

MINUTES
REGULAR WASECA CITY COUNCIL MEETING
TUESDAY, MAY 17, 2016

9A

CALL TO ORDER/ROLL CALL

- 1 The regular Waseca City Council meeting was called to order by Mayor John Clemons at 7:00 p.m.

Councilmembers present:

Mayor John Clemons	Allan Rose
Fred Salsbury	Mark Christiansen
Ann Fitch	Daren Arndt
Les Tlougan	

Staff present:

Danny Lenz, City Manager
Mark DuChene, City Engineer
Capt. Kris Markeson, Waseca Police Department
Mary Buenzow, Records Secretary

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

- 2 A moment of silent meditation was observed. The Pledge of Allegiance to the Flag was recited.

APPROVAL OF AGENDA

- 3 It was moved by Salsbury, seconded by Arndt, to approve the Agenda as presented; the motion carried 7-0.

VISITORS, REQUESTS AND COMMUNICATIONS

4a **Greater Mankato Area United Way**

Barb Kaus and Gail Gilman-Waldner, representing the Greater Mankato Area United Way, addressed the Council and explained they have now taken over the Waseca Area. Ms. Kaus updated the Council as to programs and services of the United Way and encouraged anyone to contact her for further information or for services needed.

4b **American Lung Association**

Erin Simmons and Kelly Fogarty, representing the American Lung Association, were present to discuss findings of their audit of the local tobacco licensees. Ms. Simmons stressed public awareness of the tobacco problems, and offered to attend an upcoming Council work session if the Council would like to discuss this topic further. *It was the consensus of the Council to hold a work session with Ms. Simmons and Ms. Fogarty in the near future to discuss tobacco issues.*

PUBLIC HEARINGS

5a **Adoption of Ordinance No. 1044** – Amending Chapter 91 of the City Code, Open Burning of Leaves

At the February 16, 2016 meeting, the City Council directed staff to draft an ordinance to introduce at the first meeting in May, eliminating the City ordinance that allows burning of leaves within the City.

The existing City ordinance allows City residents to burn leaves from October 15 to November 15, from 2:00 p.m. to 8:00 p.m. The ordinance includes certain other restrictions, including that burning of other refuse is prohibited.

Now that the City offers free leaf pickup service to residents in the fall, members of the Council have requested consideration that the open burning of leaves within the City limits is no longer necessary and should not be allowed.

The public hearing opened at 7:30 p.m.

Craig Berberich, 705 19th Avenue NE, spoke in favor of the ordinance, as he would like to see the Council no longer allow open burning of leaves.

Judy Thomas, 802 4th Street SW, stated she would like leaf burning to continue.

Mike Clemons, 213 19th Avenue NE, stated the amount of leaves picked up by the City has reduced the amount of leaves being burned and he would like to the City to continue to allow residents to burn leaves. He would like the City to enforce not allowing residents to burn garbage.

James Christiansen, 125 3rd Avenue NE, stated he would like the City to eliminate the burning of leaves and make Waseca a healthier place to live. If the City does not adopt this ordinance, Mr. Christiansen stated he would like the Council to consider making some changes to the existing ordinance.

Bill Harguth, 413 5th Street NE, stated he would like the leaf burning to continue.

The public hearing closed at 7:45 p.m.

It was moved by Clemons, seconded by Christiansen, to adopt Ordinance No. 1044.

DISCUSSION

There was some discussion by the Council as to the pros and cons of burning leaves. Mayor Clemons spoke in favor of the ordinance stating he no longer feels burning leaves is necessary. Councilmembers Fitch and Rose commented they would like to continue offering residents the choice of whether or not to burn leaves.

VOTE ON THE MOTION

The motion failed 3-4 (nay-Salsbury, Fitch, Rose, Tlougan).

It was the consensus of the Council to hold a work session to discuss this issue further, with staff possibly bringing back another ordinance which would include other burning restrictions.

ROUTINE BUSINESS

6a Airport Master Plan Update

The City is in the process of updating the Waseca Airport’s master plan. TKDA, the City’s hired consultant to complete the master plan will be in attendance to update the Council on the master plan’s development as well as present information related to the public open house scheduled for May 17, 2016 from 4:00 pm to 5:15 pm, and to answer any questions the Council may have on the master plan or the master plan process.

The airport master plan is a required document of the FAA and MnDOT aeronautics and its purpose is to plan airport improvements at the Waseca Airport for the next 20-30 years based on current and projected user demands and operations at the airport. These plans are updated every 10-15 years.

Tricia Fantinato, TKDA addressed the Council and provided an update of the City’s Airport Master Plan. She stated a public meeting was held and TKDA is now looking a drop zone for parachutists, changes in the hangar area, a cross-wind runway, and extension of the main runway. Ms. Fantinato stated TKDA will bring more alternatives to another meeting in the Fall. No City Council action is needed at this time.

6b Resolution No. 16-19 – Approving State of Minnesota Joint Powers Agreement

In 2011, the Waseca City Council adopted Resolution 11-25 and entered into a five year agreement with the State of Minnesota, Department of Public Safety, and the Bureau of Criminal Apprehension to use systems and tools available over the State’s criminal justice data communications network for which the City was eligible to use. At the time, the Waseca Police Department was adding an e-charging capability in August of 2011. The Waseca Police Department continued to have access to the following BCA systems and tools: CCH (Computerized Criminal History) system, CJDN (Criminal Justice Data Communication Network) system, CHRMS (Criminal History Record Maintenance System), CIBRS (Comprehensive Incident Based Reporting System), ISS (Integrated Search System), and MRAP (Minnesota Repository of Arrest Photos) system, and POR (Predatory Offender Registry) system. This agreement expires in June of 2016. Per MN State Statute, §471.59, Subd. 1, the Joint Powers Agreement must be approved by the City Council.

It was moved by Fitch, seconded by Arndt, to adopt Resolution No. 16-19, A RESOLUTION OF THE WASECA CITY COUNCIL APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENT; the motion carried 7-0.

6c Resolution No. 16-20 – Awarding Contract for 2016 Crack Seal/Seal Coat Project #2016-03

The City of Waseca awards a contract for crack sealing and seal coat of local streets annually in accordance with the pavement management policy. Bids for the project were received on May 13th, 2016.

Three bids were received; a tabulation of the bid and the Engineers Estimate is attached. The lowest responsible bid received was from Caldwell Asphalt Company, Inc. in the amount of \$88,042.88. Caldwell Asphalt Company, Inc. has done crack seal/seal coat projects for the City in previous years and completed the projects on time and per specifications.

It was moved by Salsbury, seconded by Rose, to adopt Resolution No. 16-20, A RESOLUTION OF THE WASECA CITY COUNCIL AWARDED CONTRACT FOR 2016 CRACK SEAL/SEAL COAT PROJECT #2016-03; the motion carried 7-0.

6d **Resolution No. 16-21** – Granting Rear Yard Setback Variance to Barbara Kooken for a Deck

Barbara Kooken, owner of the property located at 413 13th Avenue NE, is requesting a Variance to allow construction of a new attached deck, which will encroach into the allowed rear property line setback. The property is zoned R-2, Urban Residential. Single-family dwellings are permitted principal uses, and attached decks are permitted accessory uses in the R-2 zoning district.

The property is occupied by a single-family dwelling. The principal dwelling meets all required setbacks. The property is a corner lot, irregular in shape. Due to the unusual size and shape of this lot, the rear yard area is considerably shallower than a standard lot. This does not allow for the proposed deck to be constructed without encroachment into the rear setback.

City Code allows an attached deck to encroach into the rear setback, but no more than 20 feet from the rear property line.

The applicant wishes to have a deck that allows adequate space for movement, and yet maintain space from the neighboring house to the north. The proposed 14' x 20' deck will encroach into the rear setback a distance of 6 feet on the west side and 2 feet on the east side due to the irregular shape of the lot. The project meets all other zoning requirements in an R-2 zoning district.

It was moved by Clemons, seconded by Rose, to adopt Resolution No. 16-21, A RESOLUTION OF THE WASECA CITY COUNCIL GRANTING REAR YARD SETBACK VARIANCE TO BARBARA KOOKEN FOR A DECK; the motion carried 7-0.

6e **Ordinance No. 1045 – Introduction & set hearing date** – Amending Chapter 150.04 of the City Code, Building Regulations

Current City Code requires that “no person shall construct, alter, wreck or move any kind of structure or building or part thereof without first securing a building permit therefore: provided no permit shall be necessary for the construction, reconstruction or alternation of a building where the building is less than 100 square feet in size.”

Since this portion of the code was adopted State Building Code has been updated to allow buildings less than 120 square feet to not need a building permit. In addition, when the City Council adopted the updated Zoning Code in January of this year the maximum size for accessory structures was increased to the same 120 square feet to be consistent with the State Building Code.

Staff is proposing to modify Chapter 150.04 of the City’s Building Code to be consistent with the State Building Code and Zoning Code at set the minimum structure size needing a permit at 120 square feet.

It was moved by Tlougan, seconded by Arndt, to approve the introduction of Ordinance No. 1045, AN ORDINANCE OF THE CITY OF WASECA, MINNESOTA AMENDING CHAPTER 150.04 OF THE CITY CODE, BUILDING REGULATIONS, and set the hearing date for its adoption to June 7, 2016; the motion carried 7-0.

UNFINISHED BUSINESS

7 None

NEW BUSINESS

8a **Dispose of surplus equipment/property**

City Staff has identified existing City property as surplus property and of no use to the City. Property will be disposed of according to all applicable laws generally by either auction, by being sold for scrap value or recycled. All items deemed to have no value will be disposed of in an approved landfill.

It was moved by Salsbury, seconded by Rose, to approve the list of surplus equipment and property for disposal by recycling, scrap, or auction as presented; the motion carried 7-0.

8b **Approve Change Orders #1 & #2 and Final Payment – Northeast Park Pavilion Project #2015-12**

Work is complete and has been inspected by the Architect and is recommended for final acceptance. Final payment is for the retainage left on the job and final payment will be held until the City receives IC-134’s.

It was moved by Salsbury, seconded by Clemons, to approve Change Orders 1 & 2 and Final Payment for Northeast Park Pavilion Project #2015-12 as presented; the motion carried 7-0.

CONSENT AGENDA

9 It was moved by Tlougan, seconded by Arndt, to approve the Consent Agenda as presented; the motion carried 7-0 and included the following actions:

- a. Minutes – Regular City Council meeting – May 3, 2016 – were accepted and placed on file.
- b. Payroll & Expenditures – May 2016 – were authorized for payment.

CITY MANAGER’S REPORT

10 **The City Manager reported the following:**

The water park pool will be filled tomorrow and plans are to open on June 4th. There will be a few new food items, some theme days to celebrate the 10th anniversary, and a new Point of Sale system. Staff has been busy getting ready for the summer water park season.

Staff has been very hard at work getting Tink Larson Field ready for the Bluejays baseball game this Friday, May 20th. Lighting, netting, sod and a speaker system are in place. A mobile concession stand has been provided by Pepsi. Staff also found out our request for additional funding under Errors and Omissions has been granted. The facility is classified as a stadium, and we received an additional \$500,000 in insurance money, so the total insurance replacement money is now \$800,000. Thanks to Finance Director Shelly Kolling for this discovery.

The Council will hold a work session tomorrow at the Public Safety Building. Topics include post-2030 electric power purchase, and sales tax discussion. Another work session is scheduled for next Thursday, May 26th.

COMMISSION REPORTS

11 **Councilmembers reported on the following board/commissions:**

EDA – Councilmember Arndt reported the EDA discussed the Community Venture Network (CVN) and a possible joint membership with other cities. The EDA also discussed the housing study meeting and RFI's. Councilmember Fitch inquired, regarding the RFI's on the west interchange, how many jobs the City has missed out on because there is no infrastructure in that area. The Economic Development Coordinator had indicated the city perhaps missed out on 150+ jobs due to lack of infrastructure at the west interchange.

Heritage Preservation Commission – Councilmember Tlougan reported the HPC has been discussing a zoning map amendment for properties on the National Registry. The group also continues to look at historic street signs and the overall cost of them if incorporated with the regular replacement of street signs. Councilmember Tlougan stated the Rosenau's have donated \$2,098 to help purchase risers for the Trowbridge Park bandstand.

Human Rights Commission – Councilmember Fitch stated the group has been working on a brochure of tenants and landlords rights and responsibilities. The brochure was reviewed at the meeting last night, and will be translated into Spanish, printed and distributed to various locations in the City.

Planning Commission – Councilmember Salsbury stated the Planning Commission had the Kooken variance on their agenda, which was considered and approved by the Council this evening.

Discover Waseca Tourism Board – Councilmember Fitch reported the DWT was approached by a company about doing a video, and the group agreed to move forward with this.

Community Ed Advisory Board – Councilmember Fitch the Board received an update on the amount of users of Community Ed. Almost 20% of Waseca uses Community Ed programs. Tom Lee also gave a theatre update.

ANNOUNCEMENTS

12 The following miscellaneous announcements were made:

Councilmember Fitch stated she was recently involved in Junior Achievement and presented to Ms. McKay's 4th grade class. She stated this was a great experience and she appreciates that the school provides that program.

Councilmember Fitch stated she received a tour of the Wastewater Treatment Plant last week. It was a great tour and she thanked Utilities Director Carl Sonnenberg.

Mayor Clemons commented he would like to schedule a work session and include a tour of the WWTP. He stated in previous years the Council regularly toured various places.

Councilmember Rose reminded everyone that Chautauqua is coming up in early July. He also encouraged everyone to see the Timeline Exhibit at the Waseca County Historical Museum.

Councilmember Christiansen commented he will be presenting a scholarship from the Art Center at the High School Senior Banquet tomorrow evening. This may conflict with a portion of the work session, and he may have another conflict with the work session next Thursday evening as well.

Councilmember Christiansen stated May is a busy month and he enjoyed the activities this evening at Northeast Park.

Mayor Clemons commended City staff for the work they do, in particular Finance Director Shelly Kolling for her discover which netted the City another \$500,000 for Tink Larson Field.

Mayor Clemons stated the Minnesota Twins sent their head groundskeeper to Waseca to help get the field ready for the game Friday night. On Friday will be the first home game since the fire, and the last game for Seniors at Tink Larson Field. The Twins organization has been phenomenal in their support. Mayor Clemons encouraged everyone to come to the game on Friday as it will be a big deal and there are a lot of people to thank.

Mayor Clemons also stated he has started a volunteer team, to help coordinate donations and make sure the money donated is getting to the right place. Citizens can go to TLFteam@outlook.com for more information.

Mayor Clemons commented the Northeast Park Pavilion turned out great, and he thanked CJ Masonry and Britton Plumbing & Heating for their work. He stated using local contractors rolls the money right back into the community.

Mayor Clemons stated he has been invited to read during the Summer Reading Program at the library. The library has many programs and he noted a particular program offered on early-out days to provide students with a place to go. This fills a need in our community, and there are a lot of neat things going on at the library.

Mayor Clemons commented that former Councilmember and Park Board member Fran Zwach commented this evening that she is very pleased to see the pavilion at Northeast Park, which she has been supportive of for more than 20 years.

ADJOURNMENT

- 13 There being no further business to be brought before the Council, it was moved by Tlougan, seconded by Arndt, to adjourn the meeting at 8:48 p.m.; the motion carried 7-0.

JOHN CLEMONS
MAYOR

MARY BUENZOW
RECORDS SECRETARY