

The Cannon Falls City Council met in a regular session on Tuesday, September 17, 2024, in the City Council Chambers. Present were Council Members Derek Lundell, Steve Gesme, Lisa Groth, Ryan Jeppesen, Laura Kronenberger, and Diane Johnson; Mayor Matt Montgomery was absent. Also present were Neil Jensen, City Administrator; Sara Peer, City Clerk; Jed Petersen, Public Works Director; Zach Logelin, Permit & License Technician; Joe Berg, Police Lieutenant; and Shelley Ryan, City Attorney (remotely).

- Call to Order Mayor Pro Tem Kronenberger called the City Council meeting to order at 6:30 p.m.
- Roll Call Roll call was conducted. Council Members Gesme, Groth, Jeppesen, Johnson, Kronenberger, and Lundell were in attendance.
- Pledge of Allegiance Mayor Pro Tem Kronenberger led the recitation of the Pledge of Allegiance.
- Approval of Agenda Council Member Lundell requested to add a discussion item relating to the Cannon River Raceway under Council Business. A motion was made by Council Member Lundell, seconded by Council Member Groth and unanimously carried, to approve the Agenda as amended.
- Public Input Mayor Pro Tem Kronenberger reviewed the public input procedure.
- Josh Krie, 1221 State Street West, Cannon Falls, discussed The Terrace property. He expressed concerns about nefarious activities occurring at all hours of the day and night and an accumulation of garbage. He stated that he has made numerous calls to the Cannon Falls Police Department and asked whether the City could help address the issues.
- Consent Agenda
- A. Just and Correct Claims – Accounting Period Ending September 11, 2024
 - B. Meeting Minutes for September 3, 2024, City Council Meeting
 - C. Second Reading and Adoption of Ordinance 405 and Summary of Publication, an Ordinance Amending City Code 152.648 to Allow Religious Institutions as a Conditional Use in the B-2 Highway Business Zone
 - D. Resolution 2780, Accepting of Bike Racks from Cannon Falls Chamber of Commerce
 - E. Approve Well #4 Inspection and Repair
 - F. Resolution 2781, Approving Agreement No. 1056839 with MnDOT for Snow and Ice Removal

G. Resolution 2782, Denying Conditional Use Permit for an Eating Disorder Facility

A motion was made by Council Member Gesme, seconded by Council Member Jeppesen and unanimously carried, to approve the Consent Agenda as presented.

Council Business:
Cannon River
Raceway Discussion

Council Member Lundell commented that the City Council did not get a chance to discuss this issue during the last meeting, because the Cannon Valley Fair Board's application for a zoning text amendment was withdrawn. He stated that he has continued to receive questions from residents with regard to the legality of the racetrack, ongoing go-kart races, and the plans going forward.

City Attorney Ryan provided background information. She summarized discussions with County officials, representatives from other communities and other racetracks, and others with regard to whether or not go-kart racing should be an allowed use at the fairgrounds. She stated that she has come to the conclusion that the racetrack use is contrary to what is allowed per the zoning of the fairgrounds. She stated that a notice has been issued indicating that the racetrack use constitutes a public nuisance under Chapter 97 of the City Code, adding that the racetrack use is also in violation of the Zoning Ordinance. She stated that the City has the authority to enforce the City Code.

Council Member Lundell asked whether the City can be sued or held liable for allowing races to continue. City Attorney Ryan indicated that the City Council has the discretion to determine how to proceed, including enforcement proceedings in the Goodhue County District Court.

Council Member Groth asked whether the Cannon Valley Fair is an agricultural society and whether this has a bearing on the situation. City Attorney Ryan stated that her research indicates that the Cannon Valley Fair is not an agricultural society, as defined by State statutes, as there can be only one official agricultural society in each Minnesota County. She stated that the Cannon Valley Fair is a fair association. She noted that fair associations do not have the same powers and authority that agricultural societies have. She stated that fair associations are not exempt from local ordinances. Council Member Johnson asked whether City Attorney Ryan contacted the Minnesota State Agricultural Society to request a list of members in

good standing and the rules governing these members. City Attorney Ryan indicated that this should be public information. She noted that she found a list of County fairs and again referenced State statutes.

Council Member Johnson indicated that her research yielded examples of County fairs and District fairs in the same County that are listed as members of the Minnesota State Agricultural Society. She also referenced the Bylaws of the Minnesota County Fair Association, which state that members also need to be members of the Minnesota State Agricultural Society.

City Attorney Ryan clarified that, although there can be more than one fair per County, there can only be one County fair per County, per State statute. Council Member Johnson suggested obtaining a list of Minnesota State Agricultural Society members.

City Administrator Jensen stated that Goodhue County Fair representatives indicated that they are not governed by the same Bylaws as the Cannon Valley Fair. Council Member Johnson quoted language from State law relating to agricultural societies. Council Member Lundell stated that there is only one weekend of racing remaining.

Council Member Groth asked about a Conditional Use Permit. Council Member Lundell stated that a racetrack use is currently not allowed as a conditional use. City Attorney Ryan stated that the Planning Commission previously recommended denial of a Conditional Use Permit.

Council Member Groth referenced a comment relating to a state-wide noise ordinance that would impact racetracks constructed after 1997.

Council Member Lundell commented that the City Council may not agree with every ordinance but is responsible for enforcement of the City Code.

Council Member Gesme asked how to obtain a definite answer in terms of whether or not the Cannon Valley Fair is subject to City ordinances. City Attorney Ryan indicated that the City could initiate legal action, with a determination by the District Court that would be binding for the City, the Cannon Valley Fair, and the racetrack owner.

Council Member Johnson stated her opinion that, as this item was added to the Agenda, no decisions should be made at this time. It

was suggested to gather additional information and add this item to a future meeting agenda. Council Member Johnson again suggested requesting a list of the members in good standing of the Minnesota State Agricultural Society along with a copy of the rules and regulations under which these entities operate.

Mayor Pro Tem asked about a cease and desist order.

City Administrator Jensen summarized a conversation that he had with a member of the Cannon Valley Fair Board, during which a “friendly” cease and desist order was provided relating to the zoning violation, noting that a formal process was being undertaken. City Administrator Jensen requested guidance from the City Council at this time. Mayor Pro Tem Kronenberger commented that the zoning text amendment application was withdrawn by the Cannon Valley Fair Board and inquired regarding the intention of the Fair Board at this time. City Administrator Jensen noted that the racetrack is located in both the R-2 zone and the UR zone, which resulted in the zoning text amendment request. The purpose of the UR zone was discussed.

Council Member Johnson requested that the City Attorney provide written documentation of the available options at this point. It was suggested to add this item to the Agenda of the first meeting in November to review the results of the research and conduct further discussion. City Clerk Peer noted that the date of the first meeting on November will be rescheduled due to the election and the canvassing requirements.

Reports:
Council Committees,
Commissions, and
Nonprofit
Organizations

Council Member Gesme summarized topics of discussion during a recent EDA meeting, including housing development updates and the scheduling of a public hearing related to the sale of lots in Hardwood Estates.

Mayor Pro Tem Kronenberger summarized topics of discussion during a recent Public Works and Parks Commission meeting, including the well inspection.

Council Member Groth summarized topics of discussion during a recent Library Board meeting, including budgeting for a new drinking fountain, closure of the library for inventory on October 5, and an upcoming candidate forum.

Council Member Gesme summarized topics of discussion during a recent Planning Commission meeting, including discussion of a CUP application for an eating disorder facility. He stated that the Planning Commission voted to recommend denial of the CUP request, noting that this item was placed on the Consent Agenda for City Council action.

Staff

Police Lieutenant Berg discussed extra patrols at school bus stops now that school has started, noting that buses are now equipped with cameras.

City Clerk Peer reported that absentee voting begins on September 20 and reviewed the process.

City Administrator Jensen asked about the possibility of scheduling a planning and general development work session, potentially on October 9 beginning at 6:00 p.m. A motion was made by Council Member Jeppesen, seconded by Council Member Lundell and unanimously carried, to schedule a Council work session for this purpose on October 9 at 6:00 p.m.

Public Works Director Petersen stated that the MPCA has sponsored another round of PFAS testing. He reported that a high sample result was obtained from the north industrial park area. He noted that additional grant funding is available from the MPCA to conduct further testing. He suggested asking WHKS to apply for a \$75,000 grant on behalf of the City. He noted that the City would be responsible for a 10% match.

A motion was made by Council Member Lundell, seconded by Council Member Johnson and unanimously carried, to authorize WHKS to apply for matching grant funding from the MPCA toward additional PFAS sampling and equipment.

Public Works Director Petersen discussed several projects, including projects at John Burch Park, street projects, the Timber Ridge housing development project, and the 72nd Avenue Way project.

Mayor and Council
Members

Council Member Lundell referenced resident concerns relating to The Terrace property. Police Lieutenant Berg indicated that the Police Department is working with the property owner and residents to address concerns.

Council Member Gesme commented regarding the sure signs of fall, including high school football and the removal of the flower baskets by Public Works.

Adjournment

A motion was made by Council Member Groth, seconded by Council Member Johnson and unanimously carried, to adjourn the meeting. The meeting adjourned at 7:11 p.m.

Adopted by the City Council of the City of Cannon Falls on the 1st day of October, 2024.

Matt Montgomery, Mayor

ATTEST:

Neil L. Jensen, City Administrator

DRAFT