

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF CALEDONIA, MINNESOTA  
Monday, June 13, 2005

CALL TO ORDER: Following due call and notice thereof, Mayor Morey called the meeting to order at 7:00 p.m. in the Council Room, City Hall.

ROLL CALL: Members present: Mayor Michael J. Morey; Council Members Paul Fisch, Randi Vick, Gary Klug and Robert Standish. Members absent: None. Consultants and City staff present: Randy Shefelbine, James Logan, Tony Klug, James Kochie and Robert L. Nelson. Visitors present: Patrick and Holly Dvorak, Josh Erdman, Gary Sand, Teri Peter and Jane Palen, reporter.

CONSENT AGENDA: Following brief discussion, a motion was made by Member Vick, seconded by Member Fisch, to approve the Consent Agenda items, listed below. All members voted in favor and the motion was declared carried.

A. MINUTES OF PAST MEETINGS: To approve the minutes of the Regular Meeting held Monday, May 23, and Special Meeting held Monday, June 6, 2005, as presented.

B. SEASONAL STAFFING: To approve the roster of athletic field coaches and swimming pool lifeguards for the 2005 summer season. Included for special consideration was a request by Clerk Nelson to establish a salary for Kari Rusert, an adult coach, at the rate of \$5.65 per hour to assure that worker's compensation coverage applied should she be injured performing her duties for the City. Following brief discussion, a motion was made by Members Standish, seconded by Mayor Morey, to set a wage for Kari Rusert at \$5.65 per hour. All members voted in favor and the motion was declared carried.

COACHES

Zach Hauser – Director, 14 & Under Boys  
Ted Hanson – Boy's Head, 12 & Under Boys  
Jessica Lange – Girl's Head, HS Girls  
Angie Ideker – 12 & Under Girls  
Kari Rusert – 10 & Under Girls  
Justin Conway – 14 & Under Boys  
Cory Messner – 12 & Under Boys  
Kevin Loeffler – 12 & Under Boys  
Tyler Augedahl – 10 & Under Boys  
Nathan Klug – 10 & Under Boys

LIFE GUARDS

FULL-TIME

Mark Murphy – Manager  
Aubrey Kinneberg – Co-Assistant Manager  
Emily Schmitz – Co-Assistant Manager  
Katelynn Hauser  
Brent Knutson  
Emily Lemke  
Brianna Polus

PART TIME

Nathalie Besse	Sub/lessons
Kelsey Kruse	Sub/lessons
Leah Misch	
Anne Molling	
Lucas Nelson	
Robert Schieber	Sub/lessons
Molly Wittry	

C. APPLICATION FOR EXEMPT PERMIT: To approve an Application for Exempt Permit submitted by the Caledonia Rod and Gun Club for a gambling event to take place at St. Mary's School Gymnasium, 308 East South Street, on July 30, 2005, to include raffles, paddle wheels and tip boards, and, to waiver the waiting period.

VISITORS AND COMMUNICATIONS

A. CONTESTED UTILITY BILL: Patrick and Holly Dvorak, previous residents of 803 South Pine Street, explained their position on the usage of 18,016 cubic feet of water between mid October 2004 and February 28, 2005, contending that such usage was impossible and the water meter apparently reflected an inaccurate quantity. Mr. and Mrs. Dvorak contended that their water usage had always been moderate, perhaps an average of 1,800 cubic feet per quarter. They moved out of the residents around November 1 and returned 8-10 or more to check the residents before it was sold and then inhabited by the new owner on approximately April 1, 2005. They also provided letters from Neil Morey, Real Estate Agent and Daniel Schultz, Schultz Plumbing and Heating, saying that Mr. Morey had visited the home with prospective buyers on a number of occasions and found no water leaks nor heard water running in toilets or

the like and Mr. Schultz affirmed that he had not made any plumbing repairs for leaks. While Mr. and Mrs. Dvorak contended they had shut off the water supply to the toilets, Tony Klug, Water / Wastewater Supervisor, reported to the Council that the toilet, located in the basement, had no shut off valve. Council members alluded to the demonstration of a water meter provided by Mr. Klug at the past Council Meter showing how the mechanisms work to register the passage of water. Following approximately 30 minutes of discussion, the Dvorak's agreed to pay for the metered quantity of water and sanitary sewer as shown on the utility billing.

B. 2003 SANITARY SEWER PROJECT: Jim Kochie, Davy Engineering Company, reviewed the process leading to the 2003 Sanitary Sewer Project for the newly elected Council Members. He presented a schedule, showing the original budgeted amount, the current expenditures and the final estimated cost. In addition, he presented Change Order #7, for additional quantities of work, primarily additional bituminous materials, for patching areas of Main Street and Winnebago Street, both Houston County Roadways, for a net increase in costs of \$26,092.50. Member Fisch asserted that, instead of requiring a Change Order, the additional materials costs should merely be treated as an overrun of the estimated quantities at the unit rates established in the 2003 original bid amount. Mr. Kochie reported that he would return the Change Order to Badger Environmental and Earthworks, making a request for a revised estimate based on the 2003 unit price.

C. ZONING APPLICATION – ERDMAN: Josh Erdman, 324 West Caledonia Street, reviewed his zoning application proposing to construct an 8' x 9' deck on the front of this existing home, locating the front edge of the deck approximately 13' from the front (south) property line, requiring a setback variance of 17' feet. Based upon the findings that there were no explicit exceptional or extraordinary circumstance applicable to this property that does not generally apply to others, the literal interpretation of ordinance provisions would deprive this applicant of rights often enjoyed by others in the same district since their have been numerous variances granted for additions or decks on relatively small lots in the older developed areas in the City. Granting such variance will not confer on this applicant any special privilege which has been denied to others similar circumstances. The requested variance is the minimum which would enable the applicant to construct a suitable and useful deck. Granting this variance would not be materially detrimental to the purposes of the Zoning Ordinance. The requested variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion of the public streets, or increase the danger of fire or endanger public safety or substantially diminish or impair property values within the neighborhood. Following review and discussion, a motion was made by Member Fisch, seconded by Member Klug, to approve the Zoning Application and grant the 17' setback variance on the front (south) property line. All members voted in favor and the motion was declared carried.

D. ANIMAL CONTROL – GARY SAND: Gary Sand, 714 South Winnebago Street, informed the Council that he was withdrawing his request for a Multiple Pet Permit and would retain only the two adult coon hounds which he had for a number of years. The young pup, currently in the possession of the City Animal Control Officer, would be given away. Following discussion, a motion was made by Mayor Morey, seconded by Member Standish, to authorize Mr. Sand to keep the two adult dogs, Bailey and Katie, provided there were no further issues with barking or other nuisance disturbance to the neighborhood. All members voted in favor and the motion was declared carried.

E. ZONING APPLICATION – PETER: Teri Peter, 322 East Grant Street, requested permission to install a fence within 1' of her west property line to prohibit persons from cutting across her rear yard. Following a detailed explanation of recent happenings involving her property, the council agreed by general consensus to authorize placement within 1' of the west property line.

F. POLICE DEPARTMENT EQUIPMENT: Police Chief Randy Shefelbine and Officer James Logan demonstrated a taser for the Council and explained how and when it is to be used and safety precautions take when using the instrument. Officer Logan is a trainer for the taser instruction program.

G. COMMUNICATIONS

1. LMC Friday Fax, 5-27-05.
2. LMC Friday Fax, 6-3-05.
3. LMC Friday Fax, 6-10-05.
4. The Wheel, June 2005.
5. Notice, Recording Fees

## CLAIMS

A. PREPAID CLAIMS: Following review, discussion and deliberation, a motion was made by Mayor Morey, seconded by Member Fisch, to approve the Prepaid Claims List for May 2005. All members voted in favor and the motion was declared carried.

Caledonia Oil	Unleaded	1,006.90
Houston County Treasurer	2 Recording Fees	39.00
Caledonia Oil Company	Unleaded	40.00
Sprague Professional Building	Semcac Fuel Assistance – Elmer McCloud	320.86
Trend Management	Reimbursement for Broken Window (LHH)	196.00
Carquest Auto Parts	Miscellaneous Items	53.28
Gopher State One – Call	71 Location Notifications	116.85
In The Swim	Pool – Chemicals	855.95
Jahn’s Transfer, Inc.	Liquor – Freight Expense	72.49
Klug, Anthony	Wastewater Conference Expenses	301.42
Northern Beverage Distribution	Beer	533.10
Schott Distributing Co., Inc.	Beer	6,903.00
Spring Grove Soda Pop, Inc.	Beer	495.50
B & M Service Center	Water – Van Maintenance	31.70
Caledonia Oil Company	Diesel	989.75
Logan, James	Meal Reimbursement – school	37.20
SE MN Historic Bluff Country	Coop Ads	60.00
Houston County Ag Society	EDA 2005 Fair Booth	75.00
Houston County Treasurer	Disposal of Computer	41.30
Southeast Consultants, Inc.	Commerical RLF, Nanof	275.51
Bank of the West	Fed/Fica/Med	6,243.03
Caledonia Police Association	PD Association Dues	30.00
City Of Caledonia	Employee Share Heath Insurance	429.25
City Of Caledonia Emp. Assn.	Association Dues – May 2005	145.00
Commissioner of Revenue	State Withholding – May 2005	2,674.46
Minnesota NCPERS Life Ins.	NCPERS payday 5-24-05	32.00
MN Benefit Association	MBA Payday 5-24-05	173.06
Orchard Trust Company AS	TSA payday 5-24-05	1,255.00
Public Emp. Retirement Assn.	PERA payday 5-24-05	3,613.39
Gavin, Mike	Animal Control – may 2005	300.00
Gengler & City, Joan	Refund due to over-estimation	43.02
Houston Co. Public Health	Hep B#2 – Joe & Klug	80.00
Houston County Treasurer	Bulb Collection & Dump Site	3,762.59
Johnson Brothers Liquor Co.	Liquor / Wine	1,243.28
Johnson, Allan	Reimbursement – Meals and Mileage	30.16
League of MN Cities	Registration Fee – Mike Gerardy	30.00
Midwest Wireless Comm.	Mobile Unit	195.49
MN Dept. of Agriculture	Concession Stand – License Renewal	77.00
Northern Beverage Distribution	Beer	2,458.85
Phillips Wine & Spirits	Liquor / Wine	804.04
Schott Distributing Co, Inc.	Beer	1,436.60
SLJ Design	Van Decals	21.30
Spring Grove Soda Pop, Inc.	Beer & Soft Drinks	75.75
Tom’s Speedometer Shop	Fire Barn Door	416.46
Travelers Directory Service	Liquor – Brochure Ad	150.00
VISA	Miscellaneous Items	1,923.94
Winona Area Ambulance Serv.	Ambulance – Contracted Billing	360.50
Ziebell’s Hiawatha Foods, Inc.	Liquor – Cleaner/Mix	48.86
Kohlmeyer, Marvella	Reimbursement 25% of Public Sidewalk	350.00
Arch Wireless	Mobile Unit	53.89
Hanco Corporation	Hose Reel	505.88
Northern Beverage Dist.	Beer	604.15
Pepsi Cola Bottling Co.	Soft Drinks	79.50
Rolbeicki, Charles	Reimbursement – Meal @ Training	5.00
Schott Distributing Co.	Beer	4,932.54
U S Postal Service	Utility Bill Postage	286.20
Ace Link Telecommunications	Communication Expense	1,032.50
Betz & City, Linda	Meter Deposit Refund	75.49
Hauser & City, Zach	Meter Deposit Refund	76.59
MN Dept. of Revenue	Sales / Use Tax – May 2005	10,927.68
Pomery & City, Maria	Meter Deposit Refund	75.26
Richard’s Sanitation	Recycling Collections	5,494.45

SE MN Historic Bluff Country	Tourism	1,446.23
Skadson & City, Kristie	Meter Deposit Refund	79.50
Badger Environmental	Estimate #6	84,932.13
Bank of the West	Fed/Fica/Med	1,081.15
Independent School District	City Share x-ing Gaurds	1,989.37
Merchants Bank	Ach Fee June 2005	28.70
Post Board	License Renew- Allan Johnson	90.00
Principal Life	Life/Ad&d/Std	529.40
Public Emp. Retirement Assn.	PERA payday 5-2-05	542.13
Tri-County Electric Co-op	Electric Energy	58.40
United Parcel Service	Ups Fee	106.36
La Crescent Youth Baseball	12/Under Div C	90.00
Stars of Tomorrow, Inc.	Registration Fee	595.00
Caledonia Police Association	PD Association	63.50
City Of Caledonia	Employee Share Health Insurance	429.25
Orchard Trust Company	TSA Payday 5-7-05	1,255.00
Public Employee Retirement	PERA payday 6-7-05	3,534.44
Aquila	Natural Gas	2,874.31
Griggs, Cooper & Company	Liquor / Wine	2,366.20
Hass, Kevin	Reimbursement 25% Sidewalk Project	185.94
Johnson Brothers Liquor Co.	Liquor / Wine	1,896.36
Kraus Oil Company	Unleaded	1,071.00
La Crescent Youth Baseball	Registration Fees	270.00
Northern Beverage Distribution	Beer	1,353.50
Phillips Wine & Spirits Co.	Liquor / Wine	1,254.92
Schott Distributing Co.	Beer	6,500.05
Shefelbine, Randy	Reimbursement – Security File	33.75
Spring Grove Soda Pop Inc.	Beer & Soft Drinks	219.40
Stemper Construction LLC	Fire Department Building Repairs	13,510.00
Ziebell's Hiawatha Foods, Inc.	Liquor – Mix	62.18
Blue Cross Blue Shield of MN	Health Insurance	19,733.00
Taylor & City, Crystal	Meter Deposit Refund	75.12
Evans, Tim	Reimbursement – Mileage	240.50
Jahn's Transfer, Inc.	Liquor – Freight Expense	63.73
Northern Beverage Distribution	Beer	580.85
Schott Distributing Co.	Beer	4,602.40
Spring Grove Soda Pop, Inc.	Beer & Soft Drinks	303.50
U S Postal Service	Annual Fee for Box 232	250.00
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		\$226,697.16

B. CLAIMS PAYABLE: Following review, discussion and deliberation, a motion was made by Mayor Morey, seconded by Member Fisch, to approve and authorize payment of the Claims Payable List for May 2005. All members voted in favor and the motion was declared carried.

Airgas North Central	Oxygen / Acetylene	130.05
Alco Discount Store #273	Pool – Miscellaneous Supplies	73.61
American Red Cross	Swim Certificates	12.21
Artic Glacier, Inc.	Ice	265.77
Baker & Taylor Books	Library – Books	365.46
Burmeister Electric Company	Inventory	1,046.24
Caledonia Electronics	Miscellaneous Supplies	296.86
Caledonia Implement Co.	Cap Nut & Bulk Steel	13.49
Carquest Auto Parts	Parts & Hose Clamps	39.02
Crystal Canyon Inc/Ecowater	Cooler Rent & Drinking Water	60.93
Curt & Candy's Hardware Hank	Miscellaneous Parts	177.31
D S Electric Supply Inc.	Inventory	2,241.11
Davy Engineering	Sewer Rehab Project	5,343.67
Davy Laboratories	3 total Coliforms	1,302.28
Demco	CD Protectors / Laminated	114.06
Earl F. Andersen & Assoc., Inc.	Signs / Brackets	548.56
ECM Publishers, Inc.	Various Notices / Ads	572.68
Emergency Medical Products	Ambulance Supplies	339.00
Farmers Coop Elevator	Storm Outfall – Rye Fall	8.50
Finley Piano Service	Auditorium – Tune 2 Pianos	143.00
First Supply	Parts	254.53
Fitzpatrick, Tom	Reimbursement 25% Sidewalk Project	9.13
Fox Valley Systems, Inc.	Light – Paint	35.03

Gopher State One-Call	78 Location Notifications	133.30
Green Power Equipment	Nuts / Bolts	47.49
Hawkins, Inc.	Chemicals	1,006.58
High Voltage Test Laboratory	Test Gloves / Mitts	115.29
Hoskins Electric Co.	City Hall / Fire Barn – Labor	47.00
Houston County Treasurer	Disp E-Water & Shetr	30.00
Information Management Svcs	Tech Services	316.73
Ken's Small Engine	Sharpen Chain	16.77
Mississippi Welders Supply Co.	Oxygen & Sawzall	490.02
P & H Services	Radio Repairs & New Radio	1,053.02
PowerPlus Engineering	Engineering Fees	196.00
PT Welding & Driveshaft Repair	Labor	48.90
Quillin's IGA	Cleaning Supplies	7.88
Richard's Sanitation	Refuse Disposal – May 2005	203.58
Rippe, Hammell & Murphy	Prosecution Matters	1,444.50
Sandry Fire Supply, LLC	Pant/Coat/Name Patch	2,497.18
Schilling Supply Company	Bags, Copy Paper, Towels	364.39
Schott Distributing Co., Inc.	Beer	196.75
SE Libraries Cooperating	Barcodes, Receipt Printer & Auto Fees	811.68
SE MN Development Corp.	EDA Support Services	7,540.00
Staggemeyer Stave Co., Inc.	2 Scoops of Bark	60.00
Tom's Speedometer Shop	Labor	47.48
Tostrud & Temp, S.C.	2004 Audit, Partial Billing	9,042.00
Tri-County Electric Co-op	Electric Energy	86,555.94
Tri-State Business Machines	PD-Copier Maintenance Agreement	54.66
Uniforms Unlimited	Uniforms (Shefelbine & Rolbiecki)	258.51
Untied Auto Supply, Inc.	Miscellaneous Supplies	177.94
Weichert Motors	Welding Supplies	47.58
Wiebke Tire Company	Tire Repair	12.00
Winona Heating & Ventilating	Roof Repairs	1,559.00
WWTP MPCA PFA Loan Fund	1993-98 PFA Loan – June 2005	3,725.00
Zarnoth Brush Works, Inc.	Broom Refill	<u>370.62</u>
		\$ 131,870.29

#### NEW BUSINESS

A. AMBULANCE ACCOUNTS RECEIVABLE: Clerk Nelson reviewed the credit summary documents for the Ambulance Department Uncollectible Bills for those which were invoiced by the City Of Caledonia while billing was still done at the Ambulance Department and those invoiced after July 1, 2004, by Winona Area Ambulance Service on behalf of the City Of Caledonia Ambulance Service. The amount to be declared uncollectible, primarily because of the Medicare / Medicaid restriction on collections for invoicing done by the City Of Caledonia is \$25,192.58. The uncollectible portions for invoicing done by the Winona Area Ambulance Service after July 1, 2004, is \$12,325.42, for a total of \$37,518 to be written off as uncollectible from accounts receivable. The City's Auditor, David Tostrud, Tostrud & Temp, concurs with these amounts. A motion was made by Member Fisch, seconded by Member Klug, to authorize the write off of \$37,518 from accounts receivable for ambulance service coinciding with period ended December 31, 2004. All members voted in favor and the motion was declared carried.

B. WELLHEAD PROTECTION PLAN: Clerk Nelson reported that the Minnesota Department of Health required all public water suppliers to provide a Wellhead Protection Plan. The plan is a two part document. Part One, to be considered by the Council this evening, was actually written by the Minnesota Department of Health, which is its practice for communities of less than 3,300 population. Part One is to be approved by the City Council and returned to the Minnesota Department of Health for approval. Thereafter, it will be the Cities responsibility to complete Part Two. Following brief discussion, a motion was made by Member Standish, seconded by Member Klug, to approve Part One of the Wellhead Protection Plan for the City Of Caledonia. All members voted in favor and the motion was declared carried. (The entire Plan is available for public review at the City Clerk's Office, City Hall)

C. LIABILITY COVERAGE – WAIVER FORM: Clerk Nelson reviewed the purposes for a Liability Coverage – Waiver Form which is to be approved or denied by the City Council with each annual renewal of the Cities Insurance Policy. Nelson reported that the Council had chosen to waive the statutory monetary limits for the proceeding four or five years. Following discussion, a motion was made by Member Fisch, seconded by Mayor Morey, to waive the statutory limits for tort liability for the City Of Caledonia Insurance Renewal Policy for period July 1, 2005 – July 1, 2006. All members voted in favor and the motion was declared carried.

#### CLERK'S REPORT

A. POLICE ACTIVITY LIST & SUMMARY: Enclosed with the Agenda was the Police Activity List & Summary for the month of May 2005.

B. EMPLOYEE TIME RECORD: Enclosed with the Agenda were the Employee Time Records for pay period May 9 – 22, 2005 and period May 23 – June 5, 2005.

C. TRAINING WHEELS: Enclosed with the Agenda was an article from the League of Minnesota Cities Magazine entitled *Training Wheels* advising on appropriate assignments for teenagers employed as summer labor for municipalities, including restrictions of the operation of city vehicles and equipment for those under age 18.

D. TRAINING SESSION: Enclosed with the Agenda was notice of a training session for members of the City Council acting as the local Board of Appeals and Equalization. The session will be held at 4:30 p.m., June 23, 2005, at the Four Seasons Community Center.

E. DISCHARGE MONITORING REPORT: Enclosed with the Agenda was the Discharge Monitoring Report showing a Total Monthly Average Nitrogen Level of 4.2 mg/l per liter for May 2005.

#### MISCELLANEOUS ITEMS

A. ATHLETIC FIELD EQUIPMENT: Member Klug reported that he had discussed the rental of a pitching machine from Independent School District 299. A tentative agreement would be that the City Of Caledonia could rent the pitching machine for one half the rental fee charged to the school for use of City Athletic Fields. The rental fee for athletics for 2005 is \$400. Following discussion, a motion was made by Mayor Morey, seconded by Member Standish, to accept the offer for rental of the pitching machine for the summer athletic program for one half the amount of the rental of athletic field charges to Independent School District 299. Members voting in favor: Morey, Fisch, Klug and Standish. Opposed: Vick. The motion was declared carried.

ADJOURNMENT: There being no further business before the Council, a motion to adjourn was made by Mayor Morey and seconded by Member Fisch. All members voted in favor, the motion was declared carried and the meeting then adjourned at 10:28 p.m. The next Regular Meeting of the City Council is scheduled for 7:00 p.m., Monday, June 27, 2005, in the Council Room, City Hall.

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Michael J. Morey, Mayor

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Robert L. Nelson  
City Clerk - Administrator