

The Cannon Falls City Council met in a regular session on Tuesday, April 1, 2014, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Bill Duncan, Jay Sjoblom, Morris Mattson, Rodney Holst, LeRoy McCusker, and Merlyce Johnson. Also present were Ron Johnson, City Administrator; Lanell Endres, Assistant City Administrator; Dave Maroney, Community Development Director; Tom Bergeson, Public Works Director; Greg Anderson, City Engineer; and Dave Terbeest, Police Officer.

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

Pledge of Allegiance Mayor Robinson led in the recitation of the Pledge of Allegiance.

Approval of Agenda Council Member Johnson, made a motion, seconded by Council Member Duncan to approve the Agenda as submitted. All members present voted aye. The motion was declared passed.

Public Input Glen Lundell spoke with regard to water service line freezing concerns. He cited information received from the City, which stated that "Service pipes are to be laid to prevent rupture or settlement. The service pipe shall be placed below the surface and in all cases so arranged to prevent rupture and stoppage by freezing. Freezing pipes between the main and the building shall be the responsibility of the owner." Mr. Lundell reported that his service lines had previously been insulated prior to new service lines being installed in 2013. He reviewed the process whereby lines in his area were checked for water access, stating that several valves had been shut off, resulting in his cul-de-sac being "dead-ended," with subsequent frozen service lines. He expressed his opinion that residents should be compensated for the cost of thawing service lines. He also inquired regarding the process for paying for street assessments.

Assistant City Administrator Endres clarified the assessment repayment process, stating that property owners were notified at the time of assessment approval of the period during which assessments could be paid prior to being applied to property taxes. Mr. Lundell stated that this information should have been better delineated.

Council Member McCusker stated that he had received calls from property owners who also had questions regarding the assessment repayment process. He had forwarded these concerns to Administrator Johnson.

Mayor Robinson inquired regarding the water main shut-off concerns. Public Works Director Bergeson replied that apparently the contractor had left several valves shut off following construction. Mayor

Robinson recommended looking into a possible recourse with the contractor. City Engineer Anderson reported that the project had not been closed out.

City Administrator Johnson provided further clarification with regard to the special assessment agreement and repayment process.

Council Member Duncan suggested further discussion of the frozen service line issue by the Public Works Commission.

Consent Agenda

- A. ~~Just and Correct Claims—Accounting Period Ending March 28, 2014~~ Pulled by Council Member McCusker
- B. Meeting Minutes for March 18, 2014, City Council Meeting
- C. PEG Access Technician
- D. Second Reading and Adoption of Ordinance 335 and Summary of Publication, Amending Chapter 152 of the Cannon Falls City Code by Rezoning Certain Property from a Planning Unit Development District to an R-2 Single-Family Residential District
- E. Second Reading and Adoption of Ordinance 337 and Summary of Publication, Changing Street Names in the City of Cannon Falls

Council Member Johnson moved, seconded by Council Member Duncan to approve the Consent Agenda minus Item A. All members present voted aye. The motion was declared passed.

Resolution 2066,  
Approving Rezoning  
for 200 Waters, LLC

Community Development Director Maroney provided background information regarding the request to rezone the property located at 200, 210 and 220 Water Street West, reporting that this item was tabled during the last City Council meeting. The Planning Commission, after reviewing the proposal, holding a public hearing, and considering the public input received, recommended approval of the rezoning request, subject to two conditions: 1) A property survey should be completed on the property, and 2) Additional information should be obtained from the Southeast Minnesota Multi-County HRA, which owned the townhome units directly to the south of the property.

Director Maroney stated that a survey had been completed, which confirmed that the existing buildings on the property were all within the legally described property that was subject to the application. Mr. Maroney reported that he had responded to a follow-up letter received from Joe Wheeler, who requested clarification of the process in the event of ordinance violation concerns.

Mayor Robinson expressed concerns regarding the approval of an industrial island within a residential area. Director Maroney detailed

the unique circumstances related to this request, which involved an existing building that had previously been utilized for commercial industrial purposes. Council Member Duncan cited Raw Bistro as an example of a similar situation. Director Maroney clarified that Raw Bistro was granted an interim use permit, which was not an option in an R-3 District.

Council Member McCusker discussed connotations associated with a "light industrial" designation. While expressing appreciation for the investment in a new venture, he discussed the differences between the proposal and the prior commercial usage of this building. He suggested additional conditions, including an annual permitting requirement, designated hours of operation, vehicle restrictions, prohibition of vacuum forming or injection molding processes, pollution controls, and installation of a large exhaust fan.

Council Member Duncan spoke in support of the project, stating that the City should be encouraging business investment in existing buildings that were not being used. Mayor Robinson reiterated his concerns regarding the residential location, stating that there were other opportunities for industrial expansion within the City. Council Member Johnson spoke in support of the proposal, stating that if the prior operation had stayed in business there would have been no need for the rezoning request.

Steve Auger, one of the 200 Waters, LLC, applicants, provided additional information regarding the proposed project. He discussed details related to his current small parts machining operation and reviewed planned property improvements.

Council Member Duncan discussed the current mix of residential and commercial properties in Cannon Falls. He reviewed the benign nature of the proposed project. Council Member McCusker provided rationale for his suggested conditions. Council Member Johnson spoke in favor of the proposal, citing the availability of recourse in the event of any violations.

Director Maroney described the differences between the I-1 and I-2 districts and cited examples of acceptable I-1 operations. He added that the business would not be allowed to expand beyond the existing building under the current ordinance, without seeking a special permit. He discussed the Planning Commission's rationale for recommendation of approval of the project and the assurance of adequate protections.

Council Member Johnson moved, seconded by Council Member Duncan to approve Resolution 2066. All members present voted aye. The motion was declared passed.

Introduction and First Reading of Ordinance 336, Amending Chapter 152 of the Cannon Falls City Code by Rezoning Certain Property from an R-3 Medium-Density District to an I-1 Limited Industrial District

The Council determined the proposed ordinance was related to the previously discussed item so no further discussion was needed. Council Member McCusker moved, seconded by Council Member Johnson to approve the Introduction and First Reading of Ordinance 336. All members present voted aye. The motion was declared passed.

Pool Repairs

Public Works Director Bergeson inquired as to whether the discussion regarding pool repairs should be tabled so additional information could be gathered. Council Member Johnson recommended making a decision so that cost estimates could be obtained. Council Member Duncan summarized the Public Works Commission discussion regarding this issue, stating that the general consensus was to close the pool for the season while plans were developed for a new pool at a lower cost than the one previously proposed. Director Bergeson provided additional information regarding necessary repairs. Council Member Johnson stated that it made no sense to spend any more money on repairing the current pool. Council Member McCusker expressed concerns regarding the expense of a new pool and recommended researching the cost of repairing the current pool. He discussed the importance of water safety training and swimming lessons. Council Member Duncan reviewed the Capital Improvement Plan, which included a \$3 million placeholder for funding of a new pool at some point. Council Member Duncan spoke against proceeding with pool repairs, in addition to concerns related to operating expenses and noncompliance with ADA requirements. Council Member Mattson inquired regarding necessary wall repairs. City Engineer Anderson replied that additional information would be needed. Council Member Duncan indicated that repairs would most likely not be able to be made prior to the start of the pool season. Public Works Commission Member Jeromy Mouw was present and outlined the decisions that would need to be made. Council Member McCusker spoke in favor of obtaining cost estimates for a variety of new pool options, as well as for repairs to the current pool prior to making a decision. Mayor Robinson recommended tabling the

discussion for two weeks while cost estimates were obtained. The timetable for hiring of pool staff was reviewed. Council Members Mattson and Johnson spoke in favor of obtaining cost estimates and determination of a timetable for potential repairs.

Council Member McCusker moved, seconded by Council Member Mattson to table the discussion until the next City Council meeting while additional information was gathered related to pool repairs, necessary permits, and preliminary cost estimates for a new pool. All members present voted aye. The motion was declared passed.

Just and Correct  
Claims – Accounting  
Period Ending March  
28, 2014

Council Member McCusker thanked Assistant Administrator Endres for her assistance with resolving late fees for Ag Partners. He also suggested utilizing more than one gas station for fuel expenditures. Council Member Johnson stated that vehicle manufacturers suggest utilizing the same type of fuel for optimum engine performance. Public Works Director Bergeson commented on savings related to taking advantage of State pricing for fuel delivered to the City's bulk tank.

Council Member McCusker moved, seconded by Council Member Johnson to approve the Just and Correct Claims for the Accounting Period ending March 28, 2014. All members present voted aye. The motion was declared passed.

Staff Reports

Public Works Director Bergeson commented on the difficult winter conditions and the lessons learned. It was recommended that residents continue to run a slow, steady stream of water for another week or two.

City Administrator Ron Johnson commented on the numerous City government activities during his first few weeks.

Mayor and Council  
Reports

Council Member Duncan reviewed the Public Works Commission meeting and commented on a tree removal discussion. Public Works Director Bergeson provided additional information.

Council Member Mattson inquired regarding the library water leakage concerns. City Engineer Anderson stated that testing was being conducted that week.

Council Member Johnson inquired regarding Mediacom. Mike Gesme, IT Director and PEG Access Coordinator, provided an

update, stating that contract negotiations would be conducted later in the spring. It was discussed that competing providers could operate within the same community.

Adjournment

The meeting adjourned at 7:53 p.m.

Adopted by the City Council of the City of Cannon Falls on the 15<sup>th</sup> day of April, 2014.

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Lyman M. Robinson, Mayor

ATTEST:

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Ronald S. Johnson, City Administrator