

The Cannon Falls City Council met in a regular session on Tuesday, February 18, 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 Wes Anway, Interim Public Works Director.

- 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 Duncan, seconded by Council Member Bringgold and unanimously carried, to approve the Agenda.
- Presentation:  
Toward Zero Deaths Jessica Seide introduced herself as the Goodhue County Toward Zero Deaths (TZD) Safe Roads Grant Coordinator. Scott McConkey introduced himself as the Law Enforcement Liaison for southern Minnesota. He noted that he works for the Office of Traffic Safety and discussed his background. Paul Larson introduced himself as a Cannon Falls Police Officer and stated that he was one of two officers who helped spearhead the TZD program in Cannon Falls.
- Ms. Seide provided a summary of the purpose and history of the TZD program. She reviewed statistics relating to traffic deaths and stated that the TZD program consists of four components:
- 1) Education
  - 2) EMS
  - 3) Enforcement
  - 4) Engineering
- Mr. McConkey discussed the enforcement component of the TZD program. He also discussed how law enforcement agencies, government officials, and others work together.
- Ms. Seide discussed a Southeast Minnesota TZD workshop that will be held on May 6 at the Rochester International Event Center. She also provided a summary of past and future TZD-related events.
- Ms. Seide commented that everyone needs to work together to achieve the goals of this program and thanked the City Council for the opportunity to discuss the TZD program.
- Council Member Mattson asked if the hands free cell phone law has helped to reduce accidents. Mr. McConkey indicated that he has not

seen any statistics on this, but noted that in other states with similar laws there had been a 10% reduction in fatalities in the first year. He added that this law has provided law enforcement with the tools to change people's behavior. Ms. Seide stated that this August will mark one year since this law went into effect, at which point more information will be available. Officer Larson noted that immediately after this law went into effect he did not see people using their cell phones, but now people are starting to forget and again are using cell phones while driving. He commented that reminders need to be issued.

Mayor Althoff asked about the fines for hands free violations. Officer Larson stated his understanding that the fine for a first violation is \$75 and the fine for a subsequent violation is \$350. Council Member Gesme asked Officer Larson how many people he stops on average for this violation. Officer Larson indicated that he stops an average of three to five drivers per week.

Mr. McConkey expressed appreciation to Officer Larson for his dedication and passion. He extended an invitation to anyone who had questions regarding this program to contact him.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending December 31, 2019
- B. Just and Correct Claims – Accounting Period Ending February 13, 2020
- C. Meeting Minutes for January 28, 2020, City Council Work Session
- D. Meeting Minutes for February 4, 2020, City Council Work Session
- E. Meeting Minutes for February 4, 2020, City Council Meeting
- F. Approve Ownership Transfer of Liquor License for Rancho Loco Bar & Grill
- G. Resolution 2465, Accepting a \$500 Grant from Renewing the Countryside for the Farmers Market
- ~~H. Contracted Police Services~~  
*This item was pulled by Council Member Duncan*
- I. Hire Maintenance I Operator
- J. Resolution 2466, Accepting \$1000 Grant from the USDA, Administered by Renewing the Countryside for the Farmers Market
- K. Resolution 2467, Accepting a \$1000 Grant for the Farmers Market

A motion was made by Council Member Mattson , seconded by Council Member Lundell and unanimously carried, to approve the Consent Agenda, minus item H.

Council Business:  
Contracted Police  
Services

Council Member Duncan reiterated his past objections to this practice, noting he does not feel the City gets anything out of it and referencing concerns about potential liability. He reviewed an email that he received from a citizen and distributed to Council Members, noting a number of questions that have not yet been answered.

Mayor Althoff asked about the winery's position regarding this matter. Police Chief McCormick noted that the winery has indicated that they would like to continue to utilize these services and requested a contract as soon as the City decides how to proceed.

Mayor Althoff asked whether the officers desire to continue to provide these services. Officer Paul Larson, steward of the local union, stated that each officer is different. He commented that during the past year there were several reasons that officers could not fill these shifts. He stated that, as a group, they do like providing this service. He also noted that if this service is contracted out to a security company, there would be limitations on what private security officers can do and the Cannon Falls Police Department would be called anyway.

Mayor Althoff commented that the Minneapolis Police Department has been having issues with a lot of officers working extra hours to provide services such as these, and there had been issues with fatigue.

Chief McCormick noted that this was one of the reasons why they had wanted this controlled by the City, so everyone would be aware of the situation. Officer Larson summarized the number of events that were staffed over the last few years.

Mayor Althoff asked how the hourly rate was determined. Chief McCormick provided the formula that was used to determine a rate of \$72.00 per hour, an increase of \$10.00 from last year. Mayor Althoff commented that he did not want to tell an off-duty Police Officer what to do with their time.

Chief McCormick stated that the liability component has been addressed with the League of Minnesota Cities, and insurance rates were not increased as a result of providing this service. Insurance coverage was discussed.

Council Member Duncan commented that Chief McCormick seems to have the power to allow an officer who is on sick leave or injured and thus unable to work for the City to provide this service for the winery.

Chief McCormick commented that, while this is true in theory, this is unlikely to happen. He noted that officers are not allowed to perform extra duty while on vacation, in order to prevent any “double dipping.” Officer Larson stated that he and Chief McCormick have discussed this matter in the past.

Council Member Bringgold asked if this situation causes problems in terms of payroll processing. Chief McCormick stated he has discussed this with City staff, who indicated that this did not create any problems. Council Member Duncan referenced his past comments about a loss of productivity for City staff. Chief McCormick noted that this matter has been discussed with City staff and that this factor was included in the formula that was used to determine the rate. Council Member Duncan again reiterated his concern regarding liability and his belief that it is not worth it for the City to provide this service.

A motion was made by Council Member Duncan, seconded by Council Member Bringgold, for the City to no longer provide contracted security services.

Council Member Gesme asked Chief McCormick if he is considering providing these services to other entities, such as the Prairie Island Indian Community. Chief McCormick stated that this would need to come before the Council, as there would be a separate mutual agreement for such a service. He provided an explanation of the revised policy, noting that there is a provision in the policy for this type of situation. Council Member Gesme stated his understanding that if such a request is made, this would need to come before the Council. Chief McCormick reiterated that every agreement that the Police Department would enter into with any other local or tribal government would come before the Council before being approved and contracted.

Council Member Mattson stated his understanding that this is an opportunity for Police Officers to make extra money, and that this is important.

Council Member Lundell stated his opinion that this does not cost the City anything and if the officers want to spend their free time providing this service, let them do it. He commented that providing this service shows goodwill to the winery, the community, and Police Department personnel.

Council Member Duncan stated that he would not object to this practice if it was not associated with the City of Cannon Falls.

Council Member Montgomery expressed agreement with Mayor Althoff that it is good that this is controlled by the City, as opposed to the officers having a separate job and working extra hours and perhaps dealing with problems of fatigue, which would cost the City more in the long run.

Officer Larson reiterated that if the officers do not provide this service for the winery and they hire another company or no security, the Police Department would still respond to any problems. He added that Police Officers are trained to handle the types of situations that may occur at the winery.

Council Member Bringgold asked if this service has ever been requested by Mill Street Tavern. Chief McCormick stated they had not received such a request. He added that an inquiry was received from the VFW for a wedding, but the wedding did not end up taking place.

Council Member Bringgold commented that she did not see a compelling need to provide this service. She asked if there have been any incidents. Chief McCormick noted that there have been no incidents. He stated that the winery has indicated that there is value in providing this service. Council Member Bringgold asked whether the department would be prepared to staff additional events. Chief McCormick indicated that each request would be evaluated.

Council Member Lundell commented that the Fire Department and Ambulance Service assist with events. A discussion ensued with regard to how public safety personnel assist with various community events. Council Member Duncan stated that there is a difference between community events and private events.

Council Member Mattson suggested allowing this service to continue for the rest of the year and then re-evaluate the policy. Chief McCormick commented that the Police Department has been doing this for five years, with a good track record and no issues. He conceded that problems could happen and these things should be considered, but stated his opinion that this is unlikely. Council Member Duncan expressed his understanding that Council Member Mattson was suggesting to continue this service for a year with the changes that had been made to the policy, and reconsider it again next January.

At this point Council Member Duncan withdrew his previous motion.

Chief McCormick offered an explanation of the changes that have recently been made to the policy.

Council Member Bringgold asked for confirmation that the Police Department is not obligated to fill a shift. Chief McCormick affirmed that this is the case. He added that, even when a shift is filled, officers can be pulled for other Police Department business if necessary, with no liability to the Police Department.

Officer Larson commented that he had heard a lot of talk regarding Chief McCormick “padding his wallet with the winery stuff.” He noted that Chief McCormick had filled in on a greater number of shifts in the last year due to a shortage of officers, for previously stated reasons, but in the years prior to that he had only filled a few shifts. Chief McCormick provided an explanation of the process that is undertaken to fill shifts.

A motion was made by Council Member Mattson, seconded by Council Member Gesme, to approve the revised contracted police services application and agreement for 2020. The motion carried by a vote of 4:2, with Council Members Lundell, Mattson, Montgomery, and Gesme voting aye and Council Members Duncan and Bringgold voting nay.

A motion was made by Council Member Montgomery, seconded by Council Member Mattson, to approve the new policy. The motion carried by a vote of 4:2, with Council Members Lundell, Mattson, Montgomery, and Gesme voting aye and Council Members Duncan and Bringgold voting nay.

City Administrator  
Position

City Administrator Maroney noted that he and Mayor Althoff were authorized to initiate contract negotiations with Neil Jensen after the City Council had interviewed him for the City Administrator position. He stated that these talks have been completed. Administrator Maroney provided an overview of the proposed contract, which he noted would go into effect on March 23, 2020, if approved by the City Council. He stated his understanding that Mr. Jensen will agree to these terms if the Council approves this contract.

A motion was made by Council Member Duncan, seconded by Council Member Gesme, to approve the City Administrator contract for Neil Jensen. The motion carried by a vote of 5:1. Council

Members Lundell, Bringgold, Mattson, Duncan, and Gesme voted aye; Council Member Montgomery voted nay.

Reschedule March 3,  
2020, City Council  
Meeting

Mayor Althoff noted that March 3 is Primary Election Day and the Council meeting will need to be rescheduled. A discussion ensued, and it was suggested to schedule the next regular Council meeting on March 5 if needed.

A motion was made by Council Member Duncan, seconded by Council Member Mattson and unanimously carried, to move the date of the next City Council meeting to March 5, 2020, at 6:30 p.m.

Resolution 2468,  
Authorizing a Finance  
Committee

Administrator Maroney provided background information regarding this matter and summarized the proposed duties of this committee:

- 1) Dealing with the annual budget along with the full Council.
- 2) Setting utility rates and charges.
- 3) Labor contracts and negotiating strategies.
- 4) Capital planning and equipment needs.
- 5) Infrastructure financing plans and projects.
- 6) Tax levy and other revenue sources.
- 7) Employee compensation and benefit programs.
- 8) Debt financing and financial plans.
- 9) Professional service contracts.

Administrator Maroney commented that he felt the opportunities for a group like this to spend more time in the area of finance are significant and spoke in support of authorizing a Finance Committee. He noted that the proposed resolution would establish the framework for this committee, adding that the City Code does provide for the Council to accomplish things like this via a committee. He clarified that if this becomes a permanent standing committee, this would need to be done by Ordinance.

Council Member Bringgold expressed her understanding that the purpose of this committee would be to make recommendations and not to set policy. Council Member Duncan asked if this would in essence replace the Personnel Committee. Administrator Maroney confirmed that this would be the case with respect to finance matters that affect personnel. He added that if there are personnel issues potentially requiring disciplinary action, the Council would fulfill this role, not the Finance Committee.

A motion was made by Council Member Duncan, seconded by Council Member Gesme and unanimously carried, to adopt Resolution 2468, authorizing a Finance Committee.

Reports:  
Council  
Committees/  
Commissions

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce, provided an update with regard to recent and future Chamber events.

Council Member Bringgold reported that Bylaws were discussed during a recent Library Board meeting.

Administrator Maroney reported that the EDA has approved the last remaining contract document to further facilitate the redevelopment of the Cannonball property. He provided details of this agreement and stated that he expects the Goodhue County Board to approve this agreement. He noted that if this happens, he will authorize the consultant to move forward with the next phase of contract work related to clean-up of the property.

Staff

Administrator Maroney also noted that Laura Qualey attended the EDA meeting and has been actively working on the Blandin grant program and the digital marketing program. He added that a number of businesses are interested in applying for these programs.

Interim Public Works Director Anway stated the Public Works Department will be doing some work in the alley east of the Post Office and will need to close the alley on Thursday, March 20.

Mayor Althoff suggested scheduling a Public Works Commission meeting in early March, as there are a few issues that need to be discussed.

Chief McCormick stated they are continuing to watch the weather and commented they do not like to issue tickets or tow cars. He commented that everyone has been cooperating with removing vehicles fairly well.

Mayor and Council

Council Member Gesme extended his appreciation to the Public Works Department for the great job they are doing keeping the streets clear.

Council Member Gesme suggested a work session to revisit the fee structure for the downtown farmers market, as he has been receiving calls about regarding this issue. Mayor Althoff commented that the downtown farmers market was mentioned at the EDA meeting and expressed agreement with further discussion of this topic. Administrator Maroney provided clarification that the Council will be



asked to issue a permit for a downtown farmers market in 2020. It was decided that this topic will be discussed during a Council meeting.

Council Member Bringgold clarified that the next Cannon Valley Trail Joint Powers Board meeting is scheduled on March 24.

Mayor Althoff extended congratulations to the Cannon Falls Bombers Girls High Kick Team for going to State and tying for third place.

Public Input

There was no public input.

Adjournment

A motion was made by Council Member Mattson, seconded by Council Member Duncan and carried unanimously, to adjourn the meeting. The meeting adjourned at 7:53 p.m.

Adopted by the City Council of the City of Cannon Falls on the 17<sup>th</sup> day of March, 2020.

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John O. Althoff, Mayor

ATTEST:

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David Maroney, City Administrator