

The Cannon Falls City Council met in a regular session on Tuesday, February 20, 2018, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Morris Mattson, Cedar Abadie, Ken Carpenter, John Althoff, and LeRoy McCusker; Council Member Mike Dalton was absent. Also present were Lanell Endres, Interim City Administrator; Greg Anderson, City Engineer; Dave Maroney, Community Development Director; Jeffrey McCormick, Police Chief; and Roger Knutson, City Attorney

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

Roll Call Roll call was conducted. Council Member Mike Dalton was absent.

Pledge of Allegiance Mayor Robinson led in the recitation of the Pledge of Allegiance. Mayor Robinson then requested a moment of silence for the victims of the Florida school shooting.

Approval of Agenda Mayor Robinson requested an amendment to the Agenda relating to an update of the bank signature cards under Council Business. A motion was made by Council Member Abadie, seconded by Council Member Althoff and unanimously carried, to approve the Agenda with the inclusion as discussed.

Public Input Adam Peters, 700 West State Street, Cannon Falls, expressed concerns that the City was not doing its job. He stated that the City has given more than \$1 million to the winery in the form of tax breaks. He expressed doubt that the winery will remain in Cannon Falls for 15 years. Mr. Peters referenced discussion by the City Council that this project would help local businesses. He asked how putting in a pizza joint would help Dudley's Pizza. He asked whether winery customers would buy a shovel at Althoff's Hardware. Mr. Peters stated that clean-up of the property should be the responsibility of the winery owner and not the City. He indicated that he had spoken with other residents who did not appreciate what was going on. He expressed concerns about future chemical clean-up. He added that the winery employs part-time staff, who do not give back to the community. He stated that he would continue to push for a wine tax.

Arlyn Lamb, Farmington, introduced himself as a farmer's market vendor. He indicated that things have been up in the air in terms of the market location for this season. He stated that a decision needed to be made in terms of whether the City will force the market to move to the former Grandpa's Garage or whether it could remain in its current location.

Mr. Lamb reviewed feedback from market customers, who have indicated a preference for the current location. He commented that

many customers walk to the market from senior housing. He stated that none of the vendors have expressed interest in moving to the former Grandpa's Garage location. He stated his understanding that vendors would be charged \$200 per stall for the season. He noted that some vendors do not come for the entire season. He requested that these factors be taken into consideration when discussing whether the market needed to be moved. He reiterated that a decision was needed sooner than later, because it takes time to prepare for the market.

Public Hearing:
Resolution 2326,
Certifying Unpaid
Utility Charges to
be Collected with
Taxes

Interim City Administrator Endres provided background information regarding the certification of unpaid utility charges. She noted that a Public Hearing is required to be held to provide an opportunity for property owners on the list to address the Council, prior to Council action to certify unpaid utility charges to be collected with 2019 property taxes.

Mayor Robinson opened the Public Hearing to take comments on the certification of unpaid utility charges at 6:36 p.m. No one came forward to speak. Mayor Robinson closed the Public Hearing at 6:37 p.m.

A motion was made by Council Member Althoff, seconded by Council Member Carpenter, to adopt Resolution 2326, certifying unpaid utility charges to be collected with taxes. It was discussed that the total amount of unpaid charges appears to be slightly decreased that quarter compared with the previous quarter. When asked whether the new credit card option had helped, Interim Administrator Endres reported that there had been increased credit card usage but added that she had not researched whether credit card payments were being made on delinquent accounts. A vote was taken, and the motion to adopt Resolution 2326 carried unanimously.

Public Hearing:
Resolution 2327,
Ordering
Improvement and
Preparation of
Plans for East
Side II Project

City Engineer Anderson provided background information with regard to the proposed East Side II improvement project. He discussed the assessment process, which allows the City to assess a portion of the project back to the benefiting properties. He referenced the feasibility report for the project, which was accepted by the City Council in December of 2017.

Mr. Anderson reviewed the project scope, schedule, costs, and preliminary assessments. He noted that, following the Public Hearing, the Council would be asked to take action with regard to Resolution 2327. He noted that if Resolution 2327 were adopted, the next step would be to prepare the plans and move forward with the

bidding process.

Mr. Anderson referenced the City's 2009 Capital Improvement Plan, which identified six major reconstruction projects. He noted that West Side I was completed in 2011, East Side I was completed in 2013, and West Side II was completed in 2016. He reported that the Council was now considering the East Side II project.

Mr. Anderson reported that, as part of the planning process in 2009, the pavements were rated. He noted that this information, along with infrastructure needs, was used to rank the projects. He reviewed the pavement rankings in the East Side II project area.

City Engineer Anderson described the project area and discussed planned improvements. He discussed the materials that would be used and the sizes of the water mains. He discussed situations in which there were shared services. He discussed the installation of new ADA-compliant pedestrian ramps and sidewalk replacement. He noted that there were no plans to add additional sidewalks in the project area.

Mr. Anderson noted that a large portion of the project area did not have storm sewers and discussed plans for new storm sewer systems. He discussed street width requirements and reviewed plans to keep Minnesota Street at its current width.

Council Member McCusker asked whether angled parking should be considered at East Side Park. Mr. Anderson indicated that there was angled parking on Oak Street and Vine Street. He noted that, if there was a need for more parking, this could be incorporated into the plans.

Mr. Anderson discussed plans to include a couple of alleys in the project, between Grove and Vine Streets and between Cedar and Oak Streets. Council Member McCusker commented that some of the alleys have had drainage problems and asked whether these issues would be addressed. Mr. Anderson indicated that this would be part of the final design process.

Mr. Anderson reviewed the estimated project cost. He noted that on past projects the City has assessed, per policy, 20% of the improvements back to the benefiting properties. He pointed out the parcels that would be assessed on a map, if the project moves forward. He reviewed the assessment calculation process. Corner lots were discussed.

Mr. Anderson reviewed the anticipated project schedule, if the Council moves the project forward following the Public Hearing:
February and March – Prepare plans, specifications, and construction estimates. Advertise for bids.
April and May – Review bids, award contract. Estimate assessments based on construction costs. Hold open house for residents. Start construction.
September – Wrap up construction, completing Minnesota Street near the school by Labor Day.
October – Clean-up, restoration, sodding, final blacktop. Hold Public Hearing regarding assessments. Certify assessments to go on taxes starting in 2019.

Mr. Anderson noted that the estimated assessment per lot in the reconstruct area would be \$7,550. He noted that the estimated assessment per lot in the mill and overlay area would be \$1,688. He clarified that the actual assessments would be based on the actual construction costs. He provided assessment information from the two most recent projects for comparison purposes.

Council Member Althoff asked about the bidding process. Mr. Anderson indicated that the contract would likely be awarded in early to mid-April. Council Member Althoff asked whether the bids would likely come in close to the cost estimate. Mr. Anderson stated, based on past history, that the bids may come in a little lower than the estimate.

Council Member McCusker expressed concerns about potential project delays, which would interfere with the school season. He suggested focusing on this area first. Student transportation issues were discussed.

Mayor Robinson opened the Public Hearing for this item at 7:00 p.m.

Cannon Falls School District Superintendent Beth Giese pointed out an area near the High School that was being used as an exit and a pick-up zone. She indicated that this access point should be closed off for safety reasons and to benefit nearby residents. She reviewed the student parking lot access point, the delivery truck access point, and the drop-off / pick-up zone. She indicated that the School District would be interested in working with the City on adding a curb. She stated that bus transportation should not be a problem, adding that the School District would work with the City to address any concerns that may arise.

Mark Mason, 128 Grove Street, Cannon Falls, indicated that he was unaware of the project until he received a letter from the City. He requested clarification of the mill and overlay project area. Mr. Anderson provided additional information and discussed storm sewers.

Barbara Deacon, 515 Oak Street North, Cannon Falls, asked whether there were plans to widen Oak Street. Mr. Anderson discussed street widths in this area and noted that this would be a Council decision. Ms. Deacon spoke in opposition to the street being widened. She indicated that this was a very lightly used street and stated that there had been no problems with emergency vehicle access. She noted that she would lose six trees and would have to move her irrigation system if the street was widened, adding that a retaining wall may be required.

Larry Dammer, 620 Almond Street, Cannon Falls, asked about the use of 6-inch versus 8-inch water mains. He stated his understanding that bigger water mains would help sustain the water pressure for properties north of the project area. Mr. Anderson referenced a 2009 water distribution plan and indicated that this was not necessarily accurate. He discussed plans for 6-inch water mains in most of the project area, with the exception of Minnesota Street. He stated that with a bigger pipe it would take longer for the water to get turned over. Council Member McCusker discussed stagnancy issues with larger pipes and volume issues with smaller pipes. He stated that oversized mains were not always a good solution.

Mr. Dammer asked about the use of PVC pipe for water mains. He stated his opinion that this has changed the taste of the water. He referenced problems with freezing and not being able to charge those pipes to thaw them out. He suggested staying with the standard material. Council Member Mattson discussed the freezing issues and noted that there have been no subsequent problems.

Mr. Dammer noted that there was one area on Stoughton Street that had not been paved and suggested including this area in the overlay project. Mr. Anderson discussed why this area was not included in past projects or the current project. He indicated that this could be added, if the Council chose to do so. He added that impacted property owners were not notified and would not be able to be assessed. Council Member McCusker suggested adding this area as an alternate bid. Mr. Anderson indicated that this could potentially be handled as a maintenance activity.

Kevin Lindahl, 421 North Bridge Street, Cannon Falls, noted that his property was assessed as part of the Bridge Street project. Mr. Anderson stated that the assessments pertain to the streets. He indicated that Bridge Street was reconstructed from Minnesota Street to the north in 2013 and from Minnesota Street to the south in 2001 or 2002. He indicated that City staff will look into this question. The assessment calculation process was reviewed.

Chuck Bracken, 117 Grove Street, Cannon Falls, expressed agreement with Mr. Mason's comments about the lack of information contained in the letter. He indicated that his questions have now been answered. He suggested consideration of mill and overlay projects as general maintenance.

Kathy Tilderquist, 616 East Minnesota Street, Cannon Falls, discussed drainage problems in her alley.

Kyle McMonigal, 114 Minnesota Street West, Cannon Falls, stated that he was a new homeowner. He asked about the assessment period. Mr. Anderson indicated that it was up to the City Council to set those terms. Interim Administrator Endres indicated that, for similar projects, there had traditionally been a 15-year assessment and an interest rate of about 5%. She added that the interest rate would depend upon the bond sale. She noted that another Public Hearing would be held prior to the assessments being certified. She stated that property owners have the option to pre-pay assessments, as opposed to paying the assessments with property taxes, to avoid interest charges. She added that there was also a deferment program that is offered to senior citizens.

Mr. McMonigal asked about street access during construction, and Mr. Anderson provided additional information in this regard.

After everyone had been given an opportunity to comment regarding the proposed street improvement, the Public Hearing was duly closed at 7:18 p.m.

A motion was made by Council Member Althoff, seconded by Council Member Carpenter and unanimously carried, to adopt Resolution 2327, ordering improvement and preparation of plans for the East Side II project.

Mr. Anderson asked whether Oak Street should be kept the same width. Council Members expressed agreement with this, to avoid

losing trees.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending December 31, 2017
- B. Just and Correct Claims – Accounting Period Ending February 15, 2018
- C. Meeting Minutes for January 16, 2018, City Council Meeting
- D. Meeting Minutes for February 8, 2018, Special City Council Meeting
- E. Resolution 2328, Accepting Donation of \$50.00 from Bolder Options to the Library
- ~~F. Accept Officer Colvard's Resignation and Approve to Fill Vacant Position~~
This item was pulled by Council Member Althoff.
- G. Resolution 2329, Accepting Donation of \$350.00 from Cannon Falls Cruisers to the Police Department
- H. Accept Rodney Emery's Resignation from the Fire Department
- ~~I. Resolution 2330, Recognizing the Cannon Falls School Board~~
This item was pulled by Council Member Abadie.
- J. Statutory Tort Limits
- ~~K. 2018 Farmers Market Permit~~
This item was pulled by Council Member Abadie.
- L. Memorandum of Understanding for Wes Anway
- M. Resolution 2331, Accepting Donation of \$50.00 from First Farmers & Merchants Bank to the Fire Department
- N. Resolution 2332, Accepting Donation of \$100.00 from Olmsted Medical Center to the Fire Department

A motion was made by Council Member Carpenter, seconded by Council Member Abadie and unanimously carried, to approve the Consent Agenda, minus Items F, I, and K.

Separation
Agreement of Ron
Johnson

Interim Administrator Endres provided background information and referenced the revised agreement concerning the separation agreement with former City Administrator Ron Johnson. Council Member Abadie asked about the allocation of vacation and sick leave payouts into the Healthcare Savings Plan. City Attorney Knutson indicated that this was legal and in accordance with the City's personnel policies. Council Member Althoff asked whether Council Members were comfortable with six months of severance pay. It was noted that this was a contractual obligation.

A motion was made by Council Member Carpenter, seconded by Council Member Mattson and unanimously carried, to accept the separation agreement and release of claims for Ron Johnson.

Separation
Agreement of Tom
Bergeson

Mayor Robinson suggested closing the meeting to discuss the separation agreement for former Public Works Director Tom Bergeson, based on attorney-client privilege. A motion was made by Council Member Abadie, seconded by Council Member Carpenter, to close the meeting for this purpose. A vote was taken, and the motion to close the meeting carried by a vote of 4:1, with Council Member McCusker dissenting. The Council entered into closed session at 7:24 p.m.

A motion was made by Council Member Mattson, seconded by Council Member Abadie and unanimously carried, to return to open session. The meeting returned to open session at 7:43 p.m.

Mayor Robinson reported that a discussion was held with the City Attorney with regard to the separation agreement for Tom Bergeson.

A motion was made by Council Member Carpenter, seconded by Council Member Abadie and unanimously carried, to approve the separation agreement and release of claims for Tom Bergeson, including six months of severance and benefits as discussed.

Discuss Timeline
and/or Process to
Fill Vacancies

Mayor Robinson reported that Lanell Endres and Wes Anway will serve in an interim capacity. He asked about the financial audit. Interim Administrator Endres reported that the auditors were scheduled to be at City Hall the week of March 12. She stated that she was confident that the audit could proceed as scheduled. Mayor Robinson referenced the upcoming election and the budget planning process. He added that there would be many Public Works projects this year. He discussed the services provided by DDA Human Resources and the \$17,000 cost per position. He reviewed other recruitment strategies and suggested that the Personnel Committee provide a recommendation in this regard. He stressed the importance of finding the right people to fill these two key positions.

Council Member Althoff stated that the Administration and Public Works Departments were in good hands in the meantime. Council Member Abadie commented that Ms. Endres and Mr. Anway had very busy jobs before assuming the additional responsibilities. She recommended supporting these individuals by actively recruiting to fill the vacant positions. Mayor Robinson indicated that this process would take at least three months.

Council Member Abadie suggested that the Personnel Committee evaluate various courses of action and provide a recommendation to the City Council. Mayor Robinson expressed agreement with this

suggestion. He stated that the next Personnel Committee meeting was scheduled for March 6. Interim Administrator Endres indicated that this item was placed on the Agenda in order to start the discussion.

Council Member McCusker commented that there were already talented individuals on staff, including Dave Maroney and Wes Anway. He suggested consideration of promoting from within. He commented that if outside people were hired to fill these positions, there should be an evaluation period prior to entering into a contract. He suggested that the expectations be fully communicated. Mayor Robinson indicated that the Personnel Committee will discuss the option of promoting from within.

Council Member Carpenter recommended developing a strong position description for each position as a way to communicate expectations and hold staff accountable from the start, and hopefully mitigate any problems that may arise.

Council Members expressed agreement with Personnel Committee discussion. Council Member McCusker expressed appreciation to Ms. Endres and Mr. Anway for stepping up when called upon.

Update Bank
Signature Cards

Mayor Robinson reviewed the two-signature requirement for checks. He discussed the need to update the bank signature cards and recommended approval of signatories as follows: Mayor Robby Robinson, Community Development Director Dave Maroney, and Interim City Administrator Lanell Endres.

A motion was made by Council Member Mattson, seconded by Council Member Carpenter and unanimously carried, to update the bank signature cards as noted.

Resolution 2330,
Recognizing the
Cannon Falls
School Board

Mayor Robinson read Resolution 2330, recognizing the contributions of the Cannon Falls School Board and proclaiming February 19-23, 2018, as School Board Recognition Week.

A motion was made by Council Member Althoff, seconded by Council Member Mattson, to adopt Resolution 2330.

Council Member Abadie indicated that she pulled this item from the Consent Agenda, as she was inspired by recent events to think about the safety of Cannon Falls students. She noted that she had considered suggesting discussion of a City ordinance banning the possession of an AR-15 rifle within the City limits. Upon consulting

the City Attorney, she learned that the State of Minnesota passed a law in 1985 prohibiting local government entities from enacting laws that differ from State law. She invited Superintendent Giese to discuss active shooter preparedness.

Superintendent Giese expressed appreciation for recognizing the Cannon Falls School Board. She thanked the Cannon Falls Police Department for their assistance and support. She noted that there was an incident that week and reported that the Police Officers arrived within seconds.

Superintendent Giese reviewed the work of their Safety Committee. She discussed an upcoming meeting with representatives from the Hastings Schools. She noted that following a school shooting incident, this district took major steps to prevent future incidents. She referenced the ALICE training method and noted that teachers would be provided with training and tools. She discussed the new fob system, stating that \$300,000 was dedicated to the safety and security of school buildings. She referenced discussion of the challenges associated with the new field house being open to the public. She reviewed new procedures that have been implemented.

Superintendent Giese reported that staff would receive formal training, noting that training options were currently under review. She added that the School District had been working on this for at least four months. She reported that students receive training and that nine drills were conducted each year. She again expressed appreciation for the support provided by the Cannon Falls Police Department and the City.

Mayor Robinson commented that these incidents affect everyone and that it was good to evaluate security procedures. Council Member Abadie stated that this was part of the important work entrusted to the School Board.

A vote was taken, and the motion to adopt Resolution 2330 carried unanimously.

2018 Farmers
Market Permit

Council Member Abadie indicated that she pulled the item regarding the farmers market from the Consent Agenda in response to public input earlier in the meeting and information that she has reviewed.

Director Maroney provided background information and an update. He noted that the EDA had spent a lot of time discussing the farmers market along with the notion of a food hub at Artisan Plaza.

Director Maroney reported that David Olson was organizing a farmers market at Artisan Plaza in 2018. He noted that the EDA, the interim Board of Directors for the Cannon Falls Farmer's Market, David Olson, and City staff were working together to formulate the food hub component of the farmer's market. He defined a food hub as a program whereby products that were brought from the farm to the farmers market but not sold would be made available through the property licensing for purchase by institutions, such as the hospital, the School District, Twin Rivers Senior Campus, and local restaurants. He noted that this would create another market opportunity for local farmers. He explained that this program was better suited, from a logistical perspective, at Artisan Plaza. He noted that the EDA had been supporting the food hub component of the farmers market. He referenced discussion of whether or not to allow the farmers market to operate in its current Downtown location in 2018.

Director Maroney discussed a proposal for potentially two farmers markets to operate this season, one at Artisan Plaza and the other one in a different location. He indicated that the second location could be in the municipal parking lot or could be on private property. He noted that the location of this market would determine the rules of the market.

Director Maroney referenced his memo, which stated that if the farmers market vendors wished to operate a market other than at Artisan Plaza in 2018, they would be allowed to do so with Council approval. He added that the location of this market would determine what they had to do and the information that would have to be provided to the City. He indicated that, if this location was the municipal parking lot, it was proposed to maintain similar rules to those under which the market has operated over the last couple of years. He added that it would be the responsibility of the vendors to provide details to City staff for review, noting that the proposal would then be brought before the City Council for approval. He noted that if the vendors wished to operate a farmers market on private property, information would still need to be provided to City staff. Director Maroney clarified that the proposal would require Council approval if it was on municipal property.

Council Member McCusker asked why Artisan Plaza, a commercial business, was involved in the discussion. He stated that he saw no reason not to have two farmers markets. Director Maroney provided additional background information, stating that a Conditional Use

Permit was issued to David Olson for his overall development plan, which included the right to develop and operate a farmers market.

Council Member McCusker expressed concerns about losing the small town personal touch and about over-regulation of the farmers market. He referenced past discussion of using the park-and-ride area for a farmers market on the weekends. He suggested keeping things small and simple.

Council Member Mattson discussed the complications of having a farmers market on municipal property. Director Maroney provided additional information in this regard. Liability considerations were discussed.

Mayor Robinson stated that at this point the Council was only being asked to approve the farmers market permit requirements.

Council Member Abadie commented that the City could not ignore safety and other factors. She described the proposal as a compromise between sharply divided opinions and asked whether this would be a temporary situation. Director Maroney described the 2018 season as transitional. He commented that there was a huge separation between the goals and objectives of the various vendors.

Council Member McCusker expressed support for the Artisan Plaza farmers market, but stated that this operation was very different. He commented that eliminating the Downtown farmers market would eliminate small growers.

Council Member McCusker discussed the importance of parking for the farmers market.

Director Maroney indicated that the compromise would allow a group of vendors to develop their own proposal.

Council Member McCusker commented that this was a big issue and suggested staying on top of it. Director Maroney referenced discussion of letting the process evolve this year.

A motion was made by Council Member Carpenter, seconded by Council Member Mattson and unanimously carried, to approve the 2018 Farmers Market Permit.

Accept Officer
Colvard's
Resignation and
Approve to Fill the
Vacant Position

Council Member Althoff asked about Police Department staffing. Police Chief McCormick provided additional information and referenced Police Commission recommendations in this regard.

Council Member Althoff asked about promoting from within. Chief McCormick discussed the option of moving a part-time Police Officer to full-time status or promoting Police Reserve Officer. He noted that the process could not move forward until the Council authorizes the filling of the vacancy.

A motion was made by Council Member Carpenter, seconded by Council Member Mattson, to accept Officer Colvard's resignation and approve the filling of the vacant position.

Council Member McCusker expressed appreciation to Officer Colvard for his service to the City. Chief McCormick noted that Officer Colvard started as an intern, joined the Police Reserves program, and then moved into an Officer position. Mayor Robinson commented with regard to improved officer retention.

A vote was taken, and the motion carried unanimously.

Staff Reports

Chief McCormick discussed the school safety plan and active threat training. He reported that the Police Department had been evaluating and implementing best practices in this regard. He noted that the Police Department had been working with the School District and also provided assessment and training for local businesses.

Interim Administrator Endres reported that the Minnesota Pollution Control Agency had announced the 2017 Waste Water Treatment Facility Operational Award recipients, and the Cannon Falls Waste Water Treatment Plant was again an award recipient. She reviewed the award criteria. She acknowledged Wes Anway, Waste Water Treatment Plant Operator. Mayor Robinson expressed appreciation to Mr. Anway and the plant personnel.

Interim Administrator Endres referenced past discussion of the dog ordinance and asked whether the Council would like staff to pursue further research or review of the ordinance. She noted that a resident has requested that the maximum number of dogs be increased from two to three, as this resident had show dogs. She referenced requirements that other communities have approved. Mayor Robinson expressed agreement with further research and discussion.

Chief McCormick asked whether the Council would like staff to research potential ordinance changes. Mayor Robinson and Council Member McCusker expressed agreement with further research and discussion by the Police Commission. Chief McCormick indicated that a new citizen representative to the Police Commission would be appointed and a meeting scheduled in the near future.

Mayor and Council
Reports

Council Member Carpenter discussed the Chamber of Commerce newsletter. He stated his understanding that the new brewery would be opening soon.

Mayor Robinson reported that he would be providing a State of the City address on February 22 to the Chamber of Commerce.

Adjournment

The meeting adjourned at 8:30 p.m.

Adopted by the City Council of the City of Cannon Falls on the 6th day of March, 2018.

Lyman M. Robinson, Mayor

ATTEST:

Lanell Endres, Interim City Administrator