

The Cannon Falls City Council met in a regular session on Tuesday, March 20, 2018, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Cedar Abadie, Bill Duncan, Ken Carpenter, John Althoff, and LeRoy McCusker; Council Member Morris Mattson was absent. Also present were Lanell Endres, Interim City Administrator; Joe Berg, Police Lieutenant; Andrea McDowell Poehler, City Attorney; Wes Anway, Interim Public Works Director; Samantha Meyer, Zoning Assistant; and Nicole Miller, Library Director

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 Mattson was absent.

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

Public Input Beth Giese, Superintendent of Cannon Falls Schools, expressed appreciation to Police Chief McCormick and the Cannon Falls Police Department for their assistance. She expressed frustration that Goodhue County had not offered funding toward a School Resource Officer for Cannon Falls Schools, although funding had been allocated to other schools in the district. She added that some State funding assistance has been offered. She discussed a \$287,000 investment in security systems. She commented that Cannon Falls Schools would continue to work together with Chief McCormick and the Police Department to build on the relationship that had been established and explore potential grant opportunities or other funding sources for a School Resource Officer.

Mayor Robinson asked whether she had reached out to Representative Barb Haley or Senator Mike Goggin and offered to provide assistance in this regard.

Council Member McCusker stated that school safety needed to be addressed. He commented that students should be comfortable talking to Police Officers and expressed agreement with working together on this issue.

Superintendent Giese reiterated that Cannon Falls Police Officers were present in the schools every day.

Jeff Keesey, 7939 292nd Street East, Randolph, discussed the Downtown Cannon Falls Farmers Market. He stated his understanding that this topic would be discussed during the April 3

meeting, noting that he would be unable to attend this meeting. He encouraged the City Council to consider the perspective of several vendors not wishing to relocate to Artisan Plaza. He noted that these vendors were requesting to continue the farmers market in the City parking lot on Saturday mornings, with a few vendors wishing to continue weekday sales during the summer. Mayor Robinson noted that the Council would discuss this topic.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending March 15, 2018
- B. Meeting Minutes for March 6, 2018, City Council Meeting
- ~~C. Second Reading and Adoption of Ordinance 358 and Approve Summary of Publication of Ordinance, Amending Chapter 52 of the Cannon Falls City Code, Water Service, Concerning Nonessential Water Usage  
*This item was pulled by Council Member McCusker*~~
- ~~D. Resolution 2336, Accepting Donation of \$5,000.00 from an Anonymous Citizen to the Ambulance Department  
*This item was pulled by Council Member McCusker*~~
- ~~E. Appointment of Derek Lundell to Fill Planning Commission Vacancy  
*This item was pulled by Council Member McCusker*~~

A motion was made by Council Member Carpenter, seconded by Council Member Althoff and unanimously carried, to approve the Consent Agenda as submitted, minus Items C, D, and E.

Introduction and First Reading of Ordinance 359, Amending Chapter 152 of the Cannon Falls City Code, the Zoning Ordinance, Concerning Production Winery Facilities in the B-1 Central Business District

Zoning Assistant Meyer provided background information regarding the proposed ordinance amendment. She reported that the Planning Commission had recommended to the City Council that a production winery, which was defined as a location where wine was produced and bottled for distribution to other facilities, be allowed as a conditional use in the B-1 Central Business District. She noted that the Council could allow a production winery as a permitted use in the B-1 Central Business District. She described the differences between a conditional use and a permitted use. She added that allowing this as a conditional use would require the current winery to apply for a conditional use permit in order to expand their current facility.

Council Member Abadie asked about the option to allow only farm wineries as a permitted use, adding that farm wineries were controlled and limited by the State. Ms. Meyer commented that farm wineries were permitted only on agricultural land, adding that the current winery had been grandfathered in as a farm winery.

City Attorney McDowell Poehler commented with regard to farm wineries. Council Member Abadie suggested that, by creating a permitted use for farm wineries only in the B-1 District, this would allow only the Cannon River Winery to operate in the Central Business District, under the current definition. City Attorney McDowell Poehler stated her understanding of the State statute that farm wineries were only allowed on agricultural land. Council Member Abadie reiterated that the Cannon River Winery had been grandfathered in as a farm winery. Ms. Meyer commented that only allowing farm wineries would result in only the Cannon River Winery to operate in the City. Council Member Abadie commented that this would be the only permitted use in that zone. It was discussed that other wineries could potentially request a conditional use permit.

Council Member Abadie suggested Council action to allow the Cannon River Winery to expand their operation as a permitted use as a farm winery in the B-1 Central Business District and not establish any conditional uses at this time. Council Member Duncan asked how this would impact the winery's request for tax abatement. Council Member Abadie stated her understanding that these were separate issues, although securing a permitted use may assist the winery in securing financing toward the expansion.

Council Member McCusker asked City Attorney McDowell Poehler to provide a recommendation in terms of a permitted use as opposed to a conditional use. City Attorney McDowell Poehler indicated that a conditional use permitting process was used to evaluate the applicant and determine whether or not approving the use should be contingent upon the applicant meeting certain conditions. She added that a permitted use would allow a business use without conditions. She noted that the Council should determine whether or not there may be appropriate conditions for the type of use.

Council Member McCusker relayed citizen concerns about the winery adhering to City's standards, such as whether the building would fit with other historic Downtown buildings, access to the building, and safety considerations. He commented that these types of concerns could be addressed by a conditional use permit.

Interim City Administrator Endres stated her understanding that the Planning Commission was charged with reviewing the building design plans and determining whether these plans were consistent with the historic character of the Downtown area. Council Member McCusker referenced concerns expressed by a Planning Commission member

in this regard.

Interim City Administrator Endres clarified the role of the Planning Commission to review the building plans, noting that this was a separate responsibility and not part of a conditional use permit process.

Council Member Althoff reported that the Planning Commission met on March 12 and approved a recommendation for a conditional use permit requirement.

Ms. Meyer clarified a City ordinance that required any building in the historic district that was going to be expanded or newly built to be reviewed by the Planning Commission for compliance with historic standards. She noted that the Planning Commission did review the proposal but could not come to an agreement as to whether or not these plans met the standards. She reported that this topic was tabled and would be further discussed during the Planning Commission meeting in April. She added that the City Council would also need to approve the plans in terms of compliance with historic standards, which would be discussed in April.

Mayor Robinson asked whether the applicant had been made aware of any concerns with regard to the building design. Ms. Meyer indicated that there had been discussion about the design and that the applicant would be submitting a new proposal prior to the April 9 Planning Commission meeting. Council Member Althoff commented that the Planning Commission felt that the facade along Mill Street fit with the character of the area but that there were concerns about the facade along the south and west sides of the building. Ms. Meyer noted that some changes have been made to the design plans in this regard.

Council Member Abadie inquired with regard to draft Ordinance 359. Ms. Meyer and City Attorney McDowell Poehler clarified that this language related to allowing a production winery facility as a conditional use in the B-1 Central Business District.

A motion was made by Council Member Duncan to approve the introduction and first reading of Ordinance 359, amending Chapter 152 of the Cannon Falls City Code, the Zoning Ordinance, concerning production winery facilities in the B-1 Central Business District. The motion was seconded by Council Member Althoff. It was clarified that the winery would be allowed to operate and expand under a conditional use permit. Council Member McCusker asked whether

other wineries would be allowed to operate in the Central Business District. It was clarified that there was nothing in the ordinance language pertaining to farm wineries and that other wineries could apply for a conditional use permit.

A roll call vote was taken. The motion carried by a vote of 3:2, with Council Members Althoff, Carpenter, and Duncan voting aye and Council Members Abadie and McCusker voting nay.

Personnel Committee  
Recommendation for  
Filling Vacancies

Mayor Robinson reported that the Personnel Committee met on March 13 to discuss the recruitment process and timeline. He noted that the Personnel Committee recommended moving forward with posting the Public Works Director position beginning the week of March 26, and the City Administrator position beginning the week of April 2. Mayor Robinson listed where the job postings would be published and reviewed the hiring process and timeline. He noted that interviews for the Public Works Director position may be conducted in late May, with a potential start date of late July. He noted that interviews for the City Administrator position may be conducted in mid-June, with a potential start date in late August or early September. He noted that internal candidates would be considered.

When asked about position descriptions, Mayor Robinson reported that the position descriptions were reviewed by the Personnel Committee and compared with those of similar positions in other communities.

Council Member Duncan asked about a six-month buy-out clause in the contract. Mayor Robinson commented that the Personnel Committee would address contract details at the time an offer was made. Council Member Althoff commented regarding the interview process.

Council Member Abadie asked whether City employees were required to sign their job descriptions when they are hired. Interim Administrator Endres indicated that this was required.

A motion was made by Council Member Abadie, seconded by Council Member Duncan, to proceed with posting the Public Works Director position and the City Administrator position as recommended by the Personnel Committee.

Council Member McCusker discussed a potential internal promotion process and referenced conversations with potential candidates. He

suggested a six-month evaluation period, after which a contract would be finalized. He also relayed a conversation with City Attorney Roger Knutson in this regard.

Council Member Althoff noted that the Personnel Committee did not recommend hiring an agency to conduct the recruitment process.

It was noted that internal candidates will be offered an interview.

Council Member Abadie asked whether Council Member McCusker's actions in this regard amount to a conditional job offer or any representation about employment. City Attorney Andrea McDowell Poehler clarified that Council Member McCusker does not have the authority to act on his own.

A vote was taken, and the motion to post the positions as discussed carried unanimously.

Second Reading and Adoption of Ordinance 358 and Approve Summary of Publication of Ordinance, Amending Chapter 52 of the Cannon Falls City Code, Water Service, Concerning Nonessential Water Usage

Council Member McCusker expressed concerns about the proposed ordinance regarding nonessential water usage. He stated that Minnesota did not have a water shortage, adding that the water table had dropped about two feet in the last 50 years. He commented that there were issues with water contamination. He expressed concerns about enforcement of the ordinance. Mayor Robinson provided additional information, noting that this was a State mandate. He reviewed the purpose of the ordinance in terms of long-range planning and enforcement of water regulations. Council Member McCusker asked what would happen if the City declines to adopt Ordinance 358. City Attorney Andrea McDowell Poehler indicated that she had not looked into this but stated her understanding that the State could bring enforcement actions against the City in this situation. Council Member Abadie discussed how the City relies on State aid and support and was intertwined with the State, stating that this was not how government works.

A motion was made by Council Member Abadie, seconded by Council Member Duncan, to adopt Ordinance 358. A vote was taken, and the motion carried by a vote of 4:1, with Council Member McCusker dissenting.

Resolution 2336, Accepting Donation of \$5,000.00 from an Anonymous Citizen to the Ambulance Department

Council Member McCusker expressed appreciation to the anonymous citizen for the generous donation. A motion was made by Council Member McCusker, seconded by Council Member Carpenter and unanimously carried, to adopt Resolution 2336, accepting a donation to the Ambulance Department.

Appointment of Derek  
Lundell to Fill  
Planning Commission  
Vacancy

Council Member McCusker expressed appreciation to Derek Lundell for his willingness to serve on the Planning Commission. A motion was made by Council Member McCusker, seconded by Council Member Carpenter and unanimously carried, to approve the appointment of Derek Lundell to the Planning Commission.

Staff Reports

Library Director Miller discussed upcoming Library programs and activities.

Interim Public Works Director Anway discussed pothole repairs.

Police Lieutenant Berg expressed appreciation to Superintendent Giese for fostering relationships with the Cannon Falls Schools. He referenced updates to the security plan and teacher training. He discussed extra patrols during Spring break and noted that safety tips had been posted on Facebook.

Interim City Administrator Endres reported that the City's financial audit was conducted the previous week, on schedule. She noted that a final report would be prepared and reviewed with the City Council.

Interim City Administrator Endres reported that she would be attending the Minnesota Clerks and Finance Officers Association conference later that week.

Mayor and Council  
Reports

Council Member Abadie referenced a recent Public Works Commission meeting, during which new holiday decorations for the Downtown area were reviewed. She reported that hardware had been mounted on the poles for new banners that would be put into place by the Cannon Arts Board. She added that the City could place banners on the poles if desired. She added that the Chamber of Commerce had identified a new vendor for the Downtown flowers.

Council Member Abadie discussed complaints about parking issues near the new brewery. She referenced discussion by the Public Works Commission to create five or six new angled parking spaces in front of the brewery, adding that these parking spots would be clearly designated. She noted that the two spots closest to the bridge and Veterans Lane would be designated for compact cars only. She commented that there should be no visibility issues, as the street was wider in that area. She noted that signage would be posted to indicate that no parking would be allowed on the bridge.

Mayor Robinson reported that he worked with Goodhue County GIS staff to identify parking spaces in the Downtown area. He commented that there were more than 295 parking spaces in Downtown Cannon Falls.

Council Member Abadie discussed a plan to create a parking map and share this information with businesses and the Chamber of Commerce as well as posting this information on the City website.

Council Member McCusker noted that he was experiencing some health issues and would keep the Mayor and Council informed about these. He expressed appreciation to Interim City Administrator Endres and Interim Public Works Director Anway for assuming extra responsibilities.

Adjournment

The meeting adjourned at 7:27 p.m.

Adopted by the City Council of the City of Cannon Falls on the 3<sup>rd</sup> day of April, 2018.

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Lyman M. Robinson, Mayor

ATTEST:

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Lanell Endres, Interim City Administrator