

The Cannon Falls City Council met in a regular session on Tuesday, October 6, 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 (remotely), and Steve Gesme. Also present were Neil Jensen, City Administrator; Jeffrey McCormick, Police Chief; Sara Peer, City Clerk; Laura Qualey, Community and Economic Business Specialist (remotely); and Bill Angerman, City Engineer.

- Call to Order Mayor Althoff called the City Council meeting to order at 6:30 p.m.
- Roll Call Roll call was conducted. 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 Lundell and unanimously carried, to approve the amended Agenda.
- Consent Agenda A. Just and Correct Claims – Accounting Period Ending September 30, 2020
B. Meeting Minutes for September 15, 2020, City Council Meeting
C. Compact Track Loader Trade
D. Disposal of 1984 GMC Truck
E. Resolution 2507, Accepting a Grant of \$5,000 from Southern Minnesota Initiative Foundation to the EDA
F. Replacement Roof on Vehicle Building at Waste Water Treatment Plant
G. Resolution 2508, Designating Polling Places for 2021
H. Resolution 2509, Adopting General Election Judges for 2020 and Special Election Judges for 2021 and Setting Hourly Wages
I. November City Council Meeting Changes
J. City Administrator’s 6-Month Review and Step Increase
K. Resolution 2510, Approving a Variance for Kenneth Adams at 302 Ridgecrest Drive
L. Resolution 2511, Approving a Conditional Use Permit for John and June Christensen at 103 W. Dakota Street
M. Approve New Tobacco License for Cannon Fuel
N. Approve Temporary Liquor License for Cannon Valley Fair
O. Approve Temporary Liquor License for VFW Post 4452
P. Resolution 2512, Accepting a Donation of \$1,531.41 from United Way of Goodhue County for the Library
Q. Dispose of 2010 Horton Ambulance
- A motion was made by Council Member Gesme, seconded by Council Member Duncan and unanimously carried, to approve the Consent Agenda.

Council Business:

RFP for Legal Services

City Administrator Jensen made reference to a prior discussion by the City Council on this item, noting it had been decided to pursue an RFP process. He noted that there are two components to the legal services that are provided – civil services and criminal services. He provided a summary of the cost of prosecutions over the last four years and the projected costs over the next two years. He reviewed a quote obtained from Goodhue County to provide prosecution services for misdemeanor offences. He stated that the Finance Committee has reviewed this information and recommends proceeding with a contract with Goodhue County for the next two years. Administrator Jensen reviewed a proposed RFP process for civil services. He noted that staff is in agreement with the recommendation of the Finance Committee to approve a contract with Goodhue County to provide misdemeanor prosecution services and initiate an RFP process for civil services.

A motion was made by Council Member Bringgold, seconded by Council Member Duncan and unanimously carried, to approve a contract with Goodhue County for misdemeanor prosecution services and initiate an RFP process for civil legal services.

Mayor Althoff commented that he had reached out to all of the attorneys in Cannon Falls, noting interest in providing legal services for civil cases.

Introduction and First Reading of Ordinance 370, an Ordinance Establishing a Police Commission

Administrator Jensen provided background information regarding the process that was undertaken to review this ordinance. He reviewed the duties of the Police Commission. He stated that the Finance Committee has reviewed the proposed ordinance language.

Council Member Lundell referenced the 3-year term and asked what would happen if a Council Member was only elected for a 2-year term. Council Member Duncan explained that every year the Mayor makes appointments to each committee. Council Member Gesme noted that the Police Commission does not have jurisdiction in employment matters. Administrator Jensen stated that City Council retains this authority.

A motion was made by Council Member Duncan, seconded by Council Member Gesme and unanimously carried, to approve the introduction and first reading of Ordinance No. 370 and move this on for a second reading.

Introduction and First Reading of Ordinance 371, an Ordinance Establishing a Cable Commission

Administrator Jensen noted that this was another ordinance that needed updating. He reviewed the membership and duties of the Cable Commission. He noted that the Finance Committee has reviewed the proposed ordinance language.

A motion was made by Council Member Bringgold, seconded by Council Member Duncan and unanimously carried, to approve the introduction and first reading of Ordinance 371 and move this on for a second reading.

Introduction and First Reading of Ordinance 372, an Ordinance Establishing a Finance Committee

Administrator Jensen noted that the Finance Committee was established in January of 2020 by resolution. He reviewed the proposed number of members and the duties of this committee.

A motion was made by Council Member Gesme, seconded by Council Member Duncan and unanimously carried, to approve the introduction and first reading of Ordinance 372 and move this on for a second reading.

Introduction and First Reading of Ordinance 373, an Ordinance Establishing a Public Works Commission

Administrator Jensen reviewed the membership and duties of the Public Works Commission. He noted that the Finance Committee has reviewed the proposed ordinance language.

A motion was made by Council Member Mattson, seconded by Council Member Bringgold and unanimously carried, to approve the introduction and first reading of Ordinance 373 and move this on for a second reading.

Third Street Feasibility Study

Administrator Jensen provided background information regarding the water main on the Third Street Bridge. He noted that options have been discussed, including burying this water main under the river or redoing the water main on the bridge and have it reinsulated and new brackets built. He discussed the feasibility study that will need to be completed prior to making a decision.

Council Member Mattson stated his recollection that grant funding was approved a few years ago to look into this matter. Administrator Jensen stated that he was not aware of a grant.

Council Member Duncan asked City Engineer, Bill Angerman from WHKS, for an opinion that if it is found that going under the river would be the best option, if they would be drilling close to the gas line under the river. City Engineer Angerman noted that this would be

one of the things they would research. He stated that presently they do not know exactly where the gas line is located, adding that they will work with Minnesota Energy Resources to locate this gas line.

Mayor Althoff commented that he spoke with the gas company and they stated that this was a very easy dig, but he noted that soil borings would need to be completed. City Engineer Angerman stated that it was also discussed that if this could not be drilled under the river, a third option that would need to be considered would be to eliminate this water main crossing and not put it back on the bridge, as there would be greater weight with a bigger water main.

A motion was made by Council Member Mattson, seconded by Council Member Bringgold and unanimously carried, to approve a feasibility study regarding the water main crossing on the Third Street Bridge.

S & S Investments
Property - Breach of
Contract

Community and Business Specialist Qualey provided background information regarding a contract for deed with the City of Cannon Falls. She stated that the property owner sent a letter to the City in May of 2020 indicating that he no longer wished to own this property and wanted the City to reimburse his past payments. Ms. Qualey referenced discussion with an attorney at Campbell Knutson regarding options that could be pursued related to breach of contract. She provided a summary of these options. She referenced discussion during an EDA meeting and information that was provided to the Finance Committee. She stated that the recommendation was to cancel the contract for deed for breach of contract for failure to build the proposed structure and the failure to keep the property taxes current, and for the City to pay the taxes and take the property back.

Council Member Gesme asked whether the initial property sale had been contingent on building a warehouse. Ms. Qualey stated that this was the case. Council Member Gesme commented that S & S Investments had gotten a better deal on the property due to this but now does not want the property and wants the City to buy it back and pay the back taxes. Mayor Althoff commented that he felt S & S Investments got a good deal on the land but now is in default of the contract for not building on this land. Council Member Bringgold noted that unfortunately when a foreclosure happens, you do not receive your payments back from the bank. Council Member Mattson stated that because the property taxes are due again, the City is responsible for these taxes. He expressed support for the City taking this property back.

A motion was made by Council Member Duncan, seconded by Council Member Bringgold and unanimously carried, for the City to cancel the contract for deed for breach of contract, pay the property taxes, and take the property back.

Pool Repairs

Administrator Jensen discussed repairs that have been done on the pool over the last couple of months by City staff, stating that as of last Friday the pool and splash pad infrastructure are operational for next summer. He noted that he had two pool restoration companies look at the vessel. He stated that one company was not interested in repairing the pool, as they were too busy. He noted that the other company, Northern Pool and Restoration, submitted a quote of \$92,233. He provided a summary of the work that this bid would include. He noted that the owner of the pool restoration company stated that he could not guarantee but was confident that this job would make the pool operational for another ten years. Administrator Jensen noted that \$69,000 had been budgeted to operate the pool this year, but the pool never opened, so that money is still in the account. He noted that general fund reserves could be used to pay the balance. He stated that the work could begin next week, if approved by the City Council. He stated that the Park Board has recommended proceeding with the work.

Mayor Althoff commented that, although this is a lot of money, he would support this if it will get the job done. Council Member Bringgold commented that most of the necessary funds are still in the account.

A motion was made by Council Member Mattson, seconded by Council Member Montgomery and unanimously carried, to approve the quote from Northern Pool Restoration for \$92,233 for repairing and painting the pool.

Reports:

Council
Committees/
Commissions

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce, reported that the Halloween Trick or Treat Trot will be held on Friday, October 30, from 3:00 to 5:00 p.m. She provided details of this event, including safety precautions.

Ms. Paulson also provided an update regarding COVID-19 assistance grants.

Ms. Paulson noted that the Deck the Halls event will take place on November 28 and provided details of this event.

Council Member Bringgold discussed a recent meeting of the Finance Committee, during which the committees and commissions were discussed along with pool repairs.

Council Member Montgomery discussed a recent Park Board meeting, noting that the majority of the discussion centered on the pool repairs, along with a discussion about long-term plans for improving the parks.

Staff There were no staff reports.

Mayor and Council Council Member Gesme reported that CannonBelles has officially begun construction of a new facility in the industrial park. Mayor Althoff noted that several members of the City Council were present at the groundbreaking ceremony earlier in the day.

Public Input Mayor Althoff reviewed the public input procedure.

Tim Dehmer, Cannon Falls, noted that he has had an issue with the Library for which he is requesting due process. He stated that he has discussed this matter with City staff and has requested that this item be placed on a future meeting agenda for discussion and action by the City Council. It was suggested that he put this request in writing.

No one else came forward to provide public input.

Closed Session A motion was made by Council Member Duncan, seconded by Council Member Bringgold and unanimously carried, to go into closed session for preliminary consideration of allegations against an individual subject to the City Council's authority, pursuant to Minnesota Statute 13D.05. The Council entered into closed session at 7:15 p.m.

Mayor Althoff reconvened the open session at 7:55 p.m.

Adjournment A motion was made by Council Member Gesme, seconded by Council Member Duncan and carried unanimously, to adjourn the meeting. The meeting adjourned at 7:55 p.m.

Adopted by the City Council of the City of Cannon Falls on the 20th day of October, 2020.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator