

MINUTES of the ST. CHARLES CITY COUNCIL
For Tuesday, May 13, 2014 held at 7:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota

MEMBERS PRESENT:

Councilmen:
John Schaber
Dave Braun
Orv Dahl
Wayne Getz
Bill Spitzer

MEMBERS ABSENT:

None

STAFF PRESENT:

Ken Frank (Police Chief), and Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: Skip Fort, Deb Fort, Steve Jacob (County Commissioner), Erlene Welshons, Mike Worke, Mark Roubinek (St. Charles Schools Superintendent), Cathy Groebner, Dan White, Brian Todd (PB), and Craig Hilmer (Press).

1. ESTABLISH QUOROM/CALL TO ORDER

Quorum was established with Mayor Bill Spitzer calling the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL of the AGENDA: Additions: 7i. County Board Update. 9a: Resolution #13-2014 Call For Public Hearing Business Subsidy.

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

No Discussion.

Motion carried.

4. MEETING MINUTES:

-April 8, 2014

Motion to approve: **John Schaber**

Motion carried.

-April 22, 2014

Motion to approve: **Dave Braun**

No discussion.

Motion carried.

5. APPROVAL of the MAY PAYABLES

Motion to approve payables: **Wayne Getz**

6. Notices and Communications.

7. Reports of Boards and Committees: Various reports were given by Council. Commissioner Steve Jacob provided the Council with an update on support recently granted to the local Resource Center, he provided a brief update on the recycling program, as well as the Comprehensive Plan update. In addition, he asked the Council for the input on a proposed ATV usage within city limits. He expressed his support of ATVs in the county and was holding discussions to move that forward. He provided a brief update on the proposed improvements to the County Highway Department shops in Utica and Elba. Mayor Spitzer asked about discussion on a social host ordinance, but Mr. Jacob was not aware of any discussion at this time.

8. Old Cartway/Culvert Discussion. Admin. Koverman briefly reviewed for the Council the item discussed at the last meeting and invited Mr. Engstrom to report on his findings. Mr. Engstrom expressed that a precursory review of the project had been performed without going onto private property and he summarized that replacing the city's culvert that runs under the cartway of approximately 20' and the private culvert that extends off of the original culvert with a single culvert would be proposed. The culvert would be installed at a greater depth in order to account for the building elevation and grade necessary. He suggested that without closer study that a 36 inch pipe in their estimation would provide the necessary relief. He also recommended to the Council that regardless of the size of culvert installed, it would be in the City's best interest to acquire a drainage easement from Mr. Fort for construction and maintenance of the new culvert. He would also recommend that with any culvert installation it is customary to design a swale or overflow area across the road in the event that a similar instance of the pipe freezing ever occurred again. No further questions were asked of Mr. Engstrom. City Attorney Chris Hood reported to the Council his review of past Court rulings/findings. The review established what he felt was a common law dedication of right of way through some level of maintenance. He outlined potential options for the Council including the proposals to improve the culvert and expressed that it recommended and customary when investing public dollars onto private property that a drainage easement be secured in order to operate and maintain a culvert. With respect to the cartway itself, Mr. Hood stated that there is a great deal of legal authority that would permit the city council to move forward with the vacation if they so choose to do so. No further questions were asked. Mayor Spitzer addressed Mr. Fort and asked him if he would be agreeable to a drainage easement as it was explained. Mr. Fort stressed his focus on being mindful of tax money used and offered the idea of recycling the same culverts. Mayor Spitzer addressed the issue of the drainage easement stating that it had been presented as the best route and would allow the city to continually maintain the drainage way. Mr. Fort expressed his reservation. Mr. Hood addressed his concern and relayed that it is a common practice and nothing new. Mr. Fort referred to his list of items and stated that he wanted Neil Britton from Widseth Smith Nolting to perform the engineering work and that he would work with Clm. Braun. Mayor Spitzer again questioned Mr. Fort if he would be willing to sign the easement agreement and Mr. Fort acknowledged his agreement. Mayor Spitzer then moved to the request for a second engineering firm to provide an estimate with the stipulation that the city engineer would review any work performed. Clm. Schaber expressed that he would be in favor of a second bid or estimate. Clm. Braun expressed he simply wanted it done right the first time. Mr. Fort then expressed that Steve Pearson would perform the work and all costs would be paid by the City. Admin. Koverman expressed he had already been in contact with Mr. Britton and would relay the council's request for an estimate. He also added that a survey would need to be completed on the proposed drainage easement and that WHKS would perform that function to add to the legal description. It was acknowledged by Council. No further discussion was held. Information will be brought back to the Council as soon as work is completed.

9. Resolution #11-2014 Tiff Modifications NO. 1, No. 1-7, No. 1-8. Admin. Koverman highlighted the modifications that were needed for potential projects that will be presented at future meetings. The resolution established the public hearing dates for those proposed modifications.

Motion to approve: **John Schaber**

Seconded by: **Orv Dahl**

No further discussion.

Motion carried.

9a. Resolution #13-2014 Call for a Public Hearing Business Subsidy. Admin. Koverman stated that the resolution for scheduling the public hearing for a business subsidy was in case the company requested the assistance through a business subsidy and rather than hold up the process, this item could be done at the same time. Council agreed.

Motion to approve: **Wayne Getz**

Seconded by: **Dave Braun**

No further discussion

Motion carried.

10. Commercial Loan Rehabilitation Requests. Admin. Koverman highlighted two requests that were approved by the Economic Development Authority. One was from Precision Auto and the second was from State Farm. Both

projects qualified under the guidelines for the maximum amount for \$10,000. A motion was made to approve both requests.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

11. Resolution #10-2014 Smith Assessment of Sidewalk. Admin. Koverman reviewed the past project and indicated the residents had signed the assessment agreement and petition. A motion was made to approve the assessment.

Motion to approve: Orv Dahl

No further discussion.

Motion carried.

12. Part-time Police Officer Recommendation. Chief Frank addressed the Council presenting the two names of Allison Jones and Talman Wiles. He briefly highlighted their qualifications and experience.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

13. Resolution #12-2014 MnDOT Transit Request. Admin. Koverman highlighted for the Council the results of the community survey for the interest expressed for the desire for more public transit. He also reviewed information presented at a joint meeting of how the process would be set up and the City's costs to participate. The initial cost for capital and operation would be approximately \$20,000 per community. Moving forward, the City would be responsible for contributing to a replacement bus every 5-7 years, but operationally, the amount would decrease from the initial \$9400 as usage increased. The expressed intention is that usage and fairs would help to eventually offset the costs of operation thereby reducing the city's obligation. Another avenue Koverman expressed that he discussed with the committee was looking for businesses who may advertise on the sides of the bus. This revenue could be used to offset a city's responsibility. Erlene Welshon was present from the SEMCAC bus service and helped to answer questions specific questions. She highlighted that the two proposed passenger buses would seat 16 with 2 wheel chair available spots with the wheelchair assist. A Transportation Advisory Committee (TAC) would be established to design the program, but that typically the service is M-F 8-4 p.m. or because of after school survey result needs, the program may look to go 9-5 p.m. She stated that the life expectancy of a bus is 7 years or 150,000. They are inspected every 2 years. Designated locations into Rochester include Olmsted Medical, Mayo, Walmart South and Apache Mall. Clm. Braun expressed that he felt it was a good program and council agreed. Council discussed how this option was discussed several years ago, but the route only went into Winona and not Rochester where residents wanted it to go. Admin. Koverman explained that the resolution was support the application of SEMCAC to MnDOT. Funds for the project would need to be budgeted for 2015. Because the process has not begun yet, Admin. Koverman expressed that while he does not have a specific area of where the funding would come from, if the Council felt this was something that was needed, the allocation would be found. A motion was made to approve Resolution #12-2014 MnDOT Transit Request.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

14.EMS Building Schedule/Open House. The Council discussed putting an advertisement in the newspaper talking about the public hearing that will be held May 27. In addition, the EMS open house will pass out information on the proposed EMS building.

15. St. Charles/Whitewater Trail. Admin. Koverman briefly highlighted a recent meeting with Department of Natural Resource representatives who informed the City that the various options that had been proposed as options into the park would not be possible. A representative will be in attendance at the May 27th meeting to discuss some of the reasoning's as well as next steps.

16. P&Z Resignations. A motion to accept the resignations of Brent Kemple and Jeff Doberstein after a brief discussion was made.

Motion to approve: **John Schaber**
No further discussion.
Motion carried.

17. 2014 Summer Staff List. The list was presented to the council for temporary seasonal workers. A motion to approve the list was made.

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

18. 2014 Gladiolus Days Button Contest Winner. It was announced that Thomas Howard was the recommended winner of the 2014 Gladiolus Days button contest.

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

19. Whitewater Triathlon Request. Admin. Koverman reviewed a request from the organizers of the 2nd Annual Whitewater Triathlon event to be held July 4. After meeting with the organizers, the request for police assistance in helping to cross Whitewater Avenue was made. In working with the police department, Chief Frank expressed that it would not be a problem to have extra officers that day to assist. A motion was made to approve the request.

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

20. City Brochure-EDA Cost Share. Admin. Koverman reviewed the recommendation of the EDA to cost share with the new city brochure of \$1,500 in the producing of a new brochure. It was believed that the Chamber would also participate in the cost share to make it affordable for local businesses to advertise. A motion to approve the cost share of \$1,500.00 was made.

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

A motion was made to close the meeting for consideration of offers/counteroffers for the purchase or sale of real or personal property related to 442 St. Charles Avenue and 848 Church Avenue. Supt. of Schools Mark Roubinek was in attendance.

Motion to close at 8:22 p.m.: **John Schaber**

The closed session opened at 8:25 p.m.

A motion was made to reconvene the open meeting at 8:53 p.m.: **John Schaber**

Upon opening Mayor Spitzer announced that the City was not interested in the properties at 442 St. Charles Avenue and 848 Church Avenue at this time.

UNSCHEDULED PUBLIC APPEARANCES:

None.

Clm. Braun asked about one culvert maintenance at 15th Street and cleanup of a culvert under the railroad.

Motion to adjourn at 8:55 p.m.

Motion to approve: **Wayne Getz**

Motion declared carried.

William J. Spitzer, Mayor

Attest: _____
Nick Koverman, City Administrator