

The Cannon Falls City Council met in a regular session on Tuesday, August 4, 2020, 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 Neil Jensen, City Administrator, and Jeffrey McCormick, Police Chief.

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 Gesme and unanimously carried, to approve the Agenda.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending June 30, 2020
- B. Just and Correct Claims – Accounting Period Ending July 31, 2020
- C. Meeting Minutes for July 21, 2020, City Council Work Session
- D. Meeting Minutes for July 21, 2020, City Council Meeting
- E. Meeting Minutes for July 28, 2020, City Council Work Session
- F. Resolution 2497, Accepting a Donation from the Coffee Club to the Parks Department for a Bench in Memory of Dick Dalton
- G. Hire Unscheduled Part-Time Employee
- H. Resolution 2498, Accepting a Donation from Michael Diekmann to the Police Department of a Small Utility Trailer
- ~~I. Resolution 2499, Accepting a Donation from Valley View Recovery Center to the Police Department of a Television~~
This item was pulled by Council Member Mattson

A motion was made by Council Member Mattson, seconded by Council Member Duncan and unanimously carried, to approve the Consent Agenda, minus item I.

Council Business:

Park Advisory Board
Ordinance Discussion

City Administrator Jensen provided background information. He referenced an ordinance addressing the Park Advisory Board. He noted that when the 2012 codification was done, the Park Board Ordinance was inadvertently missed. He explained that when the 2020 codification was approved in its entirety, this wiped out all previous ordinances.

Administrator Jensen requested that the City Council discuss the draft Park Advisory Board Ordinance language, which will be brought to

the next City Council meeting for a first reading to move it forward. He noted that the draft ordinance indicates that a Public Works employee should be a member of the Park Advisory Board. He stated his opinion that, although a City employee should be present to answer questions and provide input, this person does not need to be a Park Board Member.

Council Member Duncan suggested a decrease in the number of members from six to five, without a Public Works employee as a voting member. He referenced ordinance language indicating “four community members” and requested clarification. He offered a suggestion of the language being changed to “four City of Cannon Falls residents.”

Mayor Althoff reviewed the members who currently serve on the Park Board, which includes seven members.

Council Member Duncan recommended an odd number of members, to avoid tie votes. Mayor Althoff asked whether Council Members would prefer to have five Board Members. Council Members indicated a preference for five members.

Council Member Montgomery commented he feels a Public Works employee should be present and participate in the discussion but should not vote. He noted that when he joined the Park Board there was a very relaxed atmosphere with no formal agenda. He expressed agreement with cleaning up the ordinance language and also expressed agreement with an odd number of voting members.

Council Member Duncan stated when an ordinance is put into place, there is an assumption that it will be in place for many years. He recommended that the Park Board include four City of Cannon Falls residents and one member of the City Council, with the elimination of the Public Works employee as a voting member.

Council Member Montgomery asked how the situation would be resolved with the current Park Board membership. Council Member Bringgold suggested keeping the membership the same for now, and changing it in January of 2021.

Mayor Althoff expressed agreement with this suggestion. He stated that committee structures and members are reviewed and revised in January following an election year.

A motion was made by Council Member Duncan, seconded by Council Member Montgomery and unanimously carried, to change the language of the Park Advisory Board Ordinance to read "includes four City of Cannon Falls residents as members" and eliminating language referring to a Public Works employee as a member.

Approve Engineering
Contract

Administrator Jensen reviewed the RFP process that was followed to select a new engineering firm for the City of Cannon Falls. He stated that nine proposals were received, which were narrowed down to four and interviews conducted. He stated that the committee recommended that the City enter into a contract with WHKS to provide engineering services, which was discussed with the City Council and a consensus reached to proceed.

Administrator Jensen referenced the proposed general contract terms, noting that WHKS would draft a subcontract for each project, which would be approved by the City Council.

Council Member Duncan asked whether Administrator Jensen was comfortable with the contract language. Administrator Jensen stated that he felt this was a good contract, adding that he is familiar with this contract, as this is the same contract that WHKS had with the City of Zumbrota.

A motion was made by Council Member Duncan, seconded by Council Member Bringgold and unanimously carried, to approve the contract with WHKS to provide engineering services for the City of Cannon Falls.

Artisan Plaza Farmers
Market

Administrator Jensen stated that David Olson had requested that the Artisan Plaza Farmers Market be placed on the agenda for discussion. Mr. Olson indicated that he was present to share some information. He noted that there has been some controversy between the Artisan Plaza and the City Council.

He stated that it had been suggested by a Council Member to shut down the Artisan Plaza Farmers Market. He commented that he felt this suggestion was inappropriate, both ethically and financially. He noted that the Artisan Plaza Farmers Market has been a joint venture by several people and commented that he is very proud of this effort.

Mr. Olson stated that the number of vendors for the farmers market has more than doubled, adding that this capacity was not available at the Downtown location. He stated that the market has more than

tripled the foot traffic, bringing people from other communities to the market, who also spend money at other businesses in Cannon Falls.

Mr. Olson stated that he had taken the liability off the City by having this farmers market in his own parking lot, providing ample parking and ease to get into the market. He noted this is not the case at the Downtown farmers market.

Mr. Olson stated that the market has done food projects with the City and has supplied nursing homes, schools, and hospitals with food from its vendors. He stated that the market is completely compliant with State and local regulations. He commented that they have created a fall festival, which brings in hundreds of people. Mr. Olson stated that when Council Members voted to allow the Downtown farmers market, they violated a City Ordinance. He provided Council Members with copies of the City Ordinance along with a written explanation. Mr. Olson commented regarding the many positive benefits of the Artisan Plaza farmers market, noting that to destroy that would be a mistake.

Council Member Duncan referenced a prior Council discussion, during which Council Members were divided as to where the farmers market should be located. He reiterated his position that the Downtown farmers market is not allowed per zoning and the farmers market at Artisan Plaza eliminates liability for City. He also noted that Artisan Plaza has about four times the number of vendors of the Downtown market. He noted that the Council previously voted to discuss this matter in October.

Council Member Duncan noted there is an individual at the Downtown farmers market who thinks he runs the market and on his LLC application listed the market's address as Downtown Cannon Falls. He noted that a proper mailing address is required for an LLC. He spoke in support of one farmers market location, the market at Artisan Plaza. He also referenced the loss of parking stalls due to the new EV charging station.

Mayor Althoff asked whether Council Members wished to review this matter prior to October.

Council Member Bringgold noted that she had been the one to suggest putting this discussion off until October, as two other motions failed due to the lack of a second. She stated that she has observed very few vendors at the Downtown farmers market. She referenced

the use of the parking lot on Saturday mornings by cyclists. She spoke in favor of one farmers market, at Artisan Plaza, beginning in 2021.

Kyle Paulson, President of the Cannon Falls Areas Chamber of Commerce, stated that she is a strong supporter of the Downtown farmers market.

Ms. Paulson commented that during the most recent farmers market there were at least seven vendors, with lines of customers at each of the vendors. She stated that she has seen trail users stop at the farmers market before they go on their bike rides. She commented that many residents who live in Cannon Rivers Senior Living, Park Street Apartments, and Freeborn Manor do not have vehicles. She noted that there would be transportation challenges with getting these folks to the market at Artisan Plaza. She commented she felt all citizens should be thought of in the decision-making process. She reiterated her strong support of both farmers market locations.

Marci French, Cannon Falls, offered a suggestion of having the Downtown farmers market on Thursday evenings on Mill Street. She stated that other communities have an evening farmers market. Council Member Bringgold expressed agreement with this suggestion. Council Member Duncan reiterated his concerns about City liability relating to the Downtown parking lot.

Council Member Gesme noted that in the past farmers who had extra produce simply came Downtown and sold them. He stated that he did not know why the process has become so complex, involving an ordinance, liability, and licensing. He stated if the Downtown market violates a City ordinance, this should be followed, adding that all laws need to be followed, not just the ones that might help some individuals and not others.

Mayor Althoff stated that if there is a violation of the ordinance to allow a Downtown farmers market, this should be addressed. He asked Administrator Jensen to look into this and report back during the next meeting.

Marci French introduced herself as a Cannon Falls resident, and David Anderson introduced himself as the Live Well Goodhue County Coordinator. Ms. French provided background information with regard to a Bike Cannon Falls group. She noted that after working together for three years, the group feels that they are ready to take

the next step. She stated they are asking to partner with the City to become a Bike Friendly Community through the League of American Bicyclists. She provided a summary of this program and the benefits that this designation would provide the City.

Mr. Anderson provided a summary of the reasons to apply for a Bike Friendly Community designation. He referenced engineering, education, encouragement activities, enforcement activities, and evaluation and planning activities.

Mr. Anderson provided a summary of the process that needs to be followed in developing a master plan, noting that the costs would be minimal. He requested the City's help in moving this process forward.

Ms. French reiterated that they are looking for the Council to decide if this program is an opportunity that the City of Cannon Falls is ready to embrace and, if so, provide assistance in getting this off the ground.

Council Member Duncan expressed concerns regarding signing and agreeing to the action plan and the matter of having a City employee appointed to serve on the committee and give them permission to spend working hours on bicycle focused projects. He noted that, from a budget standpoint, the City is currently looking at cutting down on staff. He stated his understanding that there is also the option of having a volunteer from the Park Board or Public Works serve on the committee.

Ms. French reiterated that they are simply asking whether or not the City Council sees this program as a value to the community. She stated her understanding that having a City employee work on this may be impossible, adding that the group would welcome someone from the Park Board or Public Works Commission who would be interested in assisting with this.

Mr. Anderson stated his understanding that these are very challenging times and it might not be possible to have a City employee work on this, but he asked if perhaps two years down the line this could be reconsidered, adding that this is a long-term project.

Council Member Montgomery asked how many hours a month the commitment would be to assist with this program. Mr. Anderson stated that at this time the time commitment would be one or two hours per month. He noted that the deadline to submit the application

is the end of August. He stated that he would need assistance to answer some of the questions. He stated that the group meets once per month, and they simply need a connection to the City.

Council Member Duncan expressed concerns about some of the items on the action plan in terms of City policies, plans, and enforcement of traffic laws. He expressed support for people biking in the community.

Council Member Bringgold commented that she does not have any problems with the action plan. She noted that traffic laws are already enforced and provided examples.

Mr. Anderson provided clarification that the sample action plan was developed by the League of American Bicyclists as a starting point. He noted that the group's intention is to benefit the community and follow procedures that the City Council adopts. Ms. French reiterated that the group is asking for a partnership with the City.

Council Member Montgomery asked Administrator Jensen if action needs to be taken on this matter tonight or if this is just a presentation.

Administrator Jensen stated that this is up to the Council, noting that action could be postponed until the next meeting to allow more time to consider this matter.

Mr. Anderson noted that there are two times per year that program applications are accepted – the end of August and then again in February or March. He reiterated his belief that the community would benefit immensely from this program and provided a summary of benefits.

A motion was made by Council Member Montgomery, seconded by Council Member Bringgold, to approve an application for Cannon Falls to become a Bike Friendly Community. A vote was conducted, and the motion carried by a vote of 5:1, with Council Member Duncan voting nay.

Ms. French noted that there are grant funds available from Live Well Goodhue County for bike racks. She commented that City Hall could use one. Mayor Althoff asked whether a business or organization would buy the rack and then Live Well Goodhue County would

reimburse them. Mr. Anderson clarified that this is the case and provided additional information in this regard.

Resolution 2499,
Accepting a Donation
from Valley View
Recovery Center to
the Police Department
of a Television

Council Member Mattson expressed approval of this, but asked if this matter could have been handled differently and not posted on Facebook before it was approved by the Council.

Police Chief McCormick stated that he and Administrator Jensen are in agreement that this could have been handled differently. He noted that the intention of social media posts is to recognize people when they express a kindness to the department, not to mislead people.

Chief McCormick reviewed the process of accepting a donation. He explained that Lieutenant Berg is in charge of social media for the department and has not yet been trained on all aspects. He noted that the post should have included the words, "pending approval by the City Council."

Chief McCormick offered an explanation of the timing and circumstances of this donation. He noted that Valley View Recovery Center was disposing of items they were not using and were just giving this item away. Chief McCormick stated they could not ascertain a value, so it was decided that the appropriate channel was for the donation to be routed through the Council so the donation could be accepted and if not, they would return it.

Mayor Althoff suggested developing a policy in this regard. Chief McCormick expressed agreement with this.

A motion was made by Council Member Gesme, seconded by Council Member Montgomery and unanimously approved, to approve Resolution 2499, accepting a donation of a television from Valley View Recovery Center to the Cannon Falls Police Department.

Reports:
Council
Committees/
Commissions

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce, noted that the Chamber received 6500 masks from the Minnesota DEED four million mask distribution program. She stated that these masks have been made available to businesses, organizations, and individuals. She noted that the number of available masks is down to about 375. She added that masks were shared with other communities on the western side of Goodhue County.

Ms. Paulson also provided updates regarding the lead generation program through Explore Minnesota, the Discover Cannon Falls guide distribution, and an application for Explore Minnesota advertising. She also provided updates on future community and Chamber events. She issued a reminder that there is free advertising available in the Entertainment Guide.

Council Members Montgomery and Bringgold reported that they were unable to attend the last Trail Board meeting, as they participated in interviews with engineering firms. Council Member Montgomery noted that this was the annual meeting and projects were discussed that had been completed during the year. Council Members Montgomery and Bringgold and Mayor Althoff noted that trail passes sales are up and that passes are being requested from many different communities.

Staff

Chief McCormick referenced past discussion of illegal right-hand turns. He indicated that he has talked to the *Beacon* and they will be working on an article regarding this matter. He stated that he also spoke with the Toward Zero Deaths Coordinator and offered a suggestion to place this on the county-wide TZD program as an enforcement area.

Chief McCormick stated that MnDOT is still working on the design for the Highway 19 project, which may cut down on some of the problem. He noted that the Police Department is aware of the problem and will continue to monitor this. He noted that most of the offenders are people who have been doing this for many years. He stated that they are trying to approach the problem from more of an educational aspect rather than from an enforcement aspect.

Administrator Jensen reported that the Finance Committee will be meeting on August 12. He stated that they will be discussing the CARES Act funding of \$310,000 that was received and reorganization of the Finance Department. He stated that on August 11 the second round of Public Works Director interviews will be conducted. He stated that the search has been narrowed down to two candidates. He issued a reminder that the primary election is next Tuesday, and the last day to file will be August 11. He stated that there are two 2-year Council Member terms and two 4-year Council Member terms up for election. He provided an update on the former Cannonball redevelopment project.

Mayor and Council

Council Member Montgomery stated that after the last Council meeting he had a good conversation with Tim Dehmer. He shared his impression that when Mr. Dehmer speaks during the public input period it is not that the Council does not listen, it is they do not know what action Mr. Dehmer is asking them to take. He commented that all Mr. Dehmer needs and wants is to be treated fairly and with respect. He reiterated that he felt they had a good conversation.

Public Input

Mayor Althoff reviewed the public input procedure.

Babe O’Gorman, Cannon Falls, noted that he contacted Council Members regarding the television donation from the treatment facility. He stated his opinion that when Lieutenant Berg went to pick up the TV, he violated State law by accepting this gratuity. He also stated his opinion that Lieutenant Berg violated City policy. Mr. O’Gorman noted that there is a policy regarding social media, and posts do have to be approved by the City Administrator. He stated that this is in the Personnel Policy Handbook that was brought forth in 2016 by Chief McCormick. He stated that he was not concerned about the Facebook post until Chief McCormick tried to explain what occurred. He commented that what he thought was most unusual was the part about the department not being able to afford a TV. Mr. O’Gorman summarized his understanding of the Police Department’s budget.

Mr. O’Gorman commented that police officers should understand all of the laws. He commented that the TV was not of great value and should have been purchased by the department. He summarized multiple travel expenditures of the Police Department. He expressed concerns about the long, elaborate story that was offered.

Tim Dehmer, Cannon Falls, expressed appreciation for the comments made by Council Member Montgomery. He commented that justice, hospitality, and stewardship go along with respect and fair treatment. He stated that constructive criticism is a two-way street. He commented that he felt that what he has been saying has been taken as criticism, when he is merely asking how things can be accomplished better or differently. He commented that the City of Red Wing employs a community engagement specialist. He stated that he wishes he could get more action and does not know how to proceed.

Adam Peters, Cannon Falls, requested that the parking problem along Mill Street near the winery be placed on the agenda for

discussion by the City Council. He commented that if parking violations are enforced, people would get the point and follow the law.

Adjournment

A motion was made by Council Member Gesme, seconded by Council Member Lundell and carried unanimously, to adjourn the meeting. The meeting adjourned at 7:45 p.m.

Adopted by the City Council of the City of Cannon Falls on the 18th day of August, 2020.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator