

KASSON CITY COUNCIL REGULAR MEETING MINUTES

April 23, 2014

5:00 Council Work Session

1. **Review of 2013:** Finance Director Nancy Zaworski presented the City's 2013 Annual Review of revenues and expenditures and the projects ahead for the 2013 and 2014 budgets.

Pursuant to due call and notice thereof, a regular City Council meeting was held at City Hall on the 23rd day of April, 2014 at 6:00 p.m.

THE FOLLOWING MEMBERS WERE PRESENT: Coleman, Egglar, Hopkins, Nelson and Worden.

THE FOLLOWING MEMBERS WERE ABSENT: None.

A. COUNCIL:

1. Agenda: Motion by Council Member Egglar and duly seconded by Council Member Coleman with all voting aye, to approve the April 23, 2014 agenda with the following amendments:

- Add:
- F.4 Assignment and Assumptions of purchase agreements
 - F.5 Authorize the City Attorney to Close on Properties
 - F.6 Approve Purchase of Tax Forfeited Property
 - G.3 Park Bid
 - G.4 Sale of surplus property
 - I.3 FFA Alumni seeding at WWTP

3. Consent Agenda: Motion by Council Member Hopkins and duly seconded by Council Member Worden to approve the April 23, 2014 consent items. Ayes: Nelson, Coleman, Egglar, Hopkins and Worden. Nays: None.

- a. **Minutes:** Approved the April 16, 2014 special meeting minutes as submitted
- b. **Claims:** Approved all claims processed after the April 9, 2014 regular meeting, as audited for payment in the amount of \$612,998.80
- c. **Acknowledgement of Committee and Meeting Minutes:**
 1. Library Board – March 11, 2014
 2. Planning Commission – March 17, 2014
- d. **Annual Evaluations:**
 1. Josh Hanson
- e. **Conferences/Training:**
 1. Nancy Zaworski LMC Annual Conf. St. Cloud June 18-20
- f. **Pay Estimates:**
 1. A & A Electric Aquatic Center FINAL \$15,130.88
- g. **Resolution 4.4-14 appointing Police Reserves**
- h. **Resolution 4.5-15 Certifying Delinquent Claims to the County Auditor**

B. VISITORS TO THE COUNCIL

1. **Kyle Meyers, CPA – Abdo, Eick & Meyers, LLP – 2013 Audit Review:** Kyle Meyers, CPA from Abdo, Eick & Meyers, LLP, reviewed the City of Kasson's 2013 annual audit results. Overall the City is doing fine with proper fund balances. **Motion by Council Member Coleman and duly seconded by Council**

Member Worden, with all voting aye, to accept the City of Kasson Annual Financial Report for the year ended December 31, 2013.

C. PUBLIC FORUM:

1. **Judy Ruport; 403 3rd Ave SW** – Mrs. Ruport asked whether the City is doing soil testing on the park and the new park. Mayor Nelson stated that the Developer is responsible for soil testing and we have not received the results. Mrs. Ruport then wanted to know who was bringing in the fill and where does it come from? Tom Ryan – Oppidan stated that they would be bringing in the fill. Ms. Ruport then asked about the soil testing on the Folkestad building and Mr. Lenth stated that soil and water testing for contamination in the downtown district has been continually monitored for the past 15 years due to the number of gas stations that have been present over the years. Ms. Ruport wanted to know if the City was concerned with little kids playing on it, picking it up and eating it. Ms. Ruport also wanted to know why the City Attorney wasn't at our meetings for the citizens to ask questions to see if things are legal. Mayor Nelson stated that we have to pay them by the hour and we have already consulted the attorney before the meeting and if anything comes up we will consult the attorney after the meeting and when the Attorney signs off on it then we are assured that it is legally and properly done. Ms. Ruport also asked if the City was recommending that people can shut off their running water. Administrator Lenth stated that the water temperature should be safe to turn off the water now.
2. **Jason Farnsworth; 18 5th St SW** – Mr. Farnsworth heard that the City is keeping two parcels of the park property and is sure that Zomok's would not have sold if Oppidan hadn't come in and this is a scheme just to get their property. Mr. Farnsworth accused the City of scheming with Oppidan to get the Zomok property. Mayor Nelson stated that Oppidan didn't want the Zomok property and to avoid the Zomok property from being an island the City asked Oppidan to include them in their negotiations.

D. PUBLIC HEARINGS:

1. **Street Vacation of a Portion of 5th St SW**: Economic Development Martin stated that this street doesn't exist and has never existed except on paper. This would have been a continuation of 5th street SW across the corn field and what is the new park across Carter Blaine's property to meet with 8th Ave SW. Mr. Blaine asked the City to vacate this street across his property since the street will not be built. The only part of the street that will be vacated is across Blaine's property. Judy Ruport asked for a map of the property to be vacated and wanted to make sure that nothing was happening next to her house.

Public Hearing Closed – there was no further discussion.

Motion to approve the resolution vacating a portion of the city street lying south of and running parallel to the south line of Block 38, Original plat of the City of Kasson made by Council Member Egler, and duly seconded by Council Member Hopkins with all voting Aye.

E. COMMITTEE REPORTS:

PARK BOARD

- a. **Hire Aquatic Center Employees: Motion by Council Member Coleman and duly seconded by Council Member Egler, to hire the following 2014 Aquatic Center employees, as outlined in the April 15, 2014 Park Board Minutes Excerpt. Ayes: Coleman, Egler, Hopkins and Nelson. Worden abstained since he had a relative on the roster**

Water Safety Instructors at \$10.25/hour: Nicole Acker, Sam Rappe, Katelyn Goodman, Riley Krebs, Tanner Minette, Abigail Tjosaas and Maia Determan

Lifeguards at \$9.25/hour: Kailyn Wigham, Benjamin Peters, Anna Coleman, Adrianna Johnson, Tanner Dufault, Camille Snyder, Meghan Matthiesen, Mark Ostroot, Dana Rasmussen, Bailey Griffin, Brianna Griffin, Tracy Asche, Jonas Eisenbeis, Brianna Knutson, Colton Goodman, Kayla Hanson, Carter Murry, Mckenzie Swarts, Christine Schultz and Kennedy Mindermann

New lifeguard-subject to completion of the Red Cross training-at \$9.25/hour:

Amanda Glowa, Justin Mastin, Jonathan Johnson, Marisa Alvarado, Juliana Scanlan, Matthew Determan, Brayden Tjosaas, Alex Verburg and Mitchell Verburg

Admission/concessions workers at \$8.00/hour: Kelcie Poffenberger, Tyler Schwab, Breanne Barrett, Brooklyn Grabau, Craig Peterson, Grant Smith, Abigail Wigham, Tyler Tjosaas, Rebekah Birgin, Madeline Robinson, Daniel Rappe, Kendra Jostock, Brock Leisen, Kelli Blaisdell, Clayton Flynn, Katelyn Harris, Grace Hager, Andrew Worden, Jack Peterson, Paul Vold, Kollin Johnson, Kristina Harfmann, Alejandra Brekke-Diaz, Madeline Lau, Jessica Kelley, Quade Barry, Ashley Abel and Alexandra Dole

Ballpark Concessions stand workers at \$8.00/hour: Brennan Bolster, Brayden Tjosaas and Logan Stenberg

- b. **Approve Aquatic Center Rate of Pay for Holidays: *Motion by Council Member Worden, and duly seconded by Council Member Hopkins with all voting Aye to approve time and a half for Aquatic Center Employees working on the holidays***

F. OLD BUSINESS:

1. **Purchase and Development Agreement:** KTJ234, LLC is a subsidiary of Oppidan. This says that the City will be buying the property with the TIF bonds and we will be selling it to Oppidan. Section 9.24 has been updated with the flood mitigation and has Oppidan building the ponds. In section 9.25 that if any relocation that any of the property owners would come back and claim later that Oppidan would be responsible for this. The Council is asked to approve this draft subject to final tweaking by the Attorney's.

Motion: to Approve the Purchase and Development Agreement by and between the City of Kasson and KTJ234, LLC subject to final approval of the attorneys, made by Council Member Egger, and duly seconded by Council Member Hopkins with all voting Aye.

2. **Contract for Private Development & Business Subsidy Contract:** This is the third draft that the Council has received. This document contains a lot of the language in the TIF plan and in the business subsidy plan. Council Member Worden appreciates the extra protection of the City's interest while making way for an effective project.

Motion: to Approve the Draft Contract for Private Development between the City of Kasson and KTJ234, LLC pending approval of the attorney's made by Council Member Egger, and duly seconded by Council Member Worden with all voting Aye.

3. **Petition and Waiver Agreement;** Martin stated that this is an agreement with Oppidan to pay us back \$445K for public improvements that the City has defined. The first one is the oversizing of the ponds and will install improvements to the new Lion's Park and it will install a walking trail at least from Highway 57/Mantorville Avenue to the new Lion's Park and if there is money left over the City has the opportunity to use it for improvements that are somehow connected to this parcel of land.

Motion to approve the Petition and Waiver Agreement made by Council Member Worden, and duly seconded by Council Member Egger with all voting Aye.

4. **Assignment and Assumption of Purchase Agreement:** Martin stated that these agreements let Oppidan assign the purchase agreements to the City and for the City to assume the agreement. All of the agreements have been negotiated by Oppidan.
Motion to approve the Assignment and Assumption Agreements for all four properties made by Council Member Egger, and duly seconded by Council Member Worden with all voting Aye.
5. **Authorize City Attorney to Close on Properties:** Martin stated that this is asking for is the authorization to transfer the money to have the City Attorney close on the negotiated properties.
Motion to approve the authorization and funds transfer to close on negotiated properties made by Council Member Hopkins, and duly seconded by Council Member Worden with all voting Aye.
6. **Tax-forfeited property:** Martin stated that when the deed to 24.100.4450, the vacant piece of property between the City's house and Brownlow's house, was given to the City the State inserted in the deed a stipulation that is be used as a parking lot for the park. For \$26,110.16 we can remove this clause from the deed. Part of this cost will come back to the City in the form of taxes.
Motion to approve the payment of \$26,110.16 for parcel 24.100.4450 made by Council Member Coleman, and duly seconded by Council Member Worden with all voting Aye.

G. NEW BUSINESS:

1. **Annexation of Kasson Meadows 6th Subdivision:** The land is owned by Kasson Meadows, LLC and is requesting to be annexed to the City. Planning Commission has reviewed this and were favorable. Mantorville Township has agreed to this annexation and it is within the Orderly Annexation Agreement. **Motion to approve Resolution #4.7-14 ordering Annexation pursuant to the terms of the Orderly Annexation Agreement Between Mantorville Township and the City of Kasson, and Minnesota State Statute §414.0325 made by Council Member Coleman and duly seconded by Council Member Egger with all voting Aye.**
2. **Shopko Preliminary Plat:** Planning Commission held a public hearing for this plat on April 14, 2014 but did not receive the documents in time for MNDOT, County and DNR to have 30 days to review the documents and comment on the plat. The Planning Commission recommended approval of the plat. **Motion to approve the Resolution #4.8-14 Shopko Preliminary Plat with the conditions as stated made by Council Member Egger, and duly seconded by Council Member Worden with all voting Aye.**
3. **Park Bid:** The City Engineer and Park Director and have come up with the preliminary plan and estimates to move the park equipment and put in skatepark and some other improvements and are asking for permission to send this out for bids. **Motion to instruct the City Engineer to send this out for bids made by Council Member Coleman, and duly seconded by Council Member Hopkins with all voting Aye.**
4. **Sale of Surplus Inventory:** Administrator Lenth stated that the City will take sealed bids on a variety of surplus inventory that the City owns on May 9, 2014 from 9AM-3PM with anything that is not bid on at 3PM will be disposed of in the City's best interest. **Motion to approve Resolution #4.9-14 Approving the Sale of Public Property made by Council Member Hopkins, and duly seconded by Council Member Worden with all voting Aye.**

H. MAYOR'S REPORT:

I. ADMINISTRATOR'S REPORT:

1. **Agreement for Additional Services – CMMPA:** CMMPA had some cities drop out of CIP administration and CMMPA approved making administration of CIP a “project” that needed authorized participation from the membership. Lenth also added that the price dropped from \$18,000 to \$12,000 annually . **Motion to approve participate in the Conservation Improvement Project with CMMPA made by Council Member Worden, and duly seconded by Council Member Coleman with all voting Aye.**
2. **Water Tower Painting Contract:** The southwest tower next to Greenway is in need of maintenance and painting. Central Tank Coating submitted a proposal for maintenance and painting for \$45,200. **Motion to Approve the contract with Central Tank Coating made by Council Member Egger, and duly seconded by Council Member Worden with all voting Aye.**
3. **FFA Alumni Association Seeding:** The FFA Alumni Association has been putting in row crops at the WWTP for many years and since all of the expansion and the prospect of a solar farm the City Council had previously approved not putting in row crops any longer and seeding it with ½ grass and ½ alfalfa. Administrator Lenth proposed the City pay \$5K to the Alumni Association for the seed. Mayor Nelson suggested splitting the cost with the FFA. Administrator Lenth thought that was fair and will take it to the FFA Alumni Association.

J. ENGINEER'S REPORT:

City Engineer Britton reported that the water service should be in this week. The flooring is being put in the Just Like Home side and weather permitting we will be putting sidewalk along the east side of the building.

K. PERSONNEL:

1. **James Stucky, Grade 1, Step 1 \$12.41:** City Administrator Lenth requested the hiring of James Stucky as a seasonal employee to work at the WWTP, to start at the end of April and work for 6 (six) months for no more than 29 hours a week. **Motion to approve hiring James Stucky at Grade 1, Step 1, \$12.41 per hour for 6 (six) months at no more than 29 hours per week was made by Council Member Worden and duly seconded by Council Member Coleman with all voting aye.**

L. CORRESPONDENCE:

1. Kasson Public Library “Read with Repo” Program
2. Kasson-Mantorville Elementary School of Excellent Award Invitation – May 13, 2014
3. League of Minnesota Cities Annual Conference in St. Cloud – June 18-20
4. SEMLM meeting in Spring Valley – April 30, 2014

M. ADJOURN:

1. The meeting was adjourned at 7:40 pm.

ATTEST:

Linda Rappe, City Clerk

Matt Nelson, Mayor