

The Cannon Falls City Council met in a regular session on Tuesday, October 5, 2021, in the City Council Chambers. Present were Mayor John Althoff and Council Members Bill Duncan, Steve Gesme, Matt Montgomery, Mary Jill Bringgold, Laura Kronenberger, and Derek Lundell. Also present were Neil Jensen, City Administrator; Dan Howard, Public Works Director; Mitch Althoff, Police Officer; and Sarah Schwarzhoff, City Attorney

- Call to Order Mayor Althoff called the City Council meeting to order at 6:30 p.m.
- Roll Call Roll call was conducted. All members were in attendance.
- Pledge of Allegiance Mayor Althoff led in the recitation of the Pledge of Allegiance.
- Approval of Amended Agenda Mayor Althoff reviewed the amended Agenda. A motion was made by Council Member Montgomery, seconded by Council Member Duncan and unanimously carried, to approve the amended Agenda as presented.
- Public Input Mayor Althoff reviewed the public input purpose and procedure.
- Erik Porten introduced himself as a Cannon Falls Ambulance Department member. He spoke in opposition to a COVID-19 vaccine mandate, describing this as an infringement on civil liberties. He expressed support for those who wish to be vaccinated, noting that he is vehemently opposed to the City forcing staff members to be vaccinated. He stated that he has concerns about potential impacts if staff members are forced to leave their employment with the City due to noncompliance with the mandate, including decreased response time and / or inability of the City to maintain its current level of service.
- Diane Johnson, Cannon Falls resident, stated that, while she understands the concerns about restricting personal freedom, she has concerns about the dangers of spreading COVID-19 to members of the community. She spoke in support of a vaccine mandate, comparing this to other types of laws and regulations that are designed to protect the public.
- Consent Agenda
- A. Just and Correct Claims – Accounting Period Ending September 29, 2021
 - B. Meeting Minutes for September 21, 2021, City Council Meeting
 - C. Approve Final Pay Request for 2021 Park Street Area Improvements
 - D. Approve Final Pay Request for 3rd Street / North Cannon River Water Main Crossing
 - ~~E. Second Reading and Adoption of Ordinance 378 and Summary of Publication, an Ordinance of the City of Cannon Falls, Minnesota,~~

~~Amending City Code Chapter 152 Relating to Sexually Oriented
Uses~~

This item was pulled by Council Member Bringgold

A motion was made by Council Member Bringgold, seconded by Council Member Duncan and unanimously carried, to approve the Consent Agenda as presented, minus Item E.

Council Business:

Planning and Zoning
Ordinance
Amendment

City Administrator Jensen provided background information and referenced discussion of the structure of the Planning Commission during a recent City Council work session. He discussed the challenges of recruiting Planning Commission members. He reviewed a recommendation to decrease the number of Planning Commission members from seven to five, including three residents and two Council Members, with a third Council Member serving as an alternate. He referenced proposed Zoning Ordinance language that was provided by the City Attorney. Council Member Montgomery inquired regarding the effective date of the change, if approved. It was clarified that the changes would go into effect on January 1, 2022. City Attorney Schwarzhoff provided additional information in this regard.

A motion was made by Council Member Montgomery, seconded by Council Member Gesme, to approve the proposed Zoning Ordinance language changes, with the changes effective as of January 1, 2022. A vote was conducted, and the motion carried unanimously.

COVID-19 Vaccine
Mandate Discussion

Mayor Althoff referenced discussion of this topic during a recent City Council work session. He stated that some Council Members are in favor of requiring every City employee to be vaccinated, while other Council Members are opposed to a vaccine mandate.

Mayor Althoff recommended a policy that as of January 1, 2022, City employees must either be vaccinated or provide evidence of a negative COVID-19 test result every two weeks. Council Member Lundell expressed agreement with this recommendation, in addition to requiring unvaccinated employees to wear a mask while on the job. Council Member Bringgold expressed agreement with this approach, stating that the City has a responsibility to keep people safe during a public health crisis.

Council Member Duncan reiterated his pro-vaccination position. He stated his opinion that one person's personal freedom cannot interfere with the health of another person.

Council Member Duncan stated that, while he would prefer a vaccine mandate, he would agree to the policy as outlined. He suggested incorporating a disciplinary process into the policy. He suggested scheduling a work session for further discussion of the policy language.

Council Member Montgomery suggested viewing this matter through the lens of an employer. He stated his understanding that approximately 84% of City employees have already been vaccinated, noting that this percentage is above that of other government entities. He inquired whether department heads have expressed concerns about an unsafe workplace and whether COVID-19 has been transmitted to others by City employees. He noted that first responders have been using PPE throughout the pandemic. He inquired as to whether the issue justifies all of the effort it would take to work out the policy details and implement the policy. Council Member Kronenberger expressed agreement with these comments, stating that this policy would place an undue burden on City administration.

Council Member Duncan commented that the City Council should lead by example and strongly encourage vaccination. Administrator Jensen stated his recollection that there were two positive cases of COVID-19 among City Hall employees along with several instances of City employees coming into contact with infected individuals.

Council Member Gesme stated that, while he dislikes the idea of a vaccine mandate, he does have concerns about the detrimental impacts that positive cases would have on staffing and City services. He expressed agreement with the policy as discussed.

Mayor Althoff stated that OSHA may issue guidelines in this regard for employers, which would supersede City policy. Council Member Duncan commented that COVID-19 is now the leading cause of death among police officers. He suggested moving forward with a policy.

A motion was made by Council Member Lundell that, beginning January 1, 2022, a policy will be implemented in which City employees who are not fully vaccinated against COVID-19 will be required to wear a mask while on the job and submit to testing every two weeks. The motion was seconded by Council Member Bringgold.

Erik Porten asked which vaccine the City intends to require, noting that the vaccines that are currently available are still listed as

experimental. He also stated his understanding that 70% of the currently hospitalized COVID-19 patients are vaccinated individuals.

Council Members commented that the available vaccines have received FDA approval and expressed disagreement with the 70% statistic. Mr. Porten stated his intention to submit additional information in this regard.

The scheduling of a work session relating to the policy language was discussed. It was suggested to schedule this sometime in November. It was noted that potential State or Federal guidelines or mandates may be issued in the meantime. Administrator Jensen provided additional information in this regard. It was clarified that the policy would not constitute a vaccination mandate. A vote was conducted, and the motion carried by a vote of 5:1, with Council Member Kronenberger voting nay.

Approve Arbitration
Request for Josh Otto
Termination

City Attorney Schwarzhoff provided background information and referenced past Council discussion of this matter. She clarified that this discussion will not take place during a closed session and provided rationale for this. She stated that Mr. Otto was injured on January 8, 2021, while on the job. She noted that Mr. Otto worked full-time until April 2, 2021, at which point he dropped down to limited duty. She noted that he worked approximately half time, other than working one full week during the month of July. She clarified that he has been treated regularly by traumatic brain injury specialists since May. She noted that the Council made the determination to terminate his employment, as he had been unable to work full-time for the past six months. She stated that Mr. Otto has filed a grievance and reviewed the four-step process as defined by the union contract. She requested that the Council consider proceeding to arbitration, as requested by the union.

A motion was made by Council Member Gesme, seconded by Council Member Montgomery and unanimously carried, to approve the arbitration request for the Josh Otto termination.

Second Reading and
Adoption of
Ordinance 378 and
Summary of
Publication, an
Ordinance of the City
of Cannon Falls,
Minnesota, Amending
City Code Chapter
152 Relating to

Council Member Bringgold commented with regard to citizen feedback relating to this topic. She clarified that there will be no adult-themed business at Artisan Plaza. She noted that, while the City cannot disallow this type of business, the City can determine the location(s) where this type of business can operate within the City. She stated that the ordinance was requested by the owner of Artisan Plaza, who did not speak during the Public Hearing that was conducted by the Planning Commission. She expressed frustration

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regarding the time and effort that was required by the City Attorney and City staff pertaining to this matter.

A motion was made by Council Member Duncan, seconded by Council Member Montgomery and unanimously carried, to approve the second reading and adoption of Ordinance 378 and summary of publication.

Reports:

Council Committees /
Commissions /
Nonprofit
Organizations

Cannon Falls Areas Chamber of Commerce Director Kyle Paulson discussed recent events. She discussed a demolition derby and associated activities at the Fairgrounds on October 15 and 16. She noted that the public has been invited to attend a celebration of life for Patty Anderson on October 16 at Mill Street Tavern.

Director Paulson discussed the Chamber's Treat or Treat Trot activity on October 29. She reviewed pandemic and safety precautions and noted that volunteers are needed to assist with this event. She also discussed Trick or Trunk activities hosted by local churches on October 29 and October 31.

Director Paulson expressed appreciation to the Public Works Department for taking good care of the flower baskets this season.

Council Member Kronenberger discussed a recent Cannon Valley Trail Board meeting, during which several projects were discussed.

Council Member Montgomery discussed an upcoming Park Board meeting, during which outdoor pickleball courts will be discussed along with a request for lights at Don Mensing Park.

Staff

Public Works Director Howard discussed hydrant flushing activities, pool winterization procedures, and a water main section replacement. He provided a Third Street Bridge project update.

Mayor and Council

Mayor Althoff reviewed the upcoming meeting schedule.

Adjournment

A motion was made by Council Member Duncan, seconded by Council Member Bringgold and unanimously carried, to adjourn the meeting. The meeting adjourned at 7:20 p.m.

Adopted by the City Council of the City of Cannon Falls on the 19th day of October, 2021.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator