

TO: Cannon Falls City Council
FROM: Neil Jensen, City Administrator
DATE: Tuesday, May 3, 2022
**SUBJECT: CONSIDERATION OF AN ORDINANCE OF THE CITY OF
CANNON FALLS, MINNESOTA AMENDING CITY CODE
CHAPTER 121 RELATING TO MOBILE FOOD UNITS**

BACKGROUND

A Public Hearing has been scheduled with the City Council of the City of Cannon Falls for Tuesday, May 3, 2022, to consider an Ordinance of the City of Cannon Falls, Minnesota amending City Code Chapter 121 relating to mobile food units.

The following exhibits are enclosed to further describe the proposal:

1. Development Application from Elvestad Restaurant Holdings LLC
2. GIS site map of the Dairy Inn
3. GIS zoning map
4. Proposed site plan
5. Mobile Food Truck License packet
6. R-B Residential/Business District Lot Requirements, Setbacks and Building Requirements
7. An Ordinance of the City of Cannon Falls, Minnesota amending City Code Chapter 121 relating to mobile food units.

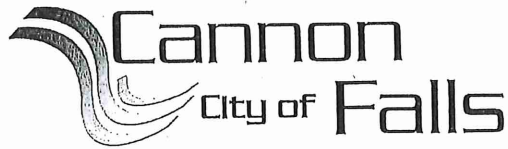
A business owner in the R-B District is requesting an amendment to the text of Ordinance 121.17 as follows:

Mobile food units may not be located within 100 feet of any food service establishment as measured from the mobile food unit to the food service building, unless the owner of the food service establishment approves of a closer location in writing.

Staff recommends approval of the application.

REQUESTED COUNCIL ACTION

City Council is being asked to adopt the amendment to City Code Chapter 121 relating to mobile food units.



DEVELOPMENT APPLICATION

918 River Road, Cannon Falls, MN 55009 | 507-263-9308

SUBJECT TO STAFF REVIEW

Street Location of Property: 1401 N HWY 20, Cannon Falls, MN

Legal Description of Property: 3100FT OF BLK 10 E OF CENTER LINE
HWY 52 PT OF VAC 52ND ST ID# 2-0240-01200

Owner of Record:

Name: Velly Elvestad of Elvestad Restaurant Holdings LLC

Daytime Phone: 651-815-5822

Address: 22030 Annette Ave.

Farmington MN 55024

E-Mail Address: DairyInnMN@gmail.com

Applicant (if other
than owner)

Name: _____

Notary Stamp

Daytime Phone: _____

Address: _____

E-Mail Address: _____

Nature of Legal or Equitable Interest of Applicant (Documentation must be attached :)

- | | | | | |
|----------|--------------------------|------------------------|-------------------------------------|-----------------------------------|
| Request: | <input type="checkbox"/> | Conditional Use Permit | <input checked="" type="checkbox"/> | Rezoning/Ordinance Text Amendment |
| | <input type="checkbox"/> | Subdivision | <input type="checkbox"/> | Variance |
| | <input type="checkbox"/> | Concept | <input type="checkbox"/> | Interim Use Permit |
| | <input type="checkbox"/> | Preliminary Plat | <input type="checkbox"/> | Amendment |
| | <input type="checkbox"/> | Final Plat | <input type="checkbox"/> | CUP/PUD |
| | <input type="checkbox"/> | Administrative | <input type="checkbox"/> | Site Plan Review |
| | <input type="checkbox"/> | Administrative Permit | <input type="checkbox"/> | Special Home Occupation |
| | <input type="checkbox"/> | Vacation | <input type="checkbox"/> | Annexation Petition |
| | <input type="checkbox"/> | Comp Plan Amendment | <input type="checkbox"/> | Appeal |
| | <input type="checkbox"/> | Other | | |

Note: Each requested approval may require a separate fee and/or escrow amount, even where they apply to the same project.

Date Application Received: 11 April 2022

Date Submission Deemed to be Complete: _____

Give detailed description of project and reason for conditional use or variance, if applicable:

We are requesting an addition to the text of
Ordinance 121.17, to allow restaurants to
give permission for food trucks to be
within the 100ft distance of their building.
Suggested text change to add "Without written
Consent." to the original ordinance.

SUPPORTING DOCUMENTATION: Applicant must submit with the application all documentation required by the Zoning or Subdivision Ordinance relating to the requested approval. Applicant will be advised of the completeness. Only when it has been determined that an application is complete will it be placed on a Planning Commission agenda for consideration. Applications that do not include the proper plans and/or documentation may be delayed from formal review. **FAILURE ON THE PART OF THE APPLICANT TO SUPPLY ALL NECESSARY SUPPORTIVE INFORMATION MAY BE GROUNDS FOR DENIAL OF THE REQUEST.**

APPLICANT RESPONSIBILITY FOR PAYMENT OF ALL CITY FEES AND COSTS IN PROCESSING APPLICATION: Applicant acknowledges that she/he understands that before this request can be considered and/or approved, all fees, including the basic application fee and any escrow processing deposits must be paid to the city and that, if additional fees are required to cover costs incurred by the City, the City Clerk has a right to require additional escrow amounts and payment. These fees include all actual costs including, but not limited to, planning, engineering, public notification and legal costs. All processing of an application will be halted if payments are not made within 30 days of receipt of a monthly statement from the City, in the event any escrow account established is insufficient to cover the costs.

SIGNED:

Kelly G. [Signature]
Property Owner

Date: 12 April 2022

Applicant (if not the Property Owner)

Date: _____

=====

FOR CITY USE ONLY

Date Application Filed: 4/13/22 Basic Fees: 45000

Received By: [Signature] Escrow Deposit: _____

Evidence of Ownership Submitted: ☒ Yes ☐ No ☐ Required
Certified Lot Survey: ☐ Yes ☒ No ☐ Required
Legal Description Adequate: ☐ Yes ☐ No ☐ Required

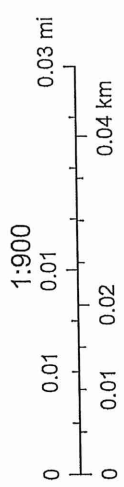
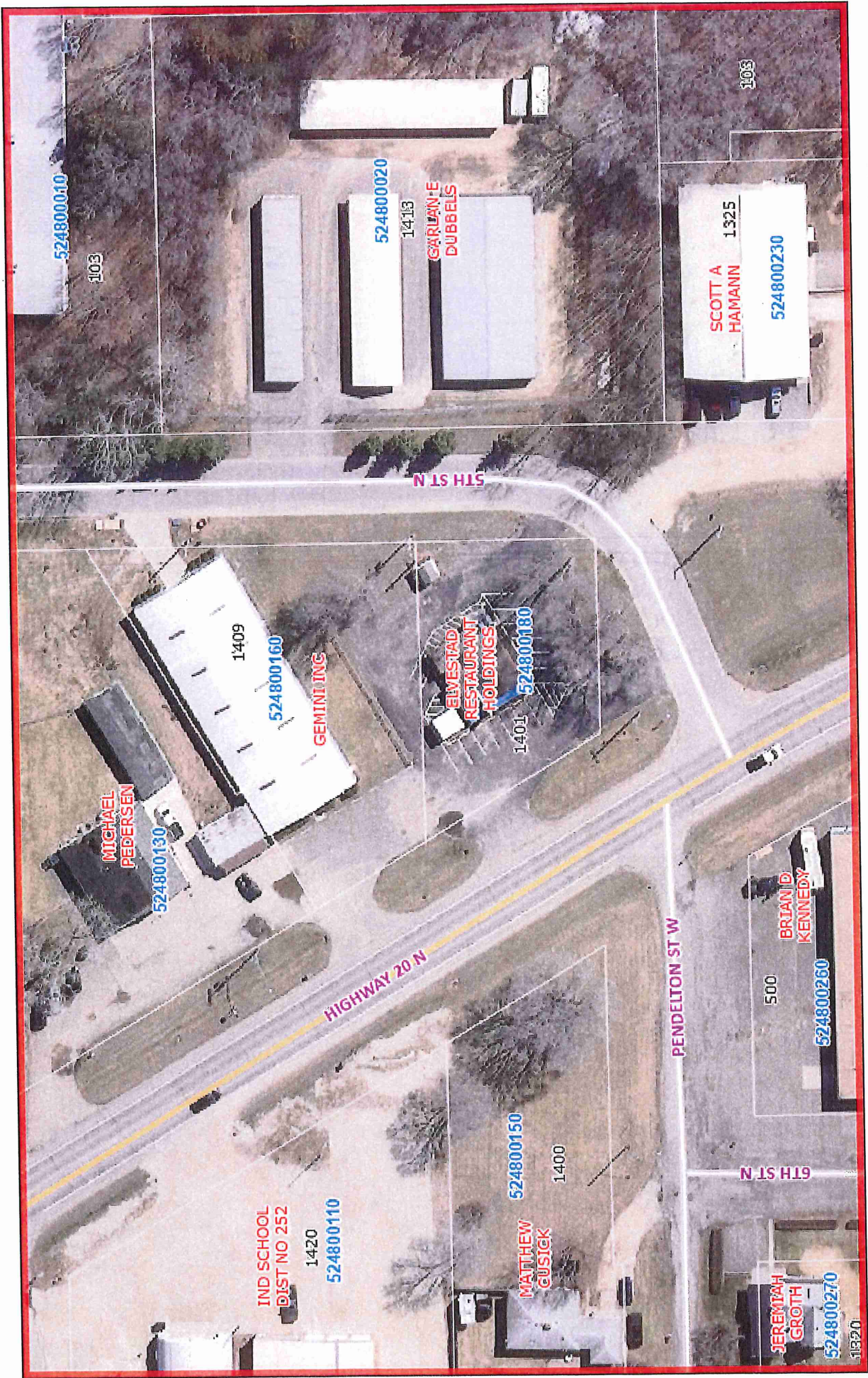
Date of Planning Commission Meeting: N/A

Recommendation of Planning Commission on: N/A ☐ Approve ☐ Deny

Recommendation of City Council on: _____ ☐ Approve ☐ Deny

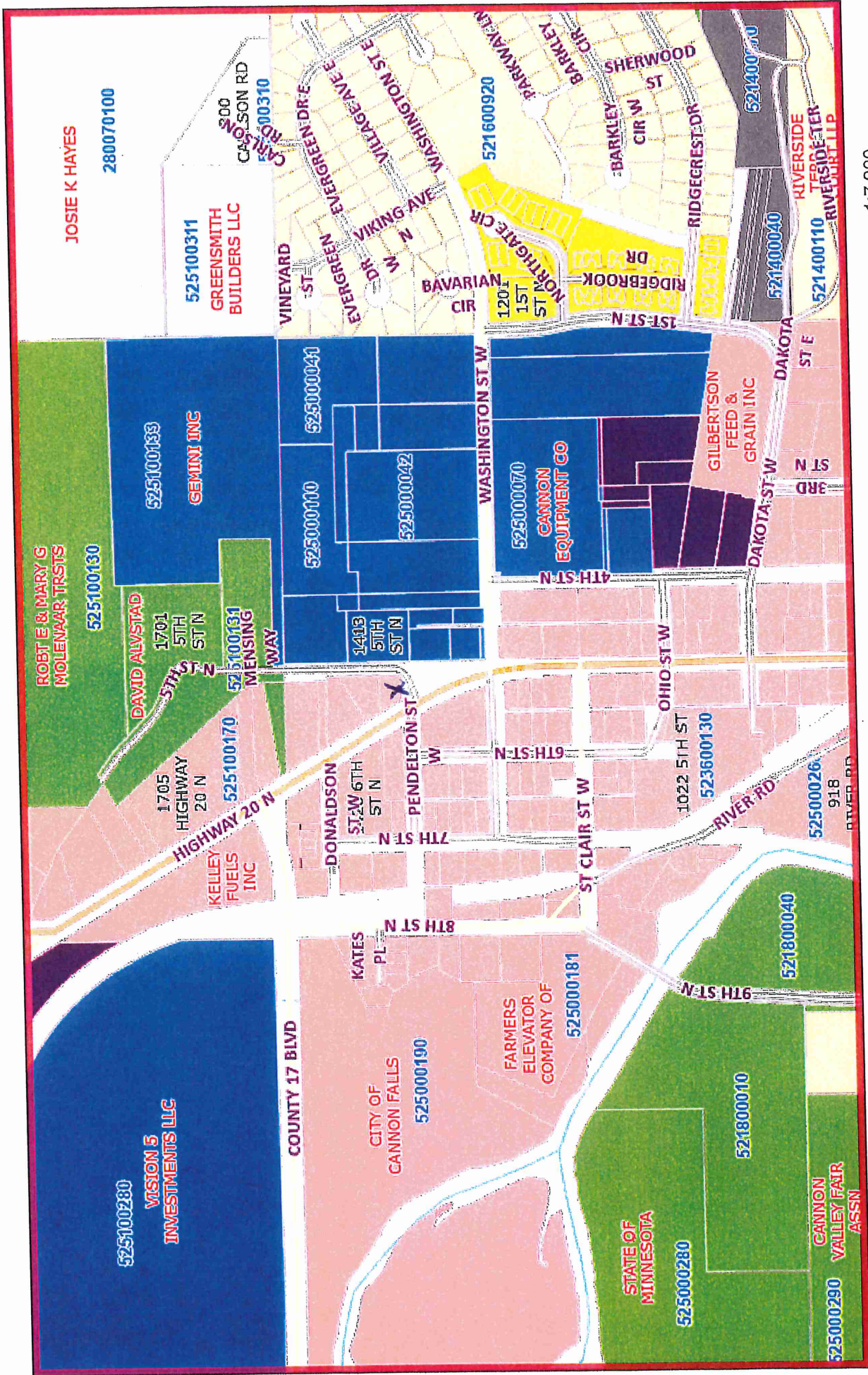
Subject to following conditions: _____

ArcGIS WebMap



April 7, 2022	Goodhue County Roads	PIN	Full Name
CEM; ; OCTY; OCRLN; CTRLN	Parcels	House Number	
SHWY			

ArcGIS WebMap



March 23, 2022

Goodhue County Roads

CEM; ; OCTY; OCRLN; CTRLN

CSAHP; CRP

SHWY

Parcels

Full Address

PIN

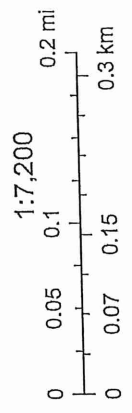
Full Name

Cannon Falls Zoning

I-1, Limited Industrial District

I-2, General Industrial District

R-2, Single Family Residential District





Mobile Food Unit License

CITY OF CANNON FALLS

918 River Road

Cannon Falls, MN 55009

Phone: 507-263-9300

"Mobile Food Unit" means a self-contained food service operation, located in a readily movable motorized wheeled or towed vehicle that is readily movable without disassembling and that is used to store, prepare, display, or serve food intended for individual portion service; or a mobile food unit as defined in Minnesota Statutes Section 157.15, subdivision 9.

An annual license shall be valid for one calendar year; however, the mobile food unit cannot operate in, or in front of, the same location on streets, alleys, parks or other public property for more than twenty-one (21) days during any calendar year.

- Mobile Food Unit Licenses are not transferrable.
- Mobile Food Unit License fees are non-refundable.
- Certificate of Liability Insurance is required.
- Mobile food units may not provide external seating.
- Mobile food units must hold a valid license from the State of MN Department of Health or Department of Agriculture.
- Overnight storage of a mobile food unit is not permitted on public land without approval by the City Council.
- Hours of operation are limited to 7:00 a.m. to 9:00 p.m.
- Mobile food units cannot connect to public utilities.
- Waste disposal is the responsibility of the mobile food unit and they must provide separate trash and recycling receptacles for their customers.
- For further regulations please see the enclosed attachment.

The following information is required:

1. Completed Mobile Food Unit application
2. Minnesota Tax Identification Form
3. Certificate of Liability Insurance by an insurance company authorized to do business in the State of Minnesota. (Please see attachment for further details.)

Annual Mobile Food License fee is \$250.00

Daily Mobile Food License fee is \$25.00



Mobile Food Unit License Application Form

CITY OF CANNON FALLS
918 River Road
Cannon Falls, MN 55009
Phone: 507-263-9300

GOVERNMENT DATA PRACTICES ACT – TENNESON WARNING:

The data you supply on this form will be used to process the license that you are applying for. You are not legally required to provide this data, but we will not be able to process the license without it. The data will constitute a public record when the license is granted.

Business/Owner Name: _____

Doing Business As: _____

Business Address, City, State, Zip: _____

Business Phone Number: _____

Emergency Contact Phone Number: _____

Email Address: _____

Mobile Food Unit License: ☐ Annual ☐ Daily

Is this a corporation: ☐ Yes ☐ No

Is this a partnership: ☐ Yes ☐ No

*Is this an LLC: ☐ Yes ☐ No

**If yes, attach a list names, addresses, and percent of interest of each.*

Applicant's Name: _____

Applicant's Address, City, State, Zip: _____

Applicant's Phone Number: _____ E-mail Address: _____

Applicant agrees to comply with all laws, ordinances, or regulations applicable whether they are federal, state, county or municipal. The undersigned declares that the information provided in this license application is truthful and authorizes the City of Cannon Falls to investigate the information provided.

Applicant's Signature: _____ Date: _____

Date approved: _____ Fee: \$ _____ License #: _____



CANNON FALLS POLICE DEPARTMENT

JEFFREY McCORMICK - Chief of Police

918 River Road • Cannon Falls, MN 55009

507/263-2278 • Fax: 507/263-2301

**INFORMATION ADVISORY AND AUTHORIZATION
FOR RELEASE OF INFORMATION TO SUPPORT LICENSE APPLICATION**

In connection with your application for a license, you are being requested to provide information regarding your criminal and financial background which may be classified as public or private data under the Minnesota Data Practices Act.

The purpose of the information requested in the application is to provide background for the investigation of license applicants required by City Ordinance. Providing the information will assist the police department in preparing an investigative report for the city council's review. The investigative report is given to the city council and is used when granting or denying the license. All information provided in that report becomes part of the public record and is available to any interested individual.

If the license is approved, all information provided by the applicant as part of the license application becomes public and is available to any interested individual. If the license is not approved, only the name and address of the applicant and the investigative report provided to council for consideration becomes public.

You have the right to refuse to supply the requested information. If you do so, this fact may be reported to the city council and may result in the denial of your license.

A criminal charge, arrest, or conviction will not bar an applicant from obtaining a license with the City of Cannon Falls unless the conviction is directly related to the matter for which the license is sought, according to Minnesota Statute §364.03. However, failure to reveal the requested criminal information will be considered falsification of the application and may be used as grounds for the denial of the license.

Full Legal Name: _____ DOB: _____

Complete Address: _____

Drivers license number: _____ STATE: _____

"I acknowledge being informed and receiving a copy of the above advisory and agree to provide the requested information. I authorize the Cannon Falls police department to obtain and disclose criminal history information. I further authorize the release to the City of Cannon Falls of any information about my business and financial affairs which may be requested from any firm relative to my financial background. I also authorize the City of Cannon Falls to investigate the information provided in my application and to contact the persons named on the application. I understand that incorrect or incomplete information provided by me in my application may be considered falsification of the application and may be used as grounds for the denial of the license."

Signature of Applicant: _____ Date: _____

City of Cannon Falls—Tennessee Warning

Minnesota law requires that you be informed of your rights as they pertain to private information, ("private data"), collected from you by the City of Cannon Falls, ("the City"). Private data is that information held by the City which is available to you but not to the public.

You have the right to refuse to provide the information requested on this application form, however, without certain information the City may be unable to approve the license applied for. If you feel that certain information requested is an unwarranted invasion of privacy, please contact the City Administrator.

The dissemination and use of the private data we collect is limited to that necessary for the administration and management of the City's Licensing Program. Persons or agencies with whom this information may be shared include:

1. City personnel, including law enforcement personnel, administering the licensing program
2. The City Attorney and support staff in the City Attorney's office.
3. Federal, state, local and contracted private auditors.
4. Federal and State agencies with oversight or responsibility related to the licensed business.
5. Those individuals or agencies as to whom you give your express written permission for release of the information.

Unless otherwise authorized by state statute or federal law, other government agencies utilizing the reported private data must also treat the information as private.

You may wish to exercise your rights as contained in the Minnesota Government Data Practices Act. These rights include:

- A. The right to see the obtained copies of the data maintained about you;
- B. The right to be told the contents and meaning of the data; and
- C. The right to contest the accuracy and completeness of the data.

To exercise these rights, contact the Cannon Falls City Administrator at 918 River Road, Cannon Falls, MN 55009; (507) 263-9300. I have read and I understand the above information regarding my rights as a subject of government data.

Applicant: _____

Date: _____

121.05. Insurance. No permit shall be granted, nor be effective until the applicant files with the City a Certificate of Liability Insurance by an insurance company authorized to do business in the State of Minnesota, evidencing the following forms of insurance:

- (A) Commercial general liability insurance, with a limit of not less than one million five hundred thousand dollars (\$1,500,000.00) each occurrence. If such insurance contains an annual aggregate limit, the annual aggregate limit shall be not less than two million dollars (\$2,000,000.00);
- (B) Automobile liability insurance with a limit of not less than two million dollars (\$2,000,000.00) combined single limit. The insurance shall cover liability arising out of any auto, including owned, hired and non-owned vehicles;
- (C) Food products liability insurance, with a limit of not less than one million dollars (\$1,000,000.00) each occurrence;
- (D) Public liability insurance, with a limit of not less than one million dollars (\$1,000,000.00) for each occurrence;
- (E) Property damage insurance, with a limit of not less than one million dollars (\$1,000,000.00) each occurrence;
- (F) Workers compensation insurance (statutory limits) or evidence of exemption from state law; and
- (G) The City shall be endorsed as an additional insured on the Certificate of Insurance and any umbrella/excess insurance if the applicant intends to operate its mobile food unit on public property.

121.06. Duration of sales. The annual license shall be valid for a calendar year; however, the mobile food unit cannot operate in, or in front of, the same location on streets, alleys, parks or other public property for more than twenty-one (21) days during any calendar year.

121.07. Overnight storage. No overnight storage of a mobile food unit shall be permitted on public land unless approved by City Council.

121.08. Signs. No signage shall violate the provisions of this Code relating to size and number of business signs. One "A" frame sign, not exceeding 12 square feet per side is permitted during operation, not to impede on vehicular or pedestrian traffic.

121.09. Noise. No shouting, blowing a horn, ringing a bell, or use of any sound devices upon any of the streets, alleys, parks, or other public places of the City or upon any private premises in the City.

121.10. Parking. Mobile food units must be located on a paved surface. A mobile food unit may not operate in a traffic lane, on a sidewalk, or in any location which causes an obstruction of traffic, such as queuing of patrons or advancement of vehicles. A mobile food unit may operate on public streets and occupy no more than two (2) parking spaces. Excepting Veterans Lane public land, no parking or sales shall take place within 60 feet of an intersection of two or more streets, nor within 30 feet of a private driveway or public alley that accesses a public street.

121.11. Hours of operation are limited to 7:00 a.m. to 9:00 p.m.

121.12. **Waste disposal.** Mobile food units shall provide waste disposal and clean up all litter and garbage generated by the mobile food unit removing their receptacles when they relocate. They shall provide separate trash and recycling receptacles for their customers.

121.13. **Self-containment.** Mobile food units can't connect to public utilities. Any generators must be self-contained. There shall be no electrical cords or exterior hazards to the public.

121.14. **Locations.** Licensed mobile food units shall be allowed to operate in the public right-of-way and municipal parking lots (excluding the Public Library lot) in the B-1, Central Business District and the B-2, Highway Business District pursuant to the Zoning Code. Licensed mobile food units may operate on privately owned property located in the I-1, Limited Industrial District, the I-2, General Industrial District and the R-B, Residential Business District pursuant to the Zoning Code.

Mobile food units are also allowed to operate on public streets adjacent to John Burch Park and East Side Park and within public parking lots located in Riverside Park and Two Rivers Park.

A mobile food unit may be licensed to operate on Veterans Lane public land provided: (1) the mobile food unit is located a distance no greater than forty-five feet (45') from the Mill Street right-of-way; and (2) City Staff have determined that the proposed site and operational plan for the mobile food unit is not expected to endanger public safety.

121.15. **Mobile food units may not provide external seating.**

121.16. Mobile food units are prohibited from vending within 500 feet of: (1) an approved community festival unless they are specifically authorized by the event organizer to participate in the festival; or (2) John Burch Park without prior approval of the City.

121.17. **Mobile food units may not be located within 100 feet of any food service establishment as measured from the mobile food unit to the food service building.**

121.18. **License Suspension and Revocation:** Any license under this section may be suspended or revoked at the discretion of the City Council for violation of any of the following:

1. Fraud, misrepresentation or incorrect statements on the application form;
2. Fraud, misrepresentation or false statements made during the course of the licensed activity;
3. Conviction of any offense for which granting of a license could have been denied under City Code Section 114.04; or
4. Violation of any provision of this Chapter.

Section 2. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to law.

PASSED AND DULY ADOPTED this 7^h day of August, 2019 by the City Council of the City of Cannon Falls, Minnesota.

CITY OF CANNON FALLS

BY: _____
John O. Althoff, Mayor

ATTEST:

David Maroney, City Administrator

§ 152.611 LOT REQUIREMENTS AND SETBACKS.

(A) Except for Single-family detached and two family dwellings, the following minimum requirements shall be observed in an R-B District subject to additional requirements, exceptions and modifications set forth in this chapter:

Minimum lot area	
Elderly	1,000 square feet per unit
Multiply-family	2,500 square feet per unit
Other uses	15,000 square feet
Minimum lot depth	120 feet
Minimum lot width	100 feet
Minimum setbacks	
Front	25 feet
Rear	25 feet, not less than 35 feet for a nonresidential use on a rear yard abutting a single-family residential zoning district
Side	15 feet, not less than 25 feet on a side yard abutting a street
Zero lot line	Side yard setback requirements shall not be applied to common walls of multiple-family dwellings

(B) The following minimum requirements shall be observed for single-family detached and two-family dwellings subject to additional requirements, exceptions and modifications set forth in this chapter:

Minimum lot area		
Single-family	8,520 square feet	
Two-family (per unit)	5,000 square feet	
Minimum lot depth		
Single and Two Family	142 feet	
Minimum lot width		
Single-family	60 feet	
Two-family	80 feet	
Minimum setbacks		
Front	25 feet	
Rear	20 feet	
Side	Interior	10 feet
	Corner	20 feet

	Common wall	0 feet
Rear/side detached accessory	5 feet	
Garage accessing alley	15 feet	

(Prior Code, § 11-58-7) (Ord. 258, passed 5-4-2006; Ord. 347, passed 9-20-2016)

§ 152.612 BUILDING REQUIREMENTS.

The following building requirements shall be observed in an R-B District.

(A) All structures shall be limited to a maximum height of three stories or 45 feet, however, building heights in excess of the prescribed standard may be permitted through a conditional use permit, provided that the requirements of § 152.207(A) of this chapter are met.

(B) Dwelling unit floor area shall be governed by § 152.210 of this chapter.

(C) Accessory structures shall be governed by §§ 152.230 through 152.241 of this chapter.

(Prior Code, § 11-58-8) (Ord. 258, passed 5-4-2006)

**CITY OF CANNON FALLS
GOODHUE COUNTY, MINNESOTA**

**ORDINANCE NUMBER 383
SECOND SERIES**

**AN ORDINANCE OF THE CITY OF CANNON FALLS, MINNESOTA AMENDING
CITY CODE CHAPTER 121 RELATING TO MOBILE FOOD UNITS**

THE CITY OF CANNON FALLS ORDAINS AS FOLLOWS:

Section 1. City Code Section 121.12 provision (F) is amended to read as follows:

(F) Mobile food units may not be located within 100 feet of any food service establishment as measured from the mobile food unit to the food service building, except that in the I-1, I-2 and R-B districts, the mobile food unit may be located closer to a food service establishment with the written consent of the owner of the food service establishment.

Section 2. This ordinance shall become effective upon its passage and publication.

PASSED AND ADOPTED by the City Council of the City of Cannon Falls, Minnesota, this _____ day of _____, 2022.

John O. Althoff, Mayor

ATTEST:

Neil L. Jensen, City Administrator