

The Cannon Falls City Council met in a regular session on Tuesday, October 17, 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; Lanell Endres, Assistant City Administrator; Tom Bergeson, Public Works Director; Samantha Meyer, Zoning Assistant; Sulo Kyyra, EMS Lieutenant; 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 Althoff and unanimously carried, to approve the Agenda as submitted.
Public Input	<p>Babe O’Gorman, Cannon Falls, expressed several concerns. He provided background information regarding his request to utilize PVC pipe as opposed to ductile iron, stating that it took three months for this request to be acted upon. He referenced a recent conversation with Community Development Director Dave Maroney with regard to the new Zoning Assistant, Samantha Meyer, during which Mr. O’Gorman shared his opinion that Ms. Meyer is doing a great job. He expressed concerns with regard to recent comments made by Public Works Director Tom Bergeson and City Engineer Greg Anderson. He expressed concerns that Council Member Cedar Abadie violated the Open Meeting Law. He referenced recent controversies involving Council Member LeRoy McCusker. He discussed the use of public funds to determine whether or not the street to the west of the Cannon River Winery was actually a roadway. Mr. O’Gorman indicated that he was offended by comments made by Council Member Mike Dalton with regard to a fellow Council Member.</p> <p>Marv Nelson, 116 Ridgebrook Drive, Cannon Falls, expressed concerns with regard to the Cannon Falls DVS Office. He stated his opinion that this service should not be provided at a loss to the City and suggested City Council discussion of this issue.</p> <p>Adam Peters, 700 West State Street, Cannon Falls, expressed concerns with regard to parking in front of the winery, especially relating to pickups and longer vehicles. He asked about enforcement of parking restrictions in this area. He commented regarding parking issues for the winery and the new brewery and suggested consideration of a tax on the winery and the brewery for use of the</p>

City-owned parking lot. He suggested restoring horizontal parking on the winery side of Mill Street due to safety concerns.

Mayor Robinson thanked the public for the input, indicating that these comments would be taken into consideration.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending October 13, 2017
- B. Meeting Minutes for October 3, 2017, City Council Meeting
- C. Resolution 2300, Approving Conditional Use Permit for Reliable Auto
- D. Resolution 2301, Approving a Cooperative Snow Removal Agreement with MnDOT
- E. Hire Unscheduled Part-Time Employee for Ambulance Department
- F. Request to Use Plastic Pipe for Water Main

Council Member LeRoy McCusker expressed appreciation to Reliable Auto for investing in Cannon Falls, wished them success, and welcomed them to the business community. Council Members expressed agreement with these comments.

A motion was made by Council Member Dalton, seconded by Council Member Mattson and unanimously carried, to approve the Consent Agenda as submitted.

Resolution 2302,  
Providing for Notice of  
Intent for Annexation  
(Ann Simon / Ryan  
Kranz Property)

Zoning Assistant Samantha Meyer provided background information regarding a request from the property owner and a possible property purchaser for annexation of property. She commented that this was the first step in the annexation process. Mayor Robinson asked whether the township had reviewed the request. Ms. Meyer reported that Cannon Falls Township has approved the annexation request.

A motion was made by Council Member Carpenter, seconded by Council Member Dalton and unanimously carried, to adopt Resolution 2302 and proceed with a Public Hearing on November 21, 2017.

Donation of Land

City Administrator Johnson referenced discussion of the donation of land during a previous Public Works Commission meeting. He provided background information and described the location of the parcel under discussion. He reported that the current property taxes on the parcel total \$104. Administrator Johnson referenced communication from Cannon Valley Trail Manager Scott Roepke with regard to utilization of this property. Administrator Johnson noted that, if the Council was interested in accepting this donation of land, a

resolution would be prepared for adoption during the next Council meeting. He added that further discussion could be undertaken with Mr. Roepke in the meantime. It was clarified that a private individual currently owned the property, which was adjacent to City property. Council Member Abadie provided additional information, stating that this parcel would provide a natural complement to the City-owned property and would allow better access to these parcels.

A motion was made by Council Member Abadie, seconded by Council Member Carpenter and unanimously carried, to proceed with the land donation. Administrator Johnson clarified that the property owner would like the donation to be contingent upon recreational use of the property. It was stated that this restriction would be added to the resolution language.

Consider LED Retrofit  
Project for City  
Buildings

Administrator Johnson provided background information regarding a potential conversion to LED lighting for City buildings noting that City staff has been working with a consultant, Sundance Energy Solutions. He indicated that a phased approach was recommended, beginning with the Wastewater Treatment Plant. He reviewed the estimated payback period of 1.9 years and the total project cost of approximately \$13,600. He added that a rebate in excess of \$6,000 was available from Xcel Energy until November 1, which would bring the project cost down to approximately \$7,574. He noted estimated annual maintenance and energy cost savings of approximately \$3,900. He noted that the Library, the Public Safety Building, and City Hall were planned to undergo LED conversions. He suggested eventual consideration of conversion of City-owned street lights to LED bulbs, adding that his intention would be to include representation from the Chamber of Commerce in the street light conversion project.

Mayor Robinson inquired with regard to budget funding of this project. Administrator Johnson indicated that the initial project would be funded from the wastewater fund, adding that the investment would pay for itself in about two years. The current rebate program was discussed.

A motion was made by Council Member Carpenter, seconded by Council Member Abadie, to approve Sundance Energy Solutions, LLC, to proceed with LED lighting conversion at the Wastewater Treatment Plant, for an estimated cost of \$13,644.25. A vote was taken, and the motion carried by a vote of 5:1, with Council Member McCusker voting nay.

Staff Reports

Public Works Director Bergeson reported with regard to discussion during a recent Public Works Commission meeting, during which Downtown holiday lighting was discussed but a decision tabled pending additional research. Council Member Mattson added that suggestions and photos from other communities are encouraged.

Police Chief McCormick provided a reminder with regard to the Trick or Treat Trot activity on October 31.

Administrator Johnson reported that Hiawatha Broadband Communications has been sold to Schurz Communications. He noted that no changes in operations or personnel were planned. He indicated that a transfer of control request has been forwarded to Attorney Bob Vose at Kennedy & Graven for review prior to forwarding information to the City Council. When asked whether Schurz owns other companies in Minnesota, Administrator Johnson indicated that he would have to research this question. He added that he was informed that Schurz will have the capital needed to do larger and quicker expansions of its services.

Mayor and Council  
Reports

Council Member Abadie addressed concerns relating to the Open Meeting Law. She referenced a conversation that was held regarding the tennis court refinishing project following the June 20 Public Works Commission and information that was shared during the subsequent City Council meeting. She reported that the City Attorney had advised that this small closed meeting was a technical violation of the Open Meeting Law in Minnesota because the topic under discussion was not one for which there was a statutory basis for closing a meeting. She stated that her intent was to minimize public concerns about funding the project, adding that this situation was an example of good intentions and bad results. She indicated that she mistakenly thought that, because the Public Works Commission would immediately announce the results of this discussion, this amount of transparency would negate any issues. She stated that she takes full and sole responsibility for this mistake and would be happy to answer any questions. She indicated that she has apologized to the Public Works Commission and will endeavor to never make this mistake again. She indicated that she wanted to acknowledge this mistake, noting that she now better understands the requirements of Minnesota's Open Meeting Law.

Council Member Althoff reported with regard to discussion that was held during the Planning Commission meeting on October 9. He expressed appreciation to Zoning Assistant Meyer for her assistance with a lot in the Sandstone Ridge area.

Council Member McCusker discussed his reasons for running for the City Council, including doing good things for the City and making a difference. He described the challenges of this position and that of Chair of the newly reinstituted Park Board. He detailed several conversations that he had with City staff with regard to safety concerns, which have led to questions about his role as a City Council Member. He indicated that he was doing his best to follow the proper procedures. He commented that he is at a loss to explain why he somehow keeps becoming entangled in these disagreements. He stated that he feels threatened and harassed at this point. He indicated that he will be discussing the situation with the City Attorney and is contemplating resigning from the City Council.

Mayor Robinson thanked Council Member McCusker for his input, encouraged him not to resign, and stated that everyone needs to work together for the good of the City.

Adjournment

The meeting adjourned at 7:20 p.m.

Adopted by the City Council of the City of Cannon Falls on the 7<sup>th</sup> day of November, 2017.

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Lyman M. Robinson, Mayor

ATTEST:

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Ronald S. Johnson, City Administrator