

The Cannon Falls City Council met in a regular session on Tuesday, September 4, 2018, at 6:30 p.m. in the City Council Chambers. Present were Mayor Robby Robinson and Council Members Morris Mattson, Bill Duncan, Ken Carpenter, John Althoff; Council Members Cedar Abadie and Derek Lundell were absent. Also present were Lanell Endres, Interim City Administrator; Greg Anderson, City Engineer; Mike Althoff, Fire Chief / Public Works Director; Samantha Meyer, Zoning Assistant and Jeffrey McCormick, Police Chief.

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

Roll Call Roll call was conducted. Mayor Robinson and Council Members Althoff, Carpenter, Duncan, and Mattson were present. Council Members Abadie and Lundell were absent.

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

Approval of Agenda A motion was made by Council Member Carpenter, seconded by Council Member Duncan and unanimously carried, to approve the Agenda as submitted.

Public Input Robert Bidon, 86 Riverside Terrace, Cannon Falls, referenced past discussion of the Rapp property being sold for the purpose of bringing in rail cars of bituminous products and unloading them. He stated his understanding that this proposal was not approved at that time. He expressed concern that this was currently happening on the property, noting that there were seven cars on the rail siding. Mayor Robinson indicated that this concern would be researched.

Linda Tatge, 300 Limestone Road, Cannon Falls, expressed appreciation for allowing her and her husband, Steve, to discuss their concerns regarding the property located at 200 Limestone Road in terms of the home construction, bluff erosion, and potential property value impacts. She stated her understanding that there was now consideration of building swales on the north and south sides of the homes. She expressed concerns about mosquito and/or rodent infestation, safety, swale construction, cost considerations, and drainage. She requested a neighborhood meeting with Council Members, the City Engineer, representative(s) from Goodhue County Land Use Management, and other interested parties to discuss the situation. She discussed tree removal and excavation activities in the area.

Ms. Tatge reiterated her concerns about drainage, erosion, and making sure that the developer was doing things correctly and in accordance with City, County, and State building regulations.

City Engineer Anderson reported that a site plan and grading plan for 200 Limestone Court had been submitted and approved. He described a requirement that a walk-through be conducted to make sure that everything was built per the plan and that the vegetation was restored before an occupancy permit was issued. He discussed how drainage would be managed.

Ms. Tatge stated that drainage onto the street in the winter sometimes resulted in ice buildup. City Engineer Anderson stated that Public Works would address this problem, if it occurred.

Council Member Duncan commented that the developer of this property would be addressing the Council during the Council Business portion of the Agenda.

Steve Tatge, 300 Limestone Road, Cannon Falls, referenced past discussion of assessing penalties for not following the proper procedures. He noted that the stop work order was lifted and that construction had resumed. He stated that he and his neighbors would like information with regard to who was responsible for how the process was mishandled. He expressed concerns that this situation would recur with other walk-out lots in the neighborhood.

Council Member Duncan commented that these were legitimate questions. He stated that there was probably a little blame to go around. He stated that he had asked Zoning Assistant Samantha Meyer to make some revisions to the permitting process, in order to make improvements in terms of the City's role.

Mr. Tatge stated that everything went by the book when his home was built, adding that the construction of this home somehow slipped through the cracks.

Delaine Nelson, 224 Limestone Road, Cannon Falls, asked how this was allowed to slip through the cracks, once the City was made aware of this situation.

Mayor Robinson noted that the plans were submitted to Goodhue County for approval. Ms. Nelson indicated that the County stated that the process was handled by the City. Ms. Nelson noted that a mistake was made when the permit was issued. She suggested owning, fixing, and learning from this mistake.

Mayor Robinson indicated that this concern would be researched and more information provided during the next Council meeting. He

asked City Engineer Anderson to provide documentation of the steps that were followed with regard to the permit, adding he would check with Goodhue County in this regard.

Kyle Paulson, President of the Cannon Falls Area Chamber of Commerce discussed the Chamber Fun Fest on September 13, which would include several food vendors and entertainment.

Presentations:
Southern
Minnesota Initiative
Foundation

Jennifer Nelson, Vice President of Development for the Southern Minnesota Initiative Foundation, introduced herself along with Board Member John Peterson. She provided background information with regard to SMIF. She reported that approximately \$11 million had been invested back into the region over the last 32 years through programs, grants, and loans offered by SMIF. She discussed the types of assistance available to businesses and entrepreneurs and provided local examples.

Ms. Nelson discussed SMIF activities related to early childhood development and community vitality.

Mr. Peterson discussed the local foods movement. He noted that Cannon Falls had been very well represented during the annual local foods festival, Feast, held in Rochester. He stated that SMIF was a great partner in helping to get the Grow Cannon Falls effort off the ground. He discussed the Small Town Grants Program. He stated his opinion that there was tremendous potential for a return on a small investment by the City of Cannon Falls or the EDA in the Southern Minnesota Initiative Foundation.

Ms. Nelson provided additional information with regard to the support provided by cities, counties, banks, businesses, individuals, and foundations in the region to further the mission of SMIF. She reviewed some of the resources available through SMIF. She stated that for every dollar raised in Goodhue County, \$17 is invested back into Goodhue County along with leveraging additional resources.

Ms. Nelson referenced SMIF's annual report. She noted that an annual \$1 million contribution by the McKnight Foundation helped to support overhead and administrative costs, with others supporting programs.

Ms. Nelson discussed the Affiliate Fund Program, which helps communities to start local community foundations.

Council Member Althoff recommended that the City consider making a contribution to support the work of SMIF.

Toward Zero
Deaths

Jessica Seide introduced herself as a Community Health Specialist for Goodhue County Health and Human Services and the Toward Zero Deaths (TZD) Safe Roads Grant Coordinator for Goodhue County. Cannon Falls Police Officer Mark Fluhrer introduced himself as the local Enforcement Coordinator for the TZD program.

Officer Fluhrer provided background information with regard to the TZD program, which focuses on speed, seat belt use, distracted driving, and impaired driving. Coordinator Seide described the mission of moving Minnesota toward zero deaths on its roads using education, enforcement, engineering, and emergency medical and trauma services. She discussed the inclusion of a fifth “e” for “everyone,” as everyone shares the road.

Officer Fluhrer reviewed the enforcement aspects of the TZD program and discussed how increased enforcement efforts were funded through State grants. Coordinator Seide commented that TZD enforcement campaigns were conducted throughout Minnesota at the same time.

Coordinator Seide reviewed factors that contribute to highway crashes and discussed how these factors were interconnected. She discussed the dangers of rural two-lane roads. She noted that currently about 1 in 7 Minnesota drivers has a DWI on record.

Coordinator Seide reported that the TZD program was working, noting that the number of deaths on Minnesota roads had been dramatically reduced since the program was implemented in 2003. She reviewed some of the legislative initiatives that have helped push the trend line down. She discussed efforts to change the traffic safety culture in Minnesota through new and innovative ways to educate motorists on traffic safety risks.

Consent Agenda

- A. Just and Correct Claims – Accounting Period Ending August 30, 2018
- B. Meeting Minutes for August 21, 2018, City Council Meeting
- C. Meeting Minutes for August 21, 2018, City Council Work Session
- D. Resolution 2378, Accepting Donation of \$1,000.00 from Invenergy Cannon Falls, LLC to the Fire Department
- E. Resolution 2379, Accepting Donation of \$250.00 from Gemini, Inc. to the Library
- F. Resolution 2380, Accepting Donation of \$25.00 from Ralph and

- Susan Jobe to the Library
- G. Approve Temporary Liquor License for VFW Post 4452 and Approve Lane Closure for Fall Event
 - H. Rescind Liquor License and Approve On-Sale Liquor License and Sunday Liquor License for Artisan Plaza
 - I. Approve Temporary Liquor License for Cannon Arts Board
 - J. Resolution 2381, Accepting Donation of \$1,000.00 from Invenergy to the Ambulance Department

A motion was made by Council Member Mattson, seconded by Council Member Carpenter and unanimously carried, to approve the Consent Agenda as submitted.

November 6, 2018,
Meeting Date
Change

Interim City Administrator Endres reported that the November 6 City Council meeting date was in conflict with the General Election. She requested that the City Council reschedule this meeting. She added that this meeting date needed to be coordinated with a Public Hearing for the Eastside II street improvement project. She recommended that this meeting be rescheduled to Tuesday, November 13. She noted that this date would fall within the State's election canvassing guidelines.

A motion was made by Council Member Duncan, seconded by Council Member Mattson and unanimously carried, to approve the requested meeting date change.

Service Line
Warranties of
America

Interim Administrator Endres referenced past discussions of the Service Line Warranties of America (SLWA) program. She reported that most recently the City Council decided not to move forward with this program in Cannon Falls. She stated that Service Line Warranties of American has indicated that a marketing agreement was signed with the City. The company was requesting to meet with the City Council to answer questions and discuss concerns. She commented that the company would be willing to provide the names of local contractors at that time, which was a concern that was expressed during past discussions.

Council Member Althoff asked about the marketing agreement. Interim Administrator Endres indicated that the City Attorney had reviewed the agreement and had questions with regard to whether the former City Administrator had the authority to sign this agreement. She stated her recollection that the Council voted to move forward with the program in a non-binding manner. She added that more research was needed.

Council Member Duncan suggested tabling a decision while research was conducted pertaining to the agreement. Council Members commented that the Council did not authorize the signing of an agreement. Interim Administrator Endres asked whether the Council would be willing to allow Service Warranties of America to provide another presentation to the Council and address concerns.

Council Member Duncan suggested a better understanding of the process that occurred, prior to making a decision with regard to how to move forward. Council Member Althoff stated his understanding that the Council voted to not participate in the program. Interim Administrator Endres commented that new information with regard to the agreement had come to light since that action was taken by the Council.

Mayor Robinson expressed agreement with Council Member Duncan's suggestion to table this topic and gather more information.

Council Member Althoff reiterated his opposition to the program because the company would not guarantee the use of local contractors. He added that plans were available through homeowner insurance companies. He commented that another company had been sending mailings to residents.

Council Member Duncan expressed concerns about the agreement language.

Public Works Director Althoff discussed information that was mailed to a resident from a different company that was offering a similar program.

Council Members expressed agreement with tabling this topic and gathering more information. No Council action was taken.

Request by
Contractor to
Discuss 200
Limestone Road

Guy Wilts introduced himself as the Project Manager for Shire Construction, currently building in the Woodridge Bluffs Addition. He indicated that he wanted to clarify some statements that were made during the previous Council meeting.

Mr. Wilts stated that the proper approvals were obtained through the proper channels for the first seven houses that have been constructed in the development. He stated that approval was obtained for the home to be constructed at 200 Limestone Road, adding that the home design did fit with the style and size of the lot. He stated that this approval was obtained on July 16, 2018. He

stated that the company took pride in its work. He noted that final grading would not be done until the project was complete.

Mr. Wilts referenced comments regarding the need for a change of elevation permit, noting that he was unaware of this type of permit and indicated that the elevation was not changed.

Mr. Wilts reviewed the process that was followed and reiterated that the rules, regulations, and requirements of the City were followed.

Mr. Wilts commented that a walk-out style home was a suggestion and not a requirement for this lot. He discussed the location of the sewer lines in this area and noted that a grinder pump would be needed for a walk-out.

Mr. Wilts referenced a comment that all single family homes do not go through the City Engineer for approval. He stated that the plans for the last two homes that were developed by Shire Construction did go through the City Engineer. He asked whether Shire Construction was being singled out in this regard. He noted that this hiccup had cost the builder and the homeowner a lot of money. He expressed concerns that people have been walking around the lots, noting that this was private property and that there were dangers on building sites.

Mr. Wilts indicated that a courtesy call was received from Goodhue County indicating that the City planned to issue a stop work order for this property. He stated that there was no justification for a stop work order. He stated that four inspections were conducted that the soil was tested prior to the stop work order being issued.

Mr. Wilts discussed a meeting that occurred on August 13, during which Zoning Assistant Meyer indicated that the progress of this build would not be hindered. He noted that the stop work order was issued three days later, on August 16. He reiterated that the house that was being built fit on the lot. He stated that his company would be happy to provide a grading plan. He added that drainage from the lots to the north of 200 Limestone Court were running into a swale that does not exist. He noted that a swale was going to have to be created on 200 Limestone Road to accept this drainage.

Council Member Althoff commented that the house appeared mountainous from the patio of the home next to it. Mr. Wilts provided additional information with regard to the height of the home being constructed, noting that it fit on the lot.

Council Member Carpenter discussed photos that were provided to the City Council, indicating grading to within a couple inches of the property line on the north side of the property.

Mr. Wilts discussed drainage easements and the use of silt fences and swales for erosion control.

Mr. Wilts commented that Shire Construction likes building in Cannon Falls, adding that the company patronizes many local businesses and often uses local subcontractors. He stated that, per Goodhue County, Shire Construction has established the standard by which other homes in the area will be constructed.

Mr. Wilts discussed tree removal, stating that this was an option exercised by the homeowner. He stated that none of the so-called blame should be placed on Shire Construction or the homeowner.

Council Member Althoff stated his opinion that the house was a poor design for the lot. Mr. Wilts stated that he took offense to this comment. He commented that the home was being built per the specifications of the homeowner and in accordance with all government requirements.

Council Member Duncan asked Mr. Wilts to address resident concerns relating to run-off. Mr. Wilts noted that the grading plan has been approved by the City Engineer and that the house would be graded as per this plan.

Mayor Robinson indicated that the discussion was initiated at the request of concerned neighbors. Council Member Duncan commented that drainage issues relating to another property were also discussed during this meeting. He noted that improvements to the process going forward were discussed at that time. Mr. Wilts suggested creating an even playing field for everyone. He added that the final grading had not yet occurred.

Mr. Wilts stated that this situation has caused damage to the reputation of Shire Construction, ruined an otherwise enjoyable process for the new homeowner, and caused a significant delay in the construction schedule. He stated that the company did not complain when the neighbors had five sprinkler heads on the property and a shed was in the drainage easement.

Mayor Robinson expressed agreement that the appropriate procedures have been followed.

Staff Reports

City Engineer Anderson provided an update with regard to the Eastside II street improvement project. He stated that, depending on the weather, the project should be wrapped up with one layer of blacktop by October 5, with the final blacktop and any cleanup by mid-October.

Fire Chief Althoff reported that the Fire Department took delivery of the new rescue truck the previous week. He discussed Fire Prevention Week activities.

Public Works Director Althoff discussed recent concerns with regard to low water pressure. He stated that this problem was due to a loss of power from the well house up to the north reservoir.

Police Chief McCormick discussed an upcoming Coffee, Cops, and Conversation event at Hi-Quality Bakery. He discussed the Fun Fest event on September 13. He provided a reminder to watch for pedestrians, now that school was back in session.

Interim Administrator Endres provided an update with regard to the interview process for the City Administrator position, stating that more information would be provided during the next City Council meeting.

Mayor and Council Reports

Council Member Duncan referenced his past concerns about John Burch Park being closed to the public. He suggested opening the southern gate on Saturdays and Sundays. He suggested consideration of re-keying the locks and providing keys to those who needed them. He added that security cameras could be considered for John Burch Park as well as for Public Works facilities. Director Althoff stated that a security system was under discussion. Council Member Duncan referenced safety concerns. Chief McCormick indicated that security measures were being looked into by the new Public Works Director.

Council Member Duncan referenced the decision to outsource building inspections to Goodhue County. He suggested looking into the possibility of making building inspections the responsibility of City staff in the future. Babe O’Gorman, 26980 Michael Avenue, Cannon Falls, suggested giving the new Goodhue County Building Inspector a chance. He commented that there were problems with the former inspection process.

Chief McCormick reported that the locks were changed approximately three years ago. Council Member Duncan suggested creating a list of key-holders. Chief McCormick added that there were ways to prevent keys from being replicated. Council Member Duncan referenced liability concerns.

Council Member Althoff expressed agreement with reviewing the building inspection process. It was noted that the number of inspections fluctuated with the number of building permits that are issued.

Adjournment

A motion was made by Council Member Duncan, seconded by Council Member Carpenter and unanimously carried, 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 18th day of September, 2018.

Lyman M. Robinson, Mayor

ATTEST:

Lanell Endres, Interim City Administrator