannon Falls License Center.

Administrator Johnson provided an update with regard to the health insurance renewal process. He reported that insurance costs would be discussed during the Council meeting on August 1. He commented with regard to higher insurance rates associated with the City offices being located in Goodhue County as opposed to Dakota County. He indicated that he has shared this concern with Representative Barb Haley and Senator Mike Goggin.

Administrator Johnson referenced discussions relating to substantial erosion around a sewer main behind the First English Church.

Chief McCormick discussed National Night Out, commenting that anyone interested in hosting a party can still be added to the list. He invited the Mayor and Council Members to participate in this event following the Council meeting on August 1.

Mayor and Council Reports

Council Member Abadie referenced comments by citizens seeking financial assistance toward repair of the tennis courts. She commented that these citizens described in detail how this project

would benefit their lives. Council Member Abadie then noted that, even though there appears to be no community support for the proposed overpass bridge, the City approved a \$7,000 expenditure to gather more information related to this project.

Council Member Althoff reported with regard to a recent Planning Commission meeting, during which rezoning of four lots was discussed. He indicated that the Planning Commission voted to approve the rezoning request but tabled a vote with regard to a Conditional Use Permit, as there have been concerns expressed by neighbors.

Council Member McCusker provided rationale for consideration of a \$500 sewer and water credit for the School District.

Mayor Robinson discussed a letter received from the Dakota County Board of Commissioners thanking the City for the resolution of support for the Lake Byllesby Dam bonding request.

Adjournment The meeting adjourned at 8:19 p.m.

Adopted by the City Council of the City of Cannon Falls on the 1st day of August, 2017.

Lyman M. Robinson, Mayor

ATTEST:

Ronald S. Johnson, City Administrator