

The Cannon Falls City Council met in a regular session on Tuesday, February 4, 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; Greg Anderson, City Engineer; Wes Anway, Interim Public Works Director; 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. |
| Proclamation | Mayor Althoff read a proclamation declaring Thursday, February 13, 2020, as Paul Bringgold Day in Cannon Falls, to show appreciation for the many contributions Mr. Bringgold has made to the community. Mayor Althoff noted that he will personally deliver the proclamation, as Mr. Bringgold is currently ill, and stated that he will also be thanking him personally for his service. |
| Consent Agenda | <p>A. Just and Correct Claims – Accounting Period Ending December 31, 2019 <i>This item was pulled by Mayor Althoff</i></p> <p>B. Just and Correct Claims – Accounting Period Ending January 31, 2020</p> <p>C. Meeting Minutes for January 14, 2020, City Council Work Session</p> <p>D. Meeting Minutes for January 21, 2020, City Council Meeting</p> <p>E. Resolution 2461, Adopting Presidential Nomination Primary Election Judges for 2020 and Setting the Hourly Wages</p> <p>F. Approve 2020 Appointments <i>This item was pulled by Council Member Duncan</i></p> <p>G. Resolution 2462, Call for Public Hearing – TIF District No. 2-8 (Carstensen Trucking)</p> <p>H. Approve Pay Estimate No. 8 (Final) for East Side 2 Project <i>This item was pulled by Mayor Althoff</i></p> <p>I. Resolution 2463, Accepting a Monetary Donation from David and Linda Nelson for \$50 to the Ambulance Department</p> <p>J. Resolution 2464, Accepting a Monetary Donation from Invenergy Cannon Falls LLC for \$1,500 to the Ambulance Department</p> <p>K. Approve 2020 Fire Department Officers</p> |

- L. Approve Gambling Premises Permit Application for Oly's Roadhouse for the Cannon Falls Fire Department Relief Association
- M. Approve Pay Equity Implementation Report
- N. Approve Police Reserve Officer Volunteer Employees
- O. Set Fire Department Wage

A motion was made by Council Member Duncan, seconded by Council Member Bringgold and unanimously carried, to approve the Consent Agenda minus Items A, F, and H.

Council Business:

Unemployment
Insurance
Determination –
Request for
Reconsideration

City Administrator Maroney provided background information regarding an appeal of a recent unemployment claim. He noted that the judge's decision did not go in favor of the City of Cannon Falls. He stated that he spoke with Attorney Kendall regarding the potential to appeal this determination. He stated that the deadline to do this is February 10, 2020. He stated that the City Attorney's recommendation is to not proceed with an appeal at this time, as this would be heard by the same judge and the outcome would likely be the same.

Council Members commented that more time and money would be wasted by appealing this decision.

A motion was made by Council Member Gesme, seconded by Council Member Mattson and unanimously carried, to not appeal the judgment in this case.

City Administrator
Position

Administrator Maroney stated that Neil Jensen was interviewed for the position during a recent Council work session. He also noted that the process for replacing the City Administrator position was discussed during a work session. He stated that Council Members have a couple of alternatives to consider:

- 1) Authorize staff to proceed with initiating negotiations with the candidate – Neil Jensen, to assume the position of City Administrator.
- 2) Instruct staff to initiate a recruitment process to invite applicants to apply for the position, followed by the selection of candidates to interview and extend a potential offer.

Council Member Duncan stated that he felt the interview with Mr. Jensen went very well and that Mr. Jensen is very qualified for the position.

Council Member Duncan commented that, although this seems like a rather quick decision, this candidate is very qualified and interested. He stated that he would like to see him come on board, subject to contract negotiations and a background check.

Council Member Lundell commented that, although Mr. Jensen is certainly qualified, it would be his preference to post the position for 30 days in order to keep things fair. He stated that this would be associated with some challenges, as Administrator Maroney will be leaving soon, adding that he felt this would be the right thing to do.

Council Member Bringgold stated that, although she could see things both ways, her gut feeling is that the City would not find a candidate as qualified as Mr. Jensen. She referenced Mr. Jensen's experience working for a similar community. She also commented that, with two other vacant high level positions – Finance Director and Public Works Director – this would result in three major positions for which to hire.

Council Member Mattson expressed agreement with Council Member Bringgold's comments. He stated his opinion that the City should hire Mr. Jensen as the City Administrator, especially with Ms. Endres no longer available to act as Interim City Administrator. He commented that Mr. Jensen is more than qualified and will help the City greatly.

Mayor Althoff commented that he is familiar with Mr. Jensen and is impressed with his accomplishments. He expressed agreement with Council Member Bringgold that, with all of the loose ends, the City needs to move on this candidate now, as he is well qualified.

Council Member Montgomery commented that he could not support this decision. He stated that this has nothing to do with the candidate, as he agrees that he is well qualified. He referenced Council discussion during the recent work session, which was framed as a meet and greet during which the City Council would talk with this candidate. He noted that within a week this turned into an interview, noting that this may result in a motion to hire Mr. Jensen, which will likely be approved. He stated his opinion that the process has not been transparent to the public and is happening too fast. He stated that, while others have had meetings with Mr. Jensen, he was provided Mr. Jensen's resume just over 24 hours ago. He expressed agreement that the City is in tough times due to all of the vacancies, adding that this should not mean that the process cannot be done properly.

Council Member Gesme that stated he came to the meeting with an open mind and having had communication with many individuals.

Council Member Gesme stated that he still has mixed feelings. He commented that he was very impressed with Mr. Jensen's credentials and answers to the interview questions, but he felt that Mr. Jensen should pursue this position along with any other applicants that may come forward.

A motion was made by Council Member Duncan, seconded by Council Member Mattson, to offer Neil Jensen the position of City Administrator, subject to contract negotiations and a background check.

A roll call vote was requested. Council Members Bringgold, Mattson, and Duncan voted aye; Council Members Lundell, Montgomery, and Gesme voted nay. Mayor Althoff was called upon to break the tie and voted aye; motion carried.

Police Department
Extra Duty Policy

Police Lieutenant Berg referenced discussion of this topic during the last Council meeting and a request for the Police Department to prepare a policy regarding extra duty. He stated that the City Council has been provided with a draft policy in this regard. He noted that one of the items that had been discussed pertained to liability insurance coverage. He stated that this matter has been researched, and it was determined that no change of policy is necessary. Lieutenant Berg provided an explanation of what would happen in the case of an insurance claim and provided an example to illustrate this. He noted that the Council could still require this insurance coverage.

Mayor Althoff asked about a reference in the policy to the Prairie Island Indian Community. Lieutenant Berg discussed a past request by the PIIC Police Department for Cannon Falls to provide services during outdoor concerts. He noted that this request was not approved due to staffing considerations. He stated that he decided to include this potential situation in the draft policy.

Mayor Althoff commented if there is a shortage of available personnel to work at the winery, he did not see how they could cover an event at Prairie Island. Lieutenant Berg noted it would come down to a choice of an officer's preference to work at a contracted service in town or go to a concert and get paid for it.

Mayor Althoff stated his understanding that before any contract is made with Prairie Island, this would need to come to the Administrator or the City Council for approval.

Council Member Duncan commented that there is a lot of liability in the nature of the job as a Police Officer, and by providing security at the winery, this adds the potential for more liability.

Lieutenant Berg summarized the revised fee schedule.

Council Member Bringgold expressed concerns that Police Chief McCormick had filled most of the shifts for the security detail at the winery. She stated that the extra compensation could be seen as favoritism. She stated that she would like to see the Police Chief not fill these shifts.

Lieutenant Berg noted that the shifts would likely go unfilled in that case. He provided an explanation of the process of filling these shifts. He noted that in most cases the Police Chief had filled these shifts due to a lack of interest by other officers. Council Member Bringgold clarified that she did not feel that the Police Chief was filling these shifts to make additional money, but she felt that perhaps some of the officers were not filling the shifts because they felt the Police Chief wanted to fill them.

Council Member Mattson commented that if it is that difficult to get officers to volunteer to fill these shifts, perhaps the Police Department should not offer this service and let businesses hire a private contractor.

Lieutenant Berg provided an explanation that the winery was not the only business to ask for this service, stating that St. Pius Church had also requested this service.

Council Member Duncan commented that the church had only requested this service once. He also noted that he had a problem with the compensation being processed through the City's payroll, as this creates an extra burden for City staff, who are already overloaded with work.

Council Member Montgomery asked how much administrative time is spent processing extra duty hours. Lieutenant Berg commented that he felt it was minimal.

Council Member Bringgold commented she felt if one person is needed to make this work, she did not feel it was worth doing.

Council Member Lundell asked what would happen if no one signed up to cover the shifts at the winery and Lieutenant Berg or Police Chief McCormick could not fill the shifts. Lieutenant Berg stated that it was written into the agreement that the Police Department would not be liable if a shift went unfilled.

Council Member Duncan reiterated his concerns that this is a bad policy for a small department, and he does not feel the City gets anything out of providing this service. Council Member Lundell commented that the City may not get anything financial out of it, but it gets a Police Officer out there to keep the business safe. Council Member Duncan commented that the winery could hire private security.

Lieutenant Berg noted that this policy is just a draft and has not yet been reviewed by the City Attorney. He stated it was up to the Council if they wanted to provide direction or change anything in the policy.

Council Member Bringgold stated that the only way she would vote for this policy is if the Chief could not fill any of the shifts. Council Member Duncan stated he would rather not allow this to happen at all.

It was suggested to forward the draft policy to the City Attorney for review before the Council acts on this. Lieutenant Berg stated that the City Attorney would go through the legal components of the policy, but whether this was allowed or not is up to the Council. It was discussed that this was written as a general policy to apply to any type of requestor.

Lieutenant Berg noted that one question the Police Department had was in regard to compensation for officer interviews and depositions, in terms of whether the officer should be compensated directly or if an overtime voucher should be submitted and billed, similar to a contract. It was discussed that this should be run through the regular process, but the company requesting the service will be billed. There was general consensus by the Council on this portion of the policy.

A motion was made by Council Member Duncan, seconded by Council Member Mattson and unanimously carried, to table action on this item until the draft policy has been reviewed by the City Attorney.

Approve 2020
Appointments

Council Member Duncan stated that he pulled this item from the Consent Agenda because he was aware that the members of the Finance Committee have not been finalized. He stated his understanding that Mayor Althoff is planning to appoint Council Member Bringgold, Council Member Mattson, Council Member Duncan, and himself as a nonvoting member. Mayor Althoff stated that appointments could be made, but resolutions will need to be written and adopted to establish the Finance Committee and the Pool Committee and an ordinance will be needed to establish the Police, Cable, and Public Works Commissions.

Administrator Maroney provided an explanation of the process. He noted that many of these committees should have been established previously by ordinance but were not. He noted that a resolution should to be adopted, establishing the purpose and tasks of the Finance Committee. He noted that anything that happens will ultimately need to be approved by the City Council. A discussion ensued as to which committees need resolutions and which need ordinances and the reasons for this.

A motion was made by Council Member Duncan, seconded by Council Member Mattson and unanimously carried, to approve the 2020 appointments that have been presented thus far.

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

Mayor Althoff noted he had pulled this item from the Consent Agenda due to a question he had related to a \$1,400 expense for “stretchers.” Lieutenant Berg clarified that this expense was actually for “Stryker” and relates to ammunition.

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.

Approve Pay Estimate
No. 8 (Final) for East
Side 2 Project

Mayor Althoff stated that he had pulled this item from the Consent Agenda due to a question regarding the cul-de-sac redo at the end of Minnesota Street in terms of whether the School District has been billed for this. Administrator Maroney and City Engineer Anderson provided additional information in this regard.

Mayor Althoff commented that this was not in the original plan, but the former School District Superintendent wanted a cul-de-sac there. He noted that this had cost the City money, and the School District had agreed to pay half of the cost.

A motion was made by Council Member Gesme, seconded by Council Member Mattson and unanimously carried, to approve Pay Estimate No. 8 (Final) for East Side 2 Project.

Reports:

Council
Committees/
Commissions

Kyle Paulson, President of the Cannon Falls Chamber of Commerce, provided an update of upcoming community events.

Ms. Paulson also noted that the Chamber is working on a 2020 Discover Cannon Falls guide and invited the public to provide new photos to be included in this.

Council Member Bringgold stated that she had to leave the Cannon Valley Trail Joint Powers Board meeting early, but noted that there had been a discussion regarding the installation of an electric car charger at the Welch trail station. She provided details regarding this discussion. She noted that a lot of the bridges have been redone and that most of this work has been completed. She commented that the photos looked very nice. She also noted that the trail should open on schedule.

A discussion ensued as to who would pay for the electricity used at charging stations and where these should be located.

Staff

Lieutenant Berg provided information regarding the next Coffee, Cops, and Conversation and the next Triad meeting.

Mayor and Council

There were no reports.

Public Input

Mayor Althoff reviewed the public input process. There was no public input.

Adjournment

A motion was made by Council Member Duncan, seconded by Council Member Montgomery and carried unanimously, to adjourn the meeting. The meeting adjourned at 6:55 p.m.

Adopted by the City Council of the City of Cannon Falls on the 18th day of February, 2020.

John O. Althoff, Mayor

ATTEST:

David Maroney, City Administrator