

The Cannon Falls City Council met in a regular session on Tuesday, January 21, 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 Dave Maroney, City Administrator; Jeffrey McCormick, Police Chief; and Joe Berg, Police Lieutenant.

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| 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 December 31, 2020 <i>This item was pulled by Mayor Althoff</i></p> <p>B. Just and Correct Claims – Accounting Period Ending January 17, 2020</p> <p>C. Meeting Minutes for January 7, 2020, City Council Meeting</p> <p>D. Approve CEDA Economic Development Proposal</p> <p>E. Approve Abdo, Eick, & Meyers Interim Finance Director Proposal</p> <p>F. Approve Baker Tilly/Springsted Proposal for TIF Services <i>This item was pulled by Council Member Gesme</i></p> <p>G. Approve New Ambulance Billing Company</p> <p>H. Resolution 2459, Accepting a Monetary Donation from Invenergy Cannon Falls LLC for \$1,500 to the Police Department</p> <p>I. Resolution 2460, Accepting a Monetary Donation from Olmsted Medical Center for \$100 to the Fire Department</p> <p>J. Authorization to Change Bank Signature Cards <i>This item was pulled by Council Member Mattson</i></p> <p>A motion was made by Council Member Bringgold, seconded by Council Member Duncan and unanimously carried, to approve the Consent Agenda, minus items A, F, and J.</p> |
| Council Business: Police Department Extra Duty Policy | <p>Mayor Althoff referenced a discussion that was held during the January 14 work session regarding an agreement that the Cannon River Winery has with off-duty Cannon Falls Police Officers to provide security.</p> <p>City Administrator Maroney also referenced this discussion at the work session and noted that staff is looking for direction from the Council relative to this policy. He provided background information</p> |

on this issue and summarized supplemental information that was included in the Agenda packet for clarification. Administrator Maroney stated that, following discussion during the work session, the consensus was to consider amendments to the policy related to assigning responsibility for indemnification and liability to the winery. He noted that other cities have done this and suggested that additional language be added to the policy. He also referenced a discussion of the fees that are charged for contracted services. He also referenced discussion on what constitutes extra duty and noted that this is a question that the Police Department would need to answer.

Mayor Althoff commented that a lot of the discussion during the work session focused on liability and whether providing this service is a benefit to the City. He referenced discussion of the winery being required to carry insurance to cover any potential liability issues.

Council Member Montgomery requested clarification of the response from City Attorney Roger Knutson in terms of hiring security services through a private contractor. He asked Police Chief McCormick how this would impact the Police Department. Chief McCormick commented that he would be hesitant to approve officers performing police duties within the City outside of his control. He discussed an insurance rider that protects the City when officers are asked to provide event security.

Mayor Althoff asked what would constitute a community event, and Chief McCormick provided additional information in this regard. He explained what has been considered in the past and duties outside of the services that are normally provided by the Police Department and provided examples. He noted that past City Councils have indicated that community events are part of doing business.

Council Member Duncan stated his opinion that security that is provided at the winery does not fall within this classification. Chief McCormick agreed with the statement and noted that this would be more of a contractual agreement with the City.

Council Member Bringgold asked when the pay for the officers started being run through the City. Chief McCormick noted that had started before he joined the Police Department.

Council Member Bringgold referenced policy language from 2007, stating "Extra duty compensation will be arranged by the City and paid to the officer directly by the requesting party."

Chief McCormick provided additional background information and suggested modifying the policy. He reviewed costs related to compensation, noting that administrative costs should also be factored into the rate that is billed for this service.

Council Member Duncan stated his understanding of the benefits to the officers and the winery. He asked how the City would benefit from providing this service, noting the increased liability risk. Chief McCormick stated that the City would be providing a service for which a local business has a need. Council Member Duncan stated that providing this service would put the City at a higher risk. Chief McCormick conceded that there is a potential for increased risk, adding that there have been no concerning incidents. He stated his opinion that there would be no way to apply a quantitative dollar amount to this risk.

Council Member Bringgold asked how much more of this type of service the Police Department could handle if more businesses requested it. Chief McCormick stated that he does not anticipate a huge demand. Chief McCormick clarified that this service is provided with the understanding that Police Department needs would always be the first priority.

Mayor Althoff asked if there was a consensus to revise the policy. Council Members expressed agreement with this approach. Chief McCormick stated that he will review policies implemented by other cities, draft a revised policy, and bring this back for City Council consideration. He commented he will also work on a document to address compensation and administrative costs.

Council Member Duncan asked Chief McCormick if he will be discussing insurance coverage with the winery. Chief McCormick stated that he will not do this until the Council approves a new policy and there are new guidelines and updated costs. He stated that he has had discussions with winery representatives, who have indicated that they would like to continue to be provided with this service.

Council Member Bringgold asked if there would be one flat rate regardless of which officer provides the service. Chief McCormick provided an explanation of how this has been handled in the past.

Council Member Duncan commented he had heard that some officers do not really desire to be providing this service. Chief McCormick noted that the past year had been challenging due to staffing issues.

Council Member Duncan noted that Chief McCormick pulled the most duty during 2019. Chief McCormick confirmed that this was the case. Council Member Duncan stated his opinion that this service should be discontinued until a new policy is established. Chief McCormick noted this would not be a problem, as the winery's events will not start up until around May. He stated that if anyone else requests these services, he would state that currently they are not providing these services but their request could be brought to the City Council. Council Member Duncan stated that he would like to see a document spelling out what constitutes extra duty and what constitutes a second job. Chief McCormick noted that these components are spelled out in the current policy, as well as services the Police Department will not provide.

Council Member Bringgold expressed agreement with documenting a list of services the Police Department will not provide.

Council Member Mattson asked about the possibility of the City purchasing additional liability insurance coverage. Chief McCormick indicated that he could check on this. It was noted that this cost could be passed along to the entities requesting services. It was noted that most businesses already carry liability insurance.

Council Member Duncan suggested defining contractual security services as opposed to normal Police Department duties involving community events. Chief McCormick provided additional information in this regard.

Council Member Duncan asked when the Police Department policy manual was last updated. He commented that policies do not seem to come to the Council for approval. Council Member Gesme asked whether the City Administrator or the Police Chief have the authority to approve or deny outside employment and quoted from a City personnel policy. Chief McCormick provided additional information with regard to Police Department policies. Council Members requested additional information in this regard.

Council Member Duncan reiterated his suggestion to hold off on providing extra duties until the policy can be revised. Chief McCormick indicated there should be no requests in the near future.

Next steps in the process were summarized. Administrator Maroney provided clarification regarding City Attorney Knutson's email response, noting that it specifically pertained to Cannon River Winery. He requested clarification of the rates, and

Chief McCormick confirmed that all officers that provide extra duty are paid the same rate. Mayor Althoff instructed Chief McCormick to continue working on this matter, noting that it will be reviewed at a later time.

Authorization to
Change Bank
Signature Cards

Council Member Mattson noted that he will abstain from voting on this matter.

A motion was made by Council Member Lundell, seconded by Council Member Bringgold, to approve the authorization to change bank signature cards. A vote was taken and the motion 5 -0, with Council Member Mattson abstaining.

Approve Baker
Tilly/Springsted
Proposal for TIF
Services

Council Member Gesme asked when the Cannonball property had come into this TIF. Administrator Maroney provided an explanation of the Baker Tilly/Springsted proposal and the process involved in pre-qualifying the Cannonball site as an eligible property, in the event that tax increment financing is requested.

A motion was made by Council Member Gesme, seconded by Council Member Duncan and unanimously carried, to approve the Baker Tilly/Springsted proposal for TIF services.

Just and Correct
Claims – Accounting
Period Ending
December 31, 2019

Mayor Althoff noted that he had a question regarding a \$6,600 expense for siren repair. Chief McCormick provided additional information in this regard. He noted that City switched from a service contract to an annual inspection. He summarized the findings of the first annual inspection and the cost of the repairs. Police Lieutenant Berg provided additional information in this regard. Chief McCormick reviewed a cost share arrangement between the City of Cannon Falls, Dakota County, and Goodhue County.

A motion was made by Council Member Duncan, seconded by Council Member Mattson and unanimously carried, to approve the just and correct claims for the accounting period ending December 31, 2019.

Reports:
Council
Committees/
Commissions

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce, noted that the Chamber currently has 55 members, including one new member.

Ms. Paulson also noted that the flowers for the flower baskets have been ordered and will arrive before Mother's Day. She encouraged anyone interested in sponsoring the flower baskets to contact the Chamber. She noted the Chamber is working on a Discover Cannon

Falls guide for 2020, including a resource section. She noted that the Chamber will start accepting credit cards within the next week.

Mayor Althoff issued a reminder MnDOT will be conducting informational meetings starting February 5 regarding projects that will occur in 2021. Upcoming projects were discussed.

Administrator Maroney noted that Cannon Falls School District Superintendent Jeff Sampson attended the last EDA meeting. He noted that the Strategic Plan and the National Foundation technology grant were discussed. He stated that Superintendent Sampson wishes to maintain and improve communication between the various entities in the City. He noted that the EDA received an update on the Cannonball property.

Mayor Althoff discussed the work session that was held on January 14, during which plans for a new pool were discussed. Council Member Montgomery noted the Park Board would like to see a more fiscally conservative plan for the pool than in the past, comparable to similar-sized communities. Council Member Bringgold noted it has not been decided if the pool will be on the same site. Council Member Duncan also noted that plans for Lake Byllesby Park should be taken into consideration.

Mayor Althoff noted that there will be no major street reconstruction project in 2020, with Phase 5 being considered in 2021. Smaller projects were discussed. He referenced discussion of a City sales tax. He referenced issues pertaining to the West Side project in terms of sod concerns.

Staff

Administrator Maroney referenced discussion of the utility rates. He noted at present that there will be no increase in the water and sewer rates for 2020. In the near future the Council will review the results of the 2019 audit and the year-end financials, with further discussion of rates at that time.

Chief McCormick discussed a recent community notification regarding a predatory registered offender who may be moving into the area. He noted that there has been no confirmation of this as of yet. He commented that the individual may have withdrawn his request, but this has not been confirmed. He stated that the Police Department is working with the Sheriff's Office in this regard, with updates to be issued through social media.

Chief McCormick provided a reminder regarding the next Coffee, Cops, and Conversation.

Chief McCormick reported that CannonBelles will be hosting an educational meeting on the topic of businesses that employ minor employees.

Mayor and Council

Council Member Duncan asked Administrator Maroney if information has been received regarding a housing study that was conducted last summer or fall. Administrator Maroney noted that this study was through Goodhue County and that Cannon Falls was a participant. He noted that Maxfield Research has begun the work but that no results have been submitted so far. Council Member Duncan noted that another topic that was discussed during the work session related to whether land needs to be acquired for housing development. Administrator Maroney stated his understanding is that preliminary findings of the Study should be available within the next month or two.

Public Input

Mayor Althoff reviewed the public input procedure.

Tim Dehmer, Cannon Falls, stated that he received a letter from the Police Department on January 15, which he has not yet opened. He inquired whether this letter is in response to his concerns. He stated that he would like to open this letter in front of an advocate or perhaps an attorney. Chief McCormick confirmed that this letter includes the information that he could provide, based on the information that he has received.

Mr. Dehmer expressed concerns about false information and allegations that were included on a Police report and the unacceptable behavior of a Police Officer toward him. He commented that he is still searching for resources to assist him with this matter. He again stated that he is very concerned about this matter, but commented it does not appear that anyone else is concerned.

Council Member Bringgold commented she did not feel that it is the City Council's role to intervene in matters between Mr. Dehmer and the Police Department.

Chief McCormick explained mandated policies regarding citizen complaints, and noted that this process is followed consistently. He noted that he could not address the specifics of this matter in this forum but affirmed that the policy has been followed and noted that every allegation is taken very seriously.

Mr. Dehmer asked whether he would have a chance to appeal if he disagrees with the findings.

Chief McCormick reviewed additional information related to the process.

Mayor Althoff announced that he has regretfully accepted the resignation of Dave Maroney as the City Administrator. He commented that no one has worked harder for the citizens of Cannon Falls, and this will be a great loss to the City. He wished Administrator Maroney well in the future. He noted that the process for finding a replacement has begun. Council Members also expressed best wishes to Administrator Maroney.

Adjournment

A motion was made by Council Member Duncan, seconded by Council Member Mattson and carried unanimously, to adjourn the meeting. The meeting adjourned at 7:41 p.m.

Adopted by the City Council of the City of Cannon Falls on the 4th day of February, 2020.

John O. Althoff, Mayor

ATTEST:

David Maroney, City Administrator