

The Cannon Falls City Council met in a regular session on Tuesday, September 18, 2018, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Morris Mattson, Bill Duncan, Ken Carpenter, John Althoff, and Derek Lundell; Council Member Cedar Abadie was absent. Also present were Lanell Endres, Interim City Administrator; Dave Maroney, Community Development Director; Mike Althoff, Fire Chief / Public Works Director; Samantha Meyer, Zoning Assistant; Nicole Miller, Library Director; and Jeffrey McCormick, Police Chief.

Call to Order Mayor Robinson called the City Council meeting to order at 6:30 p.m.

Roll Call Roll call was conducted. Mayor Robinson and Council Members Althoff, Carpenter, Duncan, Lundell, and Mattson were present. Council Member Abadie was absent.

Pledge of Allegiance Mayor Robinson led in the recitation of the Pledge of Allegiance.

Approval of Agenda A motion was made by Council Member Carpenter, seconded by Council Member Duncan and unanimously carried, to approve the Agenda as submitted.

Public Input Robert Bidon, 86 Riverside Terrace, Cannon Falls, referenced his concerns with regard to the rail siding and asked whether there were any updates. Mayor Robinson stated that he had no new information but indicated that the concerns will be investigated.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending September 14, 2018
- B. Meeting Minutes for September 4, 2018, City Council Meeting
- C. Meeting Minutes for September 4, 2018, City Council Work Session
- D. Resolution 2382, Approve Conditional Use Permit for Joseph Terwilliger, 114 Mill Street West
- E. Resolution 2383, Approve Variance for 106 Woodridge Drive
- F. Approve Application for Payment No. 3 for 2018 Street Improvement Project
- G. Approve Street Closure for Sogn Valley Art Fair
- H. Approve Combination Liquor License for Artisan Plaza
- I. Resolution 2384, Adopting the Preliminary Tax Levy and Budget Collectible in 2019 and Setting a Public Meeting Date
- J. LED Project Completion, Wastewater Treatment Plant
- K. Public Works Fence

A motion was made by Council Member Duncan, seconded by Council Member Carpenter and unanimously carried, to approve the Consent Agenda as submitted.

Library  
Construction Issues

Library Director Miller provided background information and an update regarding the construction issues at the library. She reported that a company was independently contracted by SEH to do a water intrusion study. She stated that the report came back indicating that this was a construction-related issue. She detailed other construction issues related to the carpeting and the paint. She reported that the construction company is not willing to take responsibility for the problems. Director Miller reported that the issues have been discussed with the Library Board, who was requesting that the matter be referred to the City Attorney. She stated her understanding that Bossardt, the project management company that built the library, was sold to Wenck in 2013, adding that Wenck has been apprised of the situation. Mayor Robinson requested that Interim City Administrator Endres contact the City Attorney with regard to a potential legal recourse.

Babe O’Gorman, 26980 Michael Avenue, Cannon Falls, stated that the new library building was designed and engineered by SEH. He asked why SEH is not being held accountable. He suggested that the matter be forwarded back to SEH to be addressed.

Council Member Duncan stated that the report indicates that the design was not properly implemented. Director Miller expressed agreement that this was the finding of an independent third party. Mr. O’Gorman stated his opinion that the building was not designed properly. He reiterated his recommendation that SEH be held accountable for the problems.

Mayor Robinson asked Council Member Mattson to bring this up with the Public Works Commission. Council Members expressed agreement that action needs to be taken.

A motion was made by Council Member Carpenter, seconded by Council Member Althoff and unanimously carried, to refer the matter to the City Attorney to explore potential legal action and to the Public Works Commission for a review of the roles and responsibilities related to the project.

Service Line  
Warranties of  
America

Interim Administrator Endres referenced past discussion regarding Service Line Warranties of America and reported that the matter was tabled in order to gather additional information.

Interim Administrator Endres reported that the past meeting minutes indicated that the Council expressed an interest in moving the

process forward but in a non-binding manner. She noted that the City Council did not take action to authorize staff to enter into an agreement with Service Line Warranties of America. She added that it has recently come to light that a marketing agreement was signed by the former City Administrator.

Interim Administrator Endres asked whether the Council would be interested in a presentation by this company, at which time questions and concerns could be addressed.

Council Member Althoff asked whether the new Council Members would be interested in this information. Council Member Lundell stated that he watched the YouTube video of the meeting during which this topic was originally discussed. Council Member Duncan suggested requesting a definitive opinion from the City Attorney with regard to the City's obligation relative to the marketing agreement. He expressed opposition to putting the City's logo on a marketing letter, stating that this implies some type of partnership with the City. He commented that the company was free to offer its services to residents. Council Member Althoff commented that at least this company made a presentation to the City Council, noting that residents are getting unsolicited mailings from other companies offering similar services.

Council Member Carpenter asked whether the City Attorney has been consulted with regard to the City's obligation. Interim Administrator Endres reported that she contacted the City Attorney, who indicated that the contract may not be binding, as it was not approved by the City Council and was not signed by the Mayor, as the per the process outlined in the City Charter

Mayor Robinson commented that the Council has made its wishes known in terms of not moving the process forward. Council Members expressed agreement with this statement.

Interim Administrator Endres indicated that she will apprise Service Line Warranties of America of the Council's direction.

City Administrator  
Position Update

Mayor Robinson provided an update regarding the city administrator position.

Mayor Robinson reported that the Personnel Committee met earlier in the day to review the interview results. He reported that the Personnel Committee has recommended not moving forward with any of the candidates who were interviewed.

Mayor Robinson reviewed potential options, including hiring an interim administrator through the League of Minnesota Cities or possibly looking to hire from within.

Council Member Mattson recommended that the Council consider offering the position to Community Development Director Maroney. He provided rationale for this recommendation and suggested that the Personnel Committee meet with Director Maroney to discuss an initial six-month agreement. Council Member Duncan referenced past Council discussion of offering the position to Director Maroney and a motion to do so by former Council Member LeRoy McCusker, which failed at that time by a vote of 3:4, as a recruitment process had been initiated. He stated that the Personnel Committee has now concluded this process, with no candidate being recommended.

A motion was made by Council Member Mattson to offer the City Administrator position to Dave Maroney, with an agreement to be developed by the Personnel Committee. Council Member Mattson suggested a six-month agreement beginning in December. The motion was seconded by Council Member Carpenter, a vote was taken, and the motion carried unanimously.

Staff Reports

Public Works Director Althoff reviewed the hydrant flushing schedule, starting on October 8. He also provided a street project update. He discussed plans for spray patching on the northeast side of town.

Director Maroney expressed appreciation for the vote of confidence and stated that he looked forward to meeting with the Personnel Committee. He also thanked the City Council for the ongoing support and patience with regard to the liquor licensing for Artisan Plaza. He described the process of altering local liquor licensing ordinances to fit with David Olson's vision for the Artisan Plaza project. He also expressed appreciation to the two off-sale liquor license holders, who provided assistance during this process.

Library Director Miller discussed Cannon Falls Public Library events and activities, including a new walking club, story times, and dedication of the new bike rack on September 29.

Zoning Assistant Meyer provided an update regarding the website upgrade, with plans to go live by mid-October.

Police Chief McCormick discussed the weather forecast and the potential for flooding.

Chief McCormick discussed recent incidents involving graffiti. He noted that the Police Department was working with the Public Works Department to address graffiti on public infrastructure and with property owners on residential and commercial structures. He encouraged residents to report graffiti incidents to the Police Department. He reported that Police Officers have been successful in locating two suspects in connection with these incidents.

Interim Administrator Endres expressed appreciation to Zoning Assistant Meyer for her assistance with the website upgrade project.

Interim Administrator Endres reported that she would be attending a conference in Alexandria next week but will be available by phone and will be checking email in the evening.

Mayor and Council  
Reports

The Mayor and Council Members congratulated Director Maroney on the job offer.

Council Member Carpenter discussed a Police Commission meeting held earlier in the day, during which dog licensing and possible changes to dog park rules were discussed.

Adjournment

The meeting adjourned at 6:59 p.m.

Adopted by the City Council of the City of Cannon Falls on the 2<sup>nd</sup> day of October, 2018.

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Lyman M. Robinson, Mayor

ATTEST:

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Lanell Endres, Interim City Administrator