

REGULAR MEETING OF THE CALEDONIA CITY COUNCIL
CITY COUNCIL CHAMBERS, CITY HALL
CALEDONIA, MINNESOTA
Monday, August 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: Carson Coffield, assistant to the clerk/administrator; Casey Klug, public works and zoning director; and Adam Swann, clerk/administrator. Visitor(s) present: Craig Moorhead, *Caledonia Argus*; Benjamin Steuart (at 6:15 p.m.).

CONSENT AGENDA: Member Fitzpatrick noted that the address for Robert Lemke’s proposed storage unit should read 310 N. Ramsey Street rather than 920 E. Adams Street. Member Fisch moved to approve the consent agenda with the revised address. Member _____ seconded the motion. All members present voted in favor of the motion, and the motion passed. The consent agenda comprised the following items:

- a. Approval of minutes from July 22, 2019 regular City Council meeting
- b. Approval of application from American Legion Post 249 to conduct off-site gambling at Houston County Fairgrounds from August 15, 2019 to August 18, 2019
- c. Approval of land use permit application from Robert Lemke to construct 12’ x 16’ storage unit at 310 N. Ramsey St.
- d. Approval of purchase of 2019 Load Trail 20’ x 83” gravity tilt equipment trailer from Auto & Toy Trader, LLC for \$4,765

PUBLIC COMMENT: None.

PRESENTATION:

- a. Carson Coffield, assistant to the clerk/administrator:
 - i. Council photo: Carson Coffield took a group photo of the City Council members to post on the City website.
 - ii. Overview of new City website: Coffield introduced the Council members to the new City website. Coffield summarized the new changes, including individual department pages, information and photos about EDA projects, and an online employment application portal.

CLERK/ADMINISTRATOR:

- a. Updates:
 - i. Wastewater treatment facility plan: Clerk/administrator Swann reported that he and Public Works & Zoning Director Casey Klug had met with Donohue & Associates to discuss the findings from phase 1 of the wastewater treatment facility plan. Swann reported that the main takeaway from the meeting was that the City was going to need to do more testing of the waste being discharged from the Caledonia Haulers into the City sewer system; the City did not have enough data. Swann further reported that Donohue & Associates would be attending the City

Council meeting on August 26, 2019 to talk with the Council about phase 1 of the facility plan and to obtain Council approval to start phase 2.

ii. W. Washington St. / Old Highway Dr. paving project: Swann reported that paving of W. Washington St. and Old Highway Dr. was finished and that the pavement markings would be done next week.

NEW BUSINESS:

a. Public hearing re application by Ben Steuart for conditional use permit to use properties at 216 E. South St. (parcel ID no. 210794001) and parcel ID no. 210804000 for multifamily structure in an R-2, Urban Residential District: At 6:27 p.m. Member Rykhus moved to adjourn the regular City Council meeting to hold a public hearing regarding the application by Ben Steuart for a conditional use permit to use the properties at 216 E. South St. (parcel ID no. 210794001) and parcel ID no. 210804000 for a multifamily structure in an R-2, Urban Residential District. Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed. The public hearing convened at 6:27 p.m.

Public Works & Zoning Director Klug reported that Steuart had purchased the building and adjacent parcel that had formerly been used by A.B.L.E. for an office building. Klug reported that Steuart wanted to convert the former office building into a duplex. Klug reported that the properties were located in an R-2, Urban Residential District, and multifamily housing was a conditional use in an R-2 district. Klug further reported that under City Code multifamily housing required at least two parking spaces per dwelling unit and that 50% of the spaces had to be located in garages. Benjamin Steuart was present and informed the Council that the properties had been combined into one parcel so that the parking would be located on the same parcel as the proposed multifamily housing.

At 6:52 p.m. Member Fitzpatrick moved to adjourn the public hearing and reconvene the regular City Council meeting. Member Fisch seconded the motion. All members present voted in favor of the motion, and the motion passed. The regular City Council meeting reconvened at 6:52 p.m.

b. Consideration of application by Ben Steuart for conditional use permit to use properties at 216 E. South St. (parcel ID no. 210794001) and parcel ID no. 210804000 for multifamily structure in an R-2, Urban Residential District:

Council made the following findings regarding the proposed conditional use permit:

- (i) The use would not create an excessive burden on existing parks, schools, and other public facilities and utilities that served the area because the proposed duplex would be located on a big lot and would not create a burden if parking was provided to the residents;
- (ii) The use was 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 the proposed duplex would be located on one large parcel, so it wouldn't prevent development because there wouldn't be vacant land near the duplex; furthermore, using the building for a duplex would not require changing the structure of the building;

(iii) The structure and site would have an appearance that would not have an adverse effect upon adjacent residential properties because nothing about the structure was changing and the additional garage would match the current garage; and

(iv) The proposed use was reasonably related to the overall needs of the City and to the existing land use because the property was zoned R-2, Urban Residential District; and

(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 it would be a residential use; and

(vi) The use was not in conflict with the comprehensive plan of the City because the property had previously been used for an office, and the property had been rezoned to R-2, Urban Residential District on March 12, 2018; and

(vii) The use would not cause traffic hazards or congestion because there would be plenty of space on the parcel for parking; and

(viii) Adequate utilities, access roads, drainage and necessary facilities were present.

Based upon the preceding findings, Mayor Schroeder moved to approve the conditional use permit to use the parcel (created by combining parcel ID no. 210794001 and parcel ID no. 210804000) for a duplex on condition that the conditional use permit would not be issued until the property had the required off-street parking, including garages for 50% of the parking spaces. Member Rykhus seconded the motion. All members present voted in favor of the motion, and the motion passed.

c. Public hearing re application by Ben Steuart for setback variance of 22 feet to be 0 feet from north property line for purposes of constructing off-street parking at properties at 216 E. South St. (parcel ID no. 210794001) and parcel ID no. 210804000: At 7:00 p.m. Member Fisch moved to adjourn the regular City Council meeting to hold a public hearing on an application by Ben Steuart for a setback variance of 22 feet to be 0 feet from the north property line for purposes of constructing off-street parking at properties at 216 E. South St. (parcel ID no. 210794001) and parcel ID no. 210804000. Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed. The public hearing convened at 7:00 p.m.

Steuart was present and expressed that he wanted the 22-foot setback variance so that he could construct off-street parking closer to the property line and therefore use less concrete and reduce the cost of providing the off-street parking. He also wanted to maximize the amount of space on the parcel that could remain grass.

Several Council members expressed concern that granting the setback variance would create safety hazards because vehicles would likely be blocking the sidewalk if they weren't parked close to the garage door.

At 7:16 p.m. Member Fisch 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. At 7:16 p.m. the regular City Council meeting reconvened.

d. Consideration of application by Ben Steuart for setback variance of 22 feet to be 0 feet from north property line for purposes of constructing off-street parking at properties at 216 E. South St. (parcel ID no. 210794001) and parcel ID no. 210804000:

Council made the following findings regarding the requested setback variance:

- (i) There were no exceptional or extraordinary circumstances that applied to the property that did not apply generally to other properties in the same zone or vicinity or resulted from lot size or shape, topography or other circumstances over which the owner of the property had not control since enactment of Chapter 153 of the City Code; the owner had room on the merged parcels to construct the off-street parking and did not need a variance;
- (ii) The literal interpretation of the provisions of Chapter 153 would not deprive the applicant of rights commonly enjoyed by other properties in the same district;
- (iii) The special conditions or circumstances resulted from the actions of the applicant because the [merged] lot was big enough to provide the required off-street parking.
- (iv) The granting of the variance requested would confer on the applicant a special privilege that was denied by Chapter 153 to owners of other lands, structures, or buildings in the same district because other properties were smaller;
- (v) The variance requested was not the minimum variance that would alleviate the hardship because the applicant had the land needed to construct the parking;
- (vi) The variance would be materially detrimental to the purposes of Chapter 153 and other properties in the same R-2, Urban Residential District zone because the variance could cause cars to be parked in the public sidewalk; and
- (vii) The proposed variance would not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Based upon the preceding findings of fact, the consensus of the Council was to deny the setback variance request.

e. Closed meeting: Pursuant to M.S. § 13D.05, subd. 3(b), a closed meeting with legal counsel to discuss anticipated litigation involving Neuman Pools, Inc. and the City of Caledonia:

At 7:25 p.m. Member Fisch moved to adjourn the regular City Council meeting to hold a closed meeting pursuant to M.S. § 13D.05, subd. 3(b) to discuss [via telephone with legal counsel Curtis Smith in Minneapolis] anticipated litigation involving Neuman Pools, Inc. and the City of Caledonia. Member Rykhus seconded the motion, and the meeting was closed.

At 7:41 p.m. the closed meeting was adjourned and the regular City Council meeting was reconvened.

f. Consideration of request from Neuman Pools, Inc. to release retainage in the amount of \$43,096.81 for 2016 contract for construction of Caledonia Aquatic Center: Council discussed the request from Neuman Pools, Inc. to release the retainage of \$43,096.81 that the City was holding as part of the 2016 contract with Neuman Pools for construction of the Caledonia Aquatic Center. By consensus the Council tabled a decision until the next City Council meeting.

g. Consideration of proposal from Star Energy Services, LLC to prepare a class cost of service study and rate design for Caledonia electric service: Member Fisch moved to approve the proposal from Star Energy Services, LLC to prepare a class cost of service study and rate design for the Caledonia Electric Division at an estimated cost of \$19,500. Member Rykhus seconded the motion. All members present voted in favor of the motion, and the motion passed.

h. Discussion re clerk/administrator's goals for July 23, 2019-July 22, 2020: Clerk/administrator Swann reviewed a list of goals and projected completion dates for the next year, pursuant to Council's request during his performance evaluation on July 22, 2019. There were no objections from the Council to the list

i. Overtime report: Members reviewed the overtime report for the pay period July 15, 2019 – July 28, 2019. No further action was taken by the Council.

j. Prepaid claims: Members reviewed the prepaid claims for the period July 10, 2019 – August 9, 2019, which totaled \$844,205.01. Member Fisch moved to approve the prepaid claims as presented. Member Vick seconded the motion. All members present voted in favor of the motion, and the motion passed.

k. Claims payable: Members reviewed the claims payable for August 2019, which totaled \$287,616.47. Member Rykhus 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.

ANNOUNCEMENTS:

- a. The Caledonia Aquatic Center was going to be open until Sunday, August 18, 2019. (The Caledonia Aquatic Center was going to be closed on Friday, August 16, 2019 except for morning swim.)
- b. The next regular Council meeting was scheduled for Monday, August 26, 2019 at 6:00 p.m.

ADJOURNMENT: There being no further business before the Council, a motion to adjourn was made by Member Fisch, seconded by Member Vick. All members present voted in favor, and the motion was declared carried to adjourn at 8:15 p.m.

DeWayne "Tank" Schroeder
Mayor

Adam G. Swann
Clerk/Administrator