

The City Council of the City of St. Charles welcomes you to its Regular Meeting of Tuesday, June 9, 2015 at 6:00 p.m. at 830 Whitewater Avenue, City Council Chambers, St. Charles, Minnesota.

ITEM	ACTION REQUESTED
1. Call to Order	
2. Pledge of Allegiance	
3. June 9, 2015 Agenda	APPROVE
4. Meeting Minutes -May 12, 2015 -May 26, 2015	APPROVE
5. June Payables	APPROVE
6. Notices and Communications (if applicable)	INFORMATION
7. Reports of Boards and Committees:	INFORMATION
7a. Administrator's Report, Nick Koverman	
7b. Public Works Superintendent Report, Kyle Karger	
7c. Chief of Police Report, Ken Frank	
7d. Library Board Report, Dave Braun (TBD)	
7e. School Board, David Kramer	
7f. Public Works, Orv Dahl	
7g. Planning & Zoning, Wayne Getz	
8. Boy Scout Presentation of Appreciation to City of St. Charles	INFORMATION
9. Fort Culvert Discussion	APPROVE
10. Ordinance #578 Amending the Zoning Map (1 st Reading)	APPROVE
11. Ordinance #579 Amending the Parking Requirements (1 st Reading)	APPROVE
12. Hiring of Colton Herman-Part-time Officer	APPROVE
13. Rochester Water Reclamation Plant Approval	APPROVE
14. Resignation from Public Works Board-Braun	APPROVE
15. Resolution #14-2015 Hugh Watson Off-Site Gambling Permit	APPROVE

UNSCHEDULED PUBLIC APPEARANCES: Members of the audience may address any item not on the agenda. State Statute prohibits the City Council from discussing an item that is not on the agenda, but the City Council does listen to your concerns and has staff follow up on any questions you raise.

ADJOURNMENT

***Attachment. Questions? Contact Nick Koverman at St. Charles City Hall at 932-3020 or by email at nkoverman@stcharlesmn.org.**



**MEMORANDUM for the CITY COUNCIL of St. Charles for
Tuesday, June 9, 2015**

8. Boy Scout Presentation of Appreciation. Members of the St. Charles Boy Scouts would like to present a Certificate of Appreciation to the St. Charles City Council for allowing them the use of the community room space.

9. Fort Culvert Discussion. Mr. Fort has asked to address the Council regarding the culvert discussion from 2014. Included are minutes from the last three meetings leading up to the end of the year for review. In addition, a prior estimate received from Pearson Backhoe Service for construction of the 36" HDPE culvert was \$23,440. The City also has the option of reducing the cost with existing 36" concrete pipe that was reclaimed from another project that after inspection would also be suitable for the project.

10. Ordinance #578 Amending the Zoning Map (1st Reading). Please see the enclosed ordinance and related information from the Planning & Zoning review.

11. Ordinance #579 Amending the Parking Requirements (1st Reading). Please see the enclosed ordinance for review.

12. Hiring of Colton Herman-Part-time Officer. Please see the enclosed Request For Council Action.

13. Rochester Water Reclamation Plant Approval. The Rochester Water Reclamation Plant is looking to better serve the surrounding areas by accepting wastewater from outside Rochester city limits, which may include septic tanks or grease interceptors. They are requesting that an approval be given by the City in order for this to be acceptable. The DESCASD has been contacted and they are not accepting these forms of waste any longer and are

comfortable with the City sending this form of material to the RWRP.
Recommendation is to approve this assistance.

14. Resignation from Public Works Board-Braun. Jim Braun who has served on the Public Works Board for a number of terms has submitted his resignation for approval.

15. Resolution #14-2015 Hugh Watson Off-Site Gambling Permit. Included in the packet is the annual permit for bingo for the Winona County Fair.

MINUTES of the ST. CHARLES CITY COUNCIL
For Tuesday, May 26, 2015 held at 6:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota

MEMBERS PRESENT:

Councilmen:
David Kramer
Dave Braun
Orv Dahl (absent)
Wayne Getz
Mayor John Schaber

STAFF PRESENT:

Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: Cathy Groebner, and Craig Hilmer.

1. ESTABLISH QUOROM/CALL TO ORDER

Quorum was established with Mayor Schaber calling the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL of the AGENDA:

Motion to approve the agenda: **Dave Braun**
No discussion.
Motion carried.

4. Notices and Communications. None.

5. EMS Building Project/Award Bonds-Call for Special Meeting. Admin. Koverman relayed that the bids were received May 20 and that the staff at Alvin Benike were compiling the bids for Council consideration. In addition, he would like to have Mike Bubany release the notice for the sale of bonds so that at the same meeting the award could be made if the project was accepted. He proposed Monday, June 1 at 6 p.m. for a special Council meeting. The Council agreed and a motion to set the special meeting at the date and time proposed was made.

Motion to approve: **Wayne Getz**
No further discussion.
Motion carried.

6. EDA Loan Request –RCA #1-2015. The EDA reviewed a request for the building at 1000 Whitewater Avenue to replace exterior doors and the project met the requirements. The total cost of the project is \$5,495 so the total requested is \$2,748. A motion was made to approve the request.

Motion to approve: David Kramer
No further discussion.
Motion carried.

7. Employer Support of Guard and Reserve Statement of Support. Admin. Koverman reviewed the process and requirements involved with a City Statement of Support for the Employer Support of Guard and Reserve. He expressed that currently the St. Charles Police Department and Ambulance are supporters of the program and that the Winona County Veteran Services Coordinator has relayed that cities can participate as well. A motion to apply with the ESRG was made.

Motion to table: **Wayne Getz**
No further discussion.
Motion carried.

8. St. Charles Community Foundation Organizational Meeting-June11. Admin. Koverman relayed that he and Mark Roubinek had arranged a meeting at the Elementary Auditorium at 7 p.m. for the formation of the St. Charles Community Foundation. Key community stakeholders and organizations were being contacted about participating.

9. Awarding Gladiolus Days Button Contest Winner. Brea Kieffer from Mrs. Mitties' 6th Grade class was recommended as the 2015 button design winner. A motion was made to approve Brea Kieffer as the winner was made. Clm. Getz also thanked all those who participated in the contest.

Motion to approve: **Dave Braun**
No discussion.
Motion carried.

UNSCHEDULED PUBLIC APPEARANCES

-None

Motion to adjourn at 6:09 p.m.
Motion to approve: **Wayne Getz**
Motion declared carried.

John Schaber, Mayor

Attest: _____
Nick Koverman, City Administrator

MINUTES of the ST. CHARLES CITY COUNCIL
For Tuesday, May 12, 2015 held at 6:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota

MEMBERS PRESENT:

Councilmen:

Dave Braun
Orv Dahl
Wayne Getz
David Kramer
John Schaber

MEMBERS ABSENT:

None

STAFF PRESENT:

Ken Frank (Police Chief), Lyle Peterson (Fire Chief), Jeff Hardtke (Ambulance Director), and Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: Dan White, Duane Stark, Alice Stark, Jose Rivas (CRW Architects), Rick Engstrom (WHKS), Mark Roubinek, Travis Lange (Benike), Cathy Groebner, Alissa Blaha (SMIF), and Craig Hilmer (Press).

1. ESTABLISH QUORUM/CALL TO ORDER

Quorum was established with Mayor John Schaber calling the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF THE AGENDA: delete 7g.) School Board report. Addition: 12.) 2015 Summer Park and Rec Hiring List

Motion to approve the agenda: **Orv Dahl**

No discussion.

Motion carried.

4. MEETING MINUTES

-April 6, 2015

Motion to approve: **Wayne Getz**

Motion carried.

-April 8, 2015

Motion to approve: **Orv Dahl**

Motion carried.

-April 14, 2015

Motion to approve: **David Kramer**

Motion carried.

5. APPROVAL OF May PAYABLES

Motion to approve payables: **Orv Dahl**

6. Notices and Communications. Update on the Project Fine fundraiser. Information from Southern Minnesota Initiative Foundation that demonstrates their involvement within our county and community.

7. Reports of Boards and Committees: Various reports were given by Council.

8. **Community Foundation-Alissa Blaha-SMIF Foundation.** Alissa Blaha presented information to the City Council regarding the formation of a community foundation. She outlined the purpose, roles and responsibilities of a board and outlined for the Council next steps. She offered her services and help in taking next steps and then outlined various programs for fundraising and generating interest and awareness for the foundation. The Council did not have any questions and Admin. Koverman relayed that he would work with Supt. of Schools Mark Roubinek to look at next steps.
9. **Drainage Concern-1591 Oakview Drive.** Rick Engstrom from WHKS Engineering, the city's civil engineer, addressed the Council and outlined portions of his memo related to an April 20, 2015 site visit with Clm. Getz and Kramer along with Admin. Koverman and the homeowners of Alice and Duane Stark. He highlighted the lot as Lot 15 in Doty's Subdivision that was constructed in 1980 and defined it as a usable lot with water and sewer stubbed to the lot. He outlined that the general lot before the improvement generally sloped to the west toward the property of Alive Stark at 1591 Oakview Drive. He relayed that in order to capture any potential drainage the city installed a swale that would move the water to the street. He stated that through conversation with the owner other potential options were reviewed as far as diverting the water to the south, but that it would direct water onto private property and without an agreement for a drainage easement he could not recommend that as an option. He recommended deepening the swale to the Council as a potential option. Mayor Schaber asked for any questions or comments and Clm. Kramer expressed that he would concur with the recommendation to enhance the swale. Duane Stark requested to address the Council. He asked that in addition to the proposed recommendation that the Council consider the following additional proposal. He requested the following: 5 yards of dirt/5 yards of sand to provide a slope away from the house foundation, replacement of fiberglass insulation in the basement, bleach, a dehumidifier, and the use of more electricity consumed by the dehumidifier/furnace. Clm. Braun asked for clarification of whether the basement was wood or concrete. Mr. Stark acknowledged that in fact it was a wood basement. Clm. Braun expressed that he did not believe the damage would have been caused in the year and a half timeframe. Clm. Getz concurred. It was asked whether or not the material taken from enhancing the swale would be usable material. Mr. Engstrom felt that the material would not be usable. Hearing no further discussion, a motion was made to approve the project to enhance the swale. No further discussion was held.
Motion to approve: **Wayne Getz**
No further discussion.
Motion carried.
10. **EMS Building Update.** Travis Lange from Benike Construction highlighted for the Council how through working with CRW Architects and the EMS building committee that the group has worked to receive estimates on the proposed scope of the fire/ambulance building and has been working to bring the budget in line. As one of their last April meetings, the group elected to move forward with letting the project out for formal bids. However, Lange did clarify that only the first project of the ambulance/fire hall was let for bids and that the committee was hoping to review an alternate plan before letting the project for bid. It is still the goal of the committee to have them be part of a single project, but that the savings would still be realized. Jose Rivas expressed his appreciation to both Benike and the committee as the scope of the project has been changed and altered over time in order to try and stay within the project budget. Clm. Braun asked what happens if the project comes in over budget. Lange explained that there are alternates that were placed in as options, but Admin. Koverman also added that until they have real numbers, it would be at that time that further discussion would need to be held. No further questions were asked.
11. **Blandin Foundation Update.** Mayor Schaber, Admin Koverman and Supt. of Schools Mark Roubinek highlighted for the Council the training experience and how the three feel that with the cohort of 24 residents that potentially new life will be put back into the community and projects.
12. **2015 Summer Park & Rec Hirings.** The Council reviewed the summer hiring list and a motion to approve the list was made.
Motion to approve: **Dave Braun**
No further discussion.
Motion carried.

Motion to adjourn at 6:43 p.m.
Motion to approve: **Wayne Getz**
Motion declared carried.

John Schaber, Mayor

Attest: _____
Nick Koverman, City Administrator



City Administrator's Report—May 2015

May 7—Conducted police interviews for part-time positions.

May 11—Beyond The Yellow Ribbon. Met as a committee to update the plan. We also spoke with the state representative on best practices for the group. The City continues to support the website for the group.

May 12—Held preconstruction meeting for the EMS building/Benike Construction/CRW Architects.

May 13—Met in Eyota with the Transportation Advisory Committee Meeting to discuss the upcoming summer service as well as the video that will move into production once the new buses arrive. Discussed bringing buses to the Council meetings as a way to showcase the bus. Tire Cleanup and television collection was held that day.

May 14—Met with Marco representative to discuss services. Attended Blandin reception that evening as a welcome home.

May 18—Took part in Grant Finder demonstration.

May 20—Held bid opening for EMS building.

May 21—Called in for UMMEG meeting regarding Court ruling on RICE Rules that may affect the way in which generators are relied on as capacity or emergency standby within the Dairyland system. A decision is expected either mid-June or later in July if an extension is requested. Richard Heinemann is working with agencies that also may be impacted by a potential ruling. More information will be provided as a decision and the implications become more clear.

Attended meeting with school district to discuss future planning for building upgrades.

May 23—Visited a solar facility in Rushford.

Public Works Report – May 2015

- City wide locates, weed cutting and spraying, and pulling delinquent electric meters
- Excel/Archer's three phase electric project completed with new pole, junctions, boring and transformer hooked up
- Service hookups at 809 Brubaker Drive and East 13th Street
- Run generators at power plant, test and run three generators around town for monthly decks
- Loaded seven truck loads of tires and hauled to Winona for cleanup day and also loaded 46 pallets of TV's and monitors
- MMUA safety meeting, worked on Well #3 pump, repaired South Fork lift station fuses and I-90 booster station alarms after lightening damage
- Replaced two cutouts and three lighting arrestors on East 5th Street
- Replaced three phase meters at fifteen locations around town; landscaped the blvd at 1600 Richland Ave
- Found bad meter socket at Angel's on the Avenue on Whitewater Ave and contacted her about needing an electrician
- Checked on transformer orders and specs for the ones the City sent back; repaired street lights
- Disconnected power at Angel's and 318 West 5th Street and reconnected after electrician's repairs
- Check main line fuse sizes around town for substation coordination; removed overhead service at 590 East 13th Street and hooked up new underground service
- Disconnected and reconnected service at 160 West 15th Street; organized all 600 amp electrical equipment at the shop for the 4th Street backup
- Called for outage at 1600 Richland Ave to replace two primary fuses and checked other system lighting arrestors for cracks or visible damage
- Street sweeping; working on potholes and cracks in streets with total patcher; replaced door at shop into rubber goods room
- Greased and maintained equipment; installed street signs; checked wells and finals at City Hall
- Burnt City brush pile; checked for roof filters at City Hall; cleaned and Jet Vac culvert by 755 Bluff Ave

- Helped gentlemen from MN health dept. get water samples; worked on cleaning and organizing cold storage shed
- Jetted out culverts at Carlos Pierce's on Bluff Ave and Jerry Ludwig's on Park Road; cleaned and maintained jetter truck
- Checked main culvert for debris behind Dave's Small Engine & Repair; replaced orange street location posts around Golf Course
- Back dragged alleys; cut around street patches from winter watermain breaks for patching; fixed lights and wiring on City's red trailer
- Helped plumber find and repair sewer backup at Ms. Heim's on Church Ave
- Worked on cementing new City shop facility; picked up trash bags at the parks from High School cleanup day
- Closed railroad tracks for temporary track repairs on Richland Ave; delivered late slips for City Hall
- Trimmed trees; repaired check valve in Well #4; helped get the City pool running
- Hydrant repairs; flow tested hydrants with I-90 for Fire Dept. Insurance info
- Repaired valve box cover on I-90; ground man for electrical night callout; reread meters
- Repair leak in pool's chlorine room; repaired toilet leak at 1431 Richland Ave; checked high water usage

2015 Public Works Project Updates

- Well #5 rehab done
- 90% of sewer lining completed
- Water main loop postponed for future CIP money to be used for I-90 water tower painting and rehab – was a 2014 project
- Chip sealing Golf Course in July
- Excel electric project finished, Ag Specialist electric project started and Fire Hall electric project next
- Town swept once and total patching potholes almost completed
- Hwy 74 bridge silt removing and channel clearing being designed per DNR
- Shop expansion completed, concrete floor 50% complete
- Two culvert repairs on Golf Course being evaluated for repair process

Sincerely,
 Kyle Karger
 Public Works Superintendent

City of St. Charles Police Department

Chief – Ken Frank #601

830 Whitewater Avenue

St. Charles, MN 55972

(507) 932-3020 · (507) 932-5301 FAX



Council Report June 5, 2016

- St. Charles Police Department along with St. Charles High School is hosting **Pressure Points and Control Tactic (PPCT)** training at the high school during the first three Wednesdays of June. This training is mandated annually by the MN POST Board and a total of about 60 police officers from around Winona County will attend one 8 hour day of training. Instruction is provided by the Winona County Sheriff's Office.
- Officers from this department will be completing use of force – fire arms training this June. This will involve ascertaining that everyone has completed and passed, rifle, handgun and shot gun qualifications along with written tests.
- Officers will have completed 15 hours of Use of Force training for the POST Board calendar year that runs July 1, 2014 – June 30, 2015. Minimum standards for the POST Board are 8 hours of Use of Force training. This training includes hand gun, shot gun, rifle, Taser, PPCT and we require League of MN Cities PATROL training that includes "Readiness Aspects of Use of Force," "Use of Force "Legal Issues," and "Use of Deadly Force."
- Established an agenda for field training for the new hires, this will be an intense training period that will involve regular evaluation during the first three months of employment. Areas evaluated will include appearance, attitude, knowledge, performance and relationships with the public, other agencies and interdepartmental. During this time most shifts will be worked under the supervision of other fulltime departmental staff.
- Completed a DUI Forfeiture sale/buyback. Approved by the Co Aty net proceeds to the City of \$2400. According to state statute these funds are to be used for drug/alcohol enforcement and that includes equipment.
- I will be attending the Montana Summer Institute July 5th – 11th in Big Sky Montana. This is training titled "Growing Positive Community Norms: Innovations in Research, Practice and Leadership." I will receive POST Approved credits. I am sponsored by the Whitewater Coalition and all expenses excluding salary are paid.

Respectfully Submitted, Chief Ken Frank

"Proud to Serve"



MINUTES OF THE PUBLIC WORKS MEETING June 3, 2015

The public works committee met at 5:30 p.m. on June 3, 2015.

Members Present

David Kramer
Kyle Karger
Rick Engstrom
Wayne Fix
Orv Dahl

Members Absent

Jim Braun

Others Present

Nick Koverman

Approval of the Agenda:

Motion to approve: Orv Dahl

No further discussion.

Motion carried

Business Items:

- a. Watermain extension on Hwy 14 West—Jan Nessler. Supt. Karger was approached by Jan Nessler about the possibility of connecting to the city water system out by City Park.. The committee discussed the possibility of a full 6” watermain extension versus the installation of a 2” private line which has been done in other areas of the community. Discussion surrounded future planning, pros and cons, and the possible need/interest by fellow neighbors. Supt. Karger will contact the adjoining neighbors to see what additional interest, if any, would be there. In addition, determining if a cost had been associated with a well rehabilitation was questioned by the committee. More information would be brought back to the committee.
- b. City/Developer storm ponds and drainage ditches. Supt. Karger reviewed with the committee the current subdivision policy with respect to private developers maintaining private ponds. The Subdivision guidelines stipulate that when the last lot in a subdivision is built upon the developer will restore the pond to the initial design standard before deeding it to the city. This policy has left many of the ponds at capacity and in need of repair. Staff was looking for recommendations moving forward with adoption of a new standard, but also how to engage developers with current ponds in order to partner with them to bring them into compliance as they are a part of the community’s infrastructure storm water system. Discussion on what enforcement rights the city had as well as MPCA guidelines were discussed. After discussion it was agreed that information would be sought as far as the ability to enforce a compliance timeline, implications through taxes, and research on what other communities are doing to tackle the growing situation.
- c. 2014 Public Works Report. Given to committee for review.
- d. 2015 Public Works projects. Supt. Karger reviewed the current projects being undertaken in 2015.

e. Utility/alley easement on South Bluff. Supt. Karger highlighted an issue regarding a current public alley that houses several utilities. Supt. Karger was contacted by a resident to inquire about property lines to construct a fence. Through investigation, it is determined that over time utilities have been placed and maintained for almost two decades in private property. It was his intention to re-establish the easement, but a question of the alley and the need was proposed. Through discussion it was deemed that potentially vacating the alley may pose a benefit to all homeowners in the adjacent area as long as a utility easement is maintained. In addition, a possible license could be granted to the homeowner looking to establish a fence. Admin. Koverman expressed that initial conversations with the city attorney relayed that a benefit to one party did not allow for vacation if it could not be deemed in the best interest of the community. However, after discussion he would follow up with the city attorney to deem if this would be the most reasonable action and in the best interest of all. More information would be brought back.

f. Fort Culvert. A brief update was presented with respect to the ongoing concern of the culvert located at the Fort Building Supply. It has been requested to continue the dialogue at an upcoming Council meeting.

g. Jim Braun resignation. Supt. Karger expressed that Mr. Braun had requested to resign from the board after years of dedicated service. A motion was made to accept the resignation.

Motion to approve: Orv Dahl

No further discussion.

Motion declared carried.

Motion to adjourn at 7:35 p.m.

Motion to approve: Wayne Fix

No further discussion.

Motion declared carried.

Planning and Zoning Commission
Thursday, June 4, 2015
7:00 P.M.
City Council Chambers
Minutes

MEMBERS PRESENT:

Wayne Getz
Tim Jones
David Kramer
Nancy Heim
Jamie Bjerke
Bruce Dorman

MEMBERS ABSENT:

None

STAFF PRESENT:

City Administrator Nick Koverman.

OTHERS IN ATTENDANCE: Steve Thompson, Missy Wegman, Jerod Severson, Andy Masterpole (SEH Yaggy).

ESTABLISH QUORUM/CALL TO ORDER

Quorum was established and Nancy Heim called the meeting to order at 7:00 p.m.

APPROVAL of AGENDA

Motion to approve: **Bruce Dorman**
Seconded by: **Tim Jones**
Motion declared carried

APPROVAL of MINUTES-April 9, 2015

Motion to approve: **Bruce Dorman**
Seconded by: **David Kramer**
Motion declared carried

BUSINESS ITEMS:

4a. Public Hearing- an amendment of the zoning designation for the lots and Parcel 29.010.1180 located at 1279 St. Charles Avenue from an I-1 (Light Industry District) to a C1 (Downtown Commercial District) pursuant to Minnesota Statutes §462.357, legally described as: Including parcels 4-11 located at the site of 1279 St. Charles (formerly the North Star Food site) east of St. Charles Avenue, north of 14th Street, west of Whitewater Avenue, and south of the railroad tracks, approximately 2.9 acres.

Motion to open at 7:01 p.m.: **Wayne Getz**

Seconded: **Bruce Dorman**

No further discussion.

Motion carried.

Melissa Wegman at 1407 St Charles Avenue expressed her concern with the potential business moving into the area as she stated it was a highly traveled area along St. Charles Avenue. She also expressed concern regarding lights, semi parking, and future construction.

Chairperson Heim expressed that the goal of the Planning & Zoning is only to review the request for the rezone and was not part of the process of a plan review by any company, but that it was part of a different process. Their intent and focus is on the request and information for the rezoning of the land as requested by the land owner.

Steve Thompson, identified himself with Jones, Haugen, Smith representing Overland Engineering a contractor working with the owner and developer of the Dollar General as outlined in the request letter. He

expressed that typically the business uses box trucks and no semis, the dock would be on the north side of the building with the entrance coming off of Whitewater Avenue.

Andy Masterpole of SEH Yaggy addressed the P&Z and relayed that the comprehensive plan does support the land use and zone change to Downtown Commercial C-1 and because of its adjacent nature to the downtown it is a logical amendment. Changing from an I-1 Light Industry to a C-1 lessens the intensity of the use as it has exceeded its useful life in the downtown area. Discussion was held with respect to the types of businesses that could simply move in to the I-1 that staff felt would be more intrusive and potentially harmful to the neighbor and its surrounding, especially in light of the 2009 North Star Foods fire.

Chairperson Heim called for comment three times. Hearing no further comment she called for a motion to close the public hearing at 7:20 p.m.

Motion to close: **David Kramer**

Seconded by: **Jamie Bjerke**

Motion carried.

Admin. Koverman thanked Wegman for her comments, but relayed that the P&Z's responsibility was to address the request for a rezone and to take into account the information and facts related to such a request. However, he thanked her for her comments and related concerns and expressed that these could certainly be relayed to the property owner, but that they would need to meet standards outlined in the general guideline ordinance and if they did that, that it would be approved. Staff have reviewed the potential uses and like expressed by Commissioner Heim in relation to the Comprehensive plan, this was in the best interest of the community for a rezone to downtown commercial versus the industrial designation.

Admin. Koverman then reviewed his Findings as presented:

1. That the property at issue (Subject Property) located at 1279 St. Charles Avenue and legally described in Exhibit A and Parcel 29.010.1180 in the City of St. Charles, Minnesota, is approximately 2.9 acres in area and is attached hereto and incorporated herein by reference.
2. That the Subject Property is owned by Rod L. Hamby and is currently zoned I-1 (Light Industry) and the Planning Commission has recommended rezoning the property to C-1 (Downtown Commercial).
3. Given that the C-1 Downtown Commercial District directly abuts the property the proposed amendment would neither arbitrarily nor negatively impact the neighborhood.
4. The proposed and current use of a retail space as stated by the owner is defined as permitted within the proposed C-1 District.
5. The proposed plan and use would not negatively impact property values.
6. The proposed plan does not constitute spot zoning.
7. Potential future development would more closely resemble the adjacent C-1 (Downtown Commercial) District in terms of height, setbacks and internal site design.
8. The current infrastructure would complement the future C-1 zoning designation.
9. The proposed rezoning is consistent with the districts that are contiguous to the area proposed to be rezoned.
10. The proposed rezoning is both reasonable and consistent with the City's comprehensive plan.

A motion to approve the findings and conclusion as presented was motioned.

Motion to approve: **David Kramer**

Seconded by: **Tim Jones**

No further discussion.

Motion carried.

A motion was then made to recommend approval of the zoning amendment from an I-1 to a C-1 for the described parcels.

Motion to approve: **Tim Jones**

Seconded by: **Bruce Dorman**

No further discussion.
Motion carried.

4b. Public Hearing –For proposed language amendments to the parking requirements for restaurants, manufacturing, retail sales, storage and wholesale in Section 152.41 (General Regulations)

Chairperson Heim called for a motion to open the public hearing at 7:31 p.m.

Motion to open the public hearing: **Bruce Dorman**
Seconded by: **Jamie Bjerke**
No further discussion.
Motion carried.

Andy Masterpole addressed the Commission and relayed that as the commission was reviewed the zoning for the C-3 Regional Commercial District, concerns regarding the parking requirements within the Code were presented at the time, but that until an issue was brought up the commission elected to wait. With the recent proposal, it was addressed that a variance would be sought from the parking requirement. It was addressed that in order to promote more reasonable standards and to help achieve a more cohesive balance with standard requirements seen in the industry, it would be a better fit to change the ordinance. He briefly reviewed the proposed language. Hearing no further questions, Chairperson Heim called for additional comment three times. Hearing none, a motion to close the meeting at 7:36 p.m. was made.

Motion to close: **Wayne Getz**
Seconded by: **Bruce Dorman**
No further discussion.
Motion carried.

Discussion continued on the parking requirements and how the adjustment would better fit what businesses and the city may be looking for. A motion was made to recommend approval of the proposed ordinance changes.

Motion to approve: **Wayne Getz**
Seconded by: **Tim Jones**
No further discussion.
Motion carried.

Chairperson Heim asked if any other discussion and Bruce Dorman asked about standards for fencing. Admin. Koverman said that fence standards are fairly basic but do not cover many facets. He would research and bring back additional information at a future meeting of the Commission. He also addressed that a request for a chicken ordinance be adopted. He presented the Commission with samples for review and relayed that he would bring back a proposal at a future meeting. Also, in working with Andy Masterpole, Admin. Koverman will provide brief training/update sessions over the next few months for the P&Z.

The Commission discussed the need for an additional member and a motion was made to run an ad for a member.

Motion to approve: **Bruce Dorman**
Seconded by: **David Kramer**
No further discussion.
Motion carried.

Motion to adjourn at 7:50 p.m.: **Bruce Dorman**
Seconded by: **Jamie Bjerke**
Motion declared carried.

August 14, 2014 Minutes

8. Fort Culvert Project. Admin. Koverman shared that in working with MNDOT, he had received a letter that based on the information provided to date, a 48 inch culvert replacement would not be approved by MNDOT. Koverman had several discussions with Mark Schoenfelder, the Regional District Planner at MNDOT and based on the data received that showed the amount of water increasing from 18 cfs to 80 cfs, Mr. Schoenfelder would not approve the increased size without further water shed data. He provided in his letter a listing of items he would hope to see in order to make a full determination. A cost estimates from Steve Pearson was received for \$23,440 and Koverman highlighted the portions of the project that it would include. It was also relayed that communications had been ongoing with Neil Britton of WSN, but that it was relayed in order to continue investigation another proposal would need to be reviewed. Mr. Koverman had not received anything as of yet to review with Council. He asked Mr. Engstrom to provide his best guestimate as to the 15 inch culvert and ditch grading that was recommended by WSN. Koverman provided an exhibit that showed what Mr. Britton had relayed in their conversation with he and the city engineer. According to Mr. Engstrom he estimated the project cost at approximately \$11,500. Mr. Engstrom relayed though that he was not in full agreement with the recommendation as he did not understand the need to move the water from the west side of the cartway over to eastside to discharge into the larger culvert which would then be moved back to the west side of the road. He could agree with Mr. Britton's recommendation with respect to creating a gutter to direct the water down the cartway on the west side of the road which would then be deposited into the MNDOT ditch.

Admin. Koverman then relayed on behalf of Clm. Braun that Mr. Braun had a discussion with Mr. Fort and that he was requesting that the item be postponed until after the first of the year. Clm. Braun's position was that if this is what Mr. Fort desired that the Council would honor that position, but he suggested providing something to Mr. Fort to sign basically stating that it was his decision to postpone any resolution if any that the Council would be willing to offer and holding the city harmless. Admin. Koverman suggested that if this was the direction of the Council to postpone the project that a letter be sent with any proposed resolution along with a temporary construction easement agreement seeing as how much of the project was on private property as well as a letter also offering Mr. Fort his option to postpone requesting a signature as a waiver. Mayor Spitzer then questioned the liability as he stated that this issue was brought to the Council's attention also by other private residents who rent space at Mr. Fort's storage unit. He asked City Attorney Chris Hood for comment. Mr. Hood expressed that because the issue is on private property the City is stuck in that it cannot move forward. If someone was to make a claim the League would more than likely review the claim and defend the City in that the issue is clearly on private property. He also reinforced another option expressed by Admin. Koverman that the Council could elect to do nothing and find that the issue was caused by weather and factors created by the owner. Rick Engstrom of WHKS reread the statement by WSN Engineer Neil Britton that it was not the Chattanooga Innovation Park pond that caused the issue and that the rate from the park was in fact reduced. Clm. Schaber expressed that he didn't see the City forcing the issue if Mr. Fort's choie was not to see it move forward. Mayor Spitzer stated though that it was Mr. Fort who continued to state how he felt the City was negligent and wasteful yet he knew that tax dollars had been spent to get the council to this stage and did not want to see it wasted. He asked if providing Mr. Fort 10 days to reply was reasonable if a letter or resolution was sent. Council agreed. Clm. Getz then added that if a long-term solution could not be agreed upon that he felt that the damage that was done to the existing culvert should be repaired. Clm. Dahl stated that he thought the City had done everything that it could, but that it was in Mr. Fort's control. A motion was made to instruct staff to draft Mr. Fort a letter with the proposed resolution of Pearson Backhoe and Excavation installing the 36-inch CMP culvert at the proper levels with the emergency overflows and items as presented along with a temporary construction easement and providing 10 days to respond along with the friendly amendment to repair the damaged culvert if no long term solution was agreed to.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

September 23, 2104 Minutes

11. Fort Culvert Project. Admin. Koverman highlighted a letter that was received from Skip Fort regarding the Council's proposed resolution to the drainage issue located at his property. It requested that any decision be postponed until the first of the year, but that in the spring of the year the emergency ditch on the west side be reopened in case of flooding. Clm. Schaber expressed that he had spoken with Mr. Fort and confirmed with him

what it was in fact he was requesting. Mr. Fort restated that it was the tail of the west end of what was the overflow channel that he wanted to be reopened. Clm. Schaber expressed that if it was not on the city's property that the temporary construction easement would be required. Mr. Fort then expressed that he might be able to do the work with his own equipment. Mayor Spitzer then reviewed the funds that have been expended to date regarding the issue. In total, the fees associated with the issue totaled \$11,170. He stated the fact that it was requested to fix the problem and now after spending \$11,170 that the Council not fix the problem and postpone. Mayor Spitzer questioned the Council on the liability issue of not doing anything. He then questioned what happens after the first of the year and would the Council use the information already gathered as a potential solution or expend additional funds. Clm. Schaber expressed that he did not feel the costs would be incurred again, but does not believe they are recoverable either. He also felt that it was expressed by legal counsel that it would not be a liability to the city if the owner has elected to postpone the project. A motion was made to accept that the owner does not wish to do anything at this time and that the city revisits the issue in the spring and do our due diligence not to spend any more money than we need to spend.

Motion to approve: **John Schaber**

No further discussion.

Mayor Spitzer voted against stating he believes the Council should fix the problem.

Motion carried 3-1.

July 22, 2014 Minutes

7. Fort Culvert Project. Admin. Koverman began the discussion highlighting the memo and recommendation from Neil Britton of Widseth, Smith, Nolting (WSN). He began by highlighting the review of the I-90 business park pond. It outlined in his review of the park and pond structure, that the design met all the required criteria and that the "allowable discharge rate of the pond for the water quality volume for the ultimate development of the entire site is less than the maximum allowable discharge rate for the water quality volume." In addition, that the flow was not increased, but rather decreased the runoff rates to any downstream waterways and culverts stating, "The overflow weir design along with the larger pond size result in lower discharge rates from the pond, and therefore should decrease the runoff rates to any downstream waterways and culverts." Mayor Spitzer reiterated the point for clarification that according to the review by Mr. Fort's engineer, the city's pond did not increase the flow to Mr. Fort's culvert. City engineer Rick Engstrom acknowledged that statement in the affirmative. Mr. Engstrom continued to provide a general review of the recommendation from WSN. He highlighted the various options that included replacing the existing 36" pipe, lowering the depth and constructing an overflow swale by reshaping the gravel lot. The second option is replace the 36" pipe with a 48" culvert at a lower depth, construct aprons, reshape the lot to provide an overflow swale for emergency overflow. After reviewing the options, the final recommendation from WSN was to utilize the option with the enlarged 48" culvert, reshaping the road and adding aggregate as necessary, in addition to adding a 15" centerline culvert to convey water from the east side of the road to the west side of the road.

Mr. Engstrom provided his estimates for both the 36" culvert replacing and constructing overflows at approximately \$28,500, while upsizing the pipe to a 48" culvert with the overflow swale he estimated at approximately \$40,000 using a smoothed-wall pipe. He did not have estimates for the reshaping or the additional 15" pipe. It was asked if it would be possible to utilize the existing 36" pipe what type of savings that would be and estimated it might save \$6000. Clm. Braun expressed that he still believed that the issue was not the flow of water, but rather the issue of the freezing of the pipe because of the lack of flow. Mr. Engstrom added that his office has asked Mr. Britton to clarify if MnDOT has been provided the information on the possibility of a larger culvert. He stressed his concern for impacting the flows downstream by potentially moving to a larger culvert and that MnDOT would want to review the data that could potentially affect their ditches. In speaking with Mr. Britton, Admin. Koverman relayed that it was his recommendation that a further discussion of the pros and cons of the project be sent to a subcommittee of the Public Works Committee. Mayor Spitzer expressed that following Mr. Fort's last appearance at the City Council where he stated that he felt the process was not moving fast enough and that the Council was not doing their job concerned him and that he wanted to make sure this project continued to move forward. Mayor Spitzer questioned if the Council agreed with his statement and they acknowledged their agreement to continue the process forward. Clm. Dahl expressed that he would like a cost estimate for the 15" culvert and the reshaping of the road. A motion was made to table the item until the next meeting August 14th, but to propose the project to MnDOT for possible approval, receive cost estimates for the additional recommendations.

Motion to approve: John Schaber

CITY OF ST. CHARLES

ORDINANCE #578

AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA, AMENDING ST. CHARLES DISTRICT TO REFLECT AN AMENDMENT OF THE ZONING MAP AND C-1 DOWNTOWN COMMERCIAL DISTRICT

THE CITY OF ST. CHARLES DOES ORDAIN:

Section 1. That the following described real property located in the City of St. Charles, County of Winona, State of Minnesota, be rezoned from I-1 (Light Industry District) to C-1 (Downtown Commercial District): Owner; Rod L. Hamby Imperial Development Co. LLC. See Attached Exhibit A and B as legal descriptions, Winona County, Minnesota.

Section 2. That the zoning map be changed accordingly.

Section 3: This Ordinance shall take effect thirty days after its publication.

Adopted this 23rd day of June, 2015 by the City Council of the City of St. Charles, Minnesota.

John Schaber, Mayor

Attest:

Nick Koverman, City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Published:

Date: _____

Exhibit B

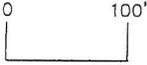
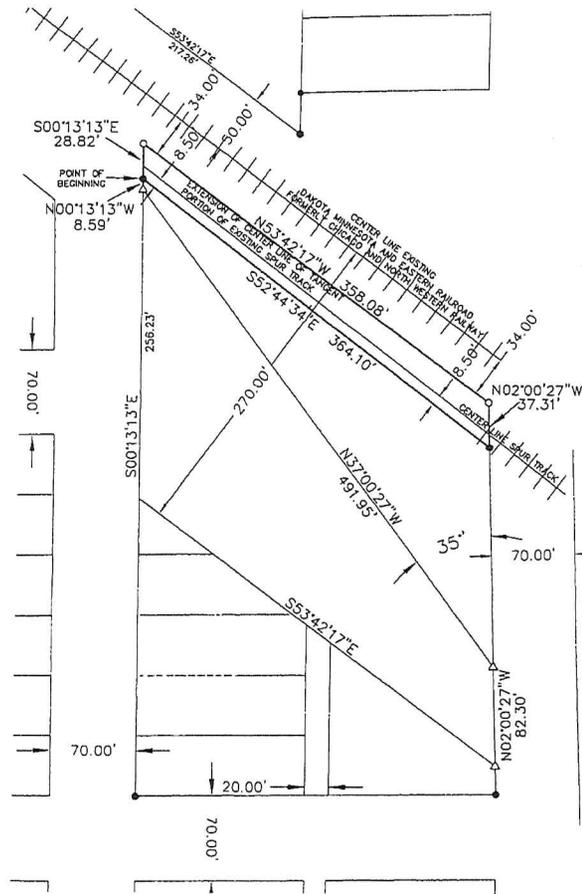
CERTIFICATE OF SURVEY

SECTION 19
T. 106 N., R. 10 W.

Land Description

That part of the Southwest Quarter of the Southeast Quarter of Section 19, Township 106 North, Range 10 West, Winona County, Minnesota, described as follows:

Commencing at a point on the west line of Lamb Street (now Whitewater Avenue), 270 feet southwesterly of and measured at right angles to the centerline of the main track of the Chicago and North Western Transportation Company, as said track is referred to in Warranty Deed dated July 20, 1863 from Joseph L. Birge to said Railway Company, recorded February 25, 1864, by the Register of Deeds of Winona County in Book "V" of Deeds, Page 257; thence North 02°00'27" West (recorded North) along the west line of said Lamb Street, a distance of 82.30 feet; thence North 37°00'27" West (recorded Northwesterly) along a line forming an angle of 35°00' measured counterclockwise from the west line of said Lamb Street, a distance of 491.95 feet (recorded as 500.00 feet), to the east line of Pardee Street (now St. Charles Avenue), extended north; thence North 00°13'13" West (recorded North) along said east line of Pardee Street, extended north, a distance of 8.59 feet (recorded as 5.00 feet) to a point 8.50 feet southerly of and measured at right angles from the westerly extension of the centerline of the tangent portion of spur track I.C.C. Number 257 of said Railway Company, as now located and established and the point of beginning; thence South 52°44'34" East (recorded Easterly) along a line parallel with the centerline of the tangent portion of said spur track 364.10 feet (recorded as 360.00 feet) to the northerly extension of the west line of said Lamb Street; thence North 02°00'27" West, along the northerly extension of the west line of said Lamb Street, 37.31 feet to a point being 34.00 feet south of, measured at right angles to, the main track of Dakota Minnesota and Eastern Railroad (formerly Chicago and North Western Railway); thence North 53°42'17" West, 34.00 feet south and parallel to said main track, 358.08 feet to the north extension of the east line of said Pardee Street; thence South 00°13'13" East (recorded South) along said north extension of the east line of Pardee Street 28.82 feet to the point of beginning. Containing 0.22 acres and subject to any easements, covenants, and restriction of record.



- SPIKE SET
- IRON PIPE WITH PLASTIC CAP
STAMPED R.L.S.#21940 SET
- FOUND MONUMENT
- △ COMPUTED POINT

SW/SE 1/4 SEC. 19 106-10 60-299

<p>I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.</p> <p style="text-align: right;">Geoffrey G Griffin</p> <p>DATE 8/1/05 REG. NO. 21940</p>	<p>G3</p> <p>GGG INC.</p> <p>14070 Hwy 52 SE Chatfield, MN 55923</p>	<p>Engineering Surveying Planning</p> <p>Ph 507-867-1666 Fax 507-867-1665 www.ggg.to</p>	<p>DATE OF SURVEY 8-23-05</p> <p>Prepared For: Northstar Foods</p> <p>1279 St. Charles Ave St. Charles, MN 55972</p> <p>SHEET 1 OF 1 FILE NO.: 01-216</p>
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EXHIBIT A

Legal Description for Rezoning:

Parcels 1, 2 and 3, intentionally omitted.

Parcel 4:

That part of the Southwest Quarter of the Southeast Quarter (SW1/4 of SE1/4) of Section Nineteen (19), township One Hundred Six (106) North, Range Ten (10), West of the Fifth Principal Meridian, Winona County, Minnesota, bounded and described as follows:

Commencing at a point on the West line of Lamb Street, distant 270 feet Southwesterly, measured at right angles, from the center line of the main track of the Winona and St. Peter Railroad Company (now the Chicago and North Western Transportation Company), as said main track center line was originally located and established across said Section 19; thence Northerly along said West line of Lamb Street a distance of 30 feet to the point of beginning of the parcel of land herein described; thence continuing Northerly along said West line of Lamb Street a distance of 52.30 feet; thence Northwesterly along a line forming an angle of 35° 00', measured counterclockwise, from said West line of Lamb Street, a distance of 500 feet, more or less, to a point on the Northerly extension of the East line of Pardee Street; thence Southerly along the West line and the Northerly extension thereof, of said Pardee Street, to a point distant 270 feet Southwesterly, measured at right angles, from said original main track center line; thence Southeasterly parallel with said original main track center line a distance of 140 feet; thence Northerly parallel with said East line of Pardee Street a distance of 140 feet, more or less, to a point on a line forming an angle of 35° 00', measured counterclockwise, from the West line of said Lamb Street, through the point of beginning; thence Southeasterly along said last described line a distance of 300 feet, more or less, to the point of beginning .

Parcel 5:

That part of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Nineteen (19), Township One Hundred Six (106) North, Range Ten (10) West of the Fifth Principal Meridian, Winona County, Minnesota, bounded and described as follows:

Commencing at a point on the West line of Lamb Street, Two Hundred Seventy (270) feet Southwesterly of and measured at right angles from the center line of the track of the Winona and St. Peter Railroad Company, now the Chicago and North Western Railway Company, as said tract is referred to in Warranty Deed dated July 20, 1863, from Joseph Birge and Sarah M., his wife, and Joseph L. Birge to said Railway Company, recorded February 25, 1864, by the Register of Deeds of Winona County in Book "V" of Deeds, page 257; thence Northwesterly along a line parallel with the center line of said track, a distance of Seventy-Eight (78) feet to the point of beginning; thence Easterly along a straight line drawn to a point on the West line of said Lamb Street, Thirty (30) feet North of the point of commencement, as measured along the West line of said Lamb Street; thence Northwesterly along a line forming an angle of Thirty-Five Degrees Zero Minutes (35° 00') measured counterclockwise from the West line of said Lamb Street, a distance of Three Hundred (300) feet, more or less, to a point One Hundred Forty (140) feet Southeasterly of the East line of Pardee Street extended North, as measured along a line parallel with the center line of said track; thence South along a line parallel with the East line of said Pardee Street, extended North, a distance of One Hundred Fourth (140) feet, more or less, to a point Two Hundred Seventy (270) feet Southwesterly of and measured at right angles from the center line of said track; thence Southeasterly along a line parallel with the center line of said track, a distance of One Hundred Fifty-Two (152) feet, more or less, to the point of beginning.

Parcel 6:

That part of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Nineteen (19), Township One Hundred Six (106) North, Range Ten (10) West of the Fifth Principal Meridian, Winona County, Minnesota, bounded and described as follows:

Commencing at a point on the West line of Lamb Street, Two Hundred Seventy (270) feet Southwesterly of and measured at right angles from the center line of the track of the Winona and St. Peter Railroad Company, now the Chicago and North Western Railway Company, as said track is referred to in Warranty Deed dated July 20, 1863, from Joseph Birge and Sarah M., his wife, and Joseph L. Birge to said Railway Company and recorded February 25, 1864, by the Register of Deeds of Winona County in Book "V" of Deeds page 257; thence North along the West line of said Lamb Street, a distance of Eighty-Two

and Thirty One Hundredths (82.31) feet to the point of beginning; thence Northwesterly along a line forming an angle of Thirty-five Degrees Zero Minutes (35° 00') measured counterclockwise from the West line of said Lamb Street, a distance of Five Hundred (500) feet, more or less, to the East line of Pardee Street, extended North; thence North along the East line of said Pardee Street, extended North, a distance of Five (5) feet, more or less, to a point Eight and Five-Tenths (8.5) feet Southerly of and measured at right angles from the Westerly extension of the center line of the tangent portion of spur track I.C.C. Number 257 of said Railway Company, as now located and established; thence Easterly along a line parallel with the center line of the tangent portion of said spur track, a distance of Three Hundred Sixty (360) feet, more or less, to the West line of said Lamb Street; thence South along the West line of said Lamb Street, a distance of One Hundred Eighty (180) feet, more or less, to the point of beginning.

Parcel 7:

That part of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section Nineteen (19), Township One Hundred Six (106) North, Range Ten (10) West of the Fifth Principal Meridian, Winona County, Minnesota, bounded and described as follows:

Beginning at a point on the West line of Lamb Street, Two Hundred Seventy (270) feet Southwesterly of and measured at right angles to the center line of the track of the Winona and St. Peter Railroad Company, now the Chicago and North Western Railway Company, as said track is described in Warranty Deed dated July 20, 1863, from Joseph Birge and Sarah M., his wife, and Joseph L. Birge to said Railway Company and recorded February 25, 1864; by the Register of Deeds of Winona County in Book "V" of Deeds, page 257; thence Northwesterly along a line parallel with the center line of said track, a distance of Seventy-Eight (78) feet; thence Southeasterly along a straight line drawn to a point on the West line of said Street, Thirty (30) feet North of the point of beginning, as measured along the West line of said Street; thence South along the West line of said Street to the point of beginning.

Parcel 8:

Lot One (1) and the East Seventy (70) feet of Lots Four (4), Five (5) and Six (6), Block Six (6), Birge's Addition to St. Charles, being located upon and forming a part of the Southwest quarter of the Southeast Quarter (SW1/4 of SE1/4) of Section Nineteen (19), Township One Hundred Six (106) North, of Range Ten (10), West of the Fifth Principal Meridian, Winona County, Minnesota.

Parcel 9:

The West Seventy (70) feet of the South one-half (S1/2) of Lot Five (5) and the West Seventy (70) feet of Lot Six (6) in Block Six (6), Birge's Addition to St. Charles, located upon and forming a part of the Southwest quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section Nineteen (19), Township One Hundred Six (106), North of Range Ten (10), West of the Fifth Principal Meridian, Winona County, Minnesota.

Parcel 10:

The West Seventy (70) feet of Lot Four (4) and the West Seventy (70) feet of the North Half (N 1/2) of Lot Five (5) in Block Six (6) of Birge's First Addition to the City of St. Charles; intended to be all of the part of said land West of the West bank of the waterway now running along the East line of above described, being located upon and forming a part of the Southwest quarter of the Southeast quarter (SW 1/4 of SE 1/4) of Section Nineteen (19), Township One Hundred Six (106) North, of Range Ten (10), West of the Fifth Principal Meridian, Winona County, Minnesota.

Parcel 11:

Lots Two (2) and Three (3), Block Six (6), Birge's Addition to the City of St. Charles, being located upon and forming a part of the Southwest Quarter of the Southeast Quarter (SW1/4 of SE1/4) of Section Nineteen (19), Township One Hundred and Six (106) North, of Range Ten (10), West of the Fifth Principal Meridian, Winona County, Minnesota.



Memorandum

To: St. Charles Planning and Zoning Commission

From: Nick Koverman, City Administrator

Date: May 29, 2015

Subject: City of St. Charles to Amend the Zoning District Rezone from I-1 to C-1

REQUEST SUMMARY

Rod L. Hambly of Imperial Development Co. LLC, owner of parcel and lots formerly known as the North Star Foods property (Parcel 29.010.1180) and the Parcels 4-11 described in Exhibit A located at 1279 St. Charles Avenue are currently zoned as I-1 Light Industry District. He has requested the above said parcels to be rezoned as C-1 Downtown Commercial to allow for his proposed development plan with a Dollar General location.

In reviewing the overall zoning district and trying to plan for future development, staff reviewed the St. Charles Comprehensive Plan and Land Use plans and have determined that extending the Downtown Commercial District to the property along Hwy 74 was in the best interest of the community. This change from the Light Industry District (I-1) offers greater flexibility to the property, but also allows the owners to pursue his current venture of a commercial/retail outlet as well as offer potential future users additional growth opportunities. For neighbors within the surrounding residential district, the C-1 District poses a less intensive use to the neighborhood as compared to the Light Industry designation. The plan also allows for greater accessibility to the downtown area and a growing need for more commercial development space that lies within close proximity to the downtown area. This move has been contemplated for some time as it is the view of staff that the useful life of the property is once again rejuvenated with the move to a commercial designation.

The City Administrator along with Andy Masterpole, a planner with SEH Yaggy & Associates, discussed the proposed zoning amendment. According to City Code §152.47 (Amending the Zoning Code), *The Council may on its own motion, on request of the Planning Commission, or on petition or appeal of the affected property owners perform the following acts:*

- 1. Transfer land, or a portion thereof, from the district in which it is situated to another district, by amending the Zoning Code; and*

- 2. Change any Zoning Code provision relating to the use or platting of land in any district or the restrictions upon buildings or structures by amending this Zoning Code.*

RECOMMENDATION

In reviewing the proposed amendment, staff acknowledges the proposed change would better align itself with the 2011 Comprehensive Plan through a commercial designation. As a consideration of the zoning amendment, it is required in City Code §152.47 4c for the Planning Commission for the following: “due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire city and the use to which the property affected is being devoted at the time; no change shall be recommended unless it is required for the public good.”

Staff feel this proposed amendment from I-1 (Light Industry) to C-1 (Downtown Commercial) would more align itself to the direction of the building development to the best advantage of the entire city and the use to which the property affected is being devoted at the time,” through its proposed use as a Dollar General site according to the owner (5/12/2015 correspondence).

In conclusion, it is the recommendation of staff to forward a favorable recommendation for the zoning amendment (proposed Ordinance #578) with the proposed amendment of the zoning district from an I-1 to a C-1 for the related parcels.

FINDINGS AND CONCLUSIONS

WHEREAS, the Planning Commission after review, made a favorable recommendation to the St. Charles City Council for a rezone designation from an I-1 (Light Industry District) to an C-1 (Downtown Commercial) for property owned by Rod L. Hamby for parcels described in Exhibit A and parcel 29.010.1180 and;

WHEREAS, notice of this public hearing before the St. Charles Planning Commission of the City of St. Charles, Minnesota, was duly noticed pursuant to City Code §152.47; and

NOW, THEREFORE, the St. Charles Planning and Zoning Commission, based upon the evidence presented at said hearing, make the following:

FINDINGS

1. That the property at issue (Subject Property) located at 1279 St. Charles Avenue and legally described in Exhibit A and Parcel 29.010.1180 in the City of St. Charles, Minnesota, is approximately 2.9 acres in area and is attached hereto and incorporated herein by reference.

2. That the Subject Property is owned by Rod L. Hamby and is currently zoned I-1 (Light Industry) and the Planning Commission has recommended rezoning the property to C-1 (Downtown Commercial).
3. Given that the C-1 Downtown Commercial District directly abuts the property the proposed amendment would neither arbitrarily nor negatively impact the neighborhood.
4. The proposed and current use of a retail space as stated by the owner is defined as permitted within the proposed C-1 District.
5. The proposed plan and use would not negatively impact property values.
6. The proposed plan does not constitute spot zoning.
7. Potential future development would more closely resemble the adjacent C-1 (Downtown Commercial) District in terms of height, setbacks and internal site design.
8. The current infrastructure would complement the future C-1 zoning designation.
9. The proposed rezoning is consistent with the districts that are contiguous to the area proposed to be rezoned.
10. The proposed rezoning is both reasonable and consistent with the City's comprehensive plan.



May 12, 2015

Mr. Nick Koverman
City Administrator
City of St. Charles
830 Whitewater Avenue
St. Charles, MN 55972

RE: Rezoning of Proposed
Dollar General Site

Dear Mr. Koverman:

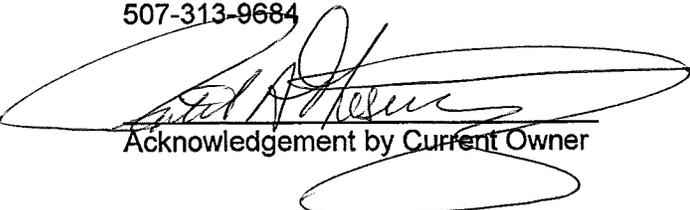
On behalf of the developer/ buyer of the proposed Dollar General site, Imperial Development Co. LLC, we respectfully request Rezoning of the subject property from Industrial to Commercial or as appropriate for the proposed retail use.

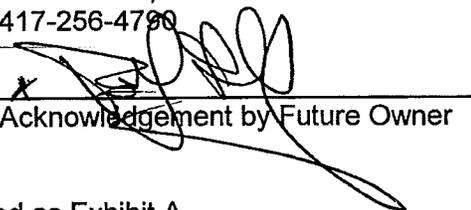
The current ownership is:

Thesing Properties
673 Meadowview Drive
Saint Charles, MN 55972
507-313-9684

The future owner will be:

Rod L Hamby
Imperial Development Co. LLC
1598 Imperial Center Suite 2001
West Plains, MO 65775
417-256-4790


Acknowledgement by Current Owner

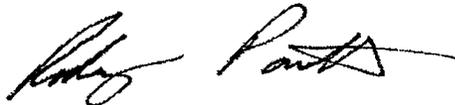

Acknowledgement by Future Owner

The survey description of the subject property is attached as Exhibit A.

Please let me know if you have any questions or need additional information.

Sincerely,

OVERLAND ENGINEERING, LLC



Rodney Parrott, P.E.
Project Engineer

Location Map

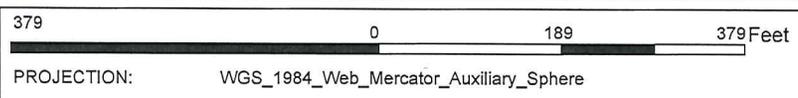


Legend

- ParcelLines
- County Boundary

Notes

Revision # :



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

SCALE 1: 2,274

Creation Date: 5/29/2015 1:43:05 PM

Map Auto-generated by Winona County (GIS Department Map Server).

CITY OF ST. CHARLES

ORDINANCE #579

AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA, AMENDING ST. CHARLES CODE TO ALIGN THE CITY'S PARKING REQUIREMENTS MORE CLOSELY TO THE PARKING DEMAND EXPERIENCED BY THE SPECIFIC USE.

THE CITY OF ST. CHARLES DOES ORDAIN (deleted material is enclosed in brackets and lined out; new material is underlined; subsections which are not being amended are omitted):

Section 1. Title XV: Land Usage, Chapter 152: Zoning, Section 152.41 Regulations; General., of the City Code of St. Charles, Minnesota, be amended as follows:

§ 152.41 REGULATIONS; GENERAL.

(L) *Off-street parking and loading-unloading space requirements.*

(g) ~~(Drive-in)~~ Fast food restaurant: ~~(20 parking spaces or)~~ 1 space per 75 ~~(for each 20)~~ square feet of floor area, ~~(whichever is greater);~~

(m) Manufacturing or processing plant: 1 off-street parking space for each 2 employees on the major shift or 1 off-street parking space for each 1,000 square feet of gross floor area within the building, whichever greater, plus 1 space for all company motor vehicles which are customarily kept on the premises;

(v) Restaurant, café, night club, tavern, bar, and lounges: 1 parking space for each ~~(100)~~ 50 square feet of floor area or one space per 3 seats, whichever is greater;

(w) Retail sales and service establishments: 1 parking space for each ~~(100)~~ 250 square feet of floor area (minimum of 5 spaces);

(z) Storage, wholesale, warehouse establishments: 1 parking space per 5,000 square feet of floor area; mixed use structures shall be based on other use requirements. ~~(for each 2 employees on the major shift or 1 space for each 2,000 square feet of floor area, whichever is greater, plus 1 space for each company motor vehicle which is customarily kept on the premises.)~~

Section 2: This Ordinance shall take effect thirty days after its publication.

Adopted this ____ day of _____, 2015 by the City Council of the City of St. Charles, Minnesota.

John Schaber, Mayor

Attest:

Nick Koverman, City Administrator

First Reading:

Date: _____

Ayes: _____
Nays: _____
Absent: _____
Abstain _____

Second Reading:

Date: _____

Ayes: _____
Nays: _____
Absent: _____
Abstain _____

Published:

Date: _____

**Request for City Council Action**

Date: June 5, 2015

Requested Council Date: June 9, 2015

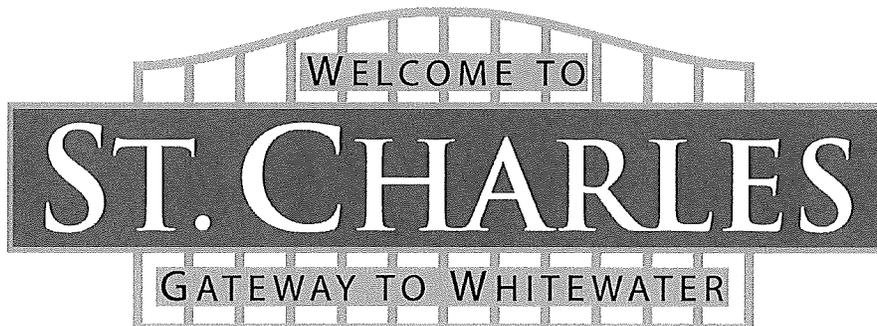
Originating Department: Police Department

Council Action Requested: Hiring of Colton Herman

Background Information: On May 7th, ten candidates were hired to fill several part-time positions for the St. Charles Police Department. Officer Herman was selected as one of the candidates for hire and has successfully completed all requirements set forth by the St. Charles Police Department. It is recommended that a position be extended to Officer Herman and that he be sworn in during the Tuesday Council meeting to begin working with the department.

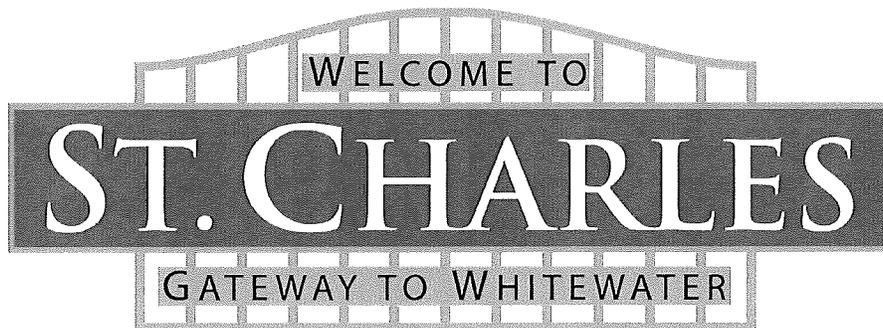
Colton Herman

Mr. Herman is pursuing his Bachelor's Degree in Criminal Justice through Winona State but currently has his AAS in Law Enforcement. He successfully passed skills through Rochester Community and Technical College and passed his POST board examination. He has expressed his sincere desire to get his foot in the door with a police department and comes highly recommended. While he works full-time as an automotive technician in Winona, his supervisor is very supportive of him pursuing his full-time passion of becoming a law enforcement officer.





Request for City Council Action



City of St. Charles

RESOLUTION #14-2015

**A RESOLUTION APPROVING AN OFF-SITE
GAMBLING PERMIT APPLICATION**

WHEREAS, Hugh Watson Post 190 is submitting an application to the Minnesota Gambling Control Board in order to conduct lawful gambling within the City Limits of the City of St. Charles, Minnesota:

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CHARLES, MINNESOTA:

1. The Council of the City of St. Charles hereby approves the Off-site Gambling Permit Application for July 8-12, 2015 submitted by the Hugh Watson Post 190 to the Minnesota Gambling Control Board.

Adopted by the Council of the City of St. Charles, Minnesota this 9th day of June 2015.

John Schaber, Mayor

Attest: _____
Nick Koverman, City Administrator