

# KASSON CITY COUNCIL REGULAR MEETING MINUTES

August 14, 2013

Pursuant to due call and notice thereof, a regular City Council meeting was held at City Hall on the 14<sup>th</sup> day of August, 2013 at 6:00 p.m.

**THE FOLLOWING MEMBERS WERE PRESENT:** Coleman, Egger, Hopkins and Nelson

**THE FOLLOWING MEMBERS WERE ABSENT:** Tjosaas

**THE FOLLOWING WERE ALSO PRESENT:** City Administrator Lenth, Admin Assist Weigel, Finance Director Zaworski, Community Dev Director Martin, City Engineer Neil Britton, Chris McKern, Deputy Fire Chief Robinson and Gretta Becay  
Acting Mayor Nelson presided over the meeting.

## **COUNCIL**

**Agenda:** Motion by Coleman and second by Hopkins, with all voting aye, to approve the August 14, 2013 agenda with the following amendments:

- Add: A.2.i Heat Share Program
- I.2 Carriage House on Folkestad property

**Consent Agenda:** Motion by Hopkins and second by Egger to approve the August 14, 2013 consent items.  
Ayes: Coleman, Egger, Hopkins and Nelson. Nays: None.

1. **Minutes:** Approved the July 10, 2013 regular meeting minutes as submitted
2. **Minutes:** Approved the July 24, 2013 regular meeting minutes as submitted
3. **Claims:** Approved all claims processed after the July 24, 2013 regular meeting, as audited for payment in the amount of \$438,492.39
4. **Acknowledgement of Committee and Meeting Minutes:**
  1. EDA – June 4, 2013
  2. Planning & Zoning – June 10, 2013
  3. Library Board – May 14, 2013
  4. Park Board – July 16, 2013
5. **Annual Evaluations**
  1. Jason Peck – School Resource Officer
  2. Jesse Kasel – Police Officer Full Time – Move to Grade 10, Step 2 \$22.98 eff. 8/15/13
  3. Burt Fjerstad – Public Works Director – Move to Grade 16, Step 6 \$39.19 eff. 1/1/13
6. **Pay Estimates**

1. Swenke Ims Contracting	3 <sup>rd</sup> Ave SW and Park & Ride Est #3	\$115,714.84
a. Change Order #1	\$19,775.00 Included in Est #3	
2. Rochester Sand & Gravel	2013 Bigelow Resurfacing Est #1	\$184,455.69
7. Resolution Certifying Delinquent Claims to the County Auditor: Resolution #8.1-13.
8. Heat Share for 2013-2014 Season

**VISITORS TO THE COUNCIL**

1. **Chris McKern – Festival in the Park Chairman:** Mr. McKern gave a summary of another successful Festival in the Park. He also presented Council with a letter from the Ron Albright, President of K-M Lions Club offering congratulations for a “wonderful Festival in the Park weekend”. Planning is already underway for the 25<sup>th</sup> Annual Festival in the Park in August of 2014 with events such as the Chili Cook-off on October 13<sup>th</sup> at the American Legion, pancake breakfast and Corn Hole Tournament. Next years Festival in the Park is anticipated to be bigger and better than ever before.

**COMMITTEE REPORTS**

1. **Planning and Zoning Commission:**

**a. Buck Variance:** An application was submitted from Douglas and Debra Buck requesting a variance be granted on a parcel of land at 10 Abbey Lane NE to allow them to construct a storage (accessory) structure where no primary structure exists. The Planning and Zoning Commission is asking Council to deny this Variance application based on the Finding of Facts. *Motion to deny Variance application based off of the negative Finding of Facts was made by Council Member Coleman and duly seconded by Council Member Hopkins. Upon a vote being taken, the following members voted in favor thereof: Coleman, Egger, Hopkins and Nelson. Those against same: none*

1. Exceptional or extraordinary circumstances or conditions apply to the property in question as to the intended use of the property that does not apply generally to other properties in the same Zoning District.

**FINDING: There is no special circumstance relating to this lot that does not apply to other properties in the subdivision. All of the lots are the same size. The topography of the lots is similar and there are no physical impediments to developing a primary structure and an accessory structure.**

2. The proposed Variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Districts and in the same vicinity. The possibility of increased financial return shall not, in itself, be deemed to warrant a variance.

**FINDING: Most lots in Kasson provide space for an accessory structure on the same lot as the primary structure. Although smaller than most, a primary and accessory structure could both exist on this lot.**

3. Approving the proposed Variance will not be of detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

**FINDING: The purpose of the Planned Unit Development that created Stone Ridge Patio Homes envisioned 18 similar, single-family housing units built to a common blueprint. This Variance would violate that intent by using one lot to create a storage building never contemplated in the PUD.**

4. The condition or situation of the specific piece of property for which the Variance is sought is not of as general or recurrent in nature as to make a reasonably practicable the formulation of a general regulation for such conditions or situation.

**FINDING: This request could be made for any of the remaining vacant lots. This would create, rather than the Planned Unit Development approved in the original application, but a mix of living and storage structures throughout the development.**

5. The literal interpretation of the provision of this Ordinance would cause undue hardship to the property owner. Economic conditions alone shall not be considered a hardship.

**FINDING: The literal interpretation of the Ordinance would cause the owner to identify other storage options, such as more efficient use of space on the residential lot, mini-storage or others.**

### **OLD BUSINESS**

1. **Folkestad Garage Bid Approval:** Bids were opened on August 9<sup>th</sup> with VCI Environmental as the only contractor to bid on this property. It was discussed that the reason for this was because of the extensive abatement involved. *Motion to approve the bid for \$242,104.75 from VCI Environmental with the conditions stated in the bid was made by Council Member Egger and duly seconded by Council Member Coleman. Upon a vote being taken, the following members voted in favor thereof: Coleman, Egger, Hopkins and Nelson. Those against same: none.* Demolition is anticipated to start in early September.
2. **Old Elementary School Demolition Order:** The State Fire Marshal Division of the Minnesota Department of Public Safety has found the school building located at 101 3<sup>rd</sup> Avenue Northwest to be a hazardous building within the meaning of Section 110.4 of the Minnesota State Fire Code (2007) as stated in A Resolution Ordering the Razing of School Building Located at 101 3<sup>rd</sup> Avenue Northwest, Kasson, Minnesota 55944; Resolution #8.2-13. *Motion to order that the building at 101 3<sup>rd</sup> Avenue Northwest be removed, Resolution #8.2-13, A Resolution Ordering the Razing of School Building Located at 101 3<sup>rd</sup> Avenue Northwest, Kasson, Minnesota 55944 was made by Council Member Hopkins and duly seconded by Council Member Egger. Upon a vote being taken, the following members voted in favor thereof: Coleman, Egger, Hopkins and Nelson. Those against same: none.*

### **NEW BUSINESS**

1. **Stop Sign Changes:** Public Works Director Fjerstad and Police Chief Schuck have requested that the east-west stop sign on 3<sup>rd</sup> Street NE and 4<sup>th</sup> Avenue NE be taken down and moved one block east to 5<sup>th</sup> Avenue NE and 3<sup>rd</sup> Street NE. The reason for this request is now 5<sup>th</sup> Avenue NE is being used more due to the opening of the "School Road" it makes more sense to have a 4 way stop at the busier of the two intersections. *Motion to approve removing the stop sign at 3<sup>rd</sup> Street NE and 4<sup>th</sup> Avenue NE with a replacement sign being put up at 5<sup>th</sup> Avenue NE and 3<sup>rd</sup> Street NE was made by Council Member Coleman and duly seconded by Council Member Egger. Upon a vote being taken, the following members voted in favor thereof: Coleman, Egger, Hopkins and Nelson. Those against same: none.*

## **CLERK-ADMINISTRATOR REPORT**

1. **Ag Land Leases:** City Administrator Lenth reported that the City has rented the ag land surrounding the Waste Water Treatment Plant to the FFA Alumni Association, free of charge, to be planted and harvested for their benefit and to use as a hands-on learning center for agriculture production. As the WWTP area has been expanded for municipal use, the area for ag production has gotten smaller and work space is more congested. Now that the WWTP will be undergoing a clarifier expansion as well as new solar opportunities it is time to seed the land down to grass and remove the ag land from tillage and use by the FFA Alumni association. There is also Cemetery Ag land has been rented to James and LaDonna Schultze for the past few years and their son Brett is interested in renewing the lease. Because the land is in the city limits and prone to rain run off restrictions have been placed on the land for use as legumes and grass unless a rotation to corn is required due to plant failure. The City does receive annual rent for the Cemetery Ag Land. *Motion to approve phasing out the FFA Alumni use of the WWTP Ag land along with the rental agreement with Brett Schultze for the Cemetery Ag land with the stipulation that he will work with the FFA and allow access and hands-on experience to the FFA on the Cemetery Ag land was made by Council Member Hopkins and duly seconded by Council Member Coleman. Upon a vote being taken, the following members voted in favor thereof: Coleman, Egger, Hopkins and Nelson. Those against same: none.*
  
2. **Carriage House Update:** Mantorville Theater Group and Mantorville Restoration Association (MRA) are interested in the Carriage House along with \$10,000 from the City of Kasson. It was discussed that this could be made into a city project until the property reaches the city limits of Kasson to help with permitting and moving of the structure. Once approved by Mantorville Theater Group and MRA the project would be moved in the fall of 2013.

## **ENGINEER'S REPORT**

1. **Neil Britton, WSN reported on the following projects:**
  - a. **Old Elementary School Building:** No Update.
  - b. **Street Projects:**
    - 2013 Bigelow Resurfacing and Rehabilitation Project:* Bituminous pavement is complete with the exception to 2<sup>nd</sup> Street NW in Prairie Willow Estates. Swenke installed the sewer and water services for the three lots on 2<sup>nd</sup> Street NW and the aggregate base was placed. The final lift is planned to be placed when 3<sup>rd</sup> Avenue SW is ready to be paved. Restoration has yet to be completed in most areas. *3rd Avenue SW Reconstruction and Park & Ride Construction Project:* The first lift of pavement has been placed at the parking lot. Remaining work includes the final lift of pavement and striping. Underground construction on 3rd Avenue is continuing this week. The sanitary sewer, water main and storm sewer have been installed and they are currently working on installing the subdrain. Swenke is planning to start the sub cut excavation in the next couple of days and will place the aggregate base shortly after. The project has 50 working days and should be completed by the end of August. *4th Street SE and Commerce Drive:* The MSAS routes have been approved and the map has been updated. WSN is currently working on getting the topography in the area and will be working on street and lot layouts in the upcoming weeks. *7th Street NW:* No Update. *16th Street NE:* No Update.

**c. Alleys:** It is being requested that for the 2014 Budget maintenance of alley ways between 2<sup>nd</sup> and 4<sup>th</sup> Avenue NW be handled through the regular repair process.

**d. Kasson/Mantorville Waste Water Treatment:** We received a review letter and clarification from the MPCA on the WWTP expansion. A bonding application was completed and sent to Minnesota Management & Budget for Kasson/Mantorville. We need to review the clarifications from MPCA before any action is taken on the expansion of the WWTP.

**Folkestad Building & House:** No Update

**f. Blaine's 12th Phase 4:** No Update

## **PERSONNEL**

1. **Personnel Policy Approval:** City Administrator Lenth and staff have finished the review of the personnel policy. Notable changes include 1) adding a maximum amount of 2,000 hours of accumulated sick leave for employees hired prior to January 1, 1999. This is a change from no limit and all other employees are held to the 600 hour accumulated limit; 2) added a Fleet Policy; 3) Removed Prohibiting Firearms at Work policy; 4) updated benefits and services to adhere to State regulations-most notably definitions under Family Medical Leave. After much discussion regarding the firearms policy the City Council directed staff to look into an alternate policy as the Council is reluctant to have no firearms policy in place. *Motion to approve the changes to the Personnel Policy with the stipulation that the firearms policy will be reviewed was made by Council Member Hopkins and duly seconded by Council Member Egger. Upon a vote being taken, the following members voted in favor thereof: Coleman, Egger, Hopkins and Nelson. Those against same: none.*
2. **Fire Fighter Selection:** On July 29<sup>th</sup> and 30<sup>th</sup> interviews were conducted to fill vacant Fire Fighter positions on the Kasson Fire Department. The members of the Interview Committee were Fire Chief Fitch, Deputy Chief Robinson, Deputy Chief Seljan, Administrative Officer Jurrens and Council Member Nelson. This committee is asking for approval to hire five individuals. *Motion to approve the hiring of Robert Buresh, Mike Heitan, Rudy Raatz, Chris Schuh and Travis Wiuff effective August 14, 2013 with a condition of pending background checks was made by Council Member Hopkins and duly seconded by Council Member Coleman. Upon a vote being taken, the following members voted in favor thereof: Coleman, Egger, Hopkins and Nelson. Those against same: none.*

## **CORRESPONDENCE**

1. **Cash and Investment Summaries:** No Discussion

**ADJOURN:** The meeting was adjourned at 7:11 p.m.

**ATTEST:**

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Randy D. Lenth, City Administrator

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Matt Nelson, Acting Mayor