The City Council of the City of St. Charles welcomes you to its Regular Meeting of Tuesday, September 23, 2014 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. Approval of the Agenda	
4. Notices and Communications –	
5. Review of Financials	
6. Public Hearing-Proposed Utility Special Assessment	HOLD
7. Resolution #32-2014 Approving Special Assessment	APPROVE
8. Public Hearing-Vacation of Drainage Easement (Whitewater Industrial 2nd)	HOLD
9. Ordinance #570 Vacating Drainage Easement-Whitewater Industrial 2nd	1st READING
10. Dangerous Dog Ordinance	DISCUSS
11. Fort Culvert Project	APPROVE
12. Resolution #35-2014 Wellhead Protection Plan Part 2	APPROVE
13. Resolution #34-2014 Supporting an Application to DNR Legacy Grant	APPROVE
14. 2015 Budget	DISCUSS
15. Water Truck-Ford Replacement Program	APPROVE
16. SMIF-Speak Out	DISCUSS
17. Lighthouse Gods	DISCUSS

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.**

WELCOME TO
ST. CHARLES
GATEWAY TO WHITEWATER

MEMORANDUM for the CITY COUNCIL of St. Charles for Tuesday, September 23, 2014

6. Public Hearing-Proposed Utility Special Assessment.

7. Resolution #32-2014 Approving Special Assessment. The enclosed resolution is attached for consideration.

8. Public Hearing—Vacation of Drainage Easement (Whitewater Industrial Park 2nd). A public hearing will be held to comment regarding a drainage easement located on the property of NRB Metals and OMNI Holdings within the Whitewater Industrial Park 2nd. Please see the enclosed exhibits for details. This is requested as part of the requested process for title opinion.

9. Ordinance #570 Vacating Drainage Easement-Whitewater Industrial Park 2nd (1st Reading). A first reading will be approved at this time.

10. Dangerous Dog Ordinance. Enclosed is current copy of the City Code related to the Dangerous Dog Ordinance. Police Chief Ken Frank will be present to highlight some of the difficulties with the ordinance to make a request to begin the review and possible amendment to the animal ordinance. In addition, Pastor Heather Klassen would also like to address the Council in support of an amendment.

11. Fort Culvert Project. A letter was received from Mr. Fort that is included in the Council packet for review. Clm. Schaber can provide additional detail. A cost breakdown of work performed in relation to the ongoing issue is included in the packet for consideration.

12. Resolution #35-2014 Wellhead Protection Plan Part 2—Comments were received and included into the final plan. A copy of the final plan has been distributed, but a summarization of what the City is stating as part of

the plan moving forward is included. Nate Anderson of WHKS will also be in attendance to answer any questions.

13. Resolution #34-2014 Supporting an Application to DNR Legacy Grant. A resolution supporting an application to the DNR's Legacy Grant Regional program is included for consideration. The program funds 100 percent of the trail, but a participant funding is recommended. A recommended amounted is $50,000 which will be used from the Rochester Sales Tax dollars. Letters of support are being received from various organizations as they understand the value to this proposed segment.

14. 2015 Budget. Please see enclosed memo.

15. Water Truck-Ford Replacement Program. See enclosed Request For Council Action.

16. SMIF-Speak Out-Saturday, November 15 from 9 a.m. -1:30p.m. Treasure Island, Red Wing. A regional Speak Out (asset mapping-project proposals) event has been set for the above date for the consideration of regional proposals. Information has been sent out to various community partners regarding this event. St. Charles is requested to provide 25 names to attend this November event to discuss on a larger scale potential regional partnerships/projects. SMIF is willing to provide up to $100,000 for potential seed money for these projects. As a project participation, consideration will be given toward all of the communities involved and how they affect our area.

17. Lighthouse Gods—Food Drive. Mayor Spitzer will provide information on the organizing a community initiative that would look to engage many civic and community partners within St. Charles.

Notices & Communications

Dear Landowners and Members,

As summer has now ended and fall begins we are getting ready for what we hope will be a great snowmobiling season. As we prepare for this fine time of year we are reminded of how grateful we are of our landowners and members, with out you our trail system would not exist. We would like to show our appreciation by inviting you and your family to our annual landowners and members chicken dinner, which will be held on **Sunday, October 5th from 11:00am – 2:00pm** at Brewskie's Bar and Grill banquet room in Utica. We look forward to having this opportunity to visit with the people who support our local club and trail system. We know fall is a busy time for our landowners, so take-out is available. Hope to see you there!

Our Sincere Thanks,

Whitewater Trailblazers Snowmobile Club

City of St. Charles

Resolution #32-2014

RESOLUTION ADOPTING SPECIAL ASSESSMENT FOR CURRENT SERVICES

WHEREAS, certain accounts for City electric, water, sewer and security light services and other services or charges remain past due; and

WHEREAS, the owners of said properties (29.010.0820) have been duly billed and have failed to remit payment for electric, water and sewer and other services or charges; and

WHEREAS, said non-payment was duly brought before the City Council at its regular meeting held September 23, 2014; and

WHEREAS, the owner of the properties were advised of the unpaid bill, and have failed to make satisfactory arrangements to pay the same; and

WHEREAS, pursuant to St. Charles City Ordinance §50.06 (H) Collection with Taxes, and MN Section 429.101 the unpaid charges, plus interest at 6% per annum plus County Recording fee, for said services to be assessed against the property service;

NOW THEREFORE, it is resolved by the City Council of St. Charles, Minnesota that the special assessment roll as prepared by the City Clerk, for each account, is hereby adopted, and the clerk is directed to file a copy of the assessment roll with the Winona County Auditor's office for collection with current taxes for the following year(s).

Adopted the 23rd day of September, 2014.

_____
William J. Spitzer, Mayor

Attest: _____
Nick Koverman, City Administrator

September 24, 2014

Ms. Sherri Kuchel
Winona County Assessor's Office
177 Main Street
Winona, MN 55972

Re: Special Assessments to Property

Dear Ms. Kuchel:

The Council of the City of St. Charles approved assessing the following parcel for outstanding bills at their September 23, 2014 council meeting.

I would like to request that you include a special assessment for the following outstanding bills to the properties listed below:

29.010-0820	$443.64	267 West 15th St.

If you need any further information or have any questions, please feel free to contact me at any time.

Sincerely,

Janell S. Dahl
Deputy Clerk

Notice of Hearing on Proposed Assessment
St. Charles, Minnesota

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Council will meet at 7:00 p.m. on September 23, 2014 at City Hall to consider, and possibly adopt, the proposed assessments for non-payment of utility fees at property listed below. Adoption by the Council of the proposed assessments may occur at the hearing. The following property is being assessed:

- 267 West 15th St. 29.010.0820

The proposed assessment roll is on file for public inspection at the City Clerk's office. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the clerk prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable. The right to partially prepay the assessment is available.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the mayor or the clerk of the City with 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or clerk.

/s/ Janell S. Dahl
Deputy Clerk
Published on September 4, 2014

ORDINANCE #570
CITY OF ST. CHARLES

COUNTY OF WINONA

AN ORDINANCE TO VACATE A PORTION OF A PUBLIC DRAINAGE EASEMENT CREATED ON THE PLAT OF WHITEWATER INDUSTRIAL PARK SECOND SUBDIVISION RELATED TO PROPERTY OWNED BY NRB METALS, L.L.C. and OMNI HOLDINGS, L.L.C.

The City of St. Charles does ordain:

Section 1. That the following described drainage easement created on the plat of the WHITEWATER INDUSTRIAL PARK SECOND SUBDIVISION be and hereby is vacated and abolished:

The southerly five (5) foot drainage easement of Lot 1, Block 2 and the northerly five (5) foot drainage easement of Lot 2, Block 2, excluding the easterly ten (10) feet and the westerly five (5) feet thereof, Whitewater Industrial Park Second Subdivision, City of St. Charles, Winona County, Minnesota.

Section 2. That this ordinance shall take effect 30 days after its publication.

Adopted this 14th day of October 2014 by the City Council of the City of St. Charles, Minnesota.

_____
William J. Spitzer, Mayor

Attest:

_____
Nick Koverman, City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____
Absent: _____
Abstain _____

Second Reading:

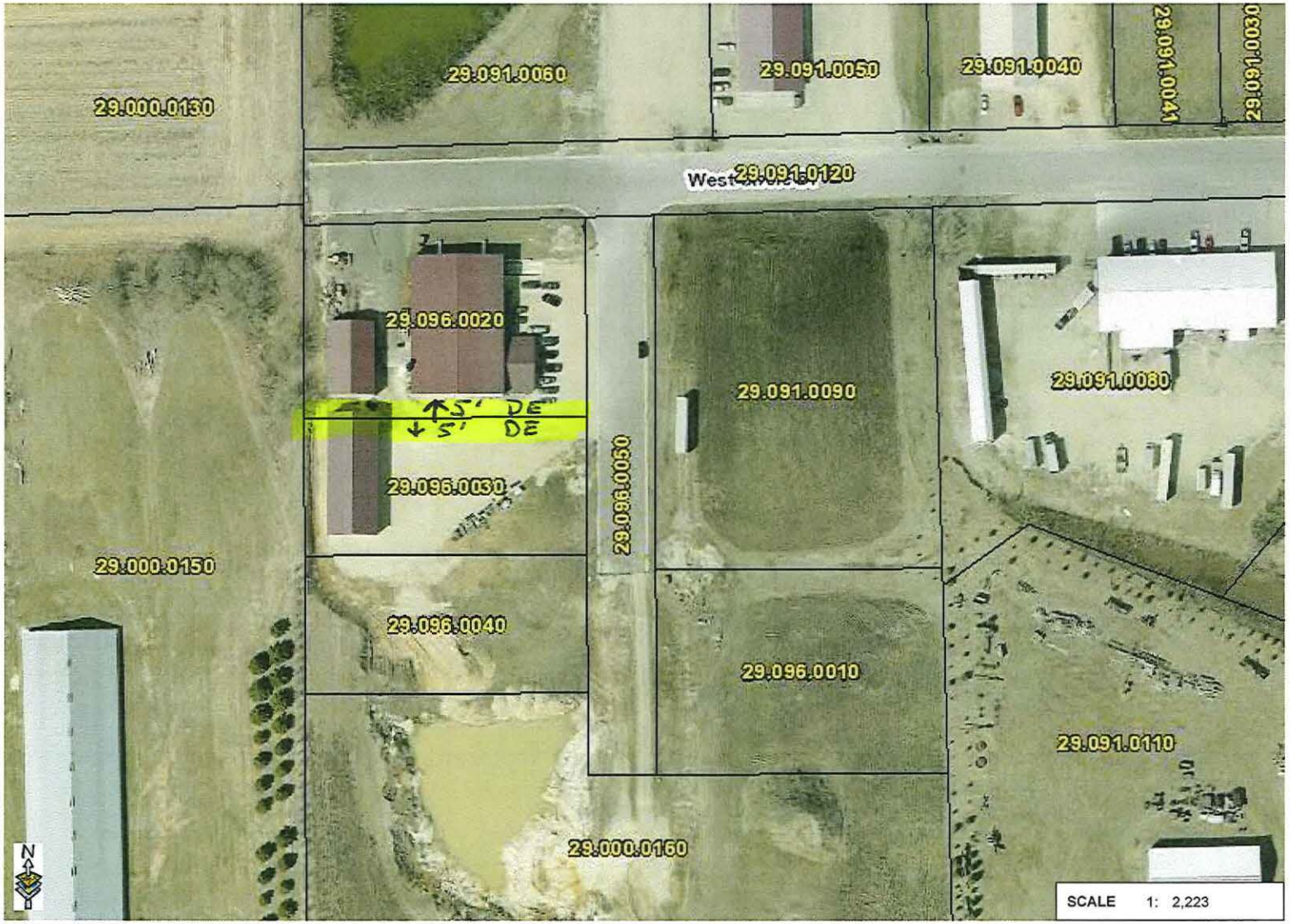
Date: _____

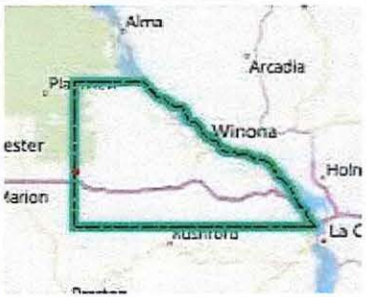
Ayes: _____
Nays: _____
Absent: _____
Abstain _____

Published:
Date: _____

Winona County
GIS SERVICES

Location Map





Legend

- ParcelLines
- County Boundary

Notes

Revision # :

371 0 185 371 Feet

PROJECTION: WGS_1984_Web_Mercator_Auxiliary_Sphere

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

Creation Date: 9/16/2014 3:42:39 PM

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

DANGEROUS DOGS

§ 92.080 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS DOG. Any dog that has:

(1) Without provocation, inflicted substantial bodily harm on a human being on public or private property;

(2) Killed a domestic animal without provocation while off the owner's property; or

(3) Been found to be potentially dangerous, and after the owner has noticed that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of humans or domestic animals.

POTENTIALLY DANGEROUS DOG. Any dog that:

(1) When unprovoked, inflicts bites on a human or domestic animal on public or private property;

(2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

(3) Has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

PROPER ENCLOSURE.

(1) Securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog.

(2) A ***PROPER ENCLOSURE*** does not include a porch, patio or any part of a house, garage or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

OWNER. Any person, firm, corporation, organization or department possessing, harboring, keeping, having an interest in or having care, custody or control of a dog.

(Ord. 424, passed 3-11-1997, § 609.01)

§ 92.081 REGISTRATION.

(A) *Requirement.* No person may own a dangerous dog in the city unless the dog is registered as provided in this section.

(B) *Registration.* The city shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence that:

(1) A proper enclosure exists for the dangerous dog and a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children that there is a dangerous dog on the property; and

(2) A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the city in the sum of at least $50,000, payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least $50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.

(C) *Warning symbol*. If the city issues a certificate of registration to the owner of a dangerous dog pursuant to division (B) above, the city must provide, for posting on the owner's property, a copy of a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must be uniform and specified by the commissioner of public safety, after consultation with animal control professionals.

(D) *Fee*. The city may charge the owner an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

(E) *Law enforcement; exemption*. The provisions of this section do not apply to dangerous dogs used by law enforcement officials for police work.

(F) *Exemption*. Dogs may not be declared dangerous if the threat, injury or damage was sustained by a person:

(1) Who was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) Who was provoking, tormenting, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(3) Who was committing or attempting to commit a crime.

(G) *Tag*. A dangerous dog registered under this section must have a standardized, easily identifiable tag identify the dog as dangerous and containing the uniform dangerous dog symbol, affixed to the dog's collar at all times.

(Ord. 424, passed 3-11-1997, § 609.02)

§ 92.082 REQUIREMENTS.

(A) An owner of a dangerous dog shall keep the dangerous dog, while on the owner's property, in a proper enclosure.

(B) If the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person.

(C) The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury or interfere with its vision or respiration.

(Ord. 424, passed 3-11-1997, § 609.03) Penalty, see § 10.99

§ 92.083 CONFISCATION.

(A) *Seizure*. The city shall immediately seize any dangerous dog if:

(1) After 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under § 92.081 above;

(2) After 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under § 92.081(B) above;

(3) The dog is not maintained in the proper enclosure; or

(4) The dog is outside the proper enclosure and not under physical restraint of a responsible person as required under § 92.082 above.

(B) *Reclaimed.*

(1) A dangerous dog seized under division (A) above may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of §§ 92.081 and 92.082 above will be met.

(2) A dog not reclaimed under this division within 7 days may be disposed of and the owner is liable to the city for costs incurred in confining and disposing of the dog.

(C) *Subsequent offenses; seizure.*

(1) If a person has been convicted of a misdemeanor for violating a provision of § 92.082 or this section, and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the city.

(2) If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal.

(3) If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the city of a fee for the care and boarding of the dog.

(4) If the dog is not reclaimed by the owner within 7 days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of and the owner is liable to the city for the costs incurred in confining, impounding and disposing of the dog.

(Ord. 424, passed 3-11-1997, § 609.04) Penalty, see § 10.99

§ 92.084 VIOLATION.

The city may impose a voluntary administrative penalty under § 10.90 rather than issuing a criminal violation.

(Ord. 424, passed 3-11-1997, § 609.05; Am. Ord. 515, passed 5-13-2008) Penalty, see § 10.99

§ 92.009 PROCEEDINGS FOR DESTRUCTION OF CERTAIN DOGS.

(A) *Basis of summons.*

(1) The Winona County District Court shall issue a summons to a dog owner commanding the owner to appear before the court to show cause why the dog should not be seized by a police officer, or otherwise disposed of as authorized by this code upon receiving a complaint that any of the following conditions exist:

(a) A dog at any time has destroyed property or habitually trespassed, damaging property of persons other than the owner;

(b) A dog at any time has attacked or bitten a person off the owner's or custodian's premises;

(c) A dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on public streets or highways;

(d) A dog is a public nuisance as defined in § 92.006 above; or

(e) A dog is running at large in violation of this code.

(2) A summons shall be returnable not less than 2 nor more than 6 days from the summons date and shall be served at least 2 days before the required appearance.

(B) *Order*.

(1) Upon a hearing and finding the complaint facts true, the court may order the dog destroyed, order the owner or custodian to remove the dog from the city or order the owner or custodian to keep the dog confined to a designated place.

(2) If the owner or custodian violates the order, a police officer may impound the dog. The provisions of this part are in addition to and supplement other provisions of this chapter.

(C) *Costs*. Costs of the proceeding specified by this subchapter shall be assessed against the owner or custodian, if the facts in the complaint are found to be true; otherwise, costs shall be assessed against the complainant.

(1987 Code, § 403.09)

§ 92.010 SUMMARY DESTRUCTION OF CERTAIN DOGS.

When an officer has reasonable cause to believe that a particular dog presents a clear and immediate danger to city residents because it is infected with rabies (hydrophobia) or has a clearly demonstrated vicious nature, the officer may summarily destroy the dog after making reasonable attempts to impound the animal.

(1987 Code, § 403.10)

§ 92.011 DANGEROUS DOGS.

(A) When the owner of a vicious, dangerous or destructive dog has forfeited bond or bail or had pleaded or been found guilty in permitting the dog to run at large contrary to this code, the court may order destruction of the dog or may order the dog confined in a specific manner on its owner's premises and fine or imprison the owner.

(B) If the dog is found running at large thereafter, the poundmaster shall summarily destroy the dog upon apprehension.

(1987 Code, § 403.11)

§ 92.012 KENNELS.

No person, firm or corporation, shall maintain in the city a facility for boarding or breeding as a business without securing a license from the Council. The license fee shall be by Council resolution.

(1987 Code, § 403.12) Penalty, see § 10.99

§ 92.013 INTERFERENCE WITH POUNDMASTER.

No unauthorized person shall take or attempt to take from the poundmaster or other authorized city representative any dog taken or apprehended in compliance with this code, or interfere in any manner with or hinder a representative in the discharge of duties under these ordinances.

(1987 Code, § 403.13) Penalty, see § 10.99

§ 92.014 OFFENSES INVOLVING TAGS.

No one shall counterfeit the metal tags described in § 92.002 above or take a tag from any dog, or place a tag so taken upon another dog.

(1987 Code, § 403.14) Penalty, see § 10.99

§ 92.015 RABIES VACCINATION.

(A) Every dog over the age of 180 days which is kept, harbored or maintained in the city shall be vaccinated at least every 2 years against rabies.

(B) Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog or cat is vaccinated.

(C) A veterinarian who vaccinates a dog or cat shall prepare and deliver to the owner a certificate of vaccination in duplicate, setting forth the name and address of the owner, information sufficient to identify the dog or cat vaccinated, and the type of vaccine used.

(D) In addition, the veterinarian shall issue to the owner a distinctive metal tag to be shown to the City Administrator, which sets forth the year of vaccination.

(E) The owner shall forthwith cause the dog to wear this tag on a collar until the next vaccination.

(F) No dog shall be licensed by the City Administrator which has not been vaccinated against rabies as provided in this code during the 2-year period immediately preceding the date application for license is made.

(1987 Code, § 403.15) Penalty, see § 10.99

§ 92.016 DOGS WHICH HAVE BITTEN.

When a dog has bitten a person or there is good reason to believe that the dog has bitten a person, that fact shall be reported within 24 hours to the City Health Officer and thereafter the owner of the dog or cat shall comply with the City Health Officer's instruction concerning the dog.

(1987 Code, § 403.16) Penalty, see § 10.99

92.006 OBLIGATION TO PREVENT NUISANCES.

(A) The owner or custodian of any animal, whether permanently or temporarily in the city, shall be obligated to and responsible for preventing the animal from committing any act which is a nuisance.

(B) A nuisance is any habitual or frequent barking or crying at night; frequenting school grounds, parks or public beaches; chasing vehicles; molesting or annoying any person not on the owner's or custodian's property; leaving fecal waste on public or private property; molesting, defiling or destroying any property, public or private.

(C) If any owner or custodian does not prevent his or her animals from committing an act of nuisance, the owner or custodian shall be subject a penalty.

(1987 Code, § 403.06) Penalty, see § 10.99

shoot

DOGS GENERALLY

§ 92.001 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. Off the owner's premises and not under the control of the owner or some person of suitable age and discretion, either by leash, cord or chain of not more than 10 feet in length, or otherwise. A dog under the control solely by means of command or signal shall not be considered under control for the purpose of this part. A dog properly confined within a motor vehicle or properly confined within an enclosure, house or any other building, or retained within an enclosure, house or other building by leash, shall not be considered ***AT LARGE***.

DOG. Both male and female dogs.

OWNER. Any person or persons, firm, association or corporation, owning, keeping, harboring or maintaining a dog within the city or permitting a dog to run at large within the city limits.

(1987 Code, § 403.01)

§ 92.002 LICENSE REQUIRED.

(A) On or before August 31 of every even numbered year, the city shall cause every dog that is at least 180 days old and is owned, kept harbored or permitted to run, to be licensed.

(B) The City Administrator shall issue licenses for these dogs.

(C) License applications shall be made on forms provided by the Clerk Administrator and shall require the following:

(1) The name and address of the owner;

(2) The name, breed, age, color and sex of the dog; and

(3) Other information as the City Administrator considers necessary.

(D) The annual license fee for each dog shall be established by Council resolution. No reduction in the fee shall be made because part of the license year has expired and no refunds, in part or in whole, shall be made for any purpose.

(E) With each license issued, the City Administrator shall also issue a metal tag bearing the number of the dog. The owner shall promptly cause the dog to wear this tag on a collar around its neck during the term of the license.

(1987 Code, § 403.02)

§ 92.004 RUNNING AT LARGE.

(A) It shall be unlawful for the dog or cat of any person who owns, harbors or keeps a dog or cat, to run at large. A person, who owns, harbors or keeps a dog or cat which runs at large shall be guilty of a misdemeanor.

(B) Dogs or cats on a leash and accompanied by a responsible person or accompanied by and under the control and direction of a responsible person, so as to be effectively restrained by command as by leash, shall be permitted in streets or on public land unless the city has posted an area with signs reading "Dogs or Cats Prohibited."

Penalty, see § 10.99

WELCOME TO
ST. CHARLES
GATEWAY TO WHITEWATER

Memorandum

To: City Council
From: Nick Koverman, City Administrator
Date: September 19, 2014
Subject: Council Salaries

In reviewing and comparing cities for their practice of compensation, many of the cities of comparable size in addition to their regular salaries also compensate Councilmen for additional meetings outside the scope of Council meetings. The compensation varies from $35 to $60. This discussion has been reviewed in the past with respect to additional committee work (i.e. Board of Appeals, Board of Appeal training, Sanitary District, LMC meetings, High Speed Rail Commission meetings, Project Fine, SEMLM, or other additional Council recognized groups.).

In reviewing the general meetings of the month, it could be figured that 10 meetings could be scheduled. If a figure of $50/meeting was used, it would amount to approximately $6,000.

In looking at the levy and trying to calculate a reduction from the 2.65 percent proposed levy to a potential 0%, this would leave approximately $9,468 remaining. This would still allow a minor overage in the general fund line item.

If this recommendation sounds reasonable an ordinance would need to be put in place prior to the election which would be started at the October meeting.

9-3-14

ST. CHARLES CITY COUNCIL:

We, the Fort family, wants to postpone the full culvert project until after the first of the year. We would like to have Randy, Scott, or Marty come with the new loader to open up the west end of the ditch again (late fall)? so we are prepared for a flood in the spring. Also, I would take a transit shot for them at that time to help. Please call first---remember I am old and may be on the road again!!! The small hole in the existing culvert does not need any repair.

Skip and Deb

Skip
Deb

PAID
SEP -5 2014

Received 9/5/14
City of St Charles

KRISTINE K. HUINKER
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2015

Kristine K Huinker

Costs Associated with the Fort culvert:

- Widseth Smith Nolting Engineering -- $2,850
- Flaherty & Hood -- $3,300
- WHKS Engineering -- $4,100
- Roger Brand Surveying --$195.00
- Pearson Excavation -- $725.00

Total $11,170.00

CITY OF ST. CHARLES

Resolution #34-2014

A Resolution Supporting an Application to the MN Department of Natural Resources for the Parks and Trails Legacy Grant Program

WHEREAS, the City of St. Charles supports the grant application made to the Minnesota Department of Natural Resources for the Parks and Trails Legacy Grant Program. The application is to construct four (4) miles of paved trail for the St. Charles-Whitewater Trail System. The trail system is located between St. Charles and Whitewater State Park, and

WHEREAS, the City of St. Charles recognizes that it has secured $50,000 in non-state cash matching funds for this project.

NOW, THEREFORE, BE IT RESOLVED, if the City of St. Charles is awarded a grant by the Minnesota Department of Natural resources, the City of St. Charles agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. The City of St. Charles will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED, the City Council of the City of St. Charles names the fiscal agent for the City of St. Charles for this project as:

Kristine Huinker
City Accountant
City of St. Charles
830 Whitewater Avenue
St. Charles, MN 59972

BE IT FURTHER RESOLVED, the City of St. Charles hereby assures the St. Charles-Whitewater Trail will be maintained for a period of no less than 20 years and land acquisitions will require a perpetual easement for recreational trail purposes.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES THIS 23rd DAY OF SEPTEMBER, 2014.

_____
WILLIAM J.SPITZER

ATTEST:

_____
NICK KOVERMAN – CITY ADMINISTRATOR

City of St. Charles
Resolution #35-2014

APPROVAL OF WELLHEAD PROTECTION PLAN PART 2

WHEREAS, the City of Saint Charles recognizes the importance if its groundwater supply as a natural resource used for drinking; and

WHEREAS, it is the responsibility of the City of Saint Charles as a public water supplier, to consider the health, safety, and welfare of its customers; and

WHEREAS, the protection of current and potential future sources of groundwater used for drinking water is worthwhile from the standpoint of resource protection; and

WHEREAS, the City has been presented and has reviewed Wellhead Protection Plan Part 2 which details the locations of the wellhead protection area, drinking water supply management area, and vulnerability assessments for the City's wells and aquifers; and

NOW THEREFORE BE IT RESOLVED, that the City of Saint Charles does hereby agree to take action to protect their wells or well field recharge area and hereby adopts and approves; Wellhead Protection Plan Part 2 report dated September 2014.

Adopted this 23rd Day of September in the year 2014.

ATTEST:

William J. Spitzer, Mayor

Nick Koverman, City Administrator

Chapter 5 – Objectives & Plan of Action

This section outlines the objectives and management strategies designed to meet the goals of the WHPP in accordance with MN Rule 4720.5250.

Establishing Priorities

Priorities for the plan of action were established in accordance with the factors identified in MN Rule 4720.5250, Subp. 3. Based upon these factors the WHP team established the following objectives for the action plan:

A. Well Management – Identify and manage all wells within the DWSMA
B. Education and Outreach – Inform the public about groundwater issues
C. Potential Contaminate Source Management – Manage potential contaminate sources within the DWSMA
D. Monitoring and Data Collection – Collect and share data relating to local groundwater issues

For each objective a set of measures was developed to create the plan of action. The measures listed under each of objectives were ranked and are listed in the order of priority. For example, the first measure listed for each objective is considered a top priority, and each objective carries equal weight.

Plan of Action

Objective A: Well Management – Identify and manage all wells within the DWSMA

WHP Measure A1: Verify, update, and inventory the locations of existing and abandoned wells in the DWMSA, and collect information on well construction/sealing where possible. (Note – the status and records of well sealing were obtained during the writing of this report.)
Source of Action: WHP Team, and MDH, City Council Cooperator(s): Olmsted & Winona Counties, Well Contractors, MDH, MNDNR, private land owners Time Frame: Continuous throughout plan. A letter to land owners will be sent in year one (2014) requesting information on known wells. Estimated Cost: Staff & Consultant time, printing & postage

WHP Measure A2: Promote the sealing of abandoned wells and assist with sealing. The City will send a letter to land owners encouraging them to seal any unused wells. The City will assist in finding funding sources for the land owners, primarily through MDH grant funding.
Source of Action: WHP Team, City Council Cooperator(s): Winona and Olmsted Counties, private land owners Time Frame: As opportunities become available Estimated Cost: Cost share programs, staff time, printing & postage

WHP Measure A3: Request from the MNDNR that information be provided to the City on newly proposed high capacity wells within or near the DWSMA.
Source of Action: WHP Team, City Council Cooperator(s): MNDNR, MDH Time Frame: As situations arise Estimated Cost: Staff time

Objective B: Education and Outreach - Inform the public about groundwater issues

WHP Measure B1: Communicate to Public Water Supplier residents about wellhead protection efforts and implementation activities when disseminating the Consumer Confidence Report.
Source of Action: WHP Team Cooperator(s): None Time Frame: Annual Estimated Cost: Staff time

WHP Measure B2: Educate land owners throughout the DWSMA about activities they can undertake to protect the City's water supply and also their own groundwater. Develop and make an informational brochure about the City's Wellhead Protection efforts. Brochure shall be mailed once to residents in the DWSMA and also made available to the general public at City Hall.
Source of Action: WHP Managers and Public Works Director Cooperator(s): MDH Planner, Minnesota Rural Water Association Time Frame: Continuous throughout plan Estimated Cost: Staff time

WHP Measure B3: Provide the City Council information on wellhead protection activities.
Source of Action: WHP Team Cooperator(s): None Time Frame: As needed Estimated Cost: Staff time

WHP Measure B4: Communicate with other local officials and local government staff to discuss WHP protection implementation activities.
Source of Action: WHP Team Cooperator(s): None Time Frame: Once at the start of the plan, then as changes arise Estimated Cost: Staff/Consultant time

Objective C: Potential Contaminate Source Management – Manage potential contaminate sources within the DWSMA

WHP Measure C1: Monitor setbacks for all new potential sources of contamination located within the City well IWMZs.
Source of Action: WHP Team Cooperator(s): None Time Frame: As situations arise Estimated Cost: Staff/Consultant time

WHP Measure C2: Request an updated copy of the Railroad's emergency spill response plan. Review the plan and provide comments to the railroad as appropriate.
Source of Action: WHP Team Cooperator(s): Railroad Time Frame: 2014 then every 2 years Estimated Cost: Staff/Consultant time

WHP Measure C3: Request that Townships/ Counties notify the City regarding changes in land use zoning and also of condition use permit applications within the DWSMA.
Source of Action: WHP Team Cooperator(s): Winona County, Olmsted County, Townships Time Frame: As situations arise Estimated Cost: Staff/Consultant time

WHP Measure C4: Review new development plans to promote use of storm water BMPs for proper treatment and utilize alternative storm water practices when applicable.
Source of Action: WHP Team Cooperator(s): None Time Frame: As situations arise Estimated Cost: Staff/Consultant time

WHP Measure C5: Implement measures highlighted in IWMZ-PCSI reports.
Source of Action: WHP Team Cooperator(s): MDH Time Frame: Post signs within 6 months, other measures continuous throughout plan Estimated Cost: $300 for signs, Staff time

WHP Measure C6: Update the IWMZ-PCSI Inventory
Source of Action: WHP Team Cooperator(s): None Time Frame: Every three years Estimated Cost: Staff/Consultant time

Objective D: Monitoring and Data Collection – Collect and share data relating to local groundwater issues

WHP Measure D1: Maintain up to date information about wells and water chemistry within the DWSMA.
Source of Action: WHP Team Cooperator(s): None Time Frame: Continuous throughout plan Estimated Cost: Staff/Consultant time

WHP Measure D2: Maintain water quality sampling requirements mandated by MDH and analyze trends in water chemistry, looking for possible degradation of quality.
Source of Action: WHP Team Cooperator(s): None Time Frame: Continuous throughout plan Estimated Cost: Staff/Consultant time

WHP Measure D3: Conduct aquifer pump test(s) when the well pumps are removed for maintenance for wells 4 and 5. The City will contact the MDH and let them know of the opportunity for testing.
Source of Action: WHP Team Cooperator(s): MDH Time Frame: Single test when the opportunity arises Estimated Cost: Staff/Consultant time

WHP Measure D4: Periodically update the alternate water supply contingency strategy
Source of Action: WHP Team Cooperator(s): None Time Frame: Every three years Estimated Cost: Staff/Consultant time

CITY OF ST. CHARLES

Resolution #34-2014

A Resolution Supporting an Application to the MN Department of Natural Resources for the Parks and Trails Legacy Grant Program

WHEREAS, the City of St. Charles supports the grant application made to the Minnesota Department of Natural Resources for the Parks and Trails Legacy Grant Program. The application is to construct three (3) miles of paved trail for the St. Charles-Whitewater Trail System. The trail system is located within 7 miles of St. Charles, and

WHEREAS, the City of St. Charles recognizes that it has secured $50,000 in non-state cash matching funds for this project.

NOW, THEREFORE, BE IT RESOLVED, if the City of St. Charles is awarded a grant by the Minnesota Department of Natural resources, the City of St. Charles agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. The City of St. Charles will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED, the City Council of the City of St. Charles names the fiscal agent for the City of St. Charles for this project as:

Kristine Huinker
City Accountant
City of St. Charles
830 Whitewater Avenue
St. Charles, MN 59972

BE IT FURTHER RESOLVED, the City of St. Charles hereby assures the St. Charles-Whitewater Trail will be maintained for a period of no less than 20 years and land acquisitions will require a perpetual easement for recreational trail purposes.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES THIS 23rd DAY OF SEPTEMBER, 2014.

_____
WILLIAM J.SPITZER

ATTEST:

_____
NICK KOVERMAN – CITY ADMINISTRATOR

WELCOME TO
ST. CHARLES
GATEWAY TO WHITEWATER

Memorandum

To: City Council
From: Nick Koverman, City Administrator
Date: September 19, 2014
Subject: Council Salaries

In reviewing and comparing cities for their practice of compensation, many of the cities of comparable size in addition to their regular salaries also compensate Councilmen for additional meetings outside the scope of Council meetings. The compensation varies from $35 to $60. This discussion has been reviewed in the past with respect to additional committee work (i.e. Board of Appeals, Board of Appeal training, Sanitary District, LMC meetings, High Speed Rail Commission meetings, Project Fine, SEMLM, or other additional Council recognized groups.).

In reviewing the general meetings of the month, it could be figured that 10 meetings could be scheduled. If a figure of $50/meeting was used, it would amount to approximately $6,000.

In looking at the levy and trying to calculate a reduction from the 2.65 percent proposed levy to a potential 0%, this would leave approximately $9,468 remaining. This would still allow a minor overage in the general fund line item.

If this recommendation sounds reasonable an ordinance would need to be put in place prior to the election which would be started at the October meeting.

Comparable City	Mayor Salary	Council	Notes
Blue Earth	3,300	3,000	As of 1-1-15, 1-1-16 the Mayor goes to $4200, no per diem
Breckenridge	4,200	2,400	$25 per diem per hour up to 3 and then $10 per hour after -
Caladonia	3,100	2,900	$25 per diem per mtg for extra mtgs, $10 per hour for other
Chatfied	1,600	1,220	Mayor - $1000 per year + $50 per month, Council - $800 +
Chisholm	8,400	3,600	No per diem
Cokato	3,000	2,100	$50 per diem for other meetings
Cold Spring	3,600	2,700	$25 per hour per diem other meetings up to 3 hours, then
Crookston	7,600	6,000	No per diem
Dodge Center	4,940	4,400	Mayor - $3500 + $60 per mtg - 2 per month, Council $3000
Ely	5,100	4,800	No per diem
Foley	3,000	2,400	It's paid by meeting. $125 - Mayor, $100 - Council. 2 mtgs
Glenwood	3,600	2,700	No per diem
Granite Falls	4,000	3,000	No per diem
Intnl. Falls	4,200	3,600	$700 - Mayor contingency (supplies), $500 - Councilmember
Jackson	4,920	3,240	No per diem
Kasson	4,000	3,500	$35 per diem per extra meeting (avg 6 per month)
La Crescent	6,000	4,800	No per diem
Lake Crystal	3,900	2,700	No per diems
LeSueur	3,600	2,640	$35 special meeting per diem
Long Prairie	2,400	1,800	$50 special meeting per diem
Luverne	5,900	5,000	Per diem - $65 per day, $35- per 1/2 day
Melrose	4,640	3,480	No per diem
Milaca	1,800	1,200	No per diem
Montevideo	5,942	5,942	Proposed change to $6208.87 in 2015. $20 per diem for
Montgomery	3,600	2,400	No per diem
Morris	6,000	5,000	$40 per diem, special meetings
Perham	4,500	3,500	Quarterly Reimbursement for Internet service
Redwood Falls	6,000	4,800	$5 per day, Board of Equalization, Max 3 days
St. Charles	4,800	3,600	Plus a $1200 technology stipend
St. James	4,000	3,000	No Per Diems
St. Joseph	6,288	3,773	$35 Meeting Per Diem, $50 1/2 day, $100 full day
Wadena	6,200	5,400	As of 1-1-2015, No Per Diems
Windom	4,600	4,000	Per Diem - $75 per day, $50 - per 1/2 day, $700 Tech
Total	148,730	114,594	
Average	4,506.95	3,472.55	

Wabasso (pop 695)	$2,040	$1,800	$50 per diem, special meetings
Sacred Hrt pop 548	$2,000	$1,440	$60 per diem
Argyle pop 639	$3,600	$1,800	
Paynesville	$4,703	$3,527	
Newport-pop 3435	$4,350	$3,800	

WELCOME TO ST. CHARLES GATEWAY TO WHITEWATER

Request for City Council Action

Date: September 18, 2014 Requested Council Date: September 23, 2014

Originating Department: Water Department

Council Action Requested: Consideration of Ford Replacement Program-Water Truck

Background Information: In discussion with Sugar Loaf Ford, the sales representative has offered to submit the 2013 Ford water truck into the replacement program. The program would provide the city with 2015 at an additional cost of $1,781. After that the program would be the same as the electric department vehicle whereby Sugar Loaf would provide a new vehicle replacement every year until the program expires. The vehicles would be under full warranty and all of the same benefits would be included with the water truck with respect to no maintenance/repair costs, etc.

Because the water truck is a new vehicle is the only way that it was considered to be part of the program. Given the benefits of the program and the minimization of potential repair/maintenance of repair costs, it is recommended to enter this vehicle into the replacement program offered by Ford.

WELCOME TO ST. CHARLES GATEWAY TO WHITEWATER