

The Cannon Falls City Council met in a regular session on Tuesday, August 18, 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; Jeffrey McCormick, Police Chief; Laura Qualey, Community & Economic Business Specialist; Bill Angerman, City Engineer; and Nicole Miller, Library Director (remotely).

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 Gesme, seconded by Council Member Duncan and unanimously carried, to approve the Agenda.
Consent Agenda	<p>A. Just and Correct Claims – Accounting Period Ending August 13, 2020</p> <p>B. Meeting Minutes for August 4, 2020, City Council Meeting</p> <p>C. Resolution 2500 – Approving the Reapportionment of Assessments upon Land – Rymer Companies</p> <p>D. Approve Public Works Director Position Hire</p> <p>E. Resolution 2501 – Accepting a Grant of \$500 from Renewing the Countryside for the Farmers Market</p> <p>F. Installation of New RPZ at Waste Water Treatment Plant</p> <p>A motion was made by Council Member Bringgold, seconded by Council Member Duncan and unanimously carried, to approve the Consent Agenda.</p> <p>Mayor Althoff introduced the new Public Works Director, Kevin Zittel, and welcomed him.</p>
Council Business:	
Introduction and First Reading of Ordinance 369, Establishing a Park Advisory Board	<p>City Administrator Jensen referenced discussion of this topic during the last City Council meeting. He commented that a couple of adjustments have been made to the draft ordinance. He noted that this will be the first reading of Ordinance 369, establishing a Park Advisory Board. He noted that this topic was part of the City Council's goal-setting agenda from earlier in the year.</p> <p>A motion was made by Council Member Duncan, seconded by Council Member Montgomery and unanimously carried, to approve the first reading of Ordinance 369, establishing a Park Advisory Board.</p>

Request for Proposals
– Legal Services
Discussion

Administrator Jensen stated that, as part of the goal-setting agenda discussed by the Council earlier in the year, it was decided to look at RFPs for engineering and legal services and to also look at other consultants that provide services to the City of Cannon Falls. He stated that, if approved by the Council, the same process will be followed as was used to establish the new engineering service.

A motion was made by Council Member Lundell, seconded by Council Member Duncan and unanimously carried, to approve an RFP process for legal services.

Finance Department
Reclassification and
Compensation
Approval

Administrator Jensen stated that recently the City had David Drown Associates recommend a reclassification and reorganization of the Finance Department. He noted that it was determined that 1.5 positions could be eliminated and this work distributed among current employees. Administrator Jensen explained the process that was followed for the compensation study. He reviewed the positions that were evaluated and the compensation recommendations for these positions. He reviewed the resultant savings to the City.

Mayor Althoff expressed agreement with the recommendations.

Council Member Bringgold commented that it is always good to review things occasionally and expressed agreement with the recommendations.

A motion was made by Council Member Gesme, seconded by Council Member Duncan, to approve the Finance Department reclassification and compensation recommendations. A vote was taken and the motion carried by a vote of 5:1, with Council Members Gesme, Lundell, Montgomery, Bringgold, and Duncan voting aye and Council Member Mattson abstaining from the vote.

Farmers Market
Discussion

Administrator Jensen provided background information and referenced past comments by David Olson from Artisan Plaza regarding the farmers markets in Cannon Falls. He stated that this has been the subject of much conversation in the community, and it was requested that the City Council further discuss this topic.

Administrator Jensen reviewed options for City Council action.

Mayor Althoff commented he did not feel things were like they were in the past when people would bring their produce into town to sell. He noted that there are now ordinances and regulations. He stated that

the Downtown location has become quite congested with the heavy use of the trails, and he noted there have been several incidents in the past. He commented that Downtown businesses like having the farmers market there. He stated that Administrator Jensen has provided four options and suggested that the Council adopt one of the options at this time.

Tim Mahle introduced himself as a vendor at the Downtown farmers market. He provided a statement regarding the many benefits of having the farmers market Downtown. He noted that there are a higher number of cyclists this year due to the COVID-19 situation, as there are not many other activities available. He stated that the Downtown farmers market has served as a welcoming source of information to visitors. He asked regarding the real concerns regarding liability. He also mentioned the issue of zoning and cited language from Minnesota Statute 462.357 governing local cities and towns and language from the Cannon Falls City Code. He stated that the City Council would be in violation of State law if it voted to remove the Downtown farmers market. He stated his hope that this situation can be resolved, as failure to do so would result in economic hardship for small businesses. He provided Council Members with copies of the State statute language.

Council Member Lundell expressed a preference for Option #2, adding that he could live with Option #3. He stated his opinion that a farmers market in the center of town is more convenient, everyone knows where it is, the businesses like it, and he felt citizens would prefer to have a farmers market Downtown. He stated this did not mean that the farmers market at Artisan Plaza should be eliminated. He commented that having the only farmers market on the farthest edge of town is not convenient for residents, especially those who do not drive.

Council Member Mattson expressed agreement with the comments offered by Council Member Lundell. He stated that a lot of people have commented that they support the Downtown farmers market.

Council Member Montgomery expressed agreement with these comments. He stated that this topic has resulted in a large amount of feedback from citizens. He noted that everyone who contacted him offered support for keeping the farmers market Downtown. He referenced a comment Mayor Althoff had made with regard to how busy the trail and the Downtown area are on Saturday mornings,

adding that there is overflow parking on the other side of John Burch Park.

Council Member Montgomery commented regarding the value of a busy Downtown area, stating his opinion that both the cyclists and the farmers market could be accommodated. He stated that the two farmers markets are two completely different entities. He suggested consideration of changing the zoning ordinance to include the Downtown farmers market as a permitted use.

Council Member Gesme expressed agreement with the comments, adding that there should be another option. He suggested that the discussion be delayed until later in the fall or winter.

Mayor Althoff expressed concerns regarding the requirement for a Conditional Use Permit. He noted that Mr. Olson has a CUP at Artisan Plaza, but the Downtown farmers market does not have a CUP. He expressed concerns about potentially setting a precedent.

Administrator Jensen suggested consulting the City Attorney to make sure that everything is focused on a farmers market, so this cannot be turned into a flea market. He recommended making the City Attorney aware of what the Council's intent is and request that an ordinance be drafted in this regard.

Council Member Duncan stated his position that there should only be one market. He noted the EDA has been working with Artisan Plaza and that there is a flat parking lot, whereas the Downtown market is at an angle, creating safety issues. He noted that the trailhead was built in this location specifically to attract cyclists. He commented that there is no way to prove what brings more business to town, adding that parking is an issue. He stated if the Council wants to change the ordinance, there should be only one market and it should be at Artisan Plaza. He noted that the Artisan Plaza farmers market is three or four times the size of the Downtown market. He stated that people will drive to farmers markets, and there are buses for people do not drive. He reiterated that the current ordinance does not allow a Downtown farmers market. He stated that he is not against allowing both farmers markets to finish out the year, but he expressed opposition to changing the ordinance. He commented that if the ordinance is changed and a CUP approved, which he stated is troublesome in a B-1 zone, this should be moved to the overflow lot to make it safer and free up parking spots for cyclists coming into town.

Council Member Gesme stated that a Downtown business owner called to tell him that quite a few Downtown business owners have stated that they would like to see this farmers market kept open.

Council Member Montgomery commented that all farmers market vendors pay the same licensing fee, whether they are at Artisan Plaza or Downtown.

Council Member Duncan stated that at Artisan Plaza the farmers market is on private property, and Downtown the farmers market is on City property, and therefore this market is being subsidized.

Council Member Bringgold commented that this is a challenging issue. She commented that, just because something has been somewhere for many years, this does not mean it will always be there, as change happens. She noted that she has not been to the farmers market at Artisan Plaza, but she has heard it has been busy with around 15 vendors. She commented that when she has visited the Downtown market there have been 3 or 4 vendors. She stated that she did not feel people were walking there from other areas. She addressed Mr. Mahle's behavior in terms of barraging City employees with emails and spoke in opposition to issuing another permit to him. She stated that if the Downtown farmers market were to be discontinued, this does not mean that it could not be brought back in the future. She stated her opinion that an ordinance change is not needed.

Council Member Montgomery clarified that changing the ordinance would just make the Downtown farmers market allowed as a permitted use. Council Member Bringgold stated her understanding of this, adding that she did not feel a City-owned parking lot is the best place for a farmers market. She offered a suggestion of moving this market to the overflow lot or the lot across from the Fire Station.

Council Member Mattson stated that the overflow lot had been tried in the past, and was a disaster. Council Member Bringgold commented that this would also be disaster for cyclists, as out-of-town trail users would not know where to park. Council Member Mattson stated that signage would solve this problem.

Council Member Duncan stated that no one could force cyclists to park in the overflow lot. He reiterated that if the ordinance is changed, it should be for a good reason, and he does not feel he has heard one so far.

A motion was made by Council Member Gesme, seconded by Council Member Mattson, to table this issue until November 1, after the City Attorney has been consulted.

Council Member Duncan described this motion as “kicking the can down the road.”

Council Member Bringgold expressed agreement with consulting the City Attorney. Mayor Althoff expressed agreement with seeking legal counsel.

A vote was conducted, and the motion carried by a vote of 5:1 with Council Members Lundell, Gesme, Mattson, Montgomery, and Bringgold voting aye and Council Member Duncan voting nay.

John Burch Park
Football Field

Administrator Jensen referenced discussion with Cannon Falls School District representatives during a recent Finance Committee meeting relative to whether football, since it has been moved to the spring, can be played at John Burch Park. He stated that the Finance Committee recommended that Council take into consideration whether baseball can be played after that, along with the condition of the field in the spring.

Dan Meyers introduced himself as the Cannon Falls High School Head Football Coach. He noted that typically 8 to 10 games are played at John Burch Park in the fall, stating that this activity brings the community together. He reiterated that the football season has been moved to the spring. He requested that the football team be allowed to play up to three varsity football games at John Burch Park next spring, if the conditions are favorable for this purpose. He noted that they would not schedule any JV games and would not pull the bleachers out. He added that they are also seeking alternative sites on which to play next spring.

Council Member Gesme asked what the issue would be with playing at the school instead of John Burch Park. Mr. Meyers stated that there are no lights at the High School, and the field is not in game condition.

Council Member Duncan noted that a lot of younger grades have played games at the High School. Mr. Meyers confirmed that football

games up through eighth grade and flag football games are played there.

Council Member Duncan offered a suggestion to schedule games during the day on Saturdays. He expressed concerns regarding football games at John Burch Park due to the potential damage to the baseball field, which could also be a safety concern.

Council Member Bringgold offered a suggestion of allowing just the Seniors or Parents Night game. She noted that there may not even be a football season in the spring. She commented she sees John Burch Park as a baseball diamond, not a football field.

Reed Olson introduced himself as Cannon Falls School District Activities Director. He noted that he is new to the community and has not witnessed the tradition of Friday nights at John Burch Park. He stated that if the fence does not come down, that will null and void the soccer matches. He stated that when the Minnesota State High School League made changes, they made reductions to the number of weeks of the season and reductions in the number of games. He noted that the schedule has not been determined at this point, adding that they are anticipating three home games and potential post-season play. He reiterated that they are looking at other potential opportunities.

Council Member Duncan referenced Mr. Meyers' comments about the condition of the field. He asked about the deciding factors in terms of whether it would be okay to play not. Mr. Olson stated that he did not know what these factors would be. Council Member Duncan reiterated his position that these games should be played on the school field and suggested making improvements to this field.

Council Member Montgomery expressed agreement with potential adverse conditions in the spring and the damage that could be done to John Burch Park. He also referenced the issue of the City allowing the school to retain a home field. He commented that he felt it would be better for the community to allow them to play. He also commented that the school has a beautiful baseball diamond, so if those three football games were to damage the John Burch Park field, baseball games could be played at the school.

Council Member Lundell expressed agreement with the comments made by Council Member Montgomery. He added that the school is paying the City rent for the football field.

Council Member Duncan stated that the school would not be charged if games were not played at John Burch Park. He stated his understanding that the school had requested a decision in order to allow lead time to re-sod the football field at the school if necessary. Mr. Olson stated, depending on the decision, that this would be an option they could consider.

A motion was made by Council Member Montgomery, seconded by Council Member Gesme, to approve the use of John Burch Park this coming spring by the Cannon Falls Bombers for three high school football games and possibly playoffs. Council Member Bringgold stated if they allow this, she would like the City to be able to veto it if the field is deemed not playable.

Council Member Lundell asked who would make this determination.

Council Member Montgomery stated that the Minnesota State High School League has rules about field conditions. Mr. Olson added that common sense would come into play in those situations.

Council Member Bringgold requested clarification that this would not include practices and would include only varsity football games. Mr. Olson clarified that this would be the case.

A vote was conducted. The motion carried by a vote of 4:2, with Council Members Mattson, Lundell, Montgomery, and Gesme voting aye and Council Members Bringgold and Duncan voting nay.

CVT and MTST Trail
Connection Plans –
Review / Set Quote
Date

Administrator Jensen noted that a grant had been awarded last year to make a connection between the two regional trails. He stated that WHKS was hired to draft final plans and specifications and conduct a bidding process. He stated that the City had proposed a phased project as a result of project cost estimates compared with the amount of the grant funding. He reviewed the proposed project changes. He noted that when this was discussed with the DNR, City staff were informed that if the entire project was not completed as originally planned, the City would not receive the grant funding.

City Engineer Angerman provided additional background information. He noted that the project review staff at the DNR had stated that the phased plan was okay, but that a grant administration opinion was needed. He stated that the City's grant match, which was originally \$36,000, would now be \$250,000. He stated that City might be better

off turning down the grant and reapplying in December for a larger grant, versus paying more of the project out of pocket. He stated the risk would be not receiving the grant. He stated that they had asked the DNR Grant Administrator if turning down the grant would adversely impact the City's chances of being awarded a new grant. He stated that the response was that, although this would not have a bearing on the outcome of the second grant application, the City would have to compete and may not receive a grant. He stated that if the City turned down the grant and undertook a hybrid approach to the project, it would be cheaper than accepting the grant. He reiterated that consulting staff feels it would be in the City's best interest to authorize Administrator Jensen to turn the grant down and reapply in December.

Council Member Duncan asked what would happen if the grant was turned down and the City did not receive a new grant.

City Engineer Angerman stated the City could fund the project in increments. He added that the existing paved portion of the trail along the river would be kept at the same width. He stated that one of the challenges with the grant award was a requirement for the trail to be widened, which would involve excavation into the rock. He stated that not doing this would result in a project cost savings of more than \$100,000, which is more than the grant award.

Council Member Duncan referenced past discussion of seeking a variance with regard to the trail width. City Engineer Angerman stated that the DNR has indicated that it would deny this request.

Council Member Montgomery asked if the hybrid portion would include a fence and paving. City Engineer Angerman confirmed that this would be the case. He stated that the trail section along the river would be repaved by the City at the desired width.

Council Member Lundell asked if this section would be part of the Cannon Valley Trail. He asked whether increased revenue from trail fees could go toward the trail connection.

Council Member Montgomery stated his understanding that this section is part of the Cannon City Trail and connects to the Mill Town Trail.

Administrator Jensen commented that the archeological study and the plans and specifications have been completed. He stated that if

the City applies in December and the grant is approved in April or May, everything would be ready to go. He reiterated that it would be cheaper for the City to pave the stretch of gravel at its own expense than to be forced to complete the entire project. He also commented that a lot of structure and oak trees along the trail would be destroyed and the view would be altered. He suggested maintaining the current width. He discussed the benefits of connecting the two regional trails.

Council Member Montgomery suggested an alternate solution in terms of extending the trail out over the hillside with some type of structure, in order to preserve the trees and the view. City Engineer Angerman stated that this may be possible but would be incredibly expensive.

Council Member Duncan asked Administrator Jensen if the City has budgeted for what would have been its cost share toward the project. Administrator Jensen stated his understanding that this was included in the 2020 budget and that the funds could be carried over to the 2021 budget.

Administrator Jensen noted that the current grant funding would expire in June of 2021.

Council Member Bringgold spoke in support of turning the grant down and submitting a new grant application.

Council Member Montgomery commented he felt this specific situation fits well with the DNR grant program. City Engineer Angerman stated that DNR staff has indicated that this would be a strong application, adding that things are uncertain due to the pandemic and economic factors. He suggested that the City Council consider a motion to authorize Administrator Jensen to notify the DNR of the City's decision to not accept the current grant award.

A motion was made by Council Member Duncan, seconded by Council Member Gesme and unanimously carried, to not accept the grant from the DNR for the trail connection project.

A motion was made by Council Member Duncan, seconded by Council Member Gesme and unanimously carried, to apply for a new grant, to include additional funding to accommodate the trail connection project.

Reports:
Council
Committees /
Commissions

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce, noted that notice was received from Explore Minnesota that the Chamber will receive a grant for \$1,000 to do advertising in any of their magazines. She stated they are also working on a match from the Blandin Foundation. She summarized activities that will take place during the Sizzlin' Summer Days. Ms. Paulson also stated the Chamber has come up with a new open air fair, similar to the Fun Fest. She provided details with regard to this event.

Library Director Miller was not able to be heard remotely, so Ms. Paulson reported that on August 27 from 2:30 to 6:30 p.m. the Library will be conducting their annual book sale on the sidewalk in front of the Library.

Community & Business Specialist Qualey reported that the EDA met on August 12. She stated that primary topics of discussion included CARES Act funding and Goodhue County grants for small businesses and nonprofit organizations. She stated that so far Goodhue County has received 27 applications. She stated that grants will be awarded for up to \$10,000 and described how grant funding can be used. She stated that other types of relief will be made available, but the details have not yet been finalized.

Ms. Qualey stated she has been working with Administrator Jensen and the Finance Committee on how CARES Act funds can be utilized. She stated that this money needs to be spent by November 15, 2020. She stated that she has also been working with the Housing Initiative Board to apply for an Otto Bremer Trust grant for up to \$15,000 toward land acquisition for a land trust program through First Homes of Rochester. She stated that this grant needs be submitted by mid-September.

Council Member Bringgold reported that during the most recent Finance Committee meeting School District representatives had discussed some of their needs, if excess CARES Act funding is available. She stated that she is not opposed to giving money to the school, but asked if this should be offered also to other nonprofits. Ms. Qualey stated that there is money earmarked for the school. She also stated that nonprofits can apply for the Goodhue County grants. She noted that CARES Act funding must be used for operating expenses or COVID-19 related expenses.

Council Member Duncan discussed a recent Planning Commission meeting. He referenced discussion of an assessment agreement approved earlier in the meeting by the City Council. He referenced other topics of discussion and noted that Greg Jablonski summarized a concept plan for 24 homes near the water tower, with more detailed plans to be provided next month.

Council Member Bringgold summarized other topics of discussion during a recent Finance Committee meeting, noting that a preliminary discussion was held with School District representatives relating to the use of John Burch Park. She stated that the Finance Committee also discussed the reorganization of the Finance Department, which was also approved earlier in the meeting. She stated that they also discussed the CARES Act funding. She stated that the 2021 budget is coming together nicely, with a lot of hard work from Administrator Jensen and the department heads.

Staff

Administrator Jensen suggested advertising the current vacancies on the Planning Commission. He noted that there needs to be four members to have a quorum. Council Member Duncan noted that he has been an alternate member for a number of years. He suggested more citizen involvement.

Administrator Jensen stated that he had received a request from CannonBelles to close the street on August 27 for an event. He stated that typically the City Council should make a motion to approve this. He asked if the Council could consider this. Ms. Paulson provided additional information related to the open air fair.

Police Chief McCormick provided additional information with regard to potential options. A discussion took place what would be required. Chief McCormick suggested authorizing the street closure from 4:40 to 7:00 p.m., to allow adequate time for set-up and take-down.

A motion was made by Council Member Montgomery, seconded by Council Member Duncan and unanimously carried, to close a portion of Mill Street from 4:30 to 7:00 p.m. on August 27, 2020.

Administrator Jensen reported that the crow's nest received damage during the last storm, and detailed some of these damages. He expressed understanding that the last time there was damage on the stairs, a contractor was hired and the school paid for the project. He stated that he will discuss this with the superintendent.

Mayor and Council

Council Member Montgomery stated that a Park Board meeting has been scheduled on August 20.

Council Member Gesme stated that he received a request, now that the Cannonball building has been demolished, to do something about the long grass. He expressed appreciation to incoming Public Works Director Zittel for attending the meeting, stating his opinion that he will be a good fit for the City. It was suggested to schedule a Public Works Commission meeting in the near future.

Public Input

Mayor Althoff reviewed the public input procedure. No one came forward to provide public input.

Adjournment

A motion was made by Council Member Gesme, seconded by Council Member Lundell and unanimously carried, to adjourn the meeting. The meeting adjourned at 7:50 p.m.

Adopted by the City Council of the City of Cannon Falls on the 1st day of September, 2020.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator