REGULAR MEETING OF THE CITY COUNCIL
CITY OF CALEDONIA, MINNESOTA
Monday, June 22, 2009

CALL TO ORDER: Following due call and notice thereof, Member Vick called the meeting to order at 6:05 p.m. in the Council Room, City Hall.

ROLL CALL: Members present: Mayor Robert H. Burns (6:14 p.m.); Council Members: Randi Vick, Peggy Perry, Robert Lemke and Tom Murphy. Members absent: None. Consultants and City staff present: Stephanie Mann, Tony Klug, James Stemper, Mike Gerardy and Robert L. Nelson. Visitors present: Casey Bradley, Lincoln Middendorf, Scott and Angie Dolle, John Pongratz, Joe Wiebke, Chuck Schulte, Tom Molling, Deb Rock and Charlie Warner, Report.

CONSENT AGENDA: Following brief discussion, a motion was made by Member Murphy, seconded by Member Lemke, to approve the Consent Agenda items, listed below. Members voting in favor: Murphy, Lemke and Vick. Opposed: None. Abstaining: Perry. The motion was declared meeting.

A. MINUTES OF PAST MEETINGS: To approve the minutes of the Regular Meeting held Monday, June 8, 2009, as presented.

B. LIQUOR STORE CASH REGISTER ACCESSORY: To approve the purchase of a pole display unit for the cash register which would visually show the total amount of purchase to the customer for the estimated cost of $212.99, which includes Minnesota Sales Tax of $13.00.

C. CHARITABLE GAMBLING: To approve an Application for Exempt Permit, submitted by A.B.L.E Foundation, Inc. to conduct charitable gambling at the Houston County Fairgrounds, East Main Street, from July 1 to August 23, 2009, for a raffle with winners to be drawn on the ending date of August 23. Further, to waive the 30 waiting period.

D. LIABILITY COVERAGE: To waive the limits of liability for the insurance policy running from July 1, 2009 to July 1, 2010 to the amount additionally covered by the city umbrella policy of $1,200,000 over and above the statutory limit.

VISITORS AND COMMUNICATIONS
A. PUBLIC HEARING, ZONING APPLICATION – HOUSTON COUNTY: Casey Bradley and Deb Rock were present at the meeting to answer questions concerning the proposed use of the old meyer furniture store, now converted for use by Houston County. Mike Gerardy presented an illustration and discussed the proposed parking lot to be located immediately north of Sunset Boulevard. Chuck Schulte and John Pongratz expressed concern over the storm water runoff that would occur from the property and inquired concerning the means of control so that the storm water would do no damage. Discussion also included consideration for temporary parking until the proposed parking lot, north of Sunset Boulevard would be constructed. The Public Hearing had to be recessed for a time so Mr. Bradley could measure the parking lot areas of the county property north of Quillin's grocery. He returned with the information that there were 39 regular stalls and 1 handicapped stall, measuring a width of 10 feet per stall. There was significant discussion concerning the storm water runoff since storm water had caused problems with the sanitary sewer on McPhail Street for many many years, until a special lift station arrangement had been constructed for the properties at the south end of McPhail Street, including John Pongratz property. Joe Wiebke warned that there will likely be additional traffic congestion at the intersection between the Kwik Trip Store and STH 44/76. Mayor Burns proposed that a detention pond be excavated north of the proposed parking lot and that a small detention pond be designed immediately to the southwest where the contour map showed a low spot. When there was no further discussion, Mayor Burns closed the public hearing and resumed the regular meeting.

B. HOUSTON COUNTY ZONING APPLICATION: A motion was made by Mayor Burns, seconded by Member Vick, to approve a Conditional Use Permit for office space in a B-2, Highway Business District. And to table the question of granting a Conditional Use Permit for a 47 stall parking lot in an R-2, Urban Residential Zone as well as to table a request for a 1 foot variance on the length of parking stalls from 20 feet to 19 feet. Those issues are to be tabled until the next Regular Meeting when the County Highway Department shall provide illustrations showing the runoff and detention capabilities of the parking lot area after making landscaping changes in accordance with this evening's discussion. Further, that the proposed parking lot shall be ready for use within a five month period, being approximately the end of November. Members voting in favor: Burns, Vick, Perry, Lemke and Murphy. Opposed: None. The motion was declared carried.

C. ADMINISTRATIVE COORDINATOR TOPICS

1. ZONING APPLICATION – MIDDENDORF: Mr. Gerardy and Lincoln Middendorf explained his proposal to construct a 28' x 36' unattached garage, being 1,008 square feet and to remove his utility shed and convert the existing garage to a storage and work area at his home at 1023 East Grove Street. Mr. Gerardy explained that due to the size of Mr. Middendorf's lot, the maximum size garage is supposed to be 900 square feet, according to the zoning ordinance. His request therefore requires a variance of 108 square feet. Following extensive discussion concerning the oversized facility, Mr. Middendorf agreed to reduce the width of the garage from 28 feet to 26 feet making the square foot area 936 square feet. A motion was then made by Mayor Burns, seconded by Member Lemke, to approve the zoning application and grant a 36 square foot variance for the area of the proposed garage. All members voted in favor and the motion was declared carried.

2. ZONING APPLICATION – SCOTT AND ANGIE DOLLE: Scott Dolle, 337 South Sunnyside Drive, requested authorization to widen his existing driveway to a total width of 40 feet. He made reference to other driveways around the community which were up to 34 feet wide. Mike Gerardy commented that the City has had a policy for standard residential driveways to be a maximum of 24 feet wide, although the City does not have an active inspection practice to enforce that policy. Following extensive discussion, a motion was made by Member Vick to deny the request for a 40 foot wide driveway. The motion failed for lack of a second following three calls by Mayor Burns. After further discussion, a motion was made by Member Murphy, seconded by Member Perry, to grant authorization for Mr. Dolle to install a maximum of a 32 foot wide driveway. Members voting in favor: Murphy, Perry and Vick. Opposed: Burns and Lemke. The motion was declared carried.

3. SEALCOAT QUOTE: Mr. Gerardy informed the Council that he had contacted Scott Construction Company about the uncertainties of the city's budget for 2009 since the State of Minnesota had not yet confirmed how much money was to be reduced from Local Government Aid. Mr. Gerardy reminded the Council that Scott had already extended their quote, but upon his notification agreed to extend it a second time, now running to August 2009. The quote remains unchanged at the original amount of $14,949.75. Following discussion, a motion was made by Mayor Burns, seconded by Member Perry, to approve proceeding with the planned sealcoat project for the quoted amount of $14,949.75. All members voted in favor and the motion was declared carried.

4. DSL UPGRADE: Mr. Gerardy reviewed experiences of firefighters with their computer training due to the type of computer service at City Hall. When a number of firefighters connect at the same time, during training sessions, the service is overpowered and they are booted off the internet. Mr. Gerardy reported that an upgrade from 384K to 3M would not only upgrade the level of service but would also result in a lower monthly service fee. The current fee is $99.90 whereas the upgrade to 3M would be $86.00 per month. There could be up to a $300 installation fee, adding modems to boost the signal from City Hall to the Police Station, if necessary. Following discussion, a motion was made by Member Perry, seconded by Member Vick, to authorize the upgrade to 3M for the estimated monthly service fee of $86.00 with the possible expense of an additional $300 to install modems, if necessary, to boost the signal from City Hall to the Police Station. All members voted in favor and the motion was declared carried.

D. WASTE WATER SYSTEM

1. CONTROL PANEL REHABILITATION: Tony Klug, Water / Waste Water Superintendent, explained that the computer which operates the waste water treatment plant has failed and needs replacement for an estimated cost of $15,000. Operation of the plant is impossible without that computer. Following brief discussion, upon the recommendation of Mr. Klug, a motion was made by Mayor Burns, seconded by Member Perry, to authorize the hire of Hoskins Electric to order and install a new computer system. All members voted in favor and the motion was declared carried.

2. SANITARY SEWER MAINS: Mr. Klug informed the Council that the current year's contract for televising the sanitary sewer mains revealed damaged mains on Lincoln Street between First and Second Streets. Discussion followed concerning whether a large project should be assembled to repair numerous imperfections of the system revealed through the past several years televising, or if the Council preferred to keep project costs at a minimum at this particular time. Following discussion, the Council agreed by general consensus that Mr. Klug should review various repair measures which could be made to this particular location on Lincoln Street and report back to the Council.

E. ACCOUNTANT'S PRESENTATION: Stephanie Mann, City Accountant, reported the cash and investment balances as of May 31, 2009, being a total cash amount of $374,472.99 and total investments of $2,359,150. Review was also conducted of the budget showing overruns and under runs of line item estimates for five twelfths of the year having passed. Overall, the general fund was approximately 6% under budget.

OLD BUSINESS

A. WORKER'S COMPENSATION INSURANCE: Clerk Nelson said that at the past Council Meeting of June 8, he had presented a worker's compensation renewal form showing the premium amount with a 2% managed care credit to be $28,986 and that was approved by the Council for payment. When reviewing the document and distributing costs to the various city departments, however, it was noted that the City Custodian wages had been omitted from the form. Having contacted the League of MN Cities Insurance Trust a new form was accomplished and the premium now reflected as $30,109, an increase of $1,123. Following brief discussion, a motion was made by Member Vick, seconded by Member Lemke, to approve payment of the worker's compensation insurance premium at the corrective cost of $30,109. Members voting in favor: Burns, Vick, Lemke and Murphy. Opposed: None. Abstaining: Perry. The motion was declared carried.

B. NOTICE OF RETIREMENT: Enclosed with the Agenda was a written Notice of Retirement submitted by Clerk Nelson that stated his last day of work to be Friday, October 9, 2009. Following brief discussion, a motion was made by Member Vick, seconded by Member Perry, to accept the Notice of Retirement. All members voted in favor and the motion was declared carried.

C. AUDITORIUM USE: Clerk Nelson introduced discussion concerning Music in the Park program and use of the auditorium on raining evenings. Member Vick said that the event held last week was during a rainy period and the user of the auditorium at that time would not agree to share the gym floor level with Music in the Park. The Council determined during discussion that the City event of Music in the Park would have equal rights with the Tuesday night user, being the Karate Class, considering the low rental rate of $11.00 per hour charged to the Karate Class. The council stipulated that, should the Karate Class operator be unwilling to share the facility on rainy evenings during the seven week period of Music in the Park, then his contract for rental of the City Auditorium would be terminated. Clerk Nelson was directed to notify the Karate Class operator of these terms.

NEW BUSINESS

A. POLICE DEPARTMENT PRINTER: Clerk Nelson introduced a request from the Police Department to purchase a new printer for a cost of $532.49, but to include an estimated time for installation at the rate of $95 per hour, leading to a total estimated cost of $650. The old printer is no longer functioning and in effort to operate is using excessive amounts of the cassette ink containers. The proposed replacement machine is a laser printer, a less costly machine to operate. Following discussion, a motion was made by Mayor Burns, seconded by Member Vick, to authorize the estimated $650 purchase of a new printer for the Police Department. All members voted in favor and the motion was declared carried.

B. MUNICIPAL LIQUOR STORE: Clerk Nelson reported that Patty Gavin, Manager, had another part-time clerk resign and had requested authorization of the Council to hire Sarah Nelson as a replacement. Following brief discussion, a motion was made by Mayor Burns, seconded by Member Lemke, to appoint Sarah Nelson as a part-time clerk at the Municipal Liquor Store upon the recommendation of the Manager. All members voted in favor and the motion was declared carried.

CLERK'S REPORT

A. LMC POLICY COMMITTEE: Clerk Nelson reminded the Council that the League of MN Cities is soliciting persons to enroll on policy committees to draft policies which will be

investigated by the League and proposed to the State Legislature in the next session. No members were interested in being on the policy committee at this time.

B. TRAINING SESSIONS: Clerk Nelson inquired whether or not any members would be interested in attending a water operation and maintenance training session or a waste water operation and maintenance training session, both to take place at the City of Spring Grove on July 22 and July 23, respectively. No one indicated an interest at this time.

C. EMPLOYEE TIME RECORD: Enclosed with the Agenda was the Employee Time Record for pay period June 1 – 14, 2009.

D. GROUP HEALTH INSURANCE: Clerk Nelson reported that Tom Danielson, Danielson Insurance Agency, reports that the most recent forecast is that group health insurance costs will increase by approximately 6.4% for the coming year. The City's policy renews on September 1. The loss experience for city employees over the past six months has been 132%, whereas during calendar year 2008 it was 88% and for calendar year 2007 it was 76%.

E. UPDATES

1. Kids Corner of Caledonia should be closing with the City for the IRP and Tax Abatement documents during the week of June 22.

2. The City Clerk-Administrator's position has been advertised for employment in the Caledonia Argus and League of MN Cities Magazine/Webpage. Employment applications will be accepted through July 10.

3. Police Chief Background Investigations may be completed and turned into the City by Monday, June 29.

MISCELLANEOUS ITEMS

A. SPECIAL MEETING: Mayor Burns called a Special Meeting for 6:30 p.m., Tuesday, June 30, 2009, to consider award of the Police Chief Position.

B. DONATION: Member Lemke informed the Council that the light generator, discussed at the past council meeting for donation to the fire department, is in perfect working order and needs no known repairs of any kind. Following brief discussion, a motion was made by Member Lemke, seconded by Mayor Burns, to accept the donation for the fire department. All members voted in favor and the motion was declared carried.

ADJOURNMENT: There being no further business before the Council, a motion to adjourn was made by Member Perry and seconded by Member Lemke. All members voted in favor, the motion was declared carried and the meeting then adjourned at 9:58 p.m. The next Regular Meeting of the City Council is scheduled for 6:00 p.m., Monday, July 13, 2009, in the Council Room, City Hall.

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Robert H. Burns, Mayor

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Robert L. Nelson
City Clerk – Administrator

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF CALEDONIA, MINNESOTA
Monday, June 29, 2009

CALL TO ORDER: Following due call and notice thereof, Mayor Burns called the meeting to order at 6:30 p.m. in the City Auditorium, Gymnasium Floor Level.

ROLL CALL: Members present: Mayor Robert H. Burns; Council Members: Randi Vick, Peggy Perry, Robert Lemke and Tom Murphy. Members absent: None. Consultants and City staff present: Mike Gerardy, Chuck Gavin and Robert L. Nelson. Visitors present: Mark Schiltz, Larry Connery, Duane Thomford, Gerry Klug, Gary Klug, Bob Klug, Don Ellestad, Marie Ellestad, Jonathan Hibbs, Thomas Bulman, Lee Svehaug, Scott Yeiter, Cathy Klug, John Klug, Irma Klug, Marilyn Burg, Ralph Burg, Millie Schroeder, Margie Ferring, Bob McCarthy, Joyce McCarthy, DeWayne Schroeder, Jim Stemper, Roger Koel and Charlie Warner, Report.

BUSINESS ITEMS

A. PUBLIC HEARING – HOUSTON COUNTY CRIMINAL JUSTICE CENTER ZONING APPLICATION: Mayor Burns recessed the Special Meeting and opened the public hearing, announcing the purpose of the public hearing and issues which would be subject to discussion, being the following four items concerning the Criminal Justice Center.

1. A Conditional Use Permit for a Government Building in a R-2 Residential District.
2. A 15' setback variance on the east (front) property line; required setback is 30'.
3. Petition to vacate or relocate a segment of Washington Street from the west right-of-way line of Pine Street westward to the Courthouse Square as depicted on the Original Plat of the City of Caledonia, Houston County, Minnesota.
4. Petition to vacate or relocate a segment of Marshall Street from the north right-of-way line of the South Street northward to the Courthouse Square as depicted on the Original Plat of the City of Caledonia, Houston County, Minnesota.

Following the reading of the items, Mayor Burns opened the floor for questions from the audience.

BOB KLUG: Mr. Klug asked about the size of the building footprint, contending that while the square footage may have been reduced from approximately 82,000 square feet to 65,000 square feet, the footprint was substantially the same. Mayor Burns announced the reduction in square footage was incompliance with negotiations conducted between the City and County. Mr. Klug questioned the reason for the building being setback 15' from the Pine Street property line. Mayor Burns explained that other buildings along the two block stretch of Pine Street had been located even nearer the property line than the proposed Criminal Justice Center, one building being 12' from the property line, a second being 14.5' and a third being 13.5' from the property line. Mr. Klug contended that some of these buildings are to be torn down in order to build the Criminal Justice Center. Mayor Burns concurred but countered that at least one of the buildings is to remain and when constructed, all buildings were located at those measured distances from the property line. Mr. Klug further contended that construction of the Criminal Justice Center and the parking lots about the area would devalue his property. He questioned each Council Member, individually, concerning their beliefs about his property values. Some of them conceded that they believed his property may be devalued, at least initially.

GARY KLUG: Mr. Klug commented that everyone knows the need for a jail, but there was substantial interest in downsizing what the County first projected for the Criminal Justice Center. He asked if the Council did not think the County was simply pulling a "fast one" to reduce the square footage but not the footprint. Mayor Burns reiterated his previous response that negotiations between the County and City were being discussed in square feet.

BOB KLUG: Mr. Klug asked if the Criminal Justice Center were reduced from 80,000 square feet to 65,000 to fit into a space, then why is a variance necessary. Mayor Burns responded that there were no scaled drawings of the property at the time negotiations were conducted. When the architects attempted to locate the building according to the explicit negotiations, other features of the property prohibited it from being located within the area of the courthouse square, because the Veteran's Memorial, in conjunction with the existing jail, caused the building to be moved eastward to the present location discussed this evening. The proposed location leaves approximately 30 feet around the Veteran's Memorial to provide room for large assemblies on days of recognition of Veteran's when large crowds may gather there. Mr. Klug asked about damage to streets from hauling out the thousands of cubic yards of dirt. Commissioner Larry Connery responded that the reduction in size of the Criminal Justice Center had primarily been from basement areas, therefore the excavation would be dramatically less than what was calculated in the original plan. Mr. Klug also asked about lighting on the parking lot and other areas that may be a nuisance issue to surrounding residential properties. Response was made that lighting and focusing direction away from areas where it may be perceived as a nuisance is already in the zoning ordinance and will be part of the planning process.

GARY KLUG: Mr. Klug asked if there were sufficient access for fire protection and about the 150' setback that the previous Council had amended the zoning ordinance to require from property lines and schools. Clerk Nelson responded that the 150' setback referred to agricultural and industrial districts of the zoning ordinance which are the areas the previous Council wanted the Criminal Justice Center to locate in. He explained that the current Council had amended the zoning ordinance to allow governmental buildings in an R-2, Residential District, which is the type of district for most of the Courthouse Square area and that is one of the considerations given attention this evening.

BOB MCCARTHY: Mr. McCarthy asked what the process is following this public hearing, should it be approved. Commissioner Larry Connery explained that the County would finalize

plans for the building to arrive at a cost estimate then determine how much of the necessary funding would be provided by the State or other sources and what portion would remain to be levied as a tax upon Houston County residents.

BOB KLUG: Mr. Klug asked a question concerning costs. Mayor Burns indicated costs are not part of the public hearing process this evening and not valid for discussion.

CHUCK GAVIN: Mayor Burns asked Mr. Gavin if he, as Fire Chief, had any comments to make about the proposed facility. Mr. Gavin said he had not seen any plans until approximately 4:00 p.m. this afternoon and did not have time to review with any detail concerning the layout of the building, firefighting capabilities, and the like. Commissioner Larry Connery commented that the design is incomplete at this time and Fire Chief Gavin can certainly have input as the architects are drawing the final plans.

When there were no further comments, Mayor Burns closed the Public Hearing at 7:19 p.m. and resumed the Special Meeting.

B. CRIMINAL JUSTICE CENTER ZONING APPLICATION

1. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A GOVERNMENTAL BUILDING IN AN R-2 RESIDENTIAL DISTRICT: Mayor Burns reviewed the conditions for consideration of a Conditional Use Permit, as follows below.

1. CONSIDERATION: The use will not create an excessive burden on existing parks, schools, streets and other public facilities and utilities which serve or are proposed to serve the area. ANSWER: There is not anticipated to be significantly increased impact on schools, parks or services such as sanitary sewer, water or electricity. Traffic on local streets is not expected to undergo any substantial change from current traffic patterns, except perhaps during the period of construction when the County and City will have to work in close harmony to accommodate traffic and parking. Future parking needs, following construction of the Criminal Justice Center and all parking areas, is believed to be satisfied by the proposed number of stalls (174) shown in the plans, considering especially that some County Services are being relocated to the building on Vista Drive.

2. CONSIDERATION: The use will be sufficiently compatible or separated by distance or screening from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. ANSWER: The use will be the same, meaning jail, court, and supplementary services as is currently the case, though the volume will increase. Plans call for screening to buffer the Criminal Justice Center from adjoining residential property. Vacant land development is not an issue.

3. CONSIDERATION: The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. ANSWER: The structure is deemed to have very favorable architectural features. The site is to be landscaped to provide for attractive vegetation and trees.

4. CONSIDERATION: The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use. ANSWER: The use continues the same types of county service to the City and surrounding area as have been provided at this site for over 100 years.

5. CONSIDERATION: The use is consistent with the purposes of the zoning ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. ANSWER: The Zoning Ordinance, 153.076 (F) allows as a Permitted Use, "City buildings, including police and fire stations." Section 153.093(B) allows as a Conditional Use, "Governmental Buildings."

6. CONSIDERATION: The use is not in conflict with the comprehensive plan of the City. This location is divided between Commercial and Low Density Residential on the Future Land Use Map. As a Conditional Use in the R-2 Residential District, however, the Criminal Justice Center is in compliance with the Comprehensive Plan Future Land Use Map.

7. CONSIDERATI0N: The use will not cause traffic hazard or congestion. ANSWER: The only concern for congestion is during the construction period when much of the area will be under development. The City and County will plan together for finding parking spaces during the construction period.

8. CONSIDERATION: Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. ANSWER: Utilities and roads are deemed adequate. Storm drainage control has been addressed by Houston County Consulting Engineers proposing to control storm water by directing its flow and by capturing and holding quantities of water for controlled release.

Additional Conditions

(1) CONSIDERATION: Increasing the required lot size or yard dimension. ANSWER: Such required action has not been demanded of those receiving Conditional Use Permits in the past. Purchasing additional tracts of land could cause Houston County to have a financial hardship.

(2) CONSIDERATION: Limiting the height, size or location of buildings. ANSWER: Height is already in compliance. Size is a condition of the function of the building for the best determined layout for efficiencies of staffing and security. Extensive planning has already gone into the location of the building.

(3) CONSIDERATION: Controlling the location and number of vehicle access points. ANSWER: The location and number of vehicle access points was considered in the existing plan.

(4) CONSIDERATION: Increasing the street width. ANSWER: Increasing the street width is unnecessary since the number of vehicles per hour is not expected to change by more than a few, if any.

(5) CONSIDERATION: Increasing the number of required off street parking spaces. ANSWER: Increasing the number of required off street parking spaces is part of the existing plan.
(6) CONSIDERATION: Limiting the number, size, location or lighting of signs. ANSWER: There are no signs planned.

(7) CONSIDERATION: Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property. ANSWER: Already included in the site plans.

(8) CONSIDERATION: Designating sites for open space. ANSWER: Already shown in the site plan.

Following the reading of these considerations and responses, Mayor Burns asked if there were any further discussion. Being none, a motion was made by Mayor Burns, seconded by Member Perry, to approve a Conditional Use Permit as outlined in the Zoning Application and plans, dated May 29, 2009, and based upon the findings just reviewed which outlined the criteria for granting a conditional user permit. Further, contingent upon the condition that Houston County pay to the City of Caledonia an amount determined by the City's consulting engineer for damage to City streets, utilities and improvements during construction of the Criminal Justice Center. The amount of damages, if any, shall be payable within a period of 30 days or the Certificate of Occupation shall not issue. Members voting in favor: Burns, Perry, Vick, Lemke and Murphy. Opposed: None. The motion was declared carried.

2. CONSIDERATION OF A 15' SETBACK VARIANCE ON THE EAST (FRONT) PROPERTY LINE: At this time Mayor Burns read the considerations and responses necessary for granting a variance, as follows.

1. CONDITION: Exceptional or extraordinary circumstances apply to the properties which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this Ordinance have had no control. ANSWER: Houston County purchased a number of properties in anticipation of constructing a Criminal Justice Center, making a reasonable, earnest effort to provide adequate space. When various designs were completed, several were not achievable because of locations of existing buildings or the Veteran's Memorial. In order to design a building to provide the best efficiency for staffing and security for inmates, as well as to place the structure on the east side of the existing Courthouse as agreed upon between the City and County, it is necessary to place the structure 15 feet off Pine Street Right-of-Way.

2. CONDITION: The literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance. ANSWER: Enforcing the literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district. For example, three homes in this two block area along Pine Street are set back approximately 12 feet, 13' 5" and 14' 5".

3. CONDITION: That the special conditions or circumstances do not result from the actions of the applicant. ANSWER: The special conditions or circumstances do not result from the actions of the applicant any more than applicants, which received zoning approval, who have come before them. Actually, previous applicants, who were homeowners, were making a choice to construct homes or additions of their free will, whereas Houston County is responding to a State mandate to construct an appropriate facility.

4. CONDITION: That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district. ANSWER: Granting the variance requested will not confer on the applicant any special privilege, because many previous petitioners have requested reduced setbacks from property lines because their parcels were too small to meet setback requirements or because existing buildings and structures on the property limited space for the proposed building.

5. CONDITION: That the variance requested is the minimum variance which would alleviate the hardship. Economic conditions alone shall not be considered a hardship. ANSWER: The variance requested is the minimum variance which would alleviate the hardship, considering the design objectives for efficiency, security, office space, service areas and storage. Recent design changes decreased the building area by approximately 20,000 square feet.

6. CONDITION: The variance would not be materially detrimental to the purposes of this Ordinance, or to other property in the same zone. ANSWER: The variance would not be materially detrimental to the purposes of this Ordinance or to other property in the same zone since greater variances have been granted previously to homes on these blocks along Pine Street. Further, the site plan and exterior building plan clearly indicates a pleasing, high quality improvement.

7. CONDITION: The proposed variance will 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. The Board of Zoning Appeals may impose such restrictions and conditions upon the premises benefitted by a variance as may be necessary to comply with the standards established by this Ordinance, or to reduce or minimize the effect of such variance upon other properties in the neighborhood, and to better carry out the intent of the variance. ANSWER: The proposed variance will 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. These issues have been addressed in the Application; approximately 25 staff members are being located to the new Highway 44/76 site and the Criminal Justice Center is being designed by professional architects taking the fire code and all other building code aspects into consideration. The proposed structure is designed to increase public safety by keeping strict control over inmates. Design of the new structure shall be more pleasing than the existing Houston County Jail and many of the existing, surrounding properties.

8. CONDITION: No variance shall be granted, the effect of which would be to impair visibility so as to produce circumstances hazardous to the general public. ANSWER: The improvement location does not place the building in a position that sight distance at intersections or entrances will be impaired.

Following the reading, Mayor Burns asked if there were any further comments or questions. There being none, Mayor Burns made a motion, seconded by Member Lemke, to approve the 15' setback variance off Pine Street as outlined in the Zoning Application and plans, dated May 29, 2009, and based upon the findings just reviewed, which outlined the criteria for granting a variance. All members voting in favor: Burns, Lemke, Vick, Perry and Murphy. Opposed: None. The motion was declared carried.

3. CONSIDERATION FOR A PETITION TO VACATE A SEGMENT OF WASHINGTON STREET: A motion was made by Mayor Burns, seconded by Member Perry, to vacate the segment of Washington Street between Pine Street and the Courthouse Square, in response to the petition of the adjoining property owner, declaring the need for the street to no longer exist and finding it in the best interest of the public to vacate. Members voting in favor: Burns, Vick, Perry, Lemke and Murphy. Opposed: None. The motion was declared carried.

4. CONSIDERATION FOR A PETITION TO VACATE A SEGMENT OF MARSHALL STREET: A motion was made by Mayor Burns, seconded by Member Vick, to vacate the segment of Marshall Street, between South Street and the Courthouse Square, in response to the petition of the adjoining property owner, declaring the need for the street to no longer exist and finding it in the best interest of the public to vacate. Members voting in favor: Burns, Vick, Perry, Lemke and Murphy. Opposed: None. The motion was declared carried.

5. CONSIDERATION OF THE ZONING APPLICATION AND PERMIT: A motion was made by Mayor Burns, seconded by Member Perry, to approve the Zoning Application, plans and permit for a Criminal Justice Center as outlined in the application and plans, dated May 29, 2009, based upon all previous stated findings and discussion. Members voting in favor: Burns, Vick, Perry, Lemke and Murphy. Opposed: None. The motion was declare carried.

ADJOURNMENT: There being no further business before the Council, a motion to adjourn was made by Mayor Burns and seconded by Member Vick. All members voted in favor, the motion was declared carried and the meeting then adjourned at 7:52 p.m.

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Robert H. Burns, Mayor

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Robert L. Nelson
City Clerk - Administrator

SPECIAL MEETING OF THE CITY COUNCIL
CITY OF CALEDONIA, MINNESOTA
Tuesday, June 30, 2009

CALL TO ORDER: Following due call and notice thereof, Mayor Burns called the meeting to order at 6:30 p.m. in the Council Room, City Hall.

ROLL CALL: Members present: Mayor Robert H. Burns; Council Members: Randi Vick, Peggy Perry, Robert Lemke and Tom Murphy. Members absent: None. Consultants and City staff present: Jim Stemper, Tim Irwin and Robert L. Nelson. Visitors present: Mark Schiltz, Scott Yeiter and Charlie Werner, Reporter.

BUSINESS ITEM

A. CONSIDERATION OF POLICE CHIEF APPOINTMENT: The Council Committee for Public Safety, Members Vick and Lemke, recommended the hiring of Kurt Zehnder for the position of Police Chief. Mention was made of certain conditions and facts revealed by the background investigation which were deemed to be private data and not discussable at an open meeting. Following those comments, a motion was made by Member Perry, seconded by Member Vick, to offer the Police Chief position to Kurt Zehnder conditioned upon his passing a physical and psychological test. Members voting in favor: Vick, Perry, Lemke and Murphy. Opposed: Burns. The motion was declared carried.

B. TERMS OF EMPLOYMENT: Following discussion, the terms of employment were determined as stated below, including the contract of employment. Following review and conditions of employment, a motion was made by Mayor Burns, seconded by Member Lemke, to approve the terms and conditions of employment as presented below. All members voted in favor and the motion was declared carried.

DATE OF EMPLOYMENT: The council determined that you should report for duty on July 20, 2009, if possible.

HOURS OF WORK: Your normal shift will be 8 hours per day, 5 days per week.

PROBATIONARY PERIOD: You shall have a Probationary Period of one year, from July 20, 2009 through July 19, 2010.

VACATION: Same as Caledonia Police Association Contract. See Section 14, attached.

HOLIDAYS (RE: M.S. 465.44, Subd. 5)
Grant ten (10) HOLIDAYS per year, designated as follows. All HOLIDAYS shall be paid in December, each year, at your base hourly rate. Should you work on a HOLIDAY, you shall be paid your base hourly rate for hours actually worked at the end of that payroll period and receive payment in December for the HOLIDAY at your base hourly rate, which calculates out to being paid double time for working on HOLIDAYS.

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veterans Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25

SICK LEAVE
You shall accrue 96 hours per year (equivalent of 12 days at 8 hours per day). Accrual rate equals 8 hours per month.

Maximum allowable accrued balance: 960 hours (equivalent of 120 days at 8 hours per day), at employment anniversary date.

BEREAVEMENT LEAVE
You shall be granted a period of up to and including 32 hours per event of death in your immediate family. Immediate family for the purpose of Bereavement Leave, is defined as spouse, child, step-child, parent, step-parent, sibling, mother-in-law, father-in-law, grandparent and grandchild.

INSURANCE
Group Health Insurance: City shall provide Major Medical Group Health Insurance, EXCEPT that you shall be responsible for payment of fifty (50%) percent of the family premium costs. City shall pay 100% of Employee premium cost and 50% of family premium cost.

Life Insurance: City shall provide a $50,000 Life Insurance policy for you, 100% at City cost.

Disability Insurance: City shall provide a Short Term Disability Policy for you, 100% at City cost.

UNIFORM ISSUE
You shall be authorized to obtain the following uniform items at City expense. Replacement of these worn or damaged uniform items shall be at City expense.

Three long sleeve shirts
Three short sleeve shirts
Three pair of slacks (without leg stripe)
Three ties
One summer hat (baseball hat optional)
One winter hat
One intermediate jacket
One hat badge
One chest badge
One ballistics vest (fitted)

WAGES
Your starting wage shall be $25.50 per hour and shall be increased by 3% at the end of the one year probationary period, whatever current wage exists at that time. According to the Fair Labor Standards Act (FLSA), this position is determined to be NON-EXEMPT, meaning that hours worked, over 40 hours per week, shall be paid at one and one-half times the base hourly rate.

ADJOURNMENT: A motion was made by Mayor Burns and seconded by Member Vick, to adjourn the meeting. Member Murphy asked when would be the appropriate time to discuss those items of the background investigation which were deemed private data. All members voted against the motion to adjourn and the motion was declared failed. At this time discussion was held on whether or not the meeting could be closed for the council to discuss issues which were revealed in the summary report of the background investigation on Mr. Zehnder. Clerk Nelson suggested that in order to satisfy the needs of the Council to clarify certain issues which could not be discussed in an open meeting because they were private data, the Council would close the Special Meeting to review those issues and protect them from public knowledge. Thereafter, at approximately 7:26 p.m., Mayor Burns recessed the Special Meeting and went into Closed Session for the purpose of discussing private data as indicated in the summary of the background investigation. At approximately 8:02 p.m. the Council ended the closed session and resumed the Special Meeting to adjourn since no further motions were to be made. A motion to adjourn was made by Mayor Burns and seconded by Member Perry. All members voted in favor, the motion was declared carried and the meeting then adjourned at 8:03 p.m.

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Robert H. Burns, Mayor

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Robert L. Nelson
City Clerk - Administrator