

REGULAR MEETING OF THE CALEDONIA CITY COUNCIL
CITY COUNCIL CHAMBERS, CITY HALL
CALEDONIA, MINNESOTA
Tuesday, November 13, 2018

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, Robert Burns, Paul Fisch, Robert Lemke, and Randi Vick. City staff present: Casey Klug, public works and zoning director; Stephanie Mann, finance officer (arrived at 7:15 p.m.); and Adam Swann, clerk-administrator. Visitor(s) present: Paul Jacobson, J&M Builders of Winona, Inc.; Shirley Johnson, president, Houston County Historical Society; Craig Moorhead, *Caledonia Argus*; Amanda Ninneman; and Melissa Wray, Mainspring.

CONSENT AGENDA: Member Burns moved to approve the consent agenda. Member Lemke seconded the motion. All members present voted in favor of the motion, and the consent agenda was approved. The consent agenda comprised the following items:

- a. Approval of minutes from October 22, 2018 regular City Council meeting
- b. Approval of revised job description for water/wastewater operator
- c. Approval of proposal from Mavo Systems to remove asbestos-containing materials identified by Braun Intertec at 119 S. Kingston St.
- d. Approval of Resolution 2018-018: A Resolution Approving Publication of the Title and Summary of City Ordinance 2018-005
- e. Approval of Will Persons as EMR for Caledonia Ambulance Department

PUBLIC COMMENT: None.

CLERK-ADMINISTRATOR:

a. Updates:

i. N. Kingston St. Reconstruction Project: Swann reported that all dirt work had been completed, and A-1 Excavating, Inc. was working on hydro-mulching the dirt and placing an erosion control mat on steep slopes. Swann reported that sod would be installed in spring 2019. Swann further reported that the water valves and manhole castings had been raised to the blacktop surface to provide access and would have blacktop patched around them. Swann further reported that all project work for the season should be done by the end of the week, and the barricades would be removed. Several councilmembers requested that the City place temporary striping on the road until spring.

ii. 2018 General Election Judges: Swann reported that the City’s election judges did a great job on Election Day on November 6, 2018. Voting went smoothly, and Swann thanked the election judges for their service.

PUBLIC WORKS AND ZONING DIRECTOR:

a. Updates:

i. 2018 E. South St. and S. First St. Public Improvement Project: Klug reported that the lift station had been completed and that the new sewer lines would be operational on Thursday, November 15, 2018. Klug further reported that four property owners were going to be connecting to the new public sewer system immediately.

NEW BUSINESS:

a. Public hearing re application by Melissa Wray for interim use permit to use property at 404 E. Main St. for arts and culture center: At 6:15 p.m. Member Burns moved to adjourn the regular City Council meeting to hold a public hearing on an interim use permit application by the Houston County Historical Society and Melissa Wray to use the building at 404 E. Main St. for an arts and culture center. Member Lemke seconded the motion. All members present voted in favor of the motion, and the motion passed. The public hearing convened at 6:15 p.m.

Melissa Wray explained to the Council that she wanted to use the property at 404 E. Main Street for an arts and culture center for the community. Wray reported that Main Spring would have events and classes in the building. It would also provide resources for the community. Wray said the arts and culture center would be a good fit because it would use a building that has been vacant. Wray reported that she hoped the arts and culture center would open in summer or fall of 2019. Shirley Johnson, president of the Houston County Historical Society, was present and stated that the HCHS supported the interim use permit application. Wray confirmed that Pastor Steve Meyer of Immanuel Lutheran Church had provided a written letter authorizing Wray to use the Immanuel Lutheran Church parking lot for parking if it did not conflict with church use. Wray reported that the property would be used for short-term art displays but would not be used for weekly commercial retail purposes. Swann and Klug confirmed that notices of the public hearing had been mailed to neighboring properties, but the City had not received any responses from citizens. At 6:31 p.m. Member Burns moved to adjourn the public hearing and reconvene the regular City Council meeting. Member Lemke seconded the motion. All members present voted in favor of the motion, and the motion passed. The regular City Council meeting reconvened at 6:31 p.m.

b. Consideration of application by Melissa Wray for interim use permit to use property at 404 E. Main St. for arts and culture center: Council made the following findings regarding the proposal to use the property at 404 E. Main St. for an arts and culture center:

- (i) The use would not create an excessive burden on existing parks, schools, streets and other public facilities and utilities that serve the area so long as Immanuel Lutheran Church allowed the arts and culture center to use the church parking lot for parking.
- (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 there was no vacant land near the property, the church building had been there for years, and no neighbors had complained.
- (iii) The structure and site would have an appearance that would not have an adverse effect upon adjacent residential properties because the church building had been there a long time and there were no plans to change the exterior of the building. The proposed use should help the appearance of the area.

- (iv) The proposed use was reasonably related to the overall needs of the City and to the existing land use because it was close to downtown and wouldn't interfere with the residential neighborhood; it was reasonable; in addition, the City Council had changed the City Code for the purpose of allowing this type of use as a conditional use.
- (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 the City Council had changed the City Code to allow this type of use as a conditional use in an R-2 district.
- (vi) The use was not in conflict with the comprehensive plan of the City because the comprehensive plan identified the need for more commercial activity as well as arts and recreation opportunities in the City.
- (vii) The use would not cause traffic hazards or congestion so long as Immanuel Lutheran Church allowed the arts and culture center to use the church parking lot for parking.
- (viii) Adequate utilities, access roads, drainage and necessary facilities were present because the property was already connected to water, sewer, and electric service.

Based on the preceding findings of fact, Member Burns moved to approve an interim use permit for Melissa Wray to use the property at 404 E. Main St. for an arts and culture center subject to successful transfer of the property from the Houston County Historical Society to Melissa Wray and subject to the following conditions:

- (i) The interim use permit would be effective January 1, 2019 and continue for 5 years until December 31, 2023.
- (ii) Any signage for the arts and culture center must be approved by City Council.
- (iii) The arts and culture center must adhere to the City's noise ordinance and other City Code provisions regarding public nuisances.
- (iv) The arts and culture center must either maintain approval from Immanuel Lutheran Church to use the church parking lot for parking or obtain comparable off-street parking elsewhere sufficient to comply with City Code.

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

c. Public hearing re application by J&M Builders of Winona, Inc. for conditional use permit and four setback variances to construct two eight-unit apartment buildings at 305, 307, and 311 N. Gjere Ave.: At 6:50 p.m. Member Burns moved to adjourn the regular City Council meeting to hold a public hearing on an application by J&M Builders of Winona, Inc. for a conditional use permit and four setback variances to construct two eight-unit apartment buildings at 305, 307, and 311 N. Gjere Avenue (on parcels with ID numbers 21.1311.000, 21.1312.000, 21.1313.000, 21.1314.000, and 21.1315.000). The requested conditional use permit was to use the five parcels for two multifamily structures. The requested setback variances included the following: 1) a setback variance of 5' to be 25' from the west property line on parcels with ID numbers 21.1311.000, 21.1312.000, 21.1313.000, and 21.1314.00; 2) a setback variance of 13' to be 17' from the west property line on parcels with ID numbers 21.1312.000 and 21.1313.000; 3) a setback variance of 10' to be 20' from the east property line on parcels with ID numbers 21.1311.000, 21.1312.000, and 21.1314.000; and 4) a setback variance of 18' to be 12' from the east property line on parcels with ID numbers 21.1312.000 and 21.1313.000. Member Lemke

seconded the motion. All members present voted in favor of the motion, and the motion passed. The public hearing convened at 6:50 p.m.

Klug reported that he had reviewed the site plan for the two 8-unit apartments and found them to be in compliance with City requirements for parking, fire protection, and stormwater management. Klug reported that the stormwater plan had been revised to add a larger stormwater retention pond on the parcel with ID number 21.1315.000. Paul Jacobson was present on behalf of J&M Builders of Winona, Inc. and reported that the plan was to direct water from the apartment buildings into smaller retention ponds around the site, while water from the parking lot would be directed to the larger stormwater pond on the parcel with ID number 21.1315.000. Jacobson reported that there would be garages for 16 cars. Jacobson further reported that the plan was to construct the first 8-unit apartment complex and then evaluate whether there was sufficient demand for the second 8-unit apartment complex. Klug reported that notices had been mailed to property owners in the area, but the City had not received any comments from owners or other citizens. At 7:45 p.m. Member Burns moved to adjourn the public hearing and reconvene the regular City Council meeting. Member Lemke seconded the motion. All members present voted in favor of the motion, and the motion passed. The regular City Council meeting reconvened at 7:45 p.m.

d. Consideration of application by J&M Builders of Winona, Inc. for conditional use permit and four setback variances to construct two eight-unit apartment buildings at 305, 307, and 311 N. Gjere Ave.: Council reviewed and discussed an application by J&M Builders of Winona, Inc. for a conditional use permit and four setback variances to construct two eight-unit apartment buildings at 305, 307, and 311 N. Gjere Avenue (on parcels with ID numbers 21.1311.000, 21.1312.000, 21.1313.000, 21.1314.000, and 21.1315.000). The requested conditional use permit was to use the five parcels for two eight-unit multifamily structures. The requested setback variances included the following: 1) a setback variance of 5' to be 25' from the west property line on parcels with ID numbers 21.1311.000, 21.1312.000, 21.1313.000, and 21.1314.000; 2) a setback variance of 13' to be 17' from the west property line on parcels with ID numbers 21.1312.000 and 21.1313.000; 3) a setback variance of 10' to be 20' from the east property line on parcels with ID numbers 21.1311.000, 21.1312.000, and 21.1314.000; and 4) a setback variance of 18' to be 12' from the east property line on parcels with ID numbers 21.1312.000 and 21.1313.000.

Member Burns moved to approve a conditional use permit to use parcels with ID numbers 21.1311.000, 21.1312.000, 21.1313.000, 21.1314.000, and 21.1315.000—located in an R-1, Suburban Residential District—for two multifamily structures subject to the following conditions:

- (i) Signage for the multifamily structures had to be approved by City Council, and
- (ii) A full sidewalk was required for parcels with ID numbers 21.1311.000, 21.1312.000, 21.1313.000, 21.1314.000, and 21.1315.000 after completion of the second 8-unit apartment building or two years after completion of the first building.

Member Burns further moved to approve the following setback variances:

- (i) A 5' setback variance from the west property line on parcels with ID numbers 21.1311.000, 21.1312.000, 21.1313.000, and 21.1314.00, resulting in a 25' rear setback, to accommodate the apartment structures.
- (ii) A 13' setback variance from the west property line on parcels with ID numbers 21.1312.000 and 21.1313.000, resulting in a 17' rear setback, to accommodate the parking garages.
- (iii) A 10' setback variance from the east property line on parcels with ID numbers 21.1311.000, 21.1312.000, and 21.1314.000, resulting in a 20' front setback, to accommodate the residential structures.
- (iv) A 18' setback variance from the east property line on parcels with ID numbers 21.1312.000 and 21.1313.000, resulting in a 12' front setback to accommodate the parking garages.

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

e. Consideration of Resolution 2018-019: A Resolution Certifying the Results of the November 6, 2018, Election: Council reviewed the abstract of votes cast in the City of Caledonia precincts for the city offices during the November 6, 2018, General Election. Council also reviewed the write-in tally sheets. Member Burns moved to approve Resolution 2018-019, a resolution certifying the results of the November 6, 2018, General Election. Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed. The members signed the abstract of votes, certifying the results.

f. Review of sewer connection fees for properties included in the 2018 Public Improvement Project on E. South St. and S. First St.: Council discussed whether to waive the sewer connection fee for properties that were included in the 2018 Public Improvement Project on E. South Street and S. First Street. Council discussed the issue because it was anticipated that these properties were going to be assessed a portion of the project costs. Member Fisch moved to waive the sewer connection fees for existing structures that were going to be assessed for the 2018 Public Improvement Project on E. South Street and S. First Street. Member Vick seconded the motion. The motion passed 4-1, with Member Burns voting against the motion.

g. Overtime report: Members reviewed the overtime report for the pay period October 22, 2018 – November 4, 2018. No further action was taken by the Council.

h. Prepaid claims: Members reviewed the prepaid claims for the period October 10, 2018 – November 9, 2018, which totaled \$899,318.98. Member Burns moved to approve the prepaid claims as presented. The motion was seconded by Member Lemke. All members present voted in favor of the motion, and the motion passed.

i. Claims payable: Members reviewed the claims payable for November 2018, which totaled \$197,228.51. Member Vick moved to approve the prepaid claims as presented. The motion was seconded by Member Burns. All members present voted in favor of the motion, and the motion passed.

j. Distribution of documents re proposed final 2019 General Fund budget, levy for taxes payable in 2019, and 2019-2023 Capital Improvement Plan: Finance Officer Stephanie Mann provided members with copies of the proposed final 2019 General Fund budget, proposed levy for taxes payable in 2019, proposed budget for enterprise and special revenue funds, and proposed 2019-2023 Capital Improvement Plan, for review prior to the Truth-in-Taxation Hearing on November 26, 2018. Mann and Swann briefly summarized the proposed final 2019 General Fund budget and accompanying documents.

ANNOUNCEMENTS:

a. The next regular Council meeting was scheduled for Monday, November 26, 2018, at 6:00 p.m.

ADJOURNMENT: There being no further business before the Council, a motion to adjourn was made by Mayor Schroeder, seconded by Member Lemke. All members present voted in favor, and the motion was declared carried to adjourn at 9:06 p.m.

DeWayne "Tank" Schroeder
Mayor

Adam G. Swann
Clerk-Administrator