

REGULAR MEETING OF THE CALEDONIA CITY COUNCIL
CITY COUNCIL CHAMBERS, CITY HALL
CALEDONIA, MINNESOTA
Tuesday, November 12, 2019

CALL TO ORDER: Following due call and notice thereof, Mayor DeWayne “Tank” Schroeder called the meeting to order at 6:00 p.m. in the Council Chambers of City Hall.

PLEDGE OF ALLEGIANCE: Mayor Schroeder led the Council, City staff, and visitors in stating the Pledge of Allegiance.

ROLL CALL: Council members present: Mayor Schroeder, Paul Fisch, David Fitzpatrick, Brad Rykhus, and Randi Vick. City staff present: Casey Klug, public works and zoning director; Stephanie Mann, finance officer (@ 6:53 p.m.); Adam Swann, clerk/administrator. Visitor(s) present: Bob Burns, Houston County commissioner; Daniel Hanson; and Craig Moorhead, *Caledonia Argus*.

CONSENT AGENDA: Member Vick moved to approve the consent agenda. Member Rykhus seconded the motion. All members present voted in favor of the motion, and the motion passed. The consent agenda comprised the following items:

- a. Approve minutes from October 28, 2019 regular City Council meeting
- b. Approve Pay Application No. 5 from Zenke, Inc. for work on 2018 E. South St. and S. First St. Public Improvement Project
- c. Approve Pay Application No. 7 (final pay application) from A-1 Excavation Inc. for work on 2018 N. Kingston St. Reconstruction Project
- d. Accept letter of resignation from Officer William Persons as member of Caledonia Police Department

PUBLIC COMMENT: None.

PUBLIC WORKS & ZONING DIRECTOR:

- a. Updates:
 - i. Repaving of S. First St.: Public Works and Zoning Director Casey Klug reported that the repaving of S. First St. was completed and there were no drainage issues.
 - ii. Rehab of well #6: Klug reported that Bergerson and Caswell had started rehab of Well #6.
 - iii. Digester cleaning: Klug reported that Ritter and Ritter had started cleaning the digester at the wastewater treatment facility.

CLERK/ADMINISTRATOR:

- a. Updates:
 - i. Job posting for liquor store manager: Clerk/administrator Swann reported that the job posting for the liquor store manager had been provided to City employees in Local 49 pursuant to the collective bargaining agreement. The position would be advertised publicly starting Tuesday, November 19 unless Council wanted to do something differently. The consensus of the Council was that the liquor store committee should conduct the interviews.

ii. Proposed contract with Bolton & Menk for engineering services: Swann reported that City Attorney Flaherty was still negotiating a proposed contract with Bolton and Menk for the provision of engineering services.

iii. Status re abatement of hazardous property at 916 E. Main St.: Swann reported that a hearing was scheduled on November 14, 2019, regarding the City's motion to enforce the Council order to abate the hazardous conditions on the property at 916 E. Main St.

NEW BUSINESS:

a. Public hearing re application by Daniel Hanson for interim use permit to use property at 1107 E. Main St. for home occupation in an R-2, Urban Residential District: At 6:02 p.m. Member Vick moved to adjourn the regular City Council meeting to hold a public hearing regarding the application by Daniel Hanson for an interim use permit to use the property at 1107 E. Main St. for a home occupation. Member Fitzpatrick seconded the motion. All members present voted in favor of the motion, and the motion passed. The public hearing convened at 6:02 p.m.

Public Works and Zoning Director Klug reported that Daniel Hanson was requesting to use 400 sq. ft. of the garage at 1107 E. Main St. for his business, DRK Graphix. The garage would house a printer, desk, and computer. Daniel Hanson stated that he would be doing all of his printing in the garage and wanted to use the garage for 1-2 years before moving to a different building. Daniel Hanson stated that he would be the only employee, so there would be no extra cars. Daniel Hanson stated that there would be no cars in the driveway or street for an extended period.

Clerk/administrator Swann reported that accessory buildings like a garage normally couldn't be used for a home occupation, but the garage was close enough to the main house that it was considered integral to the main building under the City Code.

At 6:10 p.m. Member Rykhus moved to adjourn the public hearing and reconvene the regular City Council meeting. Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed. The regular City Council meeting reconvened at 6:10 p.m.

b. Consideration re application by Daniel Hanson for interim use permit to use property at 1107 E. Main St. for home occupation in an R-2, Urban Residential District: Council made the following findings regarding the application by Daniel Hanson for an interim use permit to use the property at 1107 E. Main St. for a home occupation—i.e., using the garage for housing the printer, desk, and computer for his business (DRK Graphix):

- (i) The use would not create an excessive burden on existing parks, schools, and other public facilities and utilities that serve the area because the use would not burden the streets and there were no schools nearby.
- (ii) The use would be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes would not be depreciated in value and there would not be deterrence to the development of vacant land because any vehicles serviced by the printing business

would be kept off of the City street and nothing was changing on the outside of the property.

(iii) The structure and site would have an appearance that would not have an adverse effect upon adjacent residential properties because the proposed use was not going to involve changing the appearance of the property other than by the addition of a 2' x 2' sign advertising the business.

(iv) The proposed use was reasonably related to the overall needs of the City and to the existing land use because the City needed businesses.

(v) The use was consistent with the purposes of the zoning chapter of City Code and the purposes of the R-2, Urban Residential District because home occupations were permitted in the R-2, Urban Residential District with an interim use permit and the proposed use was temporary.

(vi) The use was not in conflict with the comprehensive plan of the City because it was a home occupation and the comprehensive plan designated that the area should be used for low density residential;

(vii) The use would not cause traffic hazards or congestion because the property was located on E. Main Street and vehicles would not be parked on the street in front of the property for extended periods;

(viii) Adequate utilities, access roads, drainage and necessary facilities were presently provided, and nothing was changing.

Based on the preceding findings, Member Rykhous moved to approve an interim use permit for two years—effective November 18, 2019—for Daniel Hanson to use the property at 1107 E. Main St. for a home occupation for his business, DRK Graphix, subject to the following conditions:

i) There were no noise complaints, and

ii) There were no parking violations.

Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed.

c. Hearing re revocation of Houston County amended conditional use permit to use property at 611 Vista Drive for office building: Houston County Commissioner Bob Burns was present and informed the Council that the County would be removing the grass and installing the base for the rock on Friday. Commissioner Burns further reported that the sign for the County parking lot had been installed. No action was taken by the Council.

d. Public hearing re application by AKG Enterprises, LLC for on-sale intoxicating liquor license at 139 S. Marshall St.: No representative was present from AKG Enterprises for the public hearing on AKG Enterprises' application for an on-sale intoxicating liquor license.

e. Consideration of application by AKG Enterprises, LLC for on-sale intoxicating liquor license at 139 S. Marshall St.: Member Fitzpatrick moved to approve the liquor license application for AKG Enterprises, LLC, specifically finding that the establishment met the requirements for an on-sale intoxicating liquor license at 139 S. Marshall St. The owner of AKG Enterprises had passed a background check and provided proof of liquor liability insurance. The

applicant had also paid the required fee for a liquor license. The application also met the reasonable needs of the City and the desires of the adult residents of the City. Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed.

f. Review of proposed 2020 budgets for enterprise funds and special revenue funds: Council reviewed the proposed 2020 budgets for enterprise funds and special revenue funds. The consensus of the Council was to discuss the budgets further during the special meeting on December 2, 2019.

g. Public hearing re proposed Resolution 2019-016: A Resolution Authorizing the Assessment of Properties for Unpaid Utility Charges and Unpaid Special Charges: At 7:44 p.m. Member Fitzpatrick moved to adjourn the regular City Council meeting to hold a public hearing on proposed resolution 2019-016, a resolution authorizing the assessment of properties for unpaid utility charges and unpaid special charges. Member Rykhus seconded the motion. All members present voted in favor of the motion, and the motion passed. The public hearing convened at 7:44 p.m.

There were no members of the public present who wanted to address the Council during the public hearing. At 7:51 p.m. Member Rykhus moved to adjourn the public hearing and reconvene the regular City Council meeting. Member Fitzpatrick seconded the motion. All members present voted in favor of the motion, and the motion passed. The regular City Council meeting reconvened at 7:51 p.m.

h. Consideration of proposed Resolution 2019-016: A Resolution Authorizing the Assessment of Properties for Unpaid Utility Charges and Unpaid Special Charges: Member Fisch moved to approve proposed Resolution 2019-016, a resolution authorizing the assessment of properties for unpaid utility charges and unpaid special charges. Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed.

i. Consideration of proposed Resolution 2019-017: A Resolution Accepting Donation of \$15,246.30 from George F. Frisch in Memory of Ann M. Frisch: Member Rykhus moved to approve proposed Resolution 2019-017, a motion accepting a donation of \$15,246.30 from George F. Frisch in Memory of Ann M. Frisch. Member Fitzpatrick seconded the motion. All members present voted in favor of the motion, and the motion passed.

j. Prepaid claims: Council reviewed the prepaid claims for the period October 16, 2019 – November 8, 2019, which totaled \$208,193.96. Member Vick moved to approve the prepaid claims as presented. Member Rykhus seconded the motion. All members present voted in favor of the motion, and the motion passed.

k. Claims payable: Council reviewed the claims payable for November 2019, which totaled \$197,949.10. Mayor Schroeder moved to approve the claims payable as presented. Member Fitzpatrick seconded the motion. All members present voted in favor of the motion, and the motion passed.

l. Overtime report: Council reviewed the overtime report for the pay period October 21, 2019 – November 3, 2019. No further action was taken by the Council.

m. Closed meeting pursuant to the following:

- (i) Minnesota Statutes Section 13D.05, subd. 2(a)(2), to review active investigative data, and
- (ii) Minnesota Statutes Section 13D.05, subd. 2(b), to discuss preliminary allegations against City employee:

At 8:12 p.m. Member Fisch moved to adjourn the regular City Council meeting to hold a closed meeting pursuant to M.S. § 13D.05, subd. 2(a)(2), to review active investigative data, and pursuant to M.S. § 13D.05, subd. 2(b), to discuss preliminary allegations against a City employee. Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed. The City Council convened the closed meeting at 8:12 p.m.

At 8:20 p.m. the closed meeting was adjourned, and the regular City Council meeting was reconvened.

n. Termination of City employee Diana Forrester: Member Rykhus moved to approve the termination of Diana Forrester as a part-time clerk at the Caledonia liquor store. Member Fisch seconded the motion. The motion passed 3-2, with Member Vick and Member Fitzpatrick voting against the motion.

ANNOUNCEMENTS: Mayor Schroeder announced that the next regular City Council meeting was scheduled for Monday, November 25, 2019 at 6:00 p.m. and that the meeting would include a public hearing at 6:00 p.m. on the future of the municipal liquor store.

ADJOURNMENT: There being no further business before the Council, a motion to adjourn was made by Member Vick, seconded by Member Fisch. All members present voted in favor of the motion, and the motion was declared carried to adjourn at 8:28 p.m.

DeWayne "Tank" Schroeder
Mayor

Adam G. Swann
Clerk/Administrator