

The Cannon Falls City Council met in a work session on Tuesday, December 20, 2022, in the City Council Chambers. Present were Council Members Steve Gesme, Bill Duncan, Laura Kronenberger, Derek Lundell, and Matt Montgomery (remotely); Mayor John Althoff was absent. Also present were Neil Jensen, City Administrator; Sara Peer, City Clerk; Jeffrey McCormick, Police Chief; Dan Howard, Public Works Director; Dianne Howard, Zoning Administrator; and Shelley Ryan, City Attorney. Representatives of Valley View Recovery Center in attendance included John Giesen, Jacob McGuire, and Mattea McGuire.

Call to Order

Mayor Pro Tem Gesme called the work session to order at 5:30 p.m.

Valley View Recovery Center

City Attorney Ryan provided background information and summarized a previous Council work session discussion of concerns relating to safety and security. She referenced conditions of approval of the Conditional Use Permit and licensing requirements.

Council Member Gesme expressed concerns relating to client safety and community safety. He asked Valley View Recovery Center representatives to address procedures relating to client supervision. He relayed comments and concerns he has received from residents. He also expressed concerns about communication and cooperation with local law enforcement.

John Giesen introduced himself as one of the attorneys representing Valley View Recovery Center. He offered to address any legal concerns relating to compliance with the CUP.

Attorney Giesen also discussed a letter he sent to Police Chief McCormick in which he referenced Title 42 of the CFR (Code of Federal Regulations), Part 2, pertaining to confidentiality of substance use disorder patient records. He described the treatment facility's detailed legal obligations relating to confidentiality of information. He requested clarification of law enforcement concerns and asked about specific examples.

Council Member Lundell referenced a series of break-ins that occurred this past September. He stated his understanding that clients from Valley View Recovery Center were allegedly involved in illegal activities in connection with these break-ins. He stated that local law enforcement personnel were not allowed to interview clients. He stated that assurances were provided when the facility opened that clients would be supervised when leaving the facility. He asked why the facility refused to cooperate with local law enforcement regarding these incidents.

Attorney Giesen reiterated the obligations of Valley View Recovery Center in terms of compliance with federal laws relating to confidentiality. He stated that in certain circumstances search warrants can be approved through the court system. Council Member Lundell asked whether there is anything that the police can do to question or apprehend a client suspected of committing a crime in the community. Attorney Giesen reviewed the procedures that must be followed, including obtaining a search warrant from the court.

Police Chief McCormick inquired regarding licensing requirements and regulations that govern the treatment facility. Attorney Giesen further discussed federal regulations and licensing requirements.

Council Member Duncan referenced language in the CUP relating to robust interior and exterior security systems. He asked whether security systems and procedures could be improved to enhance supervision and protect the community.

Jacob McGuire, CEO of Valley View Recovery Center, requested clarification of the concerns. Council Member Gesme referenced past discussions with Valley View Recovery Center representatives. He stated his understanding that clients would not be allowed to leave the facility unsupervised. Mr. McGuire indicated that all program participants are accounted for but are not treated like criminals. He stated that the facility fosters a caring and supportive environment. He discussed client supervision, per State requirements. He noted that, while clients are supposed to be supervised when leaving the building, clients are not physically restrained or prevented from leaving the property, if they wish to do so. He stated that clients are then allowed back into the facility on a case by case basis. He also referenced the facility's legal obligations relating to Title 42 of the CFR.

Chief McCormick requested clarification of the parameters that are to be followed when a client is suspected of committing a felony in the community. He referenced law enforcement procedures relative to hot pursuit of felony suspects. Attorney Giesen again cited the legal obligations to which the facility must adhere.

Council Member Duncan referenced past discussion of the facility having a collaborative working relationship with local law enforcement. Attorney Giesen referenced past conversations with Chief McCormick, during which frustration was expressed that police investigations are being hampered. He reiterated the need for the facility to comply with federal regulations and licensing requirements.

Council Member Duncan again asked what procedures Valley View Recovery Center plans to implement to better address safety and security concerns. Mr. McGuire reviewed examples of how and when the facility can and cannot cooperate with local police.

Chief McCormick requested clarification of facility security systems and supervision procedures. Mr. McGuire provided information in this regard and reviewed discharge procedures, noting that clients must be discharged by a clinician. Examples of situations in which clients left the facility unattended were discussed.

Council Member Duncan requested assurance that the facility will agree to work more closely and cooperatively with local law enforcement.

Mr. McGuire discussed staffing and operational challenges that have been overcome. He stated that the facility provides top-notch client care, adding that there have been only a few concerning incidents.

Council Member Lundell asked whether suspicion of criminal activity would be grounds for client discharge. Mr. McGuire indicated that this would be the case.

Council Member Lundell asked how clients are referred to the treatment program. Mr. McGuire provided information in this regard.

City Administrator Jensen asked how security and cooperation can be improved in order to protect the community. Acknowledging that the facility is bound by federal regulations, he suggested that facility take steps to prevent incidents from occurring.

Attorney Giesen referenced the legal processes that must be followed by both facility staff and law enforcement personnel.

Mr. McGuire discussed staffing ratios. Mattea McGuire, Business Development Director at Valley View Recovery Center, reviewed security measures and discussed additional staff training. She noted that clients have very rarely left the facility without staff knowledge. Client supervision procedures were reviewed.

Chief McCormick discussed concerns regarding client interaction with individuals in vehicles parked along the township road behind the facility. Mr. McGuire and Ms. McGuire reviewed substance abuse monitoring procedures. Council Member Duncan asked about

fencing. Mr. McGuire and Ms. McGuire provided information in this regard.

Mr. McGuire suggested assuring the community that the facility is cooperating as much as it possibly can. He stated his understanding that the facility is in compliance with the CUP conditions.

City Attorney Ryan referenced CUP violations and reviewed the CUP revocation process. Attorney Giesen provided information relating to screening and noted that the facility is in compliance with all State licensing requirements.

Attorney Giesen and Mr. McGuire requested specific information relating to any CUP violations. Council Member Duncan requested clarification of screening requirements. Zoning Administrator Howard and City Attorney Ryan provided information in this regard.

Council Members Gesme and Duncan again requested assurances regarding security. Ms. McGuire discussed security systems. She noted that if a client decides to leave the program against staff advice, a ride is verified or arranged. She stated that the management team will discuss other potential safety and security measures. Council Members expressed agreement with this approach.

Council Member Kronenberger requested clarification of the legal process. Ms. McGuire and Mr. McGuire suggested that the attorneys further discuss legal considerations. Chief McCormick provided additional information, as did the two attorneys.

Council Members Gesme and Duncan suggested exploring other ways to enhance security systems and procedures in and around the building.

Mr. McGuire invited Council Members to tour the facility.

Adjournment

The work session adjourned at 6:17 p.m.

Adopted by the City Council of the City of Cannon Falls on the 3rd day of January, 2023.

Matt Montgomery, Mayor

ATTEST:

Neil L. Jensen, City Administrator