

The Cannon Falls City Council met in a regular session on Tuesday, September 15, 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 Neil Jensen, City Administrator; Jeffrey McCormick, Police Chief; David Kendall, City Attorney; Laura Qualey, Community and Economic Business Specialist; and Sara Peer, City Clerk.

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

Roll Call Roll call was conducted, and all members were present.

Pledge of Allegiance Mayor Althoff led the recitation of the Pledge of Allegiance.

Approval of Agenda A motion was made by Council Member Gesme, seconded by Council Member Lundell and unanimously carried, to approve the Agenda.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending September 11, 2020
- B. Meeting Minutes for September 1, 2020, City Council Work Session
- C. Meeting Minutes for September 1, 2020, City Council Meeting
- D. St. Pius Street Closure
- E. Resolution 2506, Accepting a Donation of \$200 from Steve and Jackie VanGuilder to the Police Department
- F. Electrical Vehicle Charging Hub Location Change

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

Council Business:

Third Street Bridge Closure

City Administrator Jensen reported that the Third Street bridge restoration project will begin in the spring of 2021. He noted that bridge inspections have been done, and this bridge had some critical errors that need to be addressed at this time. He referenced the engineering report and reviewed the options and costs to accomplish the temporary repairs to allow the bridge to reopen:

- 1) Proceed with temporary repairs by an outside contractor. It was noted that the bridge would remain closed until these repairs are completed, at an estimated cost of \$5,600.
- 2) Forego the temporary repairs and leave the bridge closed with barricades up. It was noted that pedestrian and bicycle traffic would be allowed for now. It was noted that next spring when the restoration work begins, everything would be blocked off.

Council Member Duncan expressed concerns about spending \$5,600 for temporary repairs. He stated his preference to leave the bridge closed until the work begins in the spring. He stated his understanding that this would be an inconvenience.

Mayor Althoff clarified that the bridge is closed to vehicle traffic, adding that walking or biking across it is still allowed.

Council Member Bringgold expressed understanding of Council Member Duncan's opposition to spending \$5,600 for a temporary fix, but she stated her opinion that leaving the bridge closed would be very inconvenient.

Council Member Gesme stated that he would be in favor of fixing the bridge if it could be done in a timely manner.

Mayor Althoff referenced upcoming mill-and-overlay projects, including Dakota Street, which will hinder traffic to and from the Downtown area.

Council Member Duncan commented that Dakota Street will only be closed for about a week. He reiterated his opinion that temporary bridge repairs would be a waste of money.

Council Member Lundell reiterated that he might be in favor of temporary repairs, if these can be completed by mid to late October.

Administrator Jensen stated his understanding that the temporary repairs would involve laying down sheets of steel and bolting them to the planking. He stated that, although this is not a large project, getting a contractor to complete this project in a timely fashion to the engineer's specifications might be a challenge.

A motion was made by Council Member Gesme, seconded by Council Member Lundell, to approve the expenditure for temporary bridge repairs if these can be accomplished by October 31, 2020.

A discussion took place as to the problems that could be encountered with the deadline and/or the cost estimate.

Mayor Althoff requested a roll call vote.

Council Members Gesme, Lundell, and Mattson voted aye; Council Members Bringgold, Duncan, and Montgomery voted nay. Mayor Althoff was called upon to break the tie and voted nay. The motion failed by a vote of 3:4.

Video Server
Replacement

Police Chief McCormick provided background information. He noted that the squad video and body camera video are part of the overall City server and take up a large portion of the server. He referenced a meeting that he and Administrator Jensen had with On-Site regarding the replacement of the City server and separating the video off onto its own server. He noted that replacement of the City server has been discussed for several years. He stated that the Police Department had previously looked into replacing its body cameras, as the current ones are outdated and are experiencing battery issues. He stated that they had looked at a body camera that integrated with the squad video system. He stated that they had decided to continue using the existing squad video system because a new body camera has come on the market that has a removable battery. He noted that Minnesota weather is very hard on the batteries. He stated that it had been decided to pursue replacement of not just the body cameras but the video server, separating this from the City server. He provided details of the systems that have been researched.

Council Member Duncan suggested tabling this discussion, noting that there are questions that need to be addressed and that the answers cannot be obtained right away. He also suggested considering whether body cameras are necessary in a small town like Cannon Falls.

A motion was made by Council Member Duncan, seconded by Council Member Mattson, to table this item in order to gather further information. Mayor Althoff requested a roll call vote. Council Members Lundell, Gesme, Mattson, and Duncan voted aye; Council Members Bringgold and Montgomery voted nay. The motion carried by a vote of 4:2.

Administrative
Hearing for Cannon
River Winery Sewer
and Water Invoice
Appeal

City Attorney Kendall reviewed the procedure for conducting an Administrative Hearing.

Mayor Althoff opened the Administrative Hearing at 6:47 p.m.

Bill Tipping introduced himself as the attorney representing Cannon River Winery. He stated that he felt the City Council needed to hear from the individual responsible for payment of utilities to the City. He

reviewed the process he would like to be followed to keep this issue moving forward.

City Attorney Kendall waived his right to make an opening statement.

Mayor Althoff administered the oath to swear in the first witness.

Ron Stowell introduced himself as the owner of Cannon River Winery. He submitted copies of supporting documents to the Council Members. He stated that a Police Officer who was present in the audience had come to his establishment a month ago when the alarm went off and he could not shut it off. He stated that the Officer had asked him who he was and why he was there. He stated that he told her he was the owner and she went through the process of verifying that he was who he said he was. He commended this Cannon Falls Police Officer for her diligence and professionalism.

Mr. Stowell reported that the winery had received a very large water bill in the early part of February. He noted that typical water bills are \$300 to \$500, sometimes as high as \$1,000, but this bill was between \$5,000 and \$6,000. He stated that they had talked to City staff to find out what was going on. He noted that a report was compiled and a City employee came to the winery to see what had happened. He noted that the usage report indicates that on December 27, 2019, the winery went from having small intermittent leaks to having a continuous leak. He noted that this went on for 45 days, from December 27, 2019, until February 11, 2020.

Mr. Stowell provided background information regarding a \$6,000 upgrade the winery had made to its plumbing system, including a new water softener. He stated that it was discovered that apparently a piece of rust or debris came through the pipes. He noted that there is a bypass valve in the system that allows water to flush through, and this debris stuck and opened up the bypass valve, which then caused clean water to pour through at full speed for 45 days. He noted that as soon as they became aware of the situation they contacted the City. He noted that he was asked to write a letter to the City and explain the situation to try to remedy this situation. He stated that they received a second bill for another \$2,500, which included \$450 in penalties because the first bill had not been paid.

Mr. Stowell commented that he felt their business has been in good standing with the City during the four years that he has owned the winery. He noted that he and Administrator Jensen have had several

conversations and had come to an agreement with regard to payment of past bills while the current issue is discussed.

Mr. Stowell stated that the attorneys then exchanged several letters to establish where this matter stands.

Mr. Stowell commented that he lives in Eagan and a couple of years ago he had received a notice from the Eagan Department of Utilities noting that his water usage had increased and to investigate. He noted that he was immediately notified and could therefore rectify the problem.

Mr. Stowell stated his opinion that the City of Cannon Falls has the technology to note when there has been a significant change.

Mr. Stowell stated his opinion that there are multiple issues involved:

- 1) Should the valve have been stronger so the rust would not have impacted it?
- 2) Should one of his employees have looked at the meter every day to see if it was spinning fast?
- 3) What was the responsibility of the City in terms of notification that it had information, or at least the technology to have information?

Mr. Stowell stated his desire to remain in good standing with the City and to get this matter resolved in an equitable fashion to all parties. He noted that this has been a very tough year for the winery, with the Minnesota State Fair being cancelled, which normally results in about \$100,000 in revenue. He stated that the winery usually hosts about 40 weddings per year, but this year they will only be hosting 15 to 20 weddings. He also noted that the winery was shut down for a few months with no on-site consumption. He noted that corporate events are down, as no one is currently scheduling corporate events. He commented that his business is fighting to survive.

Council Member Gesme asked if there were households in the City that were getting overbilled by the same percentage as the winery, but they cannot tell because it is not as much of a volume, as to whether this would hurt them as much as it hurts the winery. He asked if a private citizen would have the recourse to come to the City Council for resolution. He stated that he did not feel it was the City's place to be a watch dog with regard to water bills.

Council Member Mattson asked whether it was a City employee who found the leak. Mr. Stowell indicated that the winery discovered that there was a problem, and the City employee found out where in the building the leak was coming from, at which point the water was shut off. He noted that the winery then hired a plumber to fix the problem. Mr. Stowell reiterated his concern that the City has the technology and that this should be utilized. He stated that the winery was charged for clean water to go down the sewer system.

Mr. Stowell stated that, while the City was not damaged by this situation, his business was seriously damaged. He provided an answer to Council Member Gesme's earlier question regarding the difference between an individual and a company, stating that the amount of money involved has a much bigger impact.

Council Member Montgomery expressed sympathy for the situation. He asked who had told him that rust breaking loose and getting stuck was the cause of the problem. Mr. Stowell noted that it was the water softener company who had provided this information. Council Member Montgomery asked if the same people who installed the system were the ones that told him of the problem. Mr. Stowell stated it was the same people who had installed the system, noting that it would have been nice to have had a third party look at the system. He noted that at that point he was not thinking about legalities, he was just trying to get the problem fixed.

Council Member asked about the letter that Mr. Stowell was asked to write to the City. Mr. Stowell stated that Administrator Jensen was the person who asked him to write the letter. He provided an explanation of the process that took place. He stated that what he would really like to see in the future is for the City to utilize its technology.

City Attorney Kendall inquired regarding the water softener's warranty. Mr. Stowell stated that the warranty only covered parts and labor for the equipment.

Mayor Althoff stated his opinion that the water softener company should take care of this or his insurance should take care of the matter. With regard to insurance, Mr. Stowell stated his insurance company's position was that there was no actual damage done to the building or the property.

City Attorney Kendall called Wes Anway from the Public Works Department to address the questions regarding the City's side of this issue.

Mayor Althoff administered the oath to swear in the witness.

Wes Anway introduced himself as a City employee. City Attorney Kendall asked Mr. Anway to state his occupation. Mr. Anway stated this as Utility Supervisor for the City of Cannon Falls. City Attorney Kendall asked how long Mr. Anway has been in this position, and Mr. Anway indicated about seven years.

City Attorney Kendall asked if Mr. Anway was called out to address an issue at the Cannon River Winery on February 11, 2020. Mr. Anway stated that he was asked to do so. Attorney Kendall asked Mr. Anway what he did when he received that call and if he went out to the winery. Mr. Anway stated that this is what he did. City Attorney Kendall asked what Mr. Anway found when he went to the winery. Mr. Anway stated that they removed the cover over the meter, and as soon as they removed the box he could hear water going through the meter. He stated that they turned the main valve off. He stated that he asked if any water was currently being used. He stated that winery personnel told him there was no water being used. He stated that they walked through the building checking bathrooms and toilets, and nothing was leaking. Mr. Anway stated that there is one valve after the meter, so this was shut down and the water quit running at that point. City Attorney Kendall asked whether water coming through the meter means that there is water running into the building from the City's water supply. Mr. Anway answered affirmatively.

City Attorney Kendall asked Mr. Anway if he eventually located the leak. Mr. Anway stated that they turned the valve after the meter back on and went around the building again. He stated that the water softener system is in a back room with a boiler system and is pretty loud, but they were able to back search it with valves and found that the flushing valve had been stuck on the water softener. City Attorney Kendall asked if this was consistent with the explanation provided by Mr. Stowell. Mr. Anway expressed agreement that it was. He stated that they then put it on bypass and went back to the meter and verified that the water had stopped.

City Attorney Kendall asked Mr. Anway if he had any discussion or heard anyone make any comments about the water sound running in

the back room. Mr. Anway answered affirmatively and stated that there was a gentleman, whom he believed was a maintenance employee, who mentioned that he did hear water running a few days prior to this but thought nothing of it.

City Attorney Kendall asked Mr. Anway to explain how the metering system works in terms of collecting data and whether they get real time alerts when customers are using more water. Mr. Anway stated that the City's meter system is set up for drive-by only. He stated that City employees load the meters onto the reader itself. Mr. Anway stated that they drive by and it pings each meter, which gives a reading for that time period. City Attorney Kendall requested clarification that he understood this properly, that the data is on the meter on the property and the City crew drives around the City with a collective device that downloads or picks up the data from the residence. Mr. Anway answered affirmatively.

City Attorney Kendall asked whether the City gets day-to-day or hour-to-hour readings. Mr. Anway stated that the only way they can do that is with a data logger. He stated that they go out to a property if they are called for a water leak and have to manually ping the meter, and then it will provide 90 days of data and a graph to show a leak.

City Attorney Kendall stated that they had looked at a graph earlier which had been submitted by the property owner, marked as Exhibit No. 5 in the packet. He stated that there is a mark that says "starting on December 27, 2019, continuous leak flag." Mr. Anway expressed agreement with this description. City Attorney Kendall asked Mr. Anway when he had received this information and whether it was on December 27, 2019. Mr. Anway stated that this graph reflects data downloaded on February 11, 2020, when the data logger on the meter was performed. City Attorney Kendall asked if that is when the City got the data. Mr. Anway answered affirmatively. City Attorney Kendall asked about the duration of the data that was retrieved on February 11. Mr. Anway stated that it was 90 days.

City Attorney Kendall asked if Mr. Anway had emailed the manufacturer of the City's water metering system. Mr. Anway stated that he had emailed the meter representative. City Attorney Kendall asked if this was the document marked Exhibit No. 2, and Mr. Anway expressed agreement. City Attorney Kendall asked if Mr. Anway could summarize what their response was regarding how the system works. Mr. Anway reiterated that this is a monthly reading, so they manually have to go out and read the meters. He noted that the

meters they have are capable of a fixed network system, so they would have to have transmitters all over the City, which would collect the data and they would not have to drive around. He noted that the transmitters can be set to hourly or every week or monthly; but the more often you ping the meters, it wears out the batteries faster. He commented that you have to decide how much is too much.

City Attorney Kendall asked if Mr. Anway knew how many transmitters would be needed to cover Cannon Falls and what would be the cost of that. Mr. Anway stated that he did not know this information. He stated his understanding that Xcel Energy uses this type of system for the street lights, but he did not know how much the system costs.

City Attorney Kendall pointed out a document marked Exhibit No. 3 in the packet that shows a hand-held collector. He asked if this is the gear that the Public Works crew uses to go around to each of the properties and collect data.

Mr. Anway stated that this was not the collector per se, but it collects the data from the transmitter, which is Exhibit No. 4. He stated that they are hooked to Bluetooth. He noted that the device depicted in Exhibit No. 3 gives them the routes and the house address, and the transmitter transmits the readings.

City Attorney Kendall asked, based on the system that Cannon Falls currently has in place, if there was any way that he or his staff could have gotten real time notice that there was a leak at the Cannon River Winery. Mr. Anway stated that his staff could not have received this notice, that they would not have had it until the end of the billing cycle. He stated that he did not know whether the billing software flags certain information.

City Attorney Kendall asked if the software can only interpret the data that is collected unless they physically go to the site. Mr. Anway answered affirmatively and stated that the soonest they could have gotten the reading is the day they read it if billed that day. He stated that sometimes the billing staff will go through the bills manually and find one that seems high and ask Public Works to go out and check it.

City Attorney Kendall directed Mr. Anway to Exhibit No. 1 in the packet and asked if this is a summary of the billing from Cannon River Winery. Mr. Anway answered affirmatively. City Attorney Kendall noted that the document stated "Each of the months has

charges and receipts.” He asked whether this is the bill that went out in February 5, 2020. Mr. Anway expressed agreement. City Attorney Kendall requested clarification that this would have been billing for usage during January. Mr. Anway stated that this was correct. City Attorney Kendall requested clarification, based on the information that is now known, that the issue began on December 27, 2019, and ran through February, when the winery got the large bill and discovered what was happening. Mr. Anway answered affirmatively. City Attorney Kendall requested clarification that the first large amount was the billing for the month of January that went out in February. Mr. Anway stated that this was correct.

City Attorney Kendall offered the documents into evidence. He stated that he had no further questions. He stated that Council Members could ask any questions of Mr. Anway.

Attorney Tipping requested a short recess to confer with his client. Mayor Althoff recessed the hearing at 7:23 p.m. Mayor Althoff reconvened the hearing at 7:27 p.m.

Attorney Tipping reintroduced himself as the attorney representing Cannon Valley Winery. Attorney Tipping requested clarification regarding Mr. Anway’s testimony regarding his awareness that there has been a past practice that if there is a high bill, this it will occasionally get pulled for review. Mr. Anway stated that this does happen occasionally. Attorney Tipping asked if that bill is pulled because it is high in relationship to prior usage and higher bills and gets somebody’s attention. Mr. Anway expressed agreement with this statement. Attorney Tipping asked if he had also heard Mr. Anway say that the billing software may have the potential of flagging a bill. Mr. Anway stated he did not know if the software has that capability. Attorney Tipping requested clarification that Mr. Anway is aware that on occasion bills are pulled for review. Mr. Anway answered affirmatively. Attorney Tipping asked if this bill was pulled for review and reached out to Cannon Falls Winery prior to the delivery of the bill. Mr. Anway stated that he did not believe this was the case. Attorney Tipping asked Mr. Anway if he knew why. Mr. Anway stated he did not know why, but he noted that there had been some staff turnover. Attorney Tipping asked if there was a possibility it may have been missed. Mr. Anway stated that he did not know if this practice is still followed. He stated that in the past when the utility billing was processed in the Public Works Building, the clerk would go through the bills them by hand, so every bill got looked at as she was processing them.

Attorney Tipping asked if that would have been helpful in this situation. Mr. Anway stated that it would have prevented five days to a week because the leak had already occurred. Attorney Tipping reiterated his question that it would have been helpful if it would have been done. Mr. Anway reiterated it would have prevented five days to a week of the leak. Attorney Tipping that stated he did not have any further questions.

Mayor Althoff asked if the Council Members had any questions for Mr. Anway. With regard to the plumbing and the rust knocking out the O-ring so that it leaked constantly, Council Member Montgomery asked if he had ever seen anything like this in pipes in the City of Cannon Falls. Council Member Montgomery stated he had heard accusations that the issue could relate to the pipes and too much rust. Mr. Anway stated that the back flush valves will stick on almost any water softener, depending on age, time, and the O-ring. He stated that in his experience there have been quite a few units that have gotten stuck open in the backwash cycle. He stated that you have to put this on bypass to stop the backwash cycle and have the unit repaired. He stated that a person cannot just install this type of system and not check on whether it is functioning properly.

At this point a member of the public requested to speak. Lew Tousignant stated that he was a property owner across the street from the winery. He noted that the water pressure is really low and commented that he felt it might be from the rust in the lines. He stated that he had intended to ask Mr. Anway if they planned to flush out the main line and if there was a possibility to get a camera in there to observe the condition of the pipe. Mr. Anway stated that Public Works flushes the lines during the spring and fall. He noted that the water has been tested in the area for water pressure. Mr. Tousignant referred to a discussion about a year ago regarding this matter and stated that he is still experiencing low water pressure at his property.

City Attorney Kendall stated his opinion that the City is not legally required to reduce the bill in this case. He stated that the City Council has the option to do this as a discretionary matter. He noted that from a legal standpoint the City was not required to give them a notice, as the leak happened on private property. He stated that the City provided the clean water and the treatment of the water that came through. He commented that the situation is obviously unfortunate, as no one wants to see a business lose money, no one

wants to see water wasted, and no one wins here; but he reiterated that this was not the City's fault. He noted that the City provided the service that was required. He stated that the City Council can reduce the bill if they choose to do so on a discretionary basis, but legally he does not advise that the Council is required to reduce the bill.

Attorney Tipping reiterated the winery's position to make it clear. He stated that he felt everything had been presented and everyone was forthright and honest and clear and did not take up a lot of time telling the story on either side. He expressed appreciation to both sides for this.

Attorney Tipping stated his opinion that there is a responsibility on the part of the City because, as Mr. Anyway testified, the possibility exists for the City to actually flag these bills and to pay attention, and that is really all that is being asked for here. He stated that obviously his client is asking for help on his bill and has made that very clear, but he is also asking going forward that the City take advantage of the systems that are already in place and do everything they can in order to flag a high bill, something that was apparently done in the past and for whatever reason was not done in this case. He commented that his client would like this to become a point of emphasis going forward so these things can be minimized, maybe not always prevented as nothing is perfect, particularly this year, but everyone can do the best job they can.

City Attorney Kendall requested addressing the flagged bill issue briefly.

City Attorney Kendall stated, as Mr. Anyway testified, that this possibly could have saved about five days' worth of this 45-day leak, so if it had happened, it would have reduced it a very small amount. He stated that it is not clear to him how or when that happens, but he did not believe the City has any legal obligation to do this. He reiterated that if this had been done in this case, it would have only cut 5 to 7 days from the timing of the leak.

Attorney Tipping expressed his opinion that this statement was not exactly accurate. He stated that 45 days were split between two bills. He noted that approximately 30 days were on one bill and approximately 15 days were on the next bill. He stated his opinion that 15 days would have been saved from a billing standpoint.

Mayor Althoff asked for any further closing arguments. Both attorneys noted that their closing statements were complete. Mayor Althoff closed the Administrative Hearing at 7:36 p.m.

Mayor Althoff opened this matter up for discussion by the City Council.

Council Member Duncan commented that he felt that this matter, as in other matters dealing with financial or personnel-related issues, needed to be either tabled or discussed during a closed session.

Mayor Althoff stated that he felt the Council had three options:

- 1) Side with the winery.
- 2) Side with the City.
- 3) Consider compensation, and if this is case he would ask for a closed session to discuss financial specifics.

Council Member Montgomery asked whether winery representatives would be allowed to attend the closed session. Mayor Althoff indicated that a closed session would only include the Council. Council Member Montgomery asked if the winery's presentation has been completed. Mayor Althoff stated that this was the case.

Council Member Bringgold stated that she would be in favor of a closed session. Council Member Mattson stated he did not want to table the matter. The consensus of the City Council was to go into closed session for further discussion.

City Attorney Kendall stated that he was not sure there was a basis for a closed session, as there was no attorney-client privilege, it is a public appeal hearing, and he did not think that the Council's deliberations on it are necessarily confidential or nonpublic.

The Council expressed understanding of City Attorney Kendall's opinion.

Council Member Montgomery stated that he was sympathetic to the situation because he personally has had his water softener and water heater both replaced since they have lived in their current home. He stated that it is frustrating when no one wants to take responsibility for a problem. He commented that he felt the City could help resolve the situation. He stated that he did not want to see the winery have to go after the installer legally and felt the Council could help find a solution at this time. He stated that similar situations have occurred in the

past. He commented that an employee who no longer works for the City looked at all of the bills and probably would have caught this. He stated that does not mean that someone did not do their job, it just means the data came out later.

Mayor Althoff expressed agreement that there had been instances in the past, but nothing like this. He provided a couple of examples of such instances.

Council Member Bringgold stated her opinion that the winery should not be charged for water they did not use. She described the situation as a mistake and a failure of a lot of different things. She noted she did not feel it was the City's responsibility to catch high bills, but it would be difficult for a business to catch something like this. She suggested considering some sort of compromise.

Council Member Gesme commented that the Council had neglected to authorize \$5600 in bridge repairs and thus prevent people from using a bridge for four months, but now it has been suggested to take that money and help one individual business. He stated his opinion that this would not be fair.

Council Member Bringgold commented that the leak was not intentional on the part of the winery. Council Member Gesme stated it was not intentional, but it also was not the City's responsibility.

Council Member Montgomery stated it may not be the City's responsibility legally, but the City Council still has the power to give the winery a break.

Council Member Bringgold commented if an individual came in who usually had a \$100 water bill and they had a \$1,000 water bill all of a sudden, she felt the City would give them a break. She reiterated that she does not feel it is anyone's responsibility to catch a bill before it goes out, and when this is done manually not everything is going to be caught.

Administrator Jensen was asked for his opinion. He commented that he has worked in local government for 20 years and in his experience a water bill has never been forgiven.

Council Member Duncan referred to the examples Mayor Althoff had provided about other instances similar to this and stated his

understanding that those bills were not forgiven. He provided an additional example.

Council Member Lundell stated his understanding that the billing is tiered according to usage. He asked about a potential option to bill the whole amount on the lowest tier.

Council Member Duncan asked for the total amount of the current bill. Administrator Jensen stated this amount as \$6,567.64. Council Member Duncan stated that he is concerned about setting a precedent but may be amenable to lowering the bill to \$4,500.

Mayor Althoff suggested a motion to approve or deny the winery's request, prior to discussion of a potential compromise.

A motion was made by Council Member Duncan to deny the winery's request for the entire bill to be forgiven.

Mr. Stowell noted that he had been listening to the discussion and the mention of a \$3,000 credit. Council Member Duncan clarified his mention of a \$2,000 credit. Mr. Stowell stated that this would satisfy him and would help him out a lot, adding that perhaps some systems analysis could be done to prevent this in the future. He reiterated that whatever could be done would be tremendously appreciated. Mayor Althoff stated if everyone agreed, something like that could be done.

Council Member Duncan withdrew his motion at this point.

A motion was made by Council Member Montgomery, seconded by Council Member Mattson, to provide the winery with a \$2,500 credit for the future.

City Attorney Kendall requested clarification that the current bill would stand, but the credit would be for future billings. Mayor Althoff provided this clarification.

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

The motion carried by a vote of 5:1.

Reports:

Council
Committees/
Commissions

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce, expressed appreciation for attendance at the Sizzlin'

Summer Day contests put on by the CannonBelles. She noted that there was a very good turnout each night. She also noted that there was a large crowd for the Open Air Fair, which was held in lieu of the Fun Fest. She stated that the vendors were also happy with this event. She stated they had asked the vendors which event they preferred. She stated the Open Air Fair was voted most popular and provided the reasons for that. She stated that the Chamber Board will be meeting to decide which of these events to hold next year. She provided an update on upcoming events and decisions that will be made on whether these events will take place or not. Ms. Paulson provided an update on Chamber memberships, the Explore Minnesota Discovery Guides, and activity on the bike trails. She discussed upcoming events.

Council Member Gesme discussed a recent Public Works Commission meeting. He stated they discussed the Public Works Director position and noted they are still seeking additional candidates.

Council Member Gesme provided an update regarding the Cable Commission. He noted they discussed a potential Assistant to the Cable Director position.

Community and Economic Business Specialist Qualey provided an update on a recent EDA meeting, during which CARES Act funding was discussed. She noted that 80 applications have been received, with 25 of those from Cannon Falls for \$10,000 each. She stated that she has five more applications to review. She noted that there is just under \$2 million in funding yet available from Goodhue County and encouraged anyone with a need to apply.

Council Member Duncan provided an update from the Finance Committee. He noted that the committee structure has been reviewed and potential changes to the ordinance discussed. He noted that the RFP process for legal services was discussed and provided several options in this regard.

Council Member Duncan discussed a recent Planning Commission meeting. He noted that there will be a couple of items that have been recommended for the Council to discuss during the first meeting in October.

Staff

Administrator Jensen discussed the mill-and-overlay project that will be starting next week and reviewed the project area. He discussed crack seal work that was recently completed.

Administrator Jensen reported that grass seeding has been completed at West Side Park. He stated provided an update with regard to pool and splash pad repairs.

Administrator Jensen reported that the waste water treatment plant is in need for roof repairs and that he is waiting on a quote. He stated that this needs to be fixed as soon as possible.

Administrator Jensen issued a reminder that absentee voting starts on September 18 for the general election.

Administrator Jensen noted the Highway 20 will undergo a scheduled pipe replacement project north of town and will be closed September 28-30, with detours.

City Attorney Kendall issued a reminder that Administrator Jensen had added an item to the agenda regarding a closed session to discuss a litigation matter. He reviewed the process for entering into a closed session, per Minnesota law.

Mayor and Council

Council Member Mattson reported that parking is now parallel in front of the winery on Mill Street.

Council Member Montgomery noted that a citizen brought to his attention the fact that during the pandemic outdoor sports seem to have become more popular. He noted that this citizen suggested that perhaps a better basketball court could be constructed for the kids.

Public Input

Mayor Althoff reviewed the public input procedure.

Babe O’Gorman, Cannon Falls, stated that he attended the Finance Committee meeting. He expressed appreciation that some of the committees and commissions will be changed and run properly. He commented that nothing has been done about having a Police Commission meeting yet. He stated that he feels there are problems with the Police Department. He asked whether the City Council feels there should be any citizen involvement in the Police Department.

Lew Tousignant, Cannon Falls, stated that he owns a building across from the winery. He noted that he has had low water pressure in his

building for years. He stated that he has called the City several times over the years and has gotten nowhere. He requested the name and contact information for a City employee who could help provide assistance.

Ralph Kaehler, St. Charles, Minnesota, introduced himself as a candidate running for the Minnesota State Senate. He stated that he would like the Council's input on what they would like to see in a representative. He provided background information regarding his past endeavors and his vision for the future. He noted that he would appreciate the support of Cannon Falls and invited Council Members to contact him.

Tim Dehmer, Cannon Falls, expressed appreciation for the amazing work performed by Kyle Paulson and the Chamber. With regard to the Third Street Bridge, he asked whether there will be any snow removal from the sidewalk.

Closed Session

A motion was made by Council Member Lundell, seconded by Council Member Gesme, to go into closed session. The meeting entered into closed session at 8:21 p.m.

A motion was made by Council Member Duncan, seconded by Council Member Gesme and unanimously carried, to go back into open session. The meeting returned to open session at 8:50 p.m.

Adjournment

A motion was made by Council Member Lundell, seconded by Council Member Gesme and unanimously carried, to adjourn the meeting. The meeting adjourned at 8:51 p.m.

Adopted by the City Council of the City of Cannon Falls on the 6th day of October, 2020.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator