

The Cannon Falls City Council met in a regular session on Tuesday, June 18, 2019, at 6:30 p.m. in the City Council Chambers. Present were Mayor John Althoff and Council Members Morris Mattson, Bill Duncan, Derek Lundell, Mary Jill Bringgold, Matt Montgomery, and Steve Gesme. Also present were Dave Maroney, City Administrator; Jeffrey McCormick, Police Chief; Greg Anderson, City Engineer; Mike Althoff, Fire Chief/Public Works Director; and Nicole Miller, Library Director.

Call to Order	Mayor Althoff called the City Council meeting to order at 6:30 p.m.
Roll Call	All members were present.
Pledge of Allegiance	Mayor Althoff led in the recitation of the Pledge of Allegiance.
Approval of Agenda	A motion was made by Council Member Duncan, seconded by Council Member Mattson and unanimously carried, to approve the Agenda.
Consent Agenda	<p>A. Just and Correct Claims – Accounting Period Ending June 12, 2019</p> <p>B. Meeting Minutes for June 4, 2019, City Council Meeting</p> <p>C. Resolution 2427, Acknowledging Withdrawal of Rezoning Request</p> <p>D. Resolution 2431, Accepting Reimbursement Grant for Cannon Falls Deputy Registrar #138</p> <p>E. Annual Funding Agreements</p> <p>F. Temporary Liquor License and Request for Road Closure for VFW 4452</p> <p>G. Resolution 2428, Establishing User Fees for John Burch Park <i>This item was pulled by Council Members Mattson and Bringgold</i></p> <p>H. Resolution 2429, Supporting Phase II of CSAH Southeast Collector</p> <p>I. Resolution 2430, Authorizing Removal of Concrete Apron</p> <p>J. Park Installation Bid</p> <p>K. Approve Lot Access for Hayes Project</p> <p>L. Approve Utility Credit for Olmstead County Medical Center</p> <p>A motion was made by Council Member Lundell, seconded by Council Member Bringgold and unanimously carried, to approve the Consent Agenda, minus Item G.</p>
Resolution 2428, Establishing User Fees for John Burch Park	<p>Council Member Mattson asked Public Works Director Althoff to present further information regarding the proposed resolution establishing user fees for John Burch Park.</p> <p>Public Works Director Althoff stated that this topic had been discussed by the Public Works Commission and provided background information regarding these discussions. He referenced discussion of</p>

implementing user fees for football and soccer games of \$200 and raising electric fees charged for football games played at night from \$50 to \$75.

Council Member Duncan clarified that what would be voted on would be for everything to remain the same, except to raise the light fee and charge user fees for football and soccer games, due to wear and tear on the athletic fields.

Director Althoff referenced the past agreement and commented that this was a community effort. He cautioned against straining the good relationships that had been established.

Mayor Althoff stated that he received input from School Board Members that they were not concerned about the light fees but were concerned about the user fees. He noted that they questioned what services would be included for this fee. Director Althoff provided information regarding the cost to maintain the athletic fields.

Council Member Montgomery commented that the fees would not be charged just for the mowing, noting that football and soccer games tear up the field and there was extra work to repair this damage.

Council Member Duncan noted that it was common for school districts to pay fees for facilities that they do not own and provided an example of this. He noted that there was a substantial cost to repair the fields.

Council Member Bringgold commented that, if games were not played at John Burch Park, the School District would be paying fees to maintain another field. She stated her opinion that the proposed \$200 was fair.

Mayor Althoff noted that the school should probably pay something to repair the field but expressed concerns about straining the City's relationship with the school.

Council Member Duncan asked Director Althoff about the cost of football games as opposed to baseball games. Director Althoff provided additional information in this regard and reviewed the responsibilities of both users and Public Works.

A discussion ensued as to the number and types of events.

Council Member Duncan commented that this was an athletic field,

not a City park, and residents cannot use John Burch Park. He noted that he did not feel there was a problem with charging a user fee, as this was common practice.

Council Member Bringgold stated that she felt it was reasonable to charge this fee, given the amount of the wear and tear that occurs during football games.

Mike Dalton introduced himself as a School Board member. He acknowledged that football does cause wear and tear on the field. He expressed concerns about the process, noting the longstanding relationship between the School Board and the City. He stated that the School Board was not notified of this change.

Council Member Montgomery quoted from the minutes of the February Public Works Commission meeting, during which this topic was discussed, noting that a School Board Member was in attendance and agreed to discuss the proposed fees with the School Board. Mr. Dalton stated that Mr. Brintnall attended this meeting as an American Legion member, not as a School Board member. Mr. Dalton suggested that a discussion should have been initiated with School District representatives. He asked how the fees would be utilized. He discussed School District involvement in maintaining John Burch Park and suggested working on a new agreement between the City and the School District. Council Member Duncan reviewed comments made by Mr. Brintnall. Mr. Dalton stated that Mr. Brintnall was not a member of the Facilities Commission, which was where the matter would be discussed. He reiterated his suggestion to get together and discuss a solution that worked for everyone.

Council Member Duncan stated that the Public Works Commission had tried to simplify this matter by bringing forth the increase in lights and the user fee for the field, and everything else would remain the same. Clarification was provided that this user fee would be for the extra work required to repair the field from soccer and football games.

Council Member Bringgold stated her understanding that there was a fair expectation on the part of the Public Works Commission that this issue would be forwarded to the School Board.

Council Member Montgomery noted that the City was not trying to do any price gouging, and Mr. Dalton agreed that he did not feel that this was happening. He stated the \$200 fee might be reasonable, but again stated his suggestion for the School Board and the Public

Works Commission to discuss updating the agreement.

Council Member Bringgold suggested setting this fee for a year, gathering information, and then revisiting the topic, stating that if the resolution were tabled nothing would ever happen. Council Member Montgomery suggested that perhaps next year there be a joint meeting to discuss this issue again. Mr. Dalton stated that he felt that, even if a joint meeting was held next year, the fees would not go away. He suggested tabling a decision, pending further discussion. Council Member Duncan expressed agreement with the approach suggested by Council Member Bringgold. It was noted that current roles and responsibilities would not change.

A student from the audience asked how the School Board would pay for this user fee. It was stated this would be up to the School Board. The student stated his opinion that a \$200 fee is a little steep, as Cannon Falls is not a large school.

A discussion took place regarding instituting an annual rate and revisiting this issue in the future.

A motion was made by Council Member Duncan, seconded by Council Member Lundell, to amend Resolution 2428 - Establishing User Fees for John Burch Park, instituting a \$1500 user fee per year plus \$75 per game for electric fees, along with reviewing the usage agreement early next year with School District representatives. A vote was taken and the resolution was adopted, with Council Members Lundell, Bringgold, Duncan, and Montgomery voting aye and Council Members Mattson and Gesme voting nay.

Food Truck
Discussion

City Administrator Maroney provided an update on what was discovered upon review of several different mobile food unit codes, ordinances, standards, and provisions. He noted that staff has provided the Council with different options, assuming that the Council wishes to move forward with creating an ordinance with language that would allow food trucks to operate in the community.

Administrator Maroney summarized various issues that could be discussed by the Council.

1. Food trucks during community events.

If a food truck will be operating for a nonprofit community event, said food truck would not be required to have a license or pay a fee but would be required to register with the City. Administrator Maroney noted this was a fairly typical practice.

2. Where a food truck would operate in Cannon Falls.

Administrator Maroney noted that in most cases if a food truck was operated on private property, it would not be required to have a license but would need to register with the City.

Council Member Duncan noted that Tilion had requested to put a food truck on the west side of the building, which is City property. Administrator Maroney confirmed this. He also noted that a distinction would need to be made between private property and public property.

3. How many licenses should be issued per year.

Administrator Maroney noted this varied widely from ordinance to ordinance. He also noted that license fees also varied. A suggestion was made for \$250 per truck for a full season.

4. Duration of sales.

Administrator Maroney noted that Tilion had suggested Memorial Day to Labor Day as a full season. He noted another variable would be how many days a week. He noted that to differentiate a mobile food truck from a brick-and-mortar business, a food truck should not be parked for a whole season, it needed to move around. He noted the most common language in other ordinances was that a food truck cannot be parked in front of a single location for more than 21 days per season.

5. Signage.

Administrator Maroney noted that it was fairly typical for a food truck to have a sign, and noted the sign allowance of 12 square feet was not excessive and not too limiting.

6. Parking.

Administrator Maroney stated that in many ordinances there was a restriction on how many parking spaces can be reserved or used. He noted that two parking stalls was a fairly typical standard.

7. Locations.

Administrator Maroney noted that some ordinances stated that food trucks can operate in the public right-of-way if they are located in a traditional retail area. He noted that food trucks could operate outside of the downtown area, even on privately owned property, such as in an industrial park. He noted that a

distinction would need to be made between private and public land based on zoning, adding that this would be a discretionary decision for the Council.

8. City parks.

Director Maroney noted that the Council would need to decide whether or not to allow food trucks to operate in City parks.

9. Multiple food trucks.

Administrator Maroney noted that the ordinance could allow a food truck to operate during the same time period as another event, but possibly not in the event area.

10. Separation agreement – the amount of distance away from another vendor that may provide the same type of food.

Administrator Maroney noted that 200 feet is a typical minimum distance that he observed in like ordinances.

Administrator Maroney commented that these were some of the items that he felt the Council might want to discuss, based on conversations that occurred in the past.

Council Member Bringgold asked if food vendors would be allowed to provide seating. Administrator Maroney noted that this would make it look more like an outdoor restaurant, so this would not be allowed.

Administrator Maroney asked the Council's preference on locations. A discussion ensued, and it was suggested to approve food trucks on private land. A consensus was reached that local streets would be okay for a location. Parking lots were discussed. Library Director Miller commented that she would not like to see a food truck in the Library parking lot due to the limited parking. A consensus was reached that parking lots would also be okay, with the exception of the Library parking lot.

Administrator Maroney asked if there were any thoughts on the numbers of licenses or permits. He noted that he had been questioned regarding the number of times a food truck would operate during the season and if that should be considered in granting a license or permit. Administrator Maroney reviewed potential options in this regard.

Administrator Maroney asked the Council's preference for the food truck season. Council Members commented that perhaps a year-round license would make the most sense. The Council commented

that signs should be allowed

Police Chief McCormick asked whether the Council would want to limit the number of consecutive days if the season were year-round. Clarification was provided for food trucks parked on private property.

Administrator Maroney suggested a parking provision of not taking up more than two spaces, roughly 40 feet.

Administrator Maroney asked about the hours of operation. A discussion took place, and the hours of 7 a.m. to 9 p.m. were suggested.

Feedback was requested regarding allowing food trucks in City parks. A discussion ensued, and it was decided to keep the trucks on the streets adjacent to the parks but not in the parks themselves.

Administrator Maroney asked for thoughts regarding the 500-foot separation provision during a community event. Chief McCormick stated his opinion that this should be clarified, from an enforcement standpoint. He also suggested clarifying language relating to public and private locations.

Administrator Maroney referenced a potential provision related to proximity to other food establishments. The distance of 200 feet was decided upon at this time, noting that this could be revised later.

Administrator Maroney stated that staff will compile this information into an ordinance format and bring it back to the Council for more discussion and clarification. Mayor Althoff commented that this could be put in place for the remainder of 2019 and then revisited in January. The ordinance approval process was reviewed.

Director Althoff asked about food trucks setting up in close proximity to the Fairgrounds. Chief McCormick stated that during the Fair, parking was restricted all the way down to State Street.

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce, asked how this ordinance would impact Fun Fest events. It was clarified that the food vendors for the Fun Fest would not have to obtain a license but would have to register with the City according to the current language if the vendor operates a food truck. Staff will continue work to move this matter forward.

Council Committee/
Commission
Reports

Council Member Duncan discussed a recent Public Works Commission meeting. He stated that the next meeting was scheduled to be held on July 15 beginning at 4:30 p.m. in the Council Chambers.

Administrator Maroney discussed a recent EDA meeting, during which a bid for demolition of the former Lee Chevrolet property was reviewed. He noted that a decision was made to try and split the project into a demolition component and an asbestos abatement component.

Administrator Maroney reported that the EDA, the Blandin Foundation, and local food businesses have been working to put together a brand for local foods. He noted that an implementation plan was being developed.

Administrator Maroney discussed a recent meeting with representatives from the Blandin Foundation, during which several projects were discussed.

Administrator Maroney discussed a recent Personnel Committee meeting. He noted that a Public Works Department position was discussed and would be posted again. He reported that the City Administrator contract was also discussed.

Staff Reports

City Engineer Anderson noted that the contractor was wrapping up the East Side II street improvement project and gave an update on progress. He encouraged residents with new sod to mow it as high as possible.

Director Althoff noted that a \$109,500 DNR grant to rehab the trail had been awarded. He thanked everyone who was involved in making this possible.

Library Director Miller noted that the Library was approved for a grant to paint a new mural in the teen area of the Library. She provided background information, shared a picture of the mural, and discussed how the mural was completed. She invited the public to stop in and see the new mural.

Chief McCormick noted that the Cannon Valley Fair was rapidly approaching and provided an update on how traffic would be controlled during the parade.

Mayor and Council
Reports

Council Member Montgomery issued a reminder about the Park Board meeting on June 20.

Public Input

Mayor Althoff reviewed the public input procedure.

Babe O’Gorman, Cannon Falls, commented that he found it ironic that 30 minutes was spent talking about John Burch Park and what the school would be charged, but during the last meeting when Sustane was discussed, no one asked how much was spent on the Nasal Ranger or how much staff time was spent. He expressed concerns about street improvement projects and other City projects.

Don King, 1024 Hoffman Street West, Cannon Falls, discussed the 2016 street improvement project. He thanked the Council for allowing him to speak at the meeting. He noted he had contacted Administrator Maroney about some concerns.

Mr. King commented the sod placed on the front boulevard and his front yard did not do well. He noted that he did support the need to pay assessments for street repairs, but he noted he hoped the Council would consider working with him to return the grass in his front yard to its previous condition. He requested the assistance of the City to remove 5 to 6 inches of the fill, suggesting that black dirt be placed, compacted, and graded. He stated once this was done he would plant the grass seed, water, and maintain the yard going forward. He commented that he felt that more supervision should have been provided at the end of the project when the sod and the fill were installed. He noted that he would appreciate any help in this regard. Council Member Bringgold asked how wide an area this involved. Mr. King provided a description of the area in question.

Sue Wilson, 700 West Hoffman Street, Cannon Falls, noted that she was present to discuss the same matter. She stated that her boulevard had looked the same for the 35 years that she has lived there, but when the street project was completed she had to have a sidewalk replaced that had just been put in 10 years prior, adding that she was not given a choice in the matter. She also stated that they were not notified about the sod or provided a chance to offer input. She noted that her boulevard was now full of weeds and the trees have been removed. She requested that the Council look into this matter.

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce, discussed the Chamber’s 28th annual golf tournament on June 27 and invited the public to attend. She also commented that

the June 13 Fun Fest was fantastic and thanked the community for coming out to make it such a success. She noted that there was a complaint that there were not enough food vendors and encouraged anyone who knows of more food vendors to contact her. Council Member Mattson commented that the weather was perfect for this event.

Tim Dehmer, Cannon Falls, asked for clarification of Council Member Bringgold's previous comment about perception being reality. Council Member Bringgold clarified that she meant to state that perception becomes reality.

Mayor Althoff noted that on June 27 from 5 to 7 p.m. MnDOT would be in the Council Chambers to provide a presentation on the Highway 52 project from Cannon Falls to Zumbrota.

Mayor Althoff asked whether the Public Works Department could look into concerns about the West Side project. Director Althoff recommended that the scope and parameters of the work be determined along with the costs involved and funding sources. He suggested hosting a public forum for residents to express their concerns about the street improvement project. He stated that grass seed should be planted in the fall. Council Member Duncan suggested adding this topic to the agenda for the July Public Works Commission meeting. He and Director Althoff discussed some of the challenges involved in correcting the issues. Director Althoff suggested that the Council further discuss this topic in August and provide direction.

Adjournment

A motion was made by Council Member Duncan, seconded by Council Member Mattson and carried unanimously, to adjourn the meeting. The meeting adjourned at 8:15 p.m.

Adopted by the City Council of the City of Cannon Falls on the 16th day of July, 2019.

John O. Althoff, Mayor

ATTEST:

David Maroney, City Administrator