



The City Council of the City of St. Charles welcomes you to its Regular Meeting of Wednesday, September 13, 2016 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. September 13, 2016 Agenda	APPROVE
4. Meeting Minutes -August 10, 2016 -August 23, 2016	APPROVE
5. September 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	
7e. EDA Report, Wayne Getz	
7f. P&Z, David Kramer	
7g. School Board, David Kramer	
8. Resolution #20-2016 Approving Preliminary Levy	APPROVE
9. Resolution #21-2016 Approving EDA Levy Request	APPROVE
10. Ordinance #588 Amending the Zoning Map(1 <sup>st</sup> Reading)	APPROVE
11. Resolution #19-2016 Approving J&S Automotive CUP	APPROVE
12. Solar proposal for RMTD/Assisted Living	APPROVE
13. Resolution #22-2016 JPA with BCA	APPROVE
14. St. Charles PD Recommendation	APPROVE
15. MNOSHA Inspection Review	INFORMATION

**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](mailto:nkoverman@stcharlesmn.org).**



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**MEMORANDUM for the CITY COUNCIL of St. Charles for  
Tuesday, September 13, 2016**

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- 8. Resolution #20-2016 Approving Preliminary Levy.** Please see the enclosed resolution for consideration. The proposed levy amount would be 8.07 at this time.
- 9. Resolution #21-2016 Approving EDA Levy Request.** Please see the enclosed resolution for consideration.
- 10. Ordinance #588 Amending the Zoning Map (1<sup>st</sup> Reading).**
- 11. Resolution #19-2016 Approving J&S Automotive CUP.** Please see the attached resolution.
- 12. Solar proposal for RMTD/St. Charles Assisted Living.** Enclosed is a request to consider a solar unit to be installed at a remote property owned by RMTD. The request was reviewed by Tom Nigon of Star Energy Services and a proposed draft agreement was forwarded. Initially a request for a 40kw system was presented to Mr. Nigon for consideration. The proposed request is to allow two 20 KW systems, one for each building, with the ability to expand to 40KW per building. Tom Nigon had left on vacation prior to Council packets being released, but he will return Monday the 12<sup>th</sup> and staff will review the revised request with him at that time. Initially, because there is currently only one residential solar installation, Mr. Nigon felt this could be a good opportunity for the City, but also suggested an agreement as a special installation in order to curb potential future similar installations.
- 13. Resolution #22-2016 Joint Power Agreements with Bureau of Criminal Apprehension.** The St. Charles Police Department has a current agreement on file with the BCA, which was a 5 year agreement. The current contract expires in November and they are asking that we update the agreement.
- 14. St. Charles PD Recommendation.** Please see the enclosed Request for Council Action.
- 15. MNOSHA Inspection Review.** On August 25, 2016 a representative from MNOSHA was present to inspect the City of St. Charles. A thorough inspection of records, programs, etc. was held along with inspection of facilities/buildings. After careful consideration, only one citing was issued as a result of the visit, which has been scheduled to be corrected. A review of the visit will be discussed.

**MINUTES of the ST. CHARLES CITY COUNCIL  
for Wednesday, August 10, 2016 held at 6:00 p.m. at  
830 Whitewater Avenue,  
St. Charles, Minnesota**

**MEMBERS PRESENT:**

Councilmen:

Mayor John Schaber

Dave Braun

Orv Dahl

Wayne Getz (absent)

David Kramer (absent)

**STAFF PRESENT:** Fire Chief Lyle Peterson and Nick Koverman (City Administrator).

**OTHERS IN ATTENDANCE:** Michael Kivi, Chris Armstrong (Wells Fargo), Ian Scheerer (Wells Fargo), Donna Kieffer, Cathy Groebner, Lee Groebner, Dan White and Jill Veerkamp (St. Charles Press).

**1. ESTABLISH QUORUM/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: **Orv Dahl**

No discussion.

Motion carried.

**4. Meeting Minutes**

-July 19, 2016

Motion to approve: **Dave Braun**

No discussion

Motion carried.

**5. August Payables.**

Motion to approve: **Orv Dahl**

No discussion.

Motion carried.

**6. Notices and communications:** None.

**7. Reports of Boards and Committee:**

Reports were given.

**8. Fire Dept. Bremer Foundation Application.** Fire Chief Lyle Peterson was presented a request to apply to the Otto Bremer Foundation for SCBA's that are in need of replacement by the department. He outlined the age of the current breathing units/gear/tanks and how the units exceeded 20 years. He explained that he this is a high need item for the department as it is a vital piece of gear for the members. He also expressed that he would approach AgStar Financial as well to aid in the purchase of the aircompressor that would be necessary to fill the bottles. A motion was made to authorize the fire department to apply for both the Otto Bremer Foundation as well as AgStar Financial.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

**9. Wells Fargo Presentation.** Ian Scheerer and Christine Armstrong from Wells Fargo Investments made a presentation to the Council highlighting the City's investment portfolio and the fiduciary responsibility that Wells Fargo undertakes as our investment team. The pair relayed that since the portfolio's inception into the Wells Fargo plan the City has maintained a 2.35 percent interest made overall, but our yield to date in the current cycle is 3.25 percent. The Council thanked them for their time and no questions were asked.

**10. Public Hearing—Ordinance #587 Temp. Family Healthcare Dwellings.** Mayor Schaber called for a motion to open the public hearing at 6:13 p.m.:

Motion to open: **Orv Dahl**

No further discussion.

Motion carried.

Mayor Schaber stated the purpose of the public hearing was to take comment regarding the proposed ordinance to opt out of the proposed Temporary Family Healthcare Dwelling law as afforded under state statute. He called for comment.

Cathy Groebner at 437 St. Charles Avenue stated that she believed the city should opt out because it takes too much of the public voice away with respect to this option in neighborhoods.

Dan White at 730 Whitewater Avenue stated that he felt the law circumvented the city's power and the power of the citizens.

Lee Groebner at 437 St. Charles Avenue expressed that he worked for a company that deals directly with the system and that the law was ineffective and would cause a great burden to the city as the company he works for is undermanned when it comes to working with the proposed law. He urged the city to opt out. The mayor called for additional comment once, twice, three times. Hearing none, he called for a motion to close the meeting at 6:15 p.m.

Motion to close: **Dave Braun**

No further discussion.

Motion carried.

**11. Ordinance #587 Temp. Family Healthcare Dwelling.** Mayor Schaber called for a motion to approve the first reading as presented.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

**12. RCA Commercial Rehab Request #14.** Admin. Koverman presented the request to cost share in a project by the VFW to replace a door. The total costs were \$1,175 and the share would be \$588. A motion was made to approve the request.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

**13. Administrator Review-Closed Session.**

#### **UNSCHEDULED PUBLIC APPEARANCES**

Prior to closing the meeting for the closed session Mayor Schaber asked if anyone had any public comments for the Council. Dan White at 730 Whitewater Avenue addressed the Council and shared his support and information on various topics.

Hearing no further comments, Mayor Schaber called for a motion to close the meeting at 6:22 p.m.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

A motion to close the closed meeting and reopen the public hearing at 6:45 p.m.:

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

Mayor Schaber expressed that the review was held and that the review will be presented at the 1<sup>st</sup> meeting in September.

Motion to adjourn at 6:52 p.m.  
Motion to approve: **Orv Dahl**  
Motion declared carried.

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**John P. Schaber, Mayor**

ATTEST

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**Nick Koverman, City Administrator**

**MINUTES of the ST. CHARLES CITY COUNCIL**  
**For Tuesday, August 23, 2016 held at 6:00 p.m. at**  
**830 Whitewater Avenue**  
**St. Charles, Minnesota**

**MEMBERS PRESENT:**

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

**STAFF PRESENT:**

Lyle Peterson (Fire Chief), Kyle Karger (PW Supt.), and Nick Koverman (City Administrator).

**OTHERS IN ATTENDANCE:** Brian Krambeer, Chad Chaffee, Kaye Bernard, Ted Kjos, Sen. Matt Schmit, Craig Hilmer, Dan White, and Jill Veerkamp (St. Charles Press).

**1. ESTABLISH QUORUM/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: **Wayne Getz**

No discussion.

Motion carried.

**4. Notices and Communications.** Admin. Koverman highlighted the Gladiolus Days week. Mayor Schaber congratulated the Gladiolus Days contestants.

**5. Review of Financials.** No questions.

**6. Tri-County Electric Cooperative Presentation.** CEO and President of Tri-County Electric(TEC), Brian Krambeer, presented information to the Council that outlined the services and value that he felt Tri-County brought to the table as far as member services that St. Charles could receive as a member under Tri-County's umbrella. While TEC is also a member of the Dairyland Power Cooperative, many of the same benefits that St. Charles currently receives from generation capacity, the wind contracts with UMMEG, but also the ability to investigate solar and possibly attract new businesses with help from the EDA personnel as they have more access to federal loan dollars. Currently, nine other municipalities are members with TEC and have similar arrangements as Mr. Krambeer relayed. He outlined the various services that would be available to the utility, but he also relayed that the relationship would be seamless from any other standpoint as they would serve as our wholesale power provider. He outlined that he hoped the process could move fairly quickly as a contract between UMMEG and DPC was also in the works. Clm. Kramer asked what that meant in terms of time and Mr. Krambeer relayed that hopefully it could be done in several months. Kramer also asked about the negative impacts or downsides and to that Mr. Krambeer could offer no foreseen negative. Mayor Schaber expressed that he felt that we had been working with TEC in other areas and this would more formally tie ourselves to TEC and that the benefit of leveraging other assets for potential growth looked to be in our best interest. He called for a motion to direct city administrator and staff to proceed to work with TEC to draft a proposal for the Council.

Motion to approve: **David Kramer**

No further discussion.

Motion carried.

Clm. Kramer exited the meeting.

**7. Senator Matt Schmit-Legislative Update.** Sen. Schmit provided a brief update with respect to the legislative session. At the conclusion, Clm. Braun cautioned that if laws were to change from taxing agricultural land to residential/commercial taxpayers to be careful. Sen. Schmit thanked him for his comment and relayed that balancing tax responsibility was being given much consideration.

**8. Ordinance #587 Family Health Care Dwelling Opt Out (2<sup>nd</sup> Reading).** Mayor Schaber asked if anyone had any changes or deletions as part of the second reading. Hearing no changes, he called for a motion to approve Ordinance #587. A motion was made to approve as presented.

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

**9. Fire Department Tanker Replacement.** Fire Chief Lyle Peterson gave a quick update on the Tri-County Fire Fighter meeting held August 10<sup>th</sup>. He relayed that 92 firefighters were present for the meeting and that everyone had favorable comments. He then began to reference the tanker and the estimates that the truck committee had done with respect to replacing the unit due to the fact that because of the 5-speed with rear 2-speed transmission very few of the volunteers could drive the unit. The estimate for a new tanker to replace the 1995 Chevy was \$250,000 and to purchase a refurbished chassis was approximately \$150,000. The committee had also investigated the possibility of replacing the transmission with an automatic unit and upgrading the emergency flashing lights of the tanker. Peterson estimated the cost for the third option of approximately \$25,000. He relayed that this was the recommendation of the truck and that funds would be taken from the existing budget and within the reserves. Mayor Schaber expressed that he understood the desire to improve this unit given the low miles and hours and the shape of the chassis. It would also be helpful to make it more universal for other volunteers to operate. Clm. Getz agreed and stated it made the most sense with Clm. Dahl also agreeing. A motion was made to move forward with the improvement of the transmission and lighting upgrade.

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

Chief Peterson then directed the Council to information provided on the table regarding the previous discussion of the airpaks/tanks and provided estimates from two vendors that would be utilized in the seeking of two grants. He highlighted the fact that fifteen SCBA packs are 1992 issue and that there have been four NFPA standard improvements since that time. He relayed that the tank system used by firefighters protects the firefighters and saves their lives. In addition, the communication modules would be improved as well. The range for the units is approximately \$113,000 to \$161,000 dependent on the company. He highlighted for the Council the various improvements and why he felt the strong need for this improvement. Clm. Getz relayed to the Council that there is no comparison when talking about new packs versus old packs. Peterson requested a motion to go out for RFP for units in preparation of the seeking the grants, but added that should the grants fail, it is still a necessity of the department. Clm. Braun asked about funding of the units and Chief Peterson relayed that \$25,000 initially would come from gambling funds. Admin. Koverman added that the reserve of the fire is around \$146,000 and that options would be explored, but that the direction was to seek the grant opportunities first. He added that the RFP process would not commit the city to any purchase just to seek formal bids. A motion was made to approve the fire department to send out an RFP for SCBAs and related materials.

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

**10. 2017 Electric CIP Truck Replacement.** Supt. Karger addressed the Council and highlighted a memo that outlined the 2017 CIP electric replacement plan of the 2005 Ford Expedition. He reviewed the program benefits through SugarLoaf Ford and how the city has been saving utility and maintenance costs with the program that they have been part of for almost 4 years with two vehicles. Karger explained that he requested from SugarLoaf the use of a half ton versus a three-quarter ton truck and they agreed to the use. Supt. Karger also relayed that he will be able to make the payment from his 2016 CIP. All members agreed that the program has been beneficial to the city and that the savings continue to be realized. A motion was made to approve the ordering of the replacement vehicle for the 2005 Ford Expedition.

Motion to approve: **Orv Dahl**  
No further discussion.  
Motion carried.

**11. Preliminary 2017 General Fund Budget.** City Accountant Kristine Engstrand presented the preliminary 2017 Governmental Budget to the Council and highlighted various areas and lines items within the budget. She relayed that a preliminary levy amount would be 8.07 percent. After initially working on the budget it was estimated at 13.85 percent but after working with department heads, it was able to be paired down to the proposed 8.07 percent. Mayor Schaber expressed that it was a starting point and that if there were any questions or comments to please relay those on to staff. No further discussion was held.

#### **UNSCHEDULED PUBLIC APPEARANCES**

None.

Motion to adjourn at 7:06 p.m.  
Motion to approve: **Wayne Getz**  
Motion declared carried.

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**John Schaber, Mayor**

Attest: \_\_\_\_\_  
**Nick Koverman, City Administrator**



## City Administrator's Report—August 2016

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August 8—Held an open house at City Hall on the proposed St. Charles Bike/Walking Trail plan.

August 10—Met with Solution Builders reps to talk about fall server project and conversion with safety measures for police department as required by BCA. The conversion project will begin in November.

August 11—Held Community Foundation meeting and continued planning for Sept. 24 Founders Event to be held at the Moose Lodge.

Met with Mark Roubinek to review Safe Routes to School project with crosswalk at the elementary and connections to the high school.

August 16—Met with a representative from AIM Electronics to investigate an electronic sign for the library as requested by the Library Board.

Attended the Friends of the Whitewater State Park meeting in Elba as we look for potential partnerships and how to best promote the service and park for the benefit of both organizations.

August 18—Attended Active Living meeting in Winona to discuss budget and programming.

Met with Envirolastech representatives and was given an update on status of the project.

August 19—Met with representatives of J&S Automotive to review their plan/request.

August 22—Met with Elizabeth Wefel from the Coalition of Greater MN Cities for an update on the legislative session and the work of the CGMC.

August 30—Held PD interviews to fill full time vacancy.

August 31—Held a phone conference with Franklin Energy focusing on fall activities.

## August 2016 Public Works Report

- . Spray and cut weeds, install new fire hydrant on 7<sup>th</sup> and Church Ave., disconnect elementary school service, and maintenance at power plant.
- . Locates, substation and power plant monthly reports, set up voter booths, trim and cut trees in alleys and repaired street lights on list.
- . Move table and chairs from city hall to fire hall for meeting, repaired underground wire at fairgrounds, battery maintenance at power plant, repaired cut wires on highway 14 intersection.
- . Install temporary electric service at 1924 Country View Drive, wash expedition, dug up and installed electric service on Trout Avenue.
- . Quick cleanup and walk thru for State OSHA inspection, moved tables, installed fences and put up nets for Gladiolus Days.
- . Cleaned up after Gladiolus weekend, ran power plant and four backup Gen-Sets on City infrastructure, worked on lowering and repairing water valves, and checked with T & R Disposal about removing old transformers.
- . Trimmed trees out of power lines, disconnected electric meters per city hall, installed new service on 4<sup>th</sup> Street and Whispering Hills Drive, installed inspection door on street light at Jessens Park and replaced traffic light bulbs on intersection Hwy. 74 and Hwy. 14.
- . Turned on main transformer fan at substation and did amp check, received order of electric material and put into stock, checked with T & R service about capacitors, called MN DOT about bad sockets on traffic lights and installed power at 500 East 14<sup>th</sup> Street.
- . Electrical and PCB mapping, transformer change outs, installed temporary meter at 1414 Whispering Hills Drive, pushed up brush and compost pile, checked on electrical load additions for elementary school, picked up bookcase at library and changed out protectors on rubber gloves.
- . Went on short line patrol after wind storm and found branches on powerlines and removed, trimmed trees for road clearance, loosened meter socket at Bruce Page residence, located property pins, replaced secondary block on SW corner of Highway 14 lights and walked thru shop with employees with a few OSHA concerns.
- . Checked job for old Oasis service removal, started pole removal in front of Resource Center for room to install new handicap ramp, painting parking stalls, road crossings,

city parks and schools safe routes to school projects, and jetting sewers for backup complaints.

- . Cement work on curbs, handicap ramps, sidewalk and main street electrical boxes/moving to catch basins next, daily checks on wells, lift stations and booster stations, finals for city hall and put up election booths at city hall.
- . Checked sewer lines at golf course, installed water meter at 500 East 14<sup>th</sup> Street, dirt and seed Brookwood Park water run, cleaned catch basins before storm and straightened street signs around town.
- . Replaced bad gasket on spray painter, wash and greased sweeper, added new crosswalks and signs for park department, water samples, treated Hwy. 14 lift station, repaired well #3 pump diaphragm, replaced chlorine pump at pool, and shut down chlorine room at swimming pool.

Sincerely,  
Kyle Karger  
Public Works Supt.

# 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 September 2017

- We received our annual training reimbursement of \$3439 from the MN POST Board for training for the year July 1, 2015 – June 30, 2016. The 2016 allocation per officer in MN is down about \$20.58 per officer from last year. This continues a pattern of decline over the past 5+ years. These POST funds come from a % of the fines and citations written. Excess funds from citations go to the State General Fund. Training mandates have steadily increased as has the demand for more training and the legislature is approving more training mandates yet not funding.
- Received a \$4000 Life Saver Grant to purchase equipment to monitor adults and children who wander due to Alzheimer's, autism, and other related conditions or disorders. This will allow for the purchase of new equipment that will carry on and augment the current Project Life Saver program sponsored in part by the Sheriff's Office and our local Lions Club.
- We had a very good turnout at our National Night Out and Open House and received a lot of positive comments on the newly remodeled department and the officers that are serving the city. Officers really enjoyed the time spent with the community.
- Received the resignation of Officer Matthew Loken. Resignation was effective August 17 and he accepted employment as a Police Officer with the City of Rochester.
- Officer Hewitt and I met with Principal McBroom, 6<sup>th</sup> Grade Teacher Teri Mitties and the 6<sup>th</sup> grade school patrol and discussed the student's role as a patroller.
- On September 8 I attended the Winona County Chief's meeting in Lewiston Present was Community Services Supervisor Karen Sanness who spoke on an upcoming state mandated policy requiring Community Services providing on-call services for Child Protection issues. Various topics were addressed including a lengthy briefing on recent criminal activity within Winona County and the surrounding area.
- On Wednesday Sept 7 Lead Deputy Jeff Mueller and I were in Minneapolis and attended a seminar sponsored by the MN Peace and Police Officer Association on Understanding Issues Related to Body Cameras. Deputy Mueller and I considered this a very beneficial seminar.

**"Proud to Serve"**



**City of St. Charles**  
**Economic Development Authority**  
**Regular Meeting**  
**Minutes**  
**September 9<sup>th</sup>, 2016**

1. Meeting was called to order at 7:04 am at City Hall by Greg Gall . Present were: Gall, Jim Allen, Dan Pearson, Mayor John Schaber, Mark Linderbaum, EDA Coordinator Cris Gastner, and City Administrator Nick Koverman
2. Financials were approved
3. **Business Items:**
  - a. EDA Levy Resolution  
Gastner presented the draft of the yearly EDA resolution to the Board. Each year the EDA has to send a resolution to the County in order to levy funds for the EDA. State statute allows and EDA to levy .01813% of the total taxable market value for the community. This year that amount would be \$36,024. A motion was made by Linderbaum and seconded by Schaber to recommend approval of the resolution to City Council. All ayes, motion carried
  - b. Updates  
Gastner and Koverman updated the board on several ongoing and potential projects.

Meeting was adjourned.

Ribbon cutting was held at Cutting Edge Fitness

**Planning and Zoning Commission**  
**Thursday, September 8, 2016**  
**7:00 P.M.**  
**City Council Chambers**  
**Minutes**

**MEMBERS PRESENT:**

Wayne Getz  
Tim Jones  
David Kramer  
Nancy Heim  
Jamie Bjerke  
Terry Jones

**MEMBERS ABSENT:**

Bruce Dorman

**STAFF PRESENT:**

City Administrator Nick Koverman.

**OTHERS IN ATTENDANCE:** Jason Giem, Shane Kastenschmidt

**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: **Wayne Getz**  
Seconded by: **Tim Jones**  
Motion declared carried

**APPROVAL of MINUTES-January 7, 2016**

Motion to approve: **David Kramer**  
Seconded by: **Terry Jones**  
Motion declared carried

**BUSINESS ITEMS:**

**4a. Public Hearing-Amending I-1 to C-1/CUP for J&S Automotive.** A motion to open the public hearing at 7:02 p.m.

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

Chairperson Heim invited anyone interested to speak on the proposed ordinance and CUP.

Jason Giem addressed the Commission stating his residence at 642 St. Charles Avenue for 12 years. Shane Kastenschmidt stated his address at 1437 Bluff Avenue for 6 years. Mr. Giem expressed that for 3 years the two had investigated numerous options for a start-up location for the automotive repair shop until the opportunity for the old Ag Specialist building came available. They highlighted their packet of information and explained how they believe their proposed use of a automobile repair shop was less intensive than the previous business. They highlighted the fact of the ample parking and stated that no off-street parking would be necessary given the size of the lot. They asked if there were any additional questions. Hearing none, Chairman Heim called for comment three times and hearing none she called for a motion to close the public hearing:

Motion to close at 7:05: **David Kramer**  
Seconded: **Jamie Bjerke**  
No further discussion.  
Motion carried.

Clm. Getz asked about hours of operation and emergency calls. Mr. Giem stated that business hours would be 8-5 M-F and that they would be available for emergencies to some extent. He also discussed security lights a security system and how they intended to improve the property. Clm. Kramer asked about outgrowing the two initial bays that would be constructed in the existing footprint and Mr. Giem stated that for the first two years they simply wanted to build their customer base and that the initial build was a daunting task. Heim asked about heating options, which he said would be natural gas. Asked about noise issues, he relayed that the shop would be well insulated and that he anticipates less noise than the previous owner and that in talking with the owner no previous complaints were mentioned. A question of junk cars was also asked and the two owners relayed that a storage penalty would be invoked and that one of the concerns would be the appearance of the property. Clm. Kramer asked about the process. Administrator Koverman briefly reviewed the conclusion and findings as follows:

### **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 Shane Kastenschmidt and Jason Giem for parcels described in Exhibit A and B as parcels 29.010.0110 and 29.010.0100 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 213 W. 13<sup>th</sup> Street and legally described in Exhibit A and B as Parcels 29.010.0110 and 29.010.0100 in the City of St. Charles, Minnesota, is approximately 0.575 acres in area and is attached hereto and incorporated herein by reference.*
2. *That the Subject Property is owned by Shane Kastenschmidt and Jason Giem 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 use of an automotive repair shop as stated by the owners is defined as a Conditional Use 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.*

Following the review, a motion was made to make a favorable recommendation to the Council for the rezoning of the property (Ordinance #588) as well as accept the Findings of Fact as presented.

Motion to approve: **David Kramer**

Seconded by: **Tim Jones**

Motion carried.

**4c. Resolution #19-2016 CUP for J&S.** Heim asked if the Commission had any other conditions, besides the one presented, that would be requested as part of the CUP. Clm. Kramer stated that he would not call

for a one year review as a condition as he felt it was an undue burden. Members agreed. The Findings and conditions were reviewed as followed:

1. *The conditional use will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood, because the subject property has a history of accommodating commercial/industrial uses without eroding the character of the neighborhood.*
2. *The request will not be detrimental to the public welfare or to property or improvements in the neighborhood because Section #152.22(D) (1) recognizes the C-1 District can permit uses of the same general nature without compromising the integrity of the District.*
3. *A grain/feed business previously existed at the site and there have been no known complaints.*
4. *The owner is not proposing any intensification of the previous use.*

*CONDITION OF CUP: The petitioners will abide by all representations they or their agents made during the hearing process, to the extent, the Planning and Zoning Commission did not negate those representations and to the extent, they are not inconsistent with the spirit or letter of explicit conditions to the request.*

A motion was made to recommend approval of the CUP with the Findings of Fact and single condition as presented.

Motion to approve: **Wayne Getz**

Seconded by: **Jamie Bjerke**

No further discussion.

Motion carried.

A brief discussion was held regarding nuisance parking and the 48 hour rule. After discussion of the issue, the question of who was responsible to discuss the matter was brought up. Jones asked that more information be looked into as far as the parking.

Motion to adjourn at 7:31 p.m.: **Tim Jones**

Seconded by: **Terry Jones**

No further discussion.

Motion carried.

**CITY OF ST. CHARLES**

**Resolution #20-2016**

**A Resolution Approving Preliminary 2016  
Tax Levy Collectible in 2017**

**WHEREAS**, the City of St. Charles requires revenue to meet its expenses.

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CHARLES** that the following sum of money be levied for the current year, collectible in 2017, upon the property in said City of St. Charles, for the following purposes:

<b>FUND</b>	<b><u>2016</u></b>
2011A Bond Fund	\$ 217,565
Advertising Fund	\$ 21,275
Capital Improvement Fund	\$ 280,600
Celebration/Public Safety Fund	\$ 6,500
Fire	\$ 66,036
General Fund	\$ 172,837
Library Fund	\$ 101,640
2015A EMS Bond Fund	\$ 94,891
Tax Abatement	<u>\$ 10,085</u>
<b>Total Preliminary Levy</b>	<b>\$ 971,429</b>

The City Administrator is hereby authorized to transmit a copy of this resolution to the Council Auditor of Winona County, Minnesota.

Adopted this 13th day of September 2016 by the Council of the City of St. Charles, Minnesota.

---

**John Schaber, Mayor**

Attest: \_\_\_\_\_  
**Nick Koverman, City Administrator**

**CITY OF ST. CHARLES, WINONA COUNTY, MINNESOTA**

**RESOLUTION # 21-2016  
RESOLUTION APPROVING LEVY REQUEST SUBMITTED BY THE  
ST. CHARLES ECONOMIC DEVELOPMENT AUTHORITY  
FOR TAXES PAYABLE 2017**

**WHEREAS**, the St. Charles Economic Development Authority (“EDA”) has prepared and presented a budget to the City Council of St. Charles, Minnesota and an estimate for tax revenues needed for EDA programs and operations for the 2017 calendar year; and,

**WHEREAS**, pursuant to Minnesota Statutes Section 469.107 a City may authorize a levy for economic development purposes in an amount that does not exceed 0.01813% of its taxable market value; and

**WHEREAS**, a levy request by an EDA requires the governing body (City Council) to approve certification of said levy request to the County Auditor by September 15<sup>th</sup> for the following year’s taxes; and

**WHEREAS**, said levy request is to be treated as a special taxing district in accordance with Minnesota Statutes Section 275.066 and appear as a separate line item on the 2016 property tax statements; and

**WHEREAS**, the levy request contemplated in this Resolution is to be considered a stand alone request and is not to be automatically renewed for future years’ taxes.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of St. Charles, Winona County, Minnesota that the levy request for taxes payable 2017 for all taxable property within the corporate boundaries of the City of St. Charles, Winona County, Minnesota in the amount of \$36,024 submitted by the St. Charles EDA and City Council of St. Charles is hereby approved for certification to the Winona County Auditor.

Passed and approved \_\_\_\_\_ September 13, 2016 \_\_\_\_\_.

\_\_\_\_\_  
**John Schaber, Mayor**

ATTEST:

\_\_\_\_\_  
**Nick Koverman, City Administrator**

**CERTIFICATION**

I, Nick Koverman, duly appointed City Administrator of the City of St. Charles, do hereby certify that the above resolution is a true and correct copy of Resolution 21-2016 entitled “RESOLUTION APPROVING LEVY REQUEST SUBMITTED BY THE ST. CHARLES ECONOMIC DEVELOPMENT AUTHORITY FOR TAXES PAYABLE 2017” passed and approved by the St. Charles City Council, Minnesota, on the 13th day of September, 2016.

\_\_\_\_\_  
**City Administrator, City of St. Charles**



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## **Memorandum**

**To:** St. Charles Planning and Zoning Commission

**From:** Nick Koverman, City Administrator

**Date:** September 8, 2016

**Subject:** City of St. Charles to Amend the Zoning District Rezone from I-1 to C-1 and a request for a Conditional Use for an automotive repair shop.

### **REQUEST SUMMARY**

Jason Giem and Shane Kastenschmidt, are the new owners of parcel and lots formerly known as the Ag Specialist property (Parcel 29.010.0110 and 29.010.0100) as described in Exhibit A and B located at 213 West 13<sup>th</sup> Street are currently zoned as I-1 Light Industry District. They have requested the above said parcels be rezoned as C-1 Downtown Commercial to allow for the proposed redevelopment as an automotive repair shop.

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 is 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 an automotive repair service 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 allows for greater accessibility to the downtown area for customers as well as provides a community/neighbor service. This move has been contemplated for some time and is similar to a 2015 request to amend the district to allow for the less intensive use of the commercial/retail space now occupied by Dollar General. 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 an automotive repair shop according to the owners (plan provided).

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 Shane Kastenschmidt and Jason Giem for parcels described in Exhibit A and B as parcels 29.010.0110 and 29.010.0100 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 213 W. 13<sup>th</sup> Street and legally described in Exhibit A and B as Parcels 29.010.0110 and 29.010.0100 in the City of St. Charles, Minnesota, is approximately 0.575 acres in area and is attached hereto and incorporated herein by reference.
2. That the Subject Property is owned by Shane Kastenschmidt and Jason Giem 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 use of an automotive repair shop as stated by the owners is defined as a Conditional Use 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.

## CONDITIONAL USE PERMIT REQUEST

In addition, the owners are seeking a Conditional Use for their proposed automotive repair shop. They have included information regarding their business plan, hours of operation, parking plan, etc.

Section #152.41 (B)(4) of the Ordinance states the Planning Commission shall report to the City Council upon any application for a conditional permit and shall recommend granting a permit unless it finds establishing, maintaining or conducting the use will be detrimental in either of the following ways:

- (a) To the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of the use; or

**Comments**--The proposed use is a business activity of the "same general character as those listed in division (B)" as stated in Section 152.22(D)(1). In addition, a similar type use exists in the C-1 District and in comparison the location of the proposed business is more conducive to the nature of the work and traffic pattern. As represented by the owners and outlined in the statements submitted, their plan will not be detrimental to the health, safety,

morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of the use. Because of the size of the lot and layout of the facilities, ample parking spots are available and will exceed the requirements (4 parking spaces for each service stall plus 2 parking spaces).

(b) To the public welfare or to property or improvements in the neighborhood.

**Comments**--The request will not be detrimental to the public welfare and to property in the neighborhood. Many of the structures were removed which cleaned up the parcel while additional redevelopment will enhance the property visually as well.

### **CONCLUSION**

As Zoning Administrator, I would recommend approval of the Conditional Use Permit based on the following Findings of Fact:

1. The conditional use will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood, because the subject property has a history of accommodating commercial/industrial uses without eroding the character of the neighborhood.
2. The request will not be detrimental to the public welfare or to property or improvements in the neighborhood because Section #152.22(D) (1) recognizes the C-1 District can permit uses of the same general nature without compromising the integrity of the District.
3. A grain/feed business previously existed at the site and there have been no known complaints.
4. The owner is not proposing any intensification of the previous use.

CONDITION of the CUP: The petitioners will abide by all representations they or their agents made during the hearing process, to the extent, the Planning and Zoning Commission did not negate those representations and to the extent, they are not inconsistent with the spirit or letter of explicit conditions to the request.

**CITY OF ST. CHARLES**

**ORDINANCE #588**

**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): Owners, Jason Giem and Shane Kastenschmidt. 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 27<sup>th</sup> day of September, 2016 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: \_\_\_\_\_

**CITY OF ST. CHARLES**

**Resolution #19-2016**

**A Resolution Granting a Conditional Use Permit as  
Described in the Zoning Ordinance of the City of St. Charles**

**WHEREAS**, an application for a Conditional Use Permit has been duly filed by Mr. Jason Giem and Shane Kastenschmidt, owners of J&S Automotive, and;

**WHEREAS**, the Planning Commission, after holding a public hearing duly noticed, has recommended the granting of a Conditional Use Permit upon the Findings of Fact stated in their minutes;

**NOW THEREFORE, THE COUNCIL HEREBY ADOPTS THE FOLLOWING  
FINDINGS OF FACT:**

1. The conditional use will not be detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood, because the subject property has a history of accommodating commercial uses without eroding the character of the neighborhood.
2. The request will not be detrimental to the public welfare or to property or improvements in the neighborhood because Section #152.22 (D) (1) recognizes the C-1 District can permit uses of the same general nature without compromising the integrity of the District.
3. A grain/feed business previously existed at the site and there have been no known complaints.
4. The owners are not proposing any intensification of the previous use.

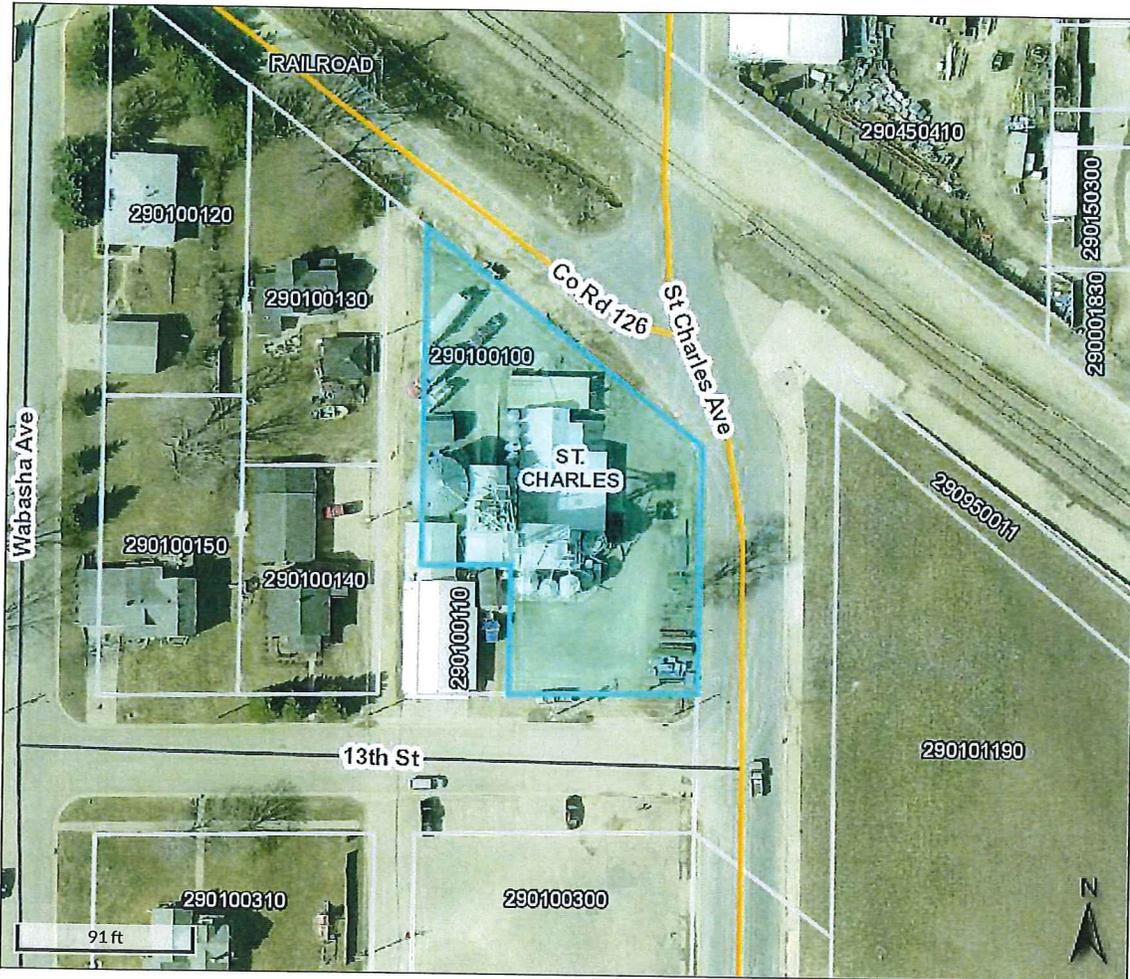
**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CHARLES, MINNESOTA ; That the owner of the property described in “EXHIBIT A and B” attached hereto, is hereby granted a Conditional Use Permit to operate an automotive repair business, subject to the following conditions:**

1. The petitioners will abide by all representations they or their agents made during the hearing process, to the extent, the Planning and Zoning Commission did not negate those representations and to the extent, they are not inconsistent with the spirit or letter of explicit conditions to the request.

Adopted this 13<sup>th</sup> day of September 2016 by the Council of the City of St. Charles, Minnesota.

\_\_\_\_\_  
**John Schaber, Mayor**

Attest: \_\_\_\_\_  
**Nick Koverman, City Administrator**

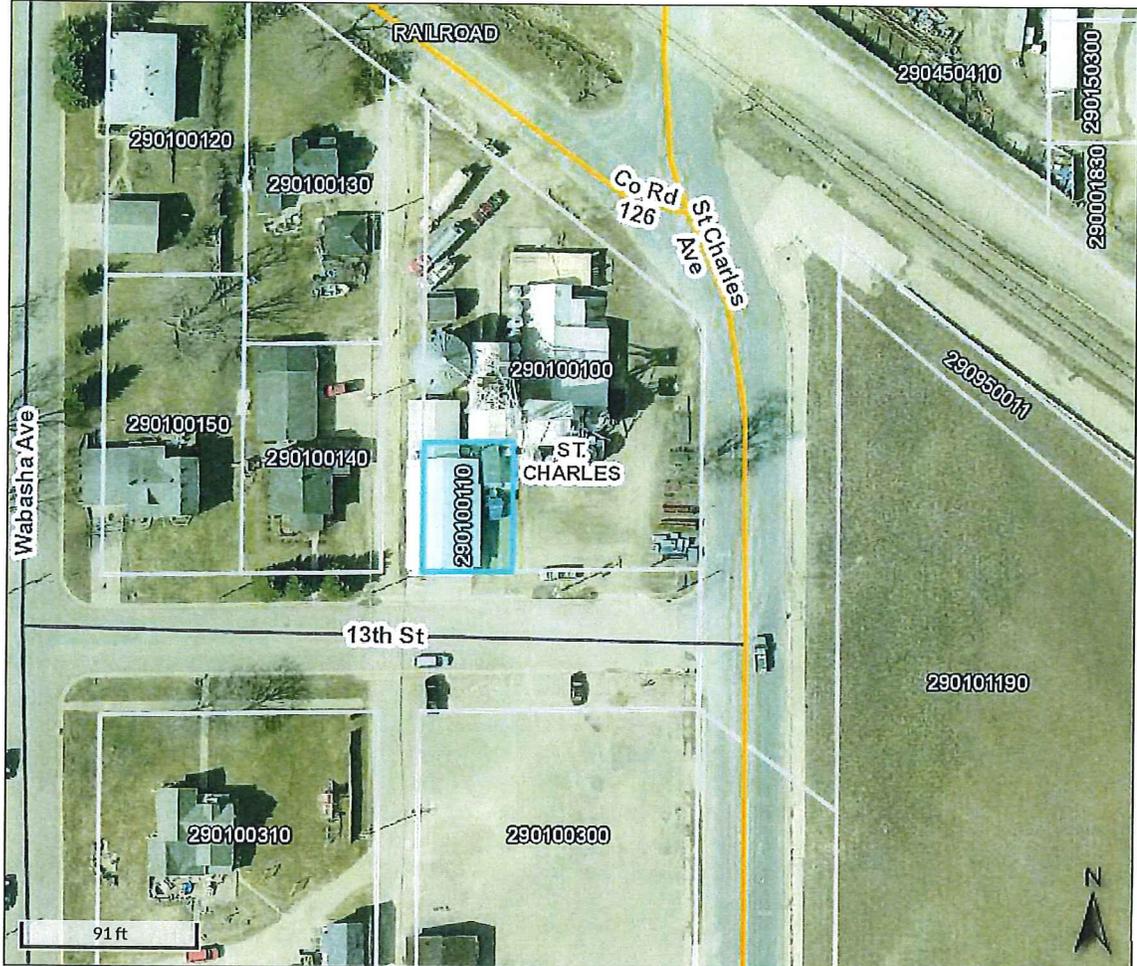


Parcel ID	290100100	Alternate ID	n/a	Owner Address	AG SPECIALISTS OF ST CHARLES
Sec/Twp/Rng	19-106-010	Class	234- INDS LAND & BLDGS		PO BOX 366
Property Address	ST CHARLES	Acreage	n/a		ST CHARLES, MN 55972
District	n/a				
Brief Tax Description	Sect-19 Twp-106 Range-010 BIRGES 1ST ADD Lot-001 Block-003 LOTS 1 & 2 BLOCK 3 EX: W 45' OF S 65' LOT 2				
	(Note: Not to be used on legal documents)				

Note: This map is created from data contained in Winona County GIS and is for reference purposes only. While significant effort has been invested to depict boundary extents as accurately as possible per existing records, this map should not be considered a replacement for professional land survey.

Date created: 8/31/2016

Developed by  
 The Schneider Corporation



Parcel ID	290100110	Alternate ID	n/a	Owner Address	AG SPECIALISTS OF ST CHARLES
Sec/Twp/Rng	19-106-010	Class	234 - INDS LAND & BLDGS		PO BOX 366
Property Address	213 13TH ST W ST CHARLES	Acreage	n/a		ST CHARLES, MN 55972
District	n/a				
Brief Tax Description	Sect-19 Twp-106 Range-010 BIRGES 1ST ADD Lot-002 Block-003 WLY 45' OF S 65'				

(Note: Not to be used on legal documents)

Note: This map is created from data contained in Winona County GIS and is for reference purposes only. While significant effort has been invested to depict boundary extents as accurately as possible per existing records, this map should not be considered a replacement for professional land survey.

Date created: 8/31/2016

## **J&S Automotive LLC**

**Proposed Location:**  
213 W 13th St.  
St. Charles, MN 55972

### **BACKGROUND**

J&S Automotive was founded in early 2015 by Shane Kastenschmidt and Jason Giem, both of whom are Automotive Technicians who have lived in St. Charles for several years. In addition to having standard diplomas in Automotive Technology, Shane and Jason have attended hundreds of hours of ongoing training to excel in their field. Both carry Master Technician certificates from the National Institute of Automotive Service Excellence (ASE). Shane is also certified by Hunter Engineering and Bridgestone and Jason specializes in auto parts and carries the Advanced Engine Performance certificate from ASE. Shane and Jason have built a good reputation in the area and wish to serve more customers and make a positive impact in the community.

### **OVERVIEW**

J&S Automotive is pursuing a permanent location in the space formerly occupied by Ag Specialists at 213 W 13th Street. We believe there is a need for an additional auto repair shop in St. Charles because:

- Other shops in town are consistently overbooked (3 days to 2+ weeks)
- Parking and convenience is an issue at the existing shops
- No one is offering repairs by ASE-Certified Master Technicians with a 2-year nationwide warranty
- No one is truly a full-service repair facility (Diagnostics, Foreign cars, Hybrids, etc)
- We want to support our community and promote eco-friendly auto repair.

The existing building would be renovated, overhead doors would be added on the Northeast corner, and parking would occupy the East side of the lot.

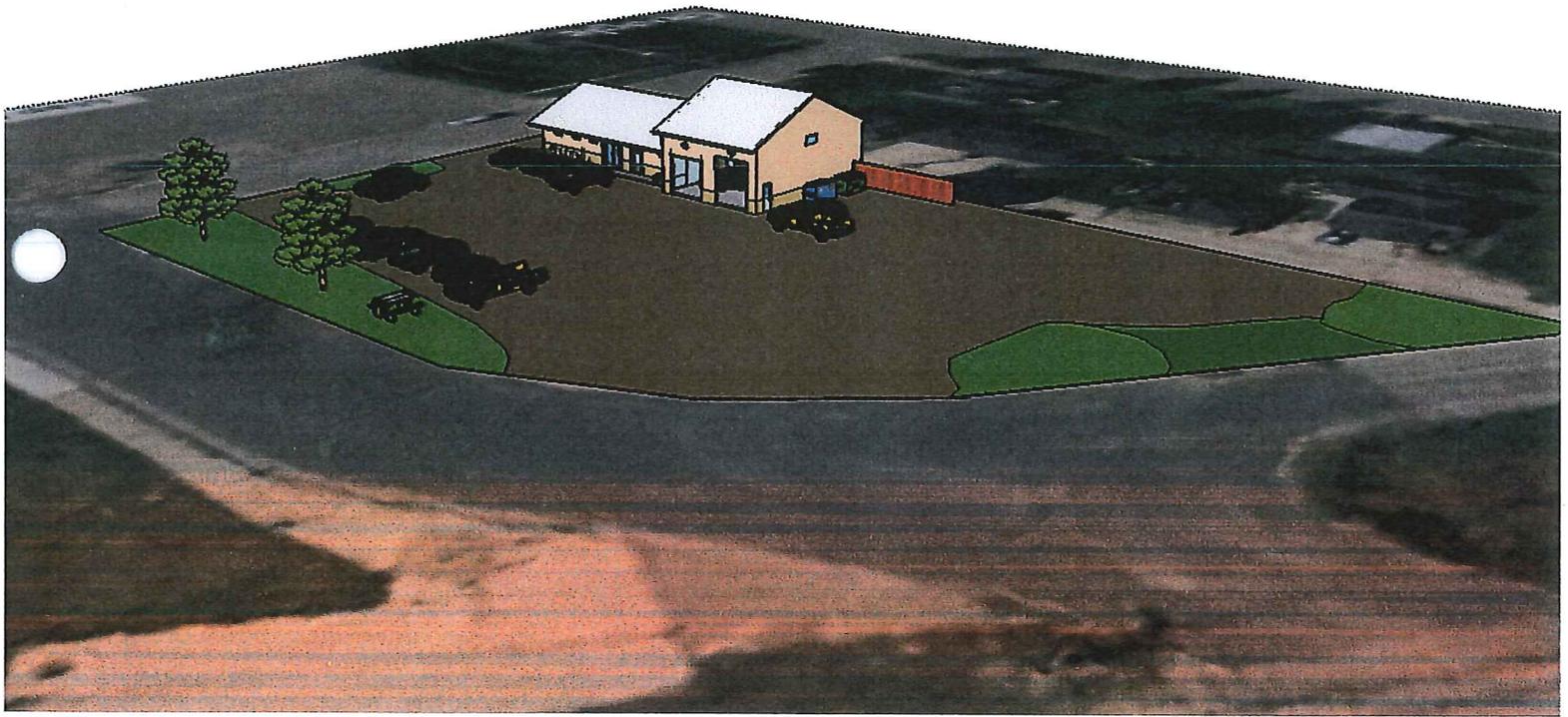
### **REZONING**

Currently the property is zoned I-1 (Light Industry) from its prior use as a grain processing facility. We are requesting a zoning change to C-1 (Commercial) with Conditional Use in order to use it as an Auto Repair shop. We feel that our improvements to the neighborhood and location would be a benefit and not detrimental to the health, safety, morals, comfort or convenience of anyone in the

neighborhood. The repair operations would be contained inside the building, keeping noise to a minimum. The service doors would face our parking area to the East. Only the parking lot would be illuminated for security purposes at night, and the building would block the majority of light from entering the residential area to the West. Traffic would consist of cars and light trucks, and would be minimal as our capacity is not likely to exceed 10-12 vehicles per day. An occasional semi or box truck may enter the lot during weekday hours to deliver parts and supplies. Our working hours would be 7:30AM to 6PM on weekdays and 8AM to 3PM on Saturdays. Our location would make it easy for customers to take advantage of the downtown area for food, shopping, entertainment, etc. while their car is being serviced. Vehicles would be parked and stored in the lot area adjacent to St. Charles Avenue, away from the building and residential areas. Since there is plenty of space, on-street parking would not be necessary. The lot would be modified to deter thru-traffic and minimize gravel dust.

## **MAKING A DIFFERENCE**

We are passionate about fixing cars and doing what's right. It is very important to us to maintain a clean, professional facility that both serves the automotive repair needs of our customers, and adds value to the community. We have many ideas for our community involvement program, ranging from highway cleanup, scholarships for forward-thinking students, and collecting for the local food shelf.





To: St. Charles City Council

From: RMTD, LLC

We are requesting for your approval for an off- site 20KW Solar panel system for St. Charles Assisted Living building one. Address 402 West 4<sup>th</sup> Street meter/account number 12-00009139-00-1 We are also requesting another 20KW solar panel system for St. Charles Assisted building two, address 406 W 4<sup>th</sup> Street. Meter/account number 12-00009139-01-4 Both systems will have the potential to grow to 40KW systems when finances allow.

The reason we are asking for these panels to be on an off- site area, is because they would hinder the view for our residents and they would not incorporate into our ascetics Also placing them on the roof of our buildings would cause other issues like, requiring us to re- roof and re –design the roof venting. It would not compliment the look of our building.

We believe the site we have chosen is best suited for this because it will not hinider any future development and it would not obstruct and ones views now or in the future. This location is near a main power line which is a perfect fit.

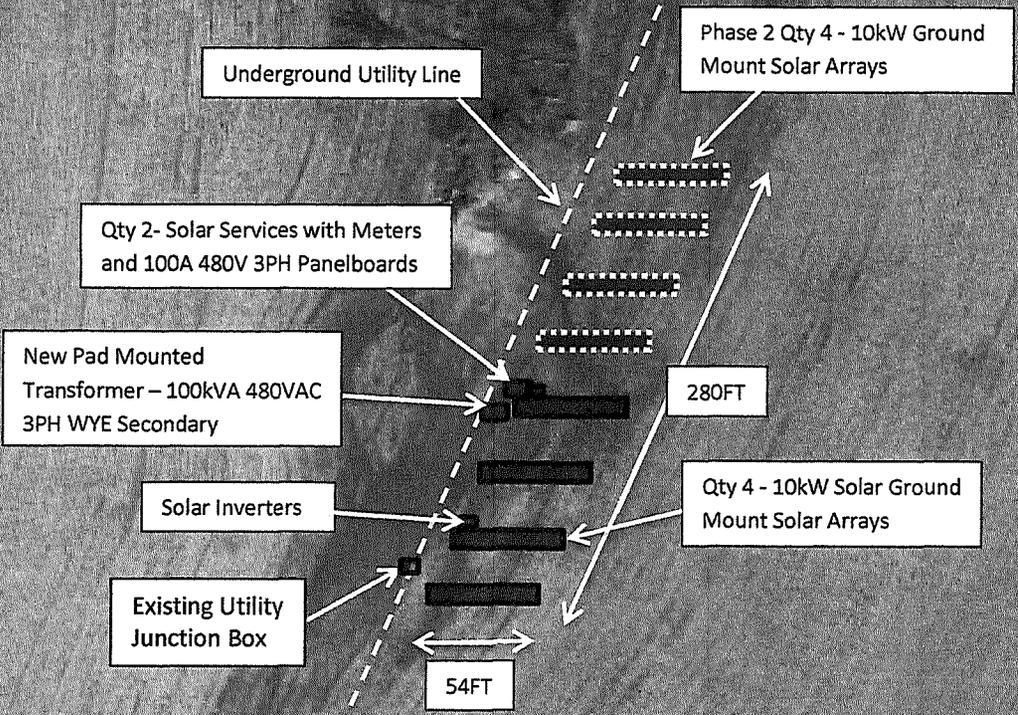


**Customer: RMTD LLC**

**Address: St. Charles, MN 55972**

**Installer: MinnSolar LLC**

# Site Plan



## System Details:

### Project Phase #1 - 40kW (41,600W) Ground Mount Solar Array

- QTY 128 SolarWorld SW325 modules, 72 Cell
- QTY 2 - SolarEdge SE20kW - US Inverter, 480VAC 3PH
- QTY 68 - Solar Edge P700 Optimizers
- QTY 4 - Schletter Ground Mount Racking System

### Project Phase #2 - 40kW (41,600W) Ground Mount Solar Array

- QTY 128 SolarWorld SW325 modules, 72 Cell
- QTY 2 - SolarEdge SE20kW - US Inverter, 480VAC 3PH
- QTY 68 - Solar Edge P700 Optimizers
- QTY 4 - Schletter Ground Mount Racking System



**8/25/16 by MinnSolar LLC**



FILE: \_\_\_\_\_

DEVELOPER/INSTALLER: \_\_RMTD LLC

CONTACT REP: \_\_\_Red and Terry Soppa

PHONE NUMBER: \_\_\_\_\_

DATE: \_\_\_9/13/2016\_\_\_\_\_

ST. CHARLES UTILITY CUSTOMER: \_\_RMTD LLC, Assisted Living\_\_\_\_\_

ADDRESS: \_Location of meters that the monthly energy measured will be reduced by the production of the energy produced by the solar array - 402, 406 West 4<sup>th</sup> St., St. Charles, MN. Location of solar array - Sect-29 Twp-106 Range-010 15.55 AC THAT PART S 1/2 NW 1/4 AS DESCRIBED IN M.F. #479349 EX: 15.10 ACRES (ST CHARLES REAL ESTATE LLC) EX: 0.55 ACRES

### AGREEMENT FOR GRID CONNECTED ALTERNATIVE ENERGY SYSTEMS

THIS AGREEMENT made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between The City of St. Charles Electric Utility, a Minnesota Municipal Electric Utility with its principal place of business in St. Charles, Minnesota, ("Municipal") and RMTD LLC, an individual business residing at 402 and 406 W 4<sup>th</sup> St., St. Charles, Minnesota ("Consumer");

WITNESSETH:

WHEREAS, Municipal is a municipal electric utility and provides electric utility service at retail to - consumers in its assigned service area; and,

WHEREAS, Consumer purchases electric power and energy from Municipal; and,

WHEREAS, Consumer owns and operates a qualifying generator or small power production facility ("QF") under the Public Utility Regulatory Policies Act of 1978 ("PURPA") and desires to purchase from Municipal emergency and backup electric utility service and to sell excess electric power and energy generated by its QF, and to interconnect with the electric distribution system of Municipal in order to do so; and, Customer has provided the Distributed Generation Application forms with the required information to the Municipal and received written permission from the Municipal to interconnect with the Municipal's distribution

WHEREAS, the Municipal has adopted an **Ordinance Establishing Regulations Concerning Alternative Energy Systems** that permits Consumer to 1) sell all of the energy produced by the QF to the Municipal, 2) use all the QF distributed generation energy to meet its own electrical requirements, or 3) use a portion of the energy from the QF distributed generation system to meet its own electrical needs and sell the remaining energy to the Municipal; and,

WHEREAS, the QF is located at a different location than the business (Assisted Living) and the Municipal has agreed to allow this non-standard installation where the QF is located at a remote location and the monthly energy measured at the business will be reduced by the QF energy measured at the meter located at the location of the QF and this non-standard installation is only approved for this installation; and,

WHEREAS, the Parties desire to set forth the terms and conditions pursuant to which the Consumer's QF will be interconnected, service shall be provided by Municipal, and QF production shall be sold to Municipal and netted against the service provided by Municipal at the Assisted Living business location;

IT IS, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS HEREINAFTER SET FORTH, AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

**A. Electric Service Provided to Member**

1. Municipal shall furnish, sell and deliver to Consumer, and Consumer shall purchase from Municipal all of the electric power and energy which Consumer may need at the Consumer's location at 402 and 406 W. 4<sup>th</sup> St., St. Charles, Minnesota, subject to the remaining provisions of this Agreement.

2. Electrical service provided by Municipal shall be alternating current, single phase, 60 cycles, 120/240 volts.

3. Consumer shall not use the electric power and energy furnished pursuant to this Agreement as an auxiliary or supplement to any other source of electric power and energy, other than that generated by the Consumer's QF located on its premises, and shall not resell electric power and energy purchased hereunder.

4. Consumer shall pay Municipal for service at the rates and upon the terms and conditions set forth in the Municipal's applicable rate schedule, less any net metering credits as described herein.

5. The initial billing period for purposes of this Agreement shall commence on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

6. Bills for service hereunder shall be paid at the office of the Municipal in St. Charles, Minnesota. Such payment shall be due on such dates as set forth in the Municipal's tariff.

7. Municipal may change the rate for service provided under this Agreement in accordance with the Minnesota State Statutes. In said event, Municipal shall provide Consumer with written notice of such rate modification in accordance with the Municipal rules.

**B. Interconnection Requirements**

All facilities shall meet the requirements to be eligible for interconnection pursuant to the terms and conditions as set forth in the Municipal's tariff and the State of Minnesota Distributed Generation Interconnection Requirements.

**C. Metering Equipment**

The meter socket shall be provided by the Consumer. A special meter (dual register or bi-directional) required for measuring the net energy shall be provided by the Municipal and the additional cost of the special metering equipment required for the interconnection shall be paid in advance of the installation by the consumer. The consumer shall be responsible for all metering costs.

**D. Charges for Service**

The consumer shall be responsible for payment of any applicable metering and other distribution equipment required for the interconnection. The consumer shall pay for the interconnection costs prior to interconnecting the QF to the Municipal.

**E. Billing and Rate**

The billing period and rate for the sale of electricity to the Consumer shall be the same as specified by the applicable rate tariff that the consumer is assigned based on the Municipal rules and regulations. For QF less than 40 kW, the consumer shall be compensated for net input by the QF into the utility system at the average retail utility energy rate as required by the Minnesota Statutes 216B.164, Cogeneration and Small Power Production where the net input shall be calculated by subtracting the output of the QF at the Municipal metering point from the energy measured at the Municipal meter at the location of the Assisted Living business. The average retail energy rate is defined by the quotient of the total annual class revenue from sales of electricity minus the annual revenue resulting from fixed charges, divided by the annual class kilowatt-hours sales for the applicable retail rate for energy. For a QF having 40 kW or greater capacity, the consumer shall be compensated for net input by the QF into the utility system at the full avoided capacity and energy costs as negotiated by the Consumer and Municipal, as required by the Minnesota Statutes 216B.164, Cogeneration and Small Power Production. The timing of payments to the Consumer for energy sold to the Municipal is subject to annual review.

**F. Miscellaneous.**

1. This Agreement shall be subject to all federal and state laws and regulations relating to allocation of power.

2. This Agreement shall become effective on the date and year first above written, and it shall remain in effect for a term of two (2) years from and after the commencement of the initial billing period. This agreement shall thereafter continue for successive terms of one (1) year each, unless terminated by either party giving the other not less than three (3) months' written notice of its desire to terminate this Agreement.

3. This Agreement shall be binding upon the parties, and upon their respective successors and assigns.

4. The Municipal reserves the right to disconnect the Customer's generator from its system if it interferes with the operation of the Municipal's equipment or with the equipment of other Municipal Customers

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the day and year first above written.

St. Charles Electric Municipal

By \_\_\_\_\_  
City Administrator

ATTEST:

\_\_\_\_\_  
Secretary

CONSUMER

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Attachments:

City of St. Charles Ordinance No. 547; An Ordinance Establishing Regulations Concerning Alternative Energy Systems

Completed form - State of Minnesota Generation Interconnection Agreement

Copy of Engineering letter approval for interconnection

**RESOLUTION NO. 22-2016**

**RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF ST. CHARLES ON BEHALF OF ITS CITY ATTORNEY AND POLICE DEPARTMENT**

WHEREAS, the City of St. Charles on behalf of its Prosecuting Attorney and Police Department desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreements further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED by the City Council of St. Charles, Minnesota as follows:

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of St. Charles on behalf of its Prosecuting Attorney and Police Department, are hereby approved.

2. That the Chief of Police, Ken Frank, or his successor, is designated the Authorized Representative for the Police Department. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, [\_\_name or position name] is appointed as the Authorized Representative's designee.

3. That the Winona County Attorney, Karin Sonneman, or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, [\_\_name or position name] is appointed as the Authorized Representative's designee.

4. That John Schaber-, the Mayor for the City of St. Charles, and Nick Koverman, the City Administrator, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 13th day of September, 2016.

CITY OF ST. CHARLES

\_\_\_\_\_  
By: John Schaber  
Its Mayor

ATTEST: \_\_\_\_\_  
By: Nick Koverman  
Its City Administrator

**Request for City Council Action**

Date: September 9, 2016

Requested Council Date: September 13

Originating Department: Police

Council Action Requested: Approve promotion of Colton Herman to Full-time position

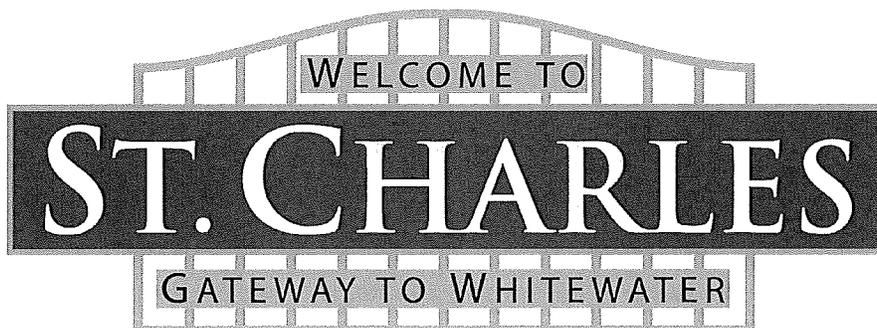
Background Information:

Position was vacated in January of 2016 when Officer Jerry Agin accepted employment with the Minnesota State Patrol. We advertised to fill this position in several area newspapers and with the MN POST Board. 26 eligible applications were received and we interviewed 10, all of which had experience working as a police officer in the state of MN and they also completed a written test. The interview board consisted of myself, Administrator Koverman and Olmsted County Deputy Michelle Ness. We recommend the promotion of part-time Officer Colton Herman to fill this full-time position.

Officer Herman began employment with the City of St Charles as a Part-time officer in June of 2015. He is a 2012 graduate of John Marshall High School. In June of 2014 he received an Associate's Degree in Law Enforcement from Rochester Community Technical College and in December of 2015 was awarded a Bachelor of Science Degree from Winona State University in Sociology/Criminal Justice.

Since his employment with the City of St Charles he has regularly been scheduled and has worked routine patrols, investigated a wide variety of crimes, enforced code violations and has helped train other officers in basic law enforcement functions. He has also been active in community policing and has been engaged with local businesses and citizens.

Our recommendation is that he begins at the second step of the Union pay scale at a rate of \$22.76/hr and this promotion would be effective Oct 2<sup>nd</sup> of this year.





**Request for City Council Action**

