



The City Council of the City of St. Charles welcomes you to its
Regular Meeting of Tuesday, December 13, 2022 at 6:00 p.m. at
830 Whitewater Avenue, City Council Chambers, St. Charles, MN

ITEM	ACTION REQUESTED
1. Call to Order	
2. Pledge of Allegiance	
3. December 13, 2022 - Agenda	APPROVE
4. Meeting Minutes	APPROVE
a. November 9, 2022 (TBD)	
b. November 22, 2022 (TBD)	
5. December Payables	APPROVE
6. Notices and Communications (if applicable)	INFORMATION
a. Library – Upcoming Events	
b. Construction Management Services Merger	
7. Reports of Boards and Committees:	INFORMATION
a. Administrator’s Report	
b. Public Works Superintendent Report, Kyle Karger	
c. Chief of Police Report, Jose Pelaez	
d. Library Board Report, David Kramer	
e. Park Board, Dave Braun	
f. Planning & Zoning, Wayne Getz	
g. EDA, Wayne Getz	
h. School Board, John Steffel	
8. 2023 Truth In Taxation Presentation	HOLD
9. Recommendation to Hire City Administrator Andrew Langholz	APPROVE
10. Reappointments/appointments (P&Z & Library)	APPROVE
11. RCA – Zoll Mount Purchase	APPROVE
12. RCA – Ambulance Updated Truck Quote Change	APPROVE
13. RCA – Library A/C Condensing unit	APPROVE
14. Pay Request #3 – Whitewater River Restoration, Phase 1	APPROVE
15. Second Readings of the following Ordinances:	
a. Ordinance #641 Amending Water Rates (2nd Reading)	APPROVE
b. Ordinance #642 Amending Electrical Rates (2 nd Reading)	APPROVE
c. Ordinance #643 Amending Storm Water Rates (2 nd Reading)	APPROVE
d. Ordinance #644 Amending Sewer Rates (2 nd Reading)	APPROVE
16. Approval of the following resolutions:	
a. Res. #48-2022 Accepting a Library Donation from SCACF	APPROVE
b. Res. #49-2022 Waste Management 2023 Rates	APPROVE
c. Res. #50-2022 Setting Abatement Hearing – Southfork Addition Fifth	APPROVE
d. Res. #51-2022 Approving Cigarette Licenses	APPROVE
e. Res. #52-2022 Approving Liquor Licenses	APPROVE
f. Res. #53-2022 Approving Labor Contract with IBEW	APPROVE

17. First Reading of the following Ordinances:

- | | |
|---|----------------|
| a. Ord. #645 CBD Mixed Use (1st Reading) | APPROVE |
| b. Ord. #646 Downtown Parking (1st Reading) | APPROVE |
| c. Ord. #647 Downtown Residential Parking (1st Reading) | APPROVE |
| d. Ord. #648 Accessory Structures (1st Reading) | APPROVE |
| e. Ord. #649 Apartment Zoning District (1st Reading) | APPROVE |

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

ADJOURNMENT



**MEMORANDUM for the CITY COUNCIL of St. Charles for
Tuesday, December 13, 2022**

- 8. 2023 Truth In Taxation Presentation:** City Accountant, Melissa Krusmark, will be present to provide the 2023 Truth In Taxation Presentation. (PLEASE NOTE: This presentation will not cover any property evaluations or assessments. Please contact the County Assessor for questions related to value.)
- 9. Recommendation to Hire City Administrator Andrew Langholz:** Consider Recommendation from the City Council Appointed Interview Committee to Hire Andrew Langholz as the New City Administrator (Consider Employment Agreement).
- 10. Reappointments/appointments (P&Z & Library):** The following appointments/reappointments are requested: Library (Shelly Stowell/1-year term) and P&Z (Mike Schaber/3-year term).
- 11. RCA – Zoll Mount Purchase:** Ambulance Director, Matt Essig, has provided a quote and information for a mount to secure the Zoll Defibrillator in the Ambulance. Please see the enclosed information for consideration and approval.
- 12. RCA – Ambulance Updated Truck Quote Change:** Please see the enclosed request for your consideration and approval.
- 13. RCA – Library A/C Condensing unit:** Please see the enclosed request and quote from WHV, Inc. for consideration and approval for the purchase of a new condensing unit for the St. Charles Public Library.
- 14. Pay Request #3 – Whitewater River Restoration, Phase 1:** A pay request has been submitted by Sunram Construction, Inc. and reviewed by WHKS Engineers for payment.
- 15. Second Readings of the following Ordinances:** Please see the following enclosed ordinances for approval of second readings.
 - a. Ordinance #641 Amending Water Rates (2nd Reading)
 - b. Ordinance #642 Amending Electrical Rates (2nd Reading)
 - c. Ordinance #643 Amending Storm Water Rates (2nd Reading)
 - d. Ordinance #644 Amending Sewer Rates (2nd Reading)

16. Approval of the following resolutions: Please see the included resolutions for consideration.

- a. Res. #48-2022 Accepting a Library Donation from SCACF
- b. Res. #49-2022 Waste Management 2023 Rates
- c. Res. #50-2022 Setting Abatement Hearing – Southfork Addition Fifth
- d. Res. #51-2022 Approving Cigarette Licenses
- e. Res. #52-2022 Approving Liquor Licenses
- f. Res. #53-2022 Approving Labor Contract with IBEW

17. First Reading of the following Ordinances: The Planning & Zoning Commission held Public Hearings on December 8th, 2022, for the following ordinance updates. These ordinance updates are enclosed for approval of first readings.

- a. Ord. #645 Central Business District Mixed Use (1st Reading)
- b. Ord. #646 Downtown Parking (1st Reading)
- c. Ord. #647 Downtown Residential Parking (1st Reading)
- d. Ord. #648 Accessory Structures (1st Reading)
- e. Ord. #649 Apartment Zoning District (1st Reading)

ATTENTION ALL LIBBY USERS!

In addition to the collections of SELCO & Rochester Public Library, you now have access to eBooks and eAudiobooks from
Traverse des Sioux

That's three libraries with
one library card!!

Questions? Call your local
library for more information.



Libby.

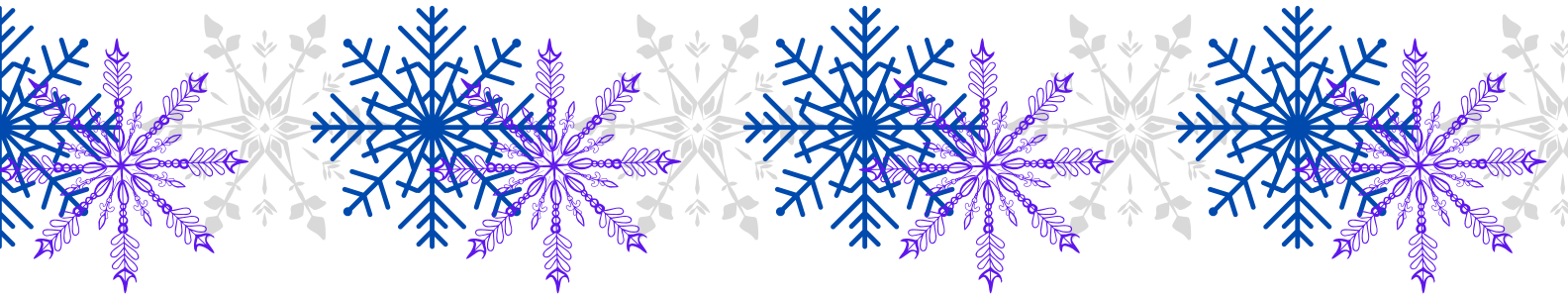
The library reading app



Hot Reads for Cold Nights

January 3 – March 31

(A Winter Reading Program for Teens and Adults)

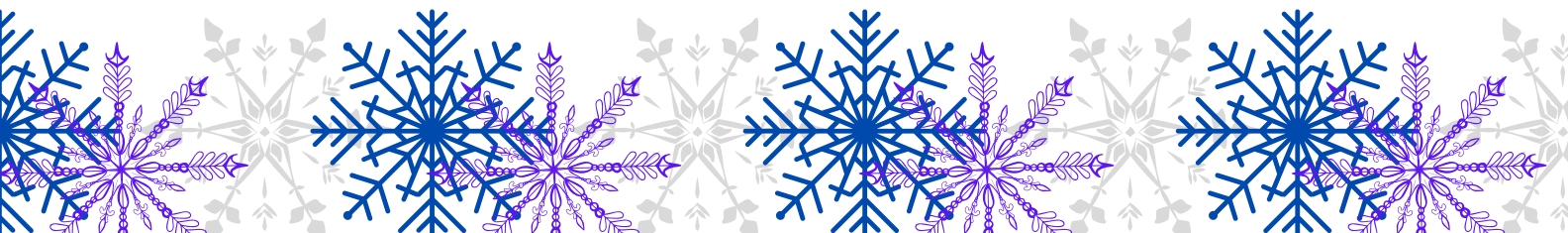


Monthly Prize Drawings

- Keep track of the books you read using a special bookmark provided at the St. Charles Public Library
- For every three books you read, you can enter your name into a monthly drawing

Book Bingo

- Read outside of your comfort zone. Select books according to the themes listed on a special Book Bingo sheet provided at the St. Charles Public Library
- For every Bingo, you can enter your name into a monthly drawing
- Earn a prize by getting a blackout



COFFEE & CONVERSATION

MONDAYS
10:30 - 11:30 AM

**WEEKLY at the St. Charles
Public Library**

**Join us every Monday morning for FREE coffee,
while connecting with others in the community**

UPCOMING GUEST SPEAKERS:

Monday, December 12
Hanna Elshoff

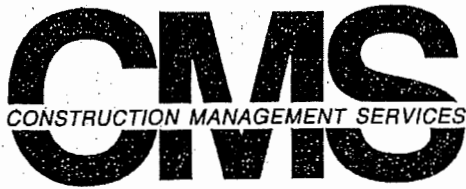
At the age of 72, Hanna Elshoff toured the United States on her electric assist bicycle. She later documented her trip in her book, "Hanna's Dream Ride."



Monday, January 9
SPAM® Museum Virtual Tour

Over Zoom, a SPAM™bassador will lead a tour of the SPAM® Museum in real time. They will also share the history of SPAM®, Hormel, and the city of Austin, and how SPAM® is used around the world.





1700 North Broadway • Suite 128
Rochester, MN 55906
507-282-8206 • FAX 281-0391

December 1, 2022

TO: Clients of Construction Management Services
FROM: Jay & Jude Kruger

This letter is to inform you that effective January 1, 2023, Construction Management Services will merge with WSE Engineering Services, Ltd., led by their CEO/President, Tom Wiener.

CMS will continue to operate as usual, and Jay Kruger will continue to be your designated Building Official for the foreseeable future.

All contact information will remain the same; with the only functional change being letterhead and the billing process. Starting January 2023, you will be receiving your monthly statement from our merged entity called, "CMS, a division of WSE MASSEY Engineering & Surveying, Ltd." Although we don't anticipate any issues, we ask for your cooperation in working through any minor changes related to this merger.

We thank you for your past patronage. It has been a rewarding experience working with you and all the staff members for the past 22 ½ years. We are excited about this merger, for it allows us to continue to offer our 22+ years of experience to your community, while putting in place a structure to sustain the level of quality service you have grown to expect. We do not take your business for granted and are hopeful to continue to earn the opportunity to serve you.

As previously stated, there will be minimal functional change; however, we would appreciate the opportunity to sit down with you and discuss any concerns you may have, as well as introduce you to some of the new leadership that has joined our team. Over the next several months, Jay will be reaching out to each of you see if we can schedule a time to meet with you.

Sincerely,

A handwritten signature of Jay Kruger in black ink, written over a horizontal line.

Jay Kruger

A handwritten signature of Jude Kruger in black ink, written over a horizontal line.

Jude Kruger

St. Charles Police Department
830 Whitewater Ave.
St. Charles, MN 55972
Chief, Jose Pelaez #601
(507) 932-8020



December 13, 2022

- Through the month of November, Officers completed POST-mandated *True North Constitutional Policing (PATROL)* training. This course helps reminding officers to hold the Constitution as their base guide when taking actions and making decisions during their tour of duty.
- Through the month of November, Officers completed POST-mandated *Wellness and Emotional Resilience (PATROL)* training (Part 1 of 2). This course will help officers better understand wellness and be proactive in managing their mental and physical health.
- Through the month of November, Officers completed OSHA-mandated *Personal Protective Equipment (PATROL)* training.
- November 14th-18th, Chief Pelaez attended the Law Enforcement Executive Development Association (LEEDA), *Executive Leadership Institute* course held at the Eden Prairie Police Department.
- Record Management System (RMS): Winona County is transitioning to a new RMS system.

Respectfully submitted,

Chief, Jose Pelaez



December 7th, 2022

The City of St Charles, MN is pleased to announce the selection of four finalists for the city administrator position. The candidates are Andrew Langholz, Joe Stremcha, Steve Sarvi, and Mark Vahlsing.

The City contracted with South Central Service Cooperative of North Mankato to direct the search process. The City Council received thirteen applications from which four candidates were selected.

The City Hiring Committee held interviews on December 6th. The Hiring Committee has directed Mike Humpal, Manager of Local Government Solutions, to contact the selected candidate and make an offer as directed by the hiring committee and negotiate an employment agreement. The City Council hopes to approve and appoint the selected candidate to the City Administrator position at its regular December 13th City Council meeting.

On Wednesday afternoon, December 7th, Andrew Langholz accepted the City's offer to become the next City Administrator of St. Charles. Andrew's start date will be mid to late **January**.

Andrew Langholz: has over 8 years of local government experience, all as a City Administrator. Andrew has 3 years as an intern in various Minnesota cities. He holds a BS in Urban and Regional Studies and a Master's Degree in Public Administration. Andrew is currently working in the City of Blooming Prairie, MN where he has been since 2019.

For questions contact Mike Humpal, Manager of Local Government Solutions at 507 236 7651.

**Request for City Council Action**

Date: November 30, 2022

Requested Council Date: December 13, 2022

Originating Department:

Council Action Requested: Approval of Zoll Mount Purchase

Background Information:

The attached quote and information is for a mount to secure the Zoll Defibrillator in the Ambulance. MN Statue 144E.103 Subdivision 3 requires us to have all equipment properly secured. Today we have the monitor sit on a seat across from the stretcher with a seatbelt attached. This works while responding to the scene but makes it difficult for the monitor to remain secured during transport especially if there is more than 1 EMT providing care in the truck. This mount would bolt to the counter and allow the monitor to remain secure during response and transport so crew can safely and efficiently carry out their job duties. The total price for the mount is: \$959.00 + shipping costs. Funding would come from the remaining balance of the Compeer Grant (\$555.49) and \$403.51 +shipping would come from the Ambulance Budget. Thank you for consideration.

Matt Essig
Director
St. Charles Ambulance
Lewiston Ambulance





Estimate

2265

NCE Empowering Safety

12120 12th Ave South
Burnsville Minnesota 55337

Bill To

ST. CHARLES AMBULANCE

830 Whitewater Ave
ST. CHARLES MN 55972

Ship To

ST. CHARLES AMBULANCE

830 Whitewater Ave
ST. CHARLES MN 55972

Estimate Date : 11-08-22

Expiry Date : 12-09-22

Email : AMBULANCE@LEWISTO
NMN.ORG

Subject :

SPECIAL PRICE FOR CUSTOMER. RETAIL PRICE FOR SNAP X IS \$955

#	Item & Description	Qty	Rate	Amount
1	SNAP X ZOLL X SERIES SNAP MOUNTING SYSTEM W/ ZOLL ADAPTER PLATE	1.00 MOUNT	799.00	799.00
2	SNAP RISER FOR USE WITH DEFIBRILLATOR SNAP MOUNTING SYSTEM WHEN INSTALLED ON TABLES/COUNTERS WITH A LIP OVE...	1.00 pcs	160.00	160.00
Sub Total				959.00
Total				\$959.00

Notes

Looking forward to your business.

Please note this estimate does not include shipping costs.

ZOLL SNAP X

SNAP System Specifications

Includes core SNAP mounting system (base, device interface, and SNAP spring), adapter for Zoll X-Series monitor/defibrillator, and all associated mounting hardware.

SNAP Mount: Height = 2.8"

Base: Table mounted with lock

Interface: Device mounted ~2 lbs

Zoll Adapter: 0.13" added height
5.6 oz. added weight



MADE IN THE USA
US Patents 11,001,206 and 11,007,951

SNAP MOUNTING SYSTEM

SAFE - SIMPLE - VERSATILE

*Fast and easy to use with one hand
Durable, lightweight & compact design
Universal fit with flexible 360° rotation*



800.328.3773

INFO@NCEEMPOWERINGSAFETY.COM

WWW.NCEEMPOWERINGSAFETY.COM

MEETS & EXCEEDS

SAE J3043
NTEA/AMD 028
NFPA 1917
KKK-A-1822F
CAAS/GVS V2.0

The NCE SNAP X comes with the ZOLL X Adapter Plate to safely secure your Zoll X-Series monitor/defibrillator with the case onto a counter top or bench, minimizing the risks of harm to patients, EMT personnel, or other medical equipment in the event of a sudden stop, accident or rollover.

**Request for City Council Action**

Date: December 8, 2022

Requested Council Date: December 13, 2022

Originating Department:

Council Action Requested: Approval of updated truck quote change

Background Information:

In August of 2022 the City Council approved the purchase of a new demo remount Ambulance from PSV for a price of \$154,997.00. This price included the sale of the old 2009 box that was taken off the totaled truck (there was no damage to the box). I requested the CAD drawings of the new truck so I could understand the layout of the box that we would be receiving. After reviewing the drawings, I was concerned that the new layout is much different than what the crew currently operates out of. In a stressful situation you try to limit the potential for mistakes and having 2 trucks with completely different layouts could cause more confusion. Internal discussion was had with PSV about what they were doing with the old 2009 box and if there was any possibility, we could have that vs. the current plan.

PSV initially stated that due to price increases it would cost the City \$8,000-\$10,000 more and that we would also be pushed to the back of the line as there was no chassis available for quite some time. The initial projected date if going with the old 2009 box would be the truck arriving sometime in spring of 2024. After more discussion PSV decided they would use the chassis that just arrived in Ohio slated for the original purchase you made and instead allow the old 2009 box to be mounted which would keep us in line to receive the unit in May or June of 2023. An updated quote has been received and going with this plan would cost the City an additional \$3,971.00 for a total purchase price of \$158,968.00. The old 2009 box would have multiple upgrades which are included in the quote.

Request: The membership held a meeting on 12/7 to discuss the best option. We feel it is extremely important that both trucks are similar so we can efficiently operate out of them. In conclusion, we are asking you to approve the new updated quote made on 12/2/22 from PSV which would have our 2009 box remounted on a new chassis for a price of \$158,968.00. Thank you for your consideration.





12/2/22

Mr. Matt Essig
St. Charles Ambulance
830 Wabasha Ave.
St. Charles, MN 55972

FIRM PRICE QUOTATION

2022 HORTON EMERGENCY VEHICLES

Type III Ambulance - St. Charles Remount 2009 Body

CHASSIS

2022 Ford E-450 RV Cutaway Chassis

158" Wheelbase

Mileage – New – Delivery Miles Only

7.3 Liter V8 Gasoline Engine

6-Speed Automatic Overdrive Transmission

Cab Interior Color - Gray

Radial Tires

Intermittent Wipers

Tilt Steering Wheel

AM-FM Digital Stereo Radio with Bluetooth

High Back Cloth Captains Chairs

Cruise Control

Electric Windows

Electric Locks

Anti-Lock Brakes

Handling Package

Heavy Duty Alternator

Cab Air Bags

MODULAR BODY

Builder - Horton Emergency Vehicles 2009

Model - Type III - 553 Horton Remount

Body - 163" L x 96" W x 72" Headroom

CHASSIS BASE UNIT PRICE \$39,707.00

Base Remount Conversion of Type III Body**\$62,199.00**

(Includes wiring harnesses for new chassis, chassis tie downs, seals, gaskets, chassis frame prep, original heat/ac unit, transfer of compatible lights, transfer siren speakers, new stainless steel wheel simulators, transfer interior upholstery, all new exterior door handles, original switch panels, re-install chassis cab console, original interior flooring)

ADDITIONAL OPTIONAL ITEMS INCLUDED ON THIS UNIT

St. Charles Customer Graphics Stripe/Chevrons	\$ 5,800.00
Complete Body Repaint (base color white)	\$ 14,850.00
Weld Streetside Body Seam above Wheel Well Area	\$ 250.00
Remove Curbside Window – Weld in Structure for HOPS System – Refinish	\$ 453.00
Dri-Dek Installed in All Exterior Compartments and Shelves	\$ 325.00
Install New Rear Mud Flaps	\$ 136.00
Replace Rear Tow Eyes in Rear Riser Plate	\$ 565.00
Replace Rear Bumper Step on Rear of Vehicle	\$ 1,189.00
Replace Rear Module Diamond Plate Corner Guards (4)	\$ 193.00
Replace the Diamond Plate Rear Riser Skirt	\$ 157.00
Replace Front Stone Guards	\$ 158.00
Replace Stainless Steel Rub Rails (4)	\$ 815.00
Replace Rear Fenders, Polished Aluminum	\$ 437.00
Aluminum Diamond Plate Star Punched Running Boards	\$ 554.00
Replace Fuel Fill Polished Bezel	\$ 99.00
Replace Grabber Rear Door Hold Opens	\$ 76.00
Upgrade Ext. Door Handles to new Tri-Mark Free Floating with chrome finish	STD
Replace Gas Piston Door Checks on all Exterior Doors and Interior Cabinets	\$ 925.00
Replace License Plate Mount and light	\$ 92.00
Replace Front & Rear ICC Lights with LED's	\$ 289.00
Replace Side Marker Lights with Whelen 700 Series LED's	\$ 241.00
Replace Tail Light Cluster with Whelen 600 Series LED Brake, Tail, Turn, B/U	\$ 891.00
Replace All Whelen 900 Series Load/Scene Lights with LED Scene Lights (6)	\$ 2,550.00
Change Interior Dome Lights to LED (6)	\$ 409.00
Install LED Upgrade Kits in existing Fluorescents (3)	\$ 321.00
Replace Rear Heat / AC System – Pro-Air	\$ 1,143.00
Replace Side Halogen Flashers with Whelen 900 Series LED Lights (4)	\$ 1,462.00
Replace Front Wall Flashers with Whelen 900 Series Split LED's R/B (4)	\$ 1,512.00
Replace Front Wall Flashers with Whelen 900 Series LED Lights (2)	\$ 731.00
Replace Front Wall Center White Halogen with Whelen 900 Series LED Light 1	\$ 365.00
Replace Rear Wall Halogen Flashers with Whelen 900 Series LED Lights (2)	\$ 731.00
Replace Rear Wall Window Level Flashers with 900 Series Split LED's R/B (2)	\$ 756.00
Replace Rear Wall Center KKK Flasher with 600 Series LED – Amber	\$ 96.00
Replace Grill Lights with Whelen TIR3 LED's (2)	\$ 191.00
Replace Front Intersection Lights with Whelen 700 Series Split LED Lights (2)	\$ 428.00
Replace Rear Intersection Lights with Whelen 700 Series Split LED Lights (2)	\$ 428.00
Rumbler/Howler Siren Removed	NC
Transfer Current Siren	NC
Install New Siren Speakers in Bumper	\$ 650.00
Install New ICC LED Front and Rear Marker Lights	\$ 335.00
Install Hidden Switch in Grill Area to Unlock Module Doors	\$ 113.00
Wire Module Compt. Electric Door Locks to the chassis door lock switches	\$ 84.00
Replace Exhaust Fans in Patient Compartment	\$ 68.00
Install In Power Battery Timer Switch	\$ 440.00
Transfer Voyager 2 Camera System with Monitor	\$ 195.00
Transfer Front Console Extension with Drink Holders & Note Book Slots	STD

Replace Back Up Alarm	\$	54.00
Pre-Wire for Fog Lights	\$	87.00
Transfer Power Inverter		STD
Install New Kussmaul 20 Amp Auto Eject Shoreline	\$	516.00
Install Shoreline Indicator Light	\$	90.00
Add/Change 12 Volt Outlets to USB and Cigar Style Outlet	\$	330.00
Replace Gas Strut Hold Opens on all Interior Cabinets	\$	45.00
Apply Stainless to Back Wall of Action Area & CPR Seat	\$	488.00
Transfer Vertical Rail with Storage Pouch to Head End of Squad Bench		STD
Replace Curbside Wall Panel to accommodate 4-point belts	\$	158.00
Replace Captains Chair Attendant Seat, w/USSC 4-point restraint, & child seat	\$	2,177.00
Install HOPS 4-point restraint system on Squad Bench & CPR Seat with Vests	\$	4,909.00
Leave Existing Flooring		NC
Install Power Load Floor Plate and Power Load System	\$	895.00
Transfer Suction Canister System		STD
Replace Oxygen Tank Bracket Straps	\$	78.00
Transfer Windows in Rear Doors		NC
Transfer Window in Curbside Entry Door		NC
Install Intellitec Digital LED Clock Above Rear Doors	\$	415.00
Replace Interior Upholstery	\$	317.00
Front End Alignment – Prior to Delivery		NC

TOTAL PRICE OF ABOVE OPTIONS \$52,062.00

Transportation to AEV and returned to PSV \$5,000.00

TOTAL PRICE DELIVERED TO ST. CHARLES, MN \$158,968.00

Delivery of this Vehicle Would Be Approximately May 2023.

Respectfully Submitted,

Mark Rethwisch,
PSV Sales Associate

**Request for City Council Action**

Date: December 9, 2022

Requested Council Date: December 13, 2022

Originating Department: Library

Council Action Requested: Purchase of new condensing unit for Public Library

Background Information:

In the summer of 2022, Winona Heating & Ventilating, Inc. was called to the St. Charles Public Library to fix the rooftop compressor units, as they were not functioning properly in cooling the library. WHV was able to fix one of the units, but noted a second one would need to be replaced.

While the lifespan of the new compressor would be 5-10 years, WHV noted that in connecting it to an old system, other components such as the fans, coil, and refrigeration lines would still be subject to failure given the age of the unit. Therefore, WHV suggested the replacement of the entire condensing unit. A new condensing unit would also mean avoiding the use of an older refrigerant, which WHV predicts will increase in price significantly over time.

According to a December 8 quote from WHV, the cost to replace the entire condensing unit with a new one that uses the new R410A refrigerant, a new line set, and a new coil on the inside unit, including installation, start-up, and warranty would be \$9,945.00.



December 8, 2022

Melissa A. Krusmark
City Accountant
City of St. Charles
830 Whitewater Avenue
St. Charles, MN 55972

RE: St. Charles Public Library Compressor

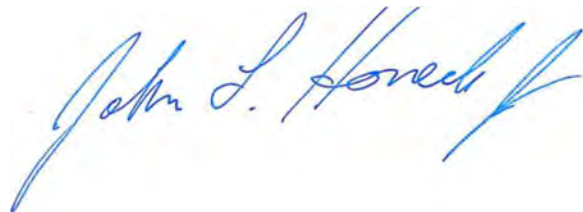
Dear Melissa,

As a follow up to the recommendations on our work order that Mason Prigge had asked me to get you a proposal for the replacement of a unit and repair with a new compressor, I have checked with the supplier and updated the prices for today market.

To replace the compressor with a new COM131233, top off with refrigerant, start-up, and 1 year warranty it will be \$5,377.00. This unit has the older refrigerant that is going up in price significantly, it's roughly \$90/lb right now.

To replace the entire condensing unit with a new one that use the new R410A refrigerant, a new line set, and a new coil on the inside unit including installation, start-up, and warranty is \$9,945.00

Sincerely,



John Honeck
Service|Temperature Controls|NEBB Testing, Adjusting, and Balancing
jhoneck@whvr.com
507-730-1688

TERMS AND CONDITIONS

By accepting this proposal, Purchaser agrees to be bound by the following terms and conditions.

1. **SCOPE OF WORK.** The proposal is based upon the use of straight time labor only, unless stated otherwise. Unless specifically noted in the statement of the scope of work or services undertaken by Winona Heating & Ventilating Company, Inc. ("WHV") under this agreement, WHV's obligations under this agreement expressly exclude any work or service of any nature associated or connected with the identification, abatement, clean up, control, removal, or disposal of environmental hazards or dangerous substances, including but not limited to, asbestos, mold or PCB's, discovered in or on the premises ("Hazards"). Any language or provision of the agreement elsewhere contained which may authorize or empower the Purchaser to change, modify, or alter the scope of work or services to be performed by WHV shall not operate to compel WHV to perform any work relating to Hazards without WHV's express written consent. Purchaser acknowledges that work performed or products installed by WHV have the potential to cause or contribute, through the introduction of moisture or in other ways, to the introduction, proliferation or spread of mold and similar organisms in or about the Purchaser's property and Purchaser expressly assumes all such risk, known or unknown, and releases and indemnifies WHV from any and all responsibility and damages arising from such risk.

2. **INVOICING & PAYMENTS.** WHV may invoice Purchaser monthly or at other intervals for all materials delivered to the job site or to an off-site storage facility and for all work performed on-site and off-site. If there is an increase in the actual cost of the labor or materials charged to WHV in excess of three percent (3%) subsequent to making this Agreement, the price set forth in WHV's proposal shall be increased on a dollar-for-dollar basis without the need for a written change order or amendment to the contract to reflect the price increase and the additional direct cost to WHV. WHV will submit to Purchaser written documentation of the increased charges incurred by WHV upon request. As an additional remedy, if the additional cost of any item increases by more than ten percent (10%) subsequent to the making of this Agreement, WHV, at its sole discretion, may terminate the contract for convenience. Invoices are due upon receipt. Partial lien waivers will be furnished upon request, as the work progresses, to the extent payments are received by WHV. If any WHV invoice is not paid by purchaser within 30 days after the day it is issued, the invoice is delinquent. Purchaser agrees to pay WHV finance charges of 1 ½% per month on all delinquent invoices computed from the date of the invoice. Purchaser agrees to pay all costs of collection incurred by WHV regarding any delinquent invoice, including reasonable attorney's fees and court costs.

3. **ACCEPTANCE BY PURCHASER.** Purchaser and WHV may review progress of the project to determine: a) the date of beneficial use of WHV's work ("Beneficial Use"); and b) Purchaser's acceptance of completed project. In the event WHV and Purchaser are unable to mutually agree upon said dates, final determination will be made by WHV at WHV's sole and complete discretion.

4. **LIMITED WARRANTY/EXCLUSION OF WARRANTIES.** WHV warrants that installations performed by WHV and products manufactured by WHV will meet or exceed industry standards, as determined by WHV in its sole and complete discretion. The warranty period will begin when there is Beneficial Use of all or part of the work performed by WHV and will continue for a period of one (1) year. WHV does not warrant products that are not manufactured by WHV. For products manufactured by others, the manufacturer's warranty is the sole warranty. Service call labor performed by WHV is warranted for 30 days. All transportation charges incurred by WHV in connection with responding to service calls or problems with equipment not installed by WHV shall be the responsibility of, and be paid by, Purchaser. This warranty does not extend to any product which has been repaired by others, abused, altered, misused, or which has not been properly and reasonably maintained. WHV shall have no obligation under this Limited Warranty unless and until WHV is paid in full for all services and charges associated with the provided product or service.

THESE WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

5. **LIABILITY.** WHV shall not be liable for any ordinary negligence or consequential damages arising in any manner from the equipment or material furnished or the work performed by WHV pursuant to this agreement and Purchaser expressly assumes all such liability.

6. **TAXES.** The price of this proposal does not include duties, sales, use, excise, or other similar taxes, unless stated otherwise, and unless required by federal, state or local law. Purchaser shall pay, in addition to the stated price, all taxes not legally required to be paid by WHV or, alternatively, shall provide WHV with acceptable tax exemption certificates, if appropriate. WHV shall provide Purchaser with any tax payment certificate upon request and after completion and acceptance of the work.

7. **DELAYS.** WHV shall not be liable for any delay in the performance of the work resulting from or attributed to acts or circumstances beyond WHV's control, including, but not limited to, acts of God, fire, riots, war, terrorists, labor disputes,

HVAC Design/Build • Roofing • Service/Controls • Testing & Balancing • Specialty Metals • Architectural Sheet Metal • Piping/Plumbing

conditions of the premises, acts or omissions of the Purchaser, Owner, or other Contractors or delays caused by suppliers or subcontractors of WHV or other parties.

8. **INSURANCE.** Insurance coverage in excess of WHV's standard limits may be furnished by WHV, in its discretion, when requested and required. No credit will be given or premium paid by WHV for insurance obtained or provided by others.

9. **INDEMNITY.** Purchaser agrees to save harmless and indemnify WHV from any and all liability, claims, expenses, losses or damages, including reasonable attorneys' fees and court costs, which may arise or be incurred in connection with the execution of the work herein specified and which are caused, in whole or in part, by the negligent act or omission of Purchaser. Purchaser agrees to purchase general liability insurance which will insure the provisions of this paragraph.

10. **OCCUPATIONAL SAFETY AND HEALTH.** The Parties hereto agree to notify each other immediately upon becoming aware of an inspection under, or any alleged violation of, the Occupational Safety and Health Act, or any other occurrence causing injury or property damage, relating in any way to the project or project site.

11. **ENTIRE AGREEMENT.** This proposal, including these Terms and Conditions, upon acceptance, shall constitute the entire agreement between the parties and supersedes any prior representations or understandings.

12. **CHANGES.** No change or modification of any of the terms and conditions stated herein shall be binding upon WHV unless accepted by WHV in writing.

13. **CHOICE OF LAW & CHOICE OF JURISDICTION.** This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Minnesota. Any action, claim or proceeding brought to enforce this agreement shall be brought in the state courts of Minnesota in the County of Winona.

NOTICE

- (a) Any person or company supplying labor or materials for this improvement to your property may file a lien against your property if that person or company is not paid for the contribution.
- (b) Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or material for the improvement and who gave you timely notice.

PURCHASER HEREBY ACCEPTS THIS PROPOSAL, INCLUDING THE ABOVE TERMS AND CONDITIONS,

THIS _____ DAY OF _____, 20____

Purchaser (company name): _____

By: _____

Its: _____



Winona Office
374 East Second St.
Winona, MN 55987
507.452.2064
www.whvr.com

Rochester Office
1712 Third Ave. SE
Rochester, MN 55904
507.280.4201
www.whvr.com

La Crosse Office
1202 Caledonia St.
La Crosse, WI 54603
608.782.6550
www.whvr.com

HVAC Design/Build • Roofing • Service/Controls • Testing & Balancing • Specialty Metals • Architectural Sheet Metal • Piping/Plumbing

ACCEPTED BY WHV

THIS _____ DAY OF _____, 20_____

By: _____

Its: _____

THIS PROPOSAL IS VALID FOR 45 DAYS FROM DATE SHOWN.

Members of: Sheet Metal, Air Conditioning and Roofing Contractors Association of Minnesota
National Environmental Balancing Bureau | National Roofing Contractors Association | Midwest Roofing Contractors Association

Michael Gostomski, President
An Equal Opportunity Employer

2905 South Broadway
Rochester, MN 55904-5515
Phone: 507.288.3923
Email: rochester@whks.com
Website: www.whks.com



November 23, 2022

Mr. Rick Schaber
City Parks and Recreation Director
City of St. Charles
830 Whitewater Avenue
St. Charles, MN 55972

RE: St. Charles, MN
Whitewater River Restoration, Phase 1
Pay Request No. 3

Dear Rick:

Enclosed is Pay Request No. 3 for work on the above referenced project. We recommend the City make payment in the amount of \$65,494.46 to:

Sunram Construction, Inc.
20010 75th Ave. N.
Corcoran, MN 55340-9459

Please contact me if you have any questions.

Sincerely,

WHKS & co.


Meghan Funke, P.E.

MF/ds

Enclosure

cc: Daren Sikkink, WHKS (file)
Ryan Sunram, Sunram Construction, Inc.

S:\Jobs\St. Charles\9460 - Whitewater River Restoration\Construction\Pay Applications\City
PR_2_11-23-2022.docx

2905 South Broadway
Rochester, MN 55904
Phone 507-288-3923



PARTIAL PAYMENT ESTIMATE
FOR CONSTRUCTION WORK COMPLETED

Project: Whitewater River Restoration, Phase 1
Project No.: 9460.00
Location: St. Charles, MN
Contractor: Sunram Construction

Bid Price: \$295,135.00
Date: Nov. 9, 2022
Estimate #: 3
% Complete: 124%

Item No.	Description	Contract Quantity	Unit	Unit Price	Quantity Completed Previous Estimates	Quantity Completed This Estimate	Quantity Completed to Date	Total
1	MOBILIZATION	1	LS	\$34,000.50	0.66	0.34	1.00	\$34,000.50
2	CLEARING & GRUBBING	1	LS	\$7,550.00	1.00		1.00	\$7,550.00
3	COMMON EXCAVATION (P)	3700	CY	\$7.75	5203	2447	7,650	\$59,287.50
4	F&I 18-INCH RCP PIPE	30	LF	\$220.00	0		-	\$0.00
5	REMOVE AND REINSTALL 18" RCP PIPE APRON	1	EA	\$3,500.00	0		-	\$0.00
6	F&I SILT FENCE	2110	LF	\$2.50	0		-	\$0.00
7	F&I FLOTATION SILT CURTAIN	50	LF	\$20.00	100		100	\$2,000.00
8	F&I STABILIZED CONSTRUCTION EXIT	2	EA	\$850.00	1		1	\$850.00
9	SEED AND MULCH WITH MNDOT SEED MIX 34-261	3.7	ACRE	\$2,210.00	0.9	0.75	1.65	\$3,646.50
10	SITE RESTORATION (HYDROSEED WITH MNDOT SEED MIX 25-131)	1.6	ACRE	\$3,000.00	0	2.4	2.4	\$7,200.00
11	F&I CATEGORY 30 EROSION CONTROL MATTING	4300	SY	\$2.65	3900	6200	10,100	\$26,765.00
12	RIPRAP CLASS V	2025	CY	\$63.50	2701		2,701	\$171,513.50
13	F&I CROSS VANE	2	EA	\$1,675.00	2		2	\$3,350.00
14	F&I ROCK VANE	2	EA	\$1,550.00	1	1	2	\$3,100.00
15	F&I J-HOOK	5	EA	\$1,505.00	5		5	\$7,525.00
16	F&I ROOT-WAD STRUCTURES	14	EA	\$350.00	14		14	\$4,900.00
17	F&I ROCK RIFFLE WITH RANDOM BOULDER PLACEMENT	2	EA	\$14,000.00	2		2	\$28,000.00
18	F&I TEMPORARY STREAM CROSSING	2	EA	\$3,500.00	2		2	\$7,000.00
Total Work Completed								\$366,688.00

Less 2% Retainage \$7,333.76
Less Previous Payments \$293,859.78

Net Payment this Estimate \$65,494.46

CITY OF ST. CHARLES

ORDINANCE # 641

**AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA
AMENDING ST. CHARLES CODE - WATER RATES AND
REPEALING ORDINANCE #635**

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

Section 1. Title V: Public Works, Chapter 51 Water, of the City Code of St. Charles, Minnesota, be amended as follows:

§51.03 WATER RATES

(A) Base charge. Each water user shall pay a base charge of ~~(47.30)~~ \$17.56 per month during which water service is furnished.

(B) Commodity charge. Each water user shall pay a commodity charge per 1,000 gallons of water use for each billing period during which water service is furnished based on an incremental tier structure.

Water - Residential

Tier 1 (0 to 20,000 gallons):	(\$3.53)	<u>\$3.58</u> /1,000 gallons
Tier 2 (20,001 to 80,000 gallons):	(\$3.64)	<u>\$3.69</u> /1,000 gallons
Tier 3 (80,001 gallons and above):	(\$3.75)	<u>\$3.81</u> /1,000 gallons

Water — Commercial/Industrial

Tier 1 (0 to 102,000 gallons):	(\$3.53)	<u>\$3.58</u> /1,000 gallons
Tier 2 (Above 102,001 gallons):	(\$3.64)	<u>\$3.69</u> /1,000 gallons

Section 2: This Ordinance shall take effect thirty days after its publication or on January 20th, 2023, whichever is later.

Adopted this 22nd day of November 2022 by the City Council of the City of St. Charles, Minnesota.

John Schaber, Mayor

Attest: _____
Rick Almich, Interim City Administrator

Ordinance #641

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Published:

Date: _____

AN ORDINANCE AMENDING ELECTRICAL RATES AND
REPEALING ORDINANCE #636

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

THE COUNCIL OF THE CITY OF ST. CHARLES DOES ORDAIN:

Electric utility rates shall be amended as follows:

	FROM	TO	
Residential			
Fixed Charge	(\$20.00)	<u>\$35.00</u>	month
Energy Charge			
First 500 kWh	(\$0.115)	<u>\$0.122</u>	kWh
Excess	(\$0.135)	<u>\$0.126</u>	kWh
Single Phase Commercial			
Fixed Charge	(\$25.00)	<u>\$45.45</u>	month
Energy Charge			
First 500 kWh	\$0.115	\$0.113	kWh
Excess	\$0.115	\$0.113	kWh
Three Phase Commercial			
Fixed Charge	(\$91.50)	<u>\$200.00</u>	month
Energy Charge			
First 500 kWh	(\$0.115)	<u>\$0.113</u>	kWh
Excess	(\$0.115)	<u>\$0.113</u>	kWh
Large Power			
Fixed Charge	(\$91.50)	<u>\$200.00</u>	month
Demand	(\$12.19)	<u>\$12.33</u>	kw-mo.
Energy	(\$0.0790)	<u>\$0.0975</u>	kWh
Large Industrial			
Fixed Charge	(\$91.50)	<u>\$200.00</u>	month
Demand	(\$12.19)	<u>\$12.33</u>	kw-mo.
kVAr	\$0.25	\$0.25	kVAr
Energy	(\$0.0790)	<u>\$0.0975</u>	kWh
Security Lighting			
Fixed Charge	\$14.00	\$14.00	month

These rates will go into effect 30 days after publication.

John Schaber, Mayor

Attest: _____
Rick Almich, Interim City Administrator

Ordinance #642

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Published:

Date: _____

CITY OF ST. CHARLES

ORDINANCE # 643

**AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA
AMENDING ST. CHARLES CODE - STORM WATER RATES AND
REPEALING ORDINANCE #594**

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

Section 1. Title V: Public Works, Chapter 50 General Public Works Provisions, of the City Code of St. Charles, Minnesota

§50.10 (C) RATES AND CHARGES

- 1) Residential customers will be billed \$(~~7.63~~) \$8.77 /month
- 2) Commercial customers will be billed \$(~~14.81~~) \$17.03 /month
- 3) Industrial customers will be billed \$(~~24.81~~) \$28.53 /month

Section 2: This Ordinance shall take effect thirty days after its publication or on January 20th, 2023, whichever is later.

Adopted this 22nd day of November 2022 by the City Council of the City of St. Charles, Minnesota.

John Schaber, Mayor

Attest: _____
Rick Almich, Interim City Administrator

Ordinance #643

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Published:

Date: _____

CITY OF ST. CHARLES

ORDINANCE # 644

**AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA
AMENDING ST. CHARLES CODE - SEWER RATES AND
REPEALING ORDINANCE #634**

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

Section 1. Title V: Public Works: Chapter 52 Sewer, of the City Code of St. Charles,
Minnesota, be amended as follows:

§52.08 SEWER RATES

Subd. A. Residential sewer use shall be established annually by the amount of water
incurred.

Subd. B. The rates for residential, commercial, and industrial property are as follows:

- (1) \$(~~16.40~~) \$16.89 base rate per user per month, for the first meter in each
residential household.
- (2) \$(~~6.74~~) \$6.81 District charge per 1,000 gallons
- (3) \$(~~0.24~~) \$0.25 City charge per 1,000 gallons

Effective Date: This Ordinance shall take effect 30 days upon publication or on January 20th,
2023, whichever is later.

Adopted this 22nd day of November 2022 by the City Council of the City of St. Charles,
Minnesota.

John Schaber, Mayor

Attest: _____
Rick Almich, Interim City Administrator

Ordinance #644

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Published:

Date: _____

City of St. Charles
Resolution #48-2022

**RESOLUTION ACKNOWLEDGING THE DONATION TO THE ST. CHARLES PUBLIC
LIBRARY FROM ST.CHARLES AREA COMMUNITY FOUNDATION**

WHEREAS, the City of St. Charles is generally authorized to accept contributions of real and personal property pursuant to Minnesota Statute 465.03 for the benefit of its citizens; and

WHEREAS, the St. Charles Public Library has received a donation in the amount of \$600.00 to be used by the St. Charles Public Library for the purpose of its Coffee & Conversation program.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ST. CHARLES, MINNESOTA THAT: the City Council of the City of St. Charles acknowledges and accepts the \$600.00.

BE IT FURTHER RESOLVED THAT: the City Council of the City of St. Charles expresses its thanks and appreciation for the donation.

Adopted this 13th day of December, 2022 by the City Council of the City of St. Charles.

CITY OF ST. CHARLES

John Schaber, Mayor

ATTEST:

Richard Almich, Interim City Administrator

**CITY OF ST. CHARLES
RESOLUTION #49-2022**

A RESOLUTION AMENDING THE GARBAGE AND RECYCLING RATE

WHEREAS, pursuant to City Waste Management System Contract an annual increase for garbage and recycling services will be established annually or as needed by city resolution in accordance to City Code 53.45 H(1987 Code, §410.11).

WHEREAS, the City of St. Charles acknowledges the 2023 rates of the approved contract with Waste Management for refuse and recycling as follows:

WASTE MANGEMENT RATE INCREASE

**35 gallon cart service \$10.92 to \$11.38 for trash and \$4.63 to \$4.82 for recycling
65 gallon cart service \$11.72 to \$12.21 for trash and \$4.63 to \$4.82 for recycling
95 gallon cart service \$12.98 to \$13.52 for trash and \$4.63 to \$4.82 for recycling**

WHEREAS, in addition to the Waste Management increase the City of St. Charles will charge .75 cents per month to each trash service in order to recover expenses associated with garbage collection service, bad debt, postage, and administrative time;

WHEREAS, the total WASTE MANAGEMENT RATE (not including applicable Solid Waste Mgmt. tax and a Winona County Surcharge) will be:

**35 gallon cart trash service will be \$12.13 and \$4.82 for recycling
65 gallon cart trash service will be \$13.22 and \$4.82 for recycling
95 gallon cart trash service will be \$14.48 and \$4.82 for recycling**

WHEREAS, all single family residential dwellings and multi-unit apartment dwellings will be charged a .75 cents per month Compost fee, which is used to support the Compost Site and City Cleanup Day.

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

The new rates for garbage and recycling will go into effect January 1, 2023.

Adopted by the Council of the City of St. Charles, Minnesota this day, December 13, 2022.

John Schaber, Mayor

Attest: _____
Richard Almich, Interim City Administrator

**EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF ST. CHARLES, MINNESOTA**

HELD: December 13, 2022

Pursuant to due call and notice thereof, a regular meeting of the City Council of St. Charles, Minnesota was duly held at City Hall on the 13th day of December 2022 at 6 o'clock p.m. for the purpose, in part, of calling for a public hearing on the proposed approval of a property tax abatement to Whitewater Properties, LLC.

The following Council Members were present:

and the following were absent; none

Council Member _____ introduced the following resolution and moved its adoption;

**RESOLUTION #50-2022 RESOLUTION SETTING DATE FOR A PUBLIC HEARING
ON THE APPROVAL OF A TAX ABATEMENT RESOLUTION
FOR THE PURPOSE OF ASSISTING A HOUSING PROJECT**

WHEREAS:

1. The City of St. Charles has determined it necessary and feasible to assist Whitewater Properties, LLC with public infrastructure costs associated with the development of Southfork Addition Fifth Subdivision; and
2. The City Council intends to abate its share of property taxes on certain parcels in order to reimburse Whitewater Properties, LLC for public improvement expenses, under the authority of Minnesota Statutes 469.1812 to 469.1815 (the "Abatement Law"); and
3. Prior to approving an abatement resolution and the use of tax abatement the City must hold a public hearing.

BE IT RESOLVED by the City Council as follows:

1. Public Hearing. The City Council shall hold a public hearing on the providing the use of tax abatement to provide assistance to Whitewater Properties, LLC, at 6:00 P.M. on Tuesday, January 10th at the St. Charles City Hall. Staff is directed to publish notice of this hearing as required by MN Tax Abatement Law.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member _____,

and upon vote being taken thereon, the following voted in favor:

and the following voted against the same.

Whereupon said resolution was declared duly passed and adopted.

APPENDIX A

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

**NOTICE OF PUBLIC HEARING
on
APPROVAL OF THE USE OF
PROPERTY TAX ABATEMENT**

NOTICE IS HEREBY GIVEN that the City Council of the City of St. Charles, Minnesota, will hold a public hearing on Tuesday, January 10th, 2022, at 6:00 p.m., at the St. Charles City Hall, located at 830 Whitewater Avenue in the City of St. Charles, Minnesota, relating to a Tax Abatement Resolution, pursuant to Minnesota Statutes, Section 469.1812 to 469.1815 inclusive, as amended, to assist Whitewater Properties, LLC for the development of a housing project. Total abatement levies will not exceed \$100,000 collected over a period of not more than ten (10) years, commencing with taxes payable 2025. The following tax parcels are proposed to be included in the proposed tax abatement:

Lots 1-4, Block 1 & Outlots A & B
Southfork Addition Fifth
(formerly part of PIN 290990130)

Copies of the Abatement Resolution as proposed to be adopted will be on file and available for public inspection at the office of the City Administrator at City Hall.

All interested persons may appear at the hearings and present their view orally or in writing.

Dated: December 13, 2022

BY ORDER OF THE CITY COUNCIL

/s/
City Administrator

STATE OF MINNESOTA)
CITY OF ST. CHARLES)
COUNTY OF WINONA) SS.

I, the undersigned, being the duly qualified and acting Administrator of the City Council of St. Charles, Minnesota, DO HEREBY CERTIFY that the attached resolution is a true and correct copy of an extract of minutes of a meeting of the City Council duly called and held, as such minutes relate to calling for a public hearing on the use of property tax abatement for assisting Whitewater Properties, LLC develop a housing project.

Dated: December 13, 2022

City Administrator

PROJECT SCHEDULE OF EVENTS

City of St. Charles, Minnesota

2023 Tax Abatement – Southfork Addition Fifth (Housing)

<i>Task</i>	<i>Completion Date</i>
City Council authorizes preparation of Tax Abatement Plan	12/13/2022
City Council resolution calling public hearing	12/13/2022
Deadline for hearing notice(s) to Official Newspaper	12/15/2022
Hearing Notice published in Official Newspaper	Thursday, 12/22/2022
Public Hearing	Tues., 6:00 P.M., 01/10/2023
City Council resolution approving Tax Abatement	01/10/2023

Newspaper: **St. Charles Press**
924 Whitewater Avenue
St. Charles, MN 55972
507-932-3663
scpress@stumpfpublishing.net
publish Thursday; deadline Thursday prior by noon

Council meets the 2nd and 4th Tuesday of each month.

Resolution #51-2022

A RESOLUTION APPROVING CIGARETTE LICENSES

WHEREAS, the following businesses have applied to the City of St. Charles for cigarette licenses for the year 2023:

DG Retail, LLC	1354 Whitewater Avenue
Gurek, Inc.	518 West 6 th Street
Kwik Trip #754	160 East 6 th Street
Love's Travel Stops	2102 Enterprise Drive
Miller's Market	1337 Whitewater Avenue
Whitewater Travel Plaza	2850 Whitewater Avenue

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

1. The Council of the City of St. Charles hereby approves the Cigarette licenses for the above-named businesses:

Adopted by the Council of the City of St. Charles, Minnesota this 13th day of December 2022.

John Schaber, Mayor

Attest: _____
Rick Almich, Interim City Administrator

Resolution #53-2022

A RESOLUTION APPROVING LIQUOR LICENSE

WHEREAS, the following businesses have applied to the City of St. Charles for liquor licenses for the year 2023:

DJ Liquor, 1415 Whitewater Avenue – Off-Sale License
Good Sport Liquor, 149 East 6th Street – On-Sale, Off-Sale, Sunday Licenses
Gurek, Inc., 518 West 6th Street – 3.2 Malt Liquor License
Love’s Travel Stops, 2102 Enterprise Dr – 3.2 Off-Sale Malt Liquor License
Moose Lodge #1114, 166 West 11th Street – Club On-Sale, Sunday Licenses
St. Charles Golf Course, 1920 Gladiola Drive – On-Sale, Sunday Licenses
The Garage Rentals, LLC, 361 West 5th Street – On-Sale License

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

1. The Council of the City of St. Charles hereby approves the Liquor Licenses for the above-named businesses.

Adopted by the Council of the City of St. Charles, Minnesota this 13th day of December, 2022.

John Schaber, Mayor

Attest:

Rick Almich, Interim City Administrator

**CITY OF ST. CHARLES, MINNESOTA
RESOLUTION #53-2022**

**APPROVING LABOR AGREEMENT and MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF CITY OF ST. CHARLES
AND INTERNATIONAL BROTHERHOOD OF ELECTRIC WORKERS**

WHEREAS, International Brotherhood of Electric Workers is the exclusive representative for certain City of St. Charles employees;

WHEREAS, the current labor agreement between the City and International Brotherhood of Electric Workers expired on December 31, 2021;

WHEREAS, the City of St. Charles and International Brotherhood of Electric Workers met and negotiated over the terms of the new labor agreement between the parties, and;

WHEREAS, the parties reached a tentative agreement of the terms of the new labor agreement and Memorandum of Understanding, and;

WHEREAS, the Public Employment Relations Act requires that the City of St. Charles execute a labor agreement and implement it in the form of a resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL THAT:

1. The Labor Agreement between City of St. Charles and International Brotherhood of Electric Workers for January 1, 2022 through December 31, 2024 is approved.
2. The Mayor and City Administrator shall execute the agreement and memorandum of understanding.
3. The City of St. Charles shall implement the agreement and memorandum of understanding.

PASSED by the City Council of the City of St. Charles on this 13th day of December, 2022.

ATTEST

Rick Almich, Interim City Administrator

John Schaber, Mayor



Memorandum

To: City Council

From: Richard (Rick) Almich Interim City Administrator

Date: December 9, 2022

Subject: Proposed Zoning Amendments

At its December 8, 2022 meeting, the following proposed zoning amendments were approved by the Planning Commission.

Ordinance # 645 CBD Mixed Use

The purpose of this hearing is to consider an Ordinance amending the City Code establishing mixed use as a permitted use in the Central Business District. The amendment would establish new language for mixed use buildings that contain office, retail, or commercial uses combined with residential uses.

Ordinance # 646 Downtown Parking

The purpose of this hearing is to consider an Ordinance amending the City Code establishing language that exempts the Central Business District from parking requirements. Non-residential development in the Central Business District would no longer be required to provide a certain number of parking stalls.

Ordinance # 647 Downtown Residential Parking

The purpose of this hearing is to consider an Ordinance amending the City Code for apartment parking in the Central Business District. The parking stall requirement is proposed at 1 stall/unit when 1.5 are required elsewhere in the community for apartment units.

Ordinance # 648 Accessory Structures

The purpose of this hearing is to consider an Ordinance amending the City Code establishing size requirements for accessory structures. The amendment would allow accessory structures to be up to 1,000 square feet but cannot be greater or equal to the size of the principal structure.

Ordinance # 649 Apartment Zoning District

The purpose of this hearing is to consider an Ordinance amending the City Code establishing an R-4 Multiple Family Apartment zoning district. The new zoning district would allow the opportunity for higher density multi-family developments.

The Planning Commission is recommending the said zoning amendments also be approved by the City Council as per established policy. Specifically, said amendments should be introduced at the December 13, 2022 regular City Council meeting and the first (1st) reading of each amendment should be conducted or waived. The second (2nd) reading of each amendment should be conducted or waived, and considered at a subsequent City Council meeting.

Please contact me if you wish to discuss this matter prior to the December 13, 2022 City Council meeting.

CITY OF ST. CHARLES

ORDINANCE NO. 2022-645

AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA,
AMENDING CHAPTER 152 OF ITS CODE OF ORDINANCES ESTABLISHING MIXED
USE AS A PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT

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

Section 1. § 152.02: DEFINITIONS.

MIXED USE DOWNTOWN: A building that includes a combination of office, retail, residential or commercial uses within one structure or building.

Section 2. § 152.22: CENTRAL BUSINESS DISTRICT.

(B) *Permitted principal uses.* The following uses shall be permitted:

(40) Mixed Use Downtown, subject to the following:

a. Exclusive of required entrances, the residential use may occupy no portion of the front 50% of the first story floor area along the front building line. For corner lots or lots that abut an alley, the standard shall be applied to one street frontage as determined by the Zoning Administrator.

b. Residential uses shall be provided separate entrances and separately identified parking stalls.

(40) ~~(41)~~ Mortuary or undertaking establishments;

(41) ~~(42)~~ Motels and hotels;

(42) ~~(43)~~ Newsstands and tobacco shops;

(43) ~~(44)~~ Offices, professional;

(44) ~~(45)~~ Optical stores;

(45) ~~(46)~~ Paint and wallpaper stores;

(46) ~~(47)~~ Parking lots, ramps and garages other than those accessory to a principal use the parking and storage of private passenger vehicles only;

(47) ~~(48)~~ Pet shops;

(48) ~~(49)~~ Phonographs, record and sheet music stores;

(49) ~~(50)~~ Photography studios;

(50) ~~(51)~~ Physical culture and health services, reducing salons and masseurs;

- ~~(51)~~ (52) Public parks, pedestrian malls and recreation areas and structures;
- ~~(52)~~ (53) Post offices;
- ~~(53)~~ (54) Plumbing sales stores;
- ~~(54)~~ (55) Public safety and utility buildings and structures, community centers;
- ~~(55)~~ (56) Radio and television sales and repair stores;
- ~~(56)~~ (57) Restaurants, excluding drive-in restaurants;
- ~~(57)~~ (58) Schools: music, business, technical and vocational;
- ~~(58)~~ (59) Sewing machine sales and service shops;
- ~~(59)~~ (60) Shoe sales and repair shops;
- ~~(60)~~ (61) Sporting goods stores;
- ~~(61)~~ (62) Souvenir and rock shops;
- ~~(62)~~ (63) Stock and brokerage firms;
- ~~(63)~~ (64) Tourist information center and displays;
- ~~(64)~~ (65) Telephone and telegraph offices, telephone booths;
- ~~(65)~~ (66) Theater, excluding drive-in theaters;
- ~~(66)~~ (67) Ticket agencies;
- ~~(67)~~ (68) Travel bureaus and transportation ticket offices;
- ~~(68)~~ (69) Variety, gift, notion and soft good stores; and
- ~~(69)~~ (70) Vending machines which are coin or car operated, only when incorporated into a structure.

(D) *Conditional uses.* The following uses may be permitted subject to the issuance of a conditional use permit as provided in §152.43:

- ~~(3) Dwelling units where accessory and attached to a principal use as listed in division (B) above, or second floor dwelling units unsuitable for commercial use; and~~

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

Adopted this ____ day of _____, 2022 by the City Council of the City of St. Charles, Minnesota.

Mayor John Schaber

Attest:

Richard Almich, Interim City Administrator

First Reading:

Date: _____

Ayes: _____
Nays: _____
Absent: _____
Abstain _____

Second Reading:

Date: _____

Ayes: _____
Nays: _____
Absent: _____
Abstain _____

Published:

Date: _____

CITY OF ST. CHARLES

ORDINANCE NO. 2022-646

AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA,
AMENDING CHAPTER 152 OF ITS CODE OF ORDINANCES EXEMPTING THE
CENTRAL BUSINESS DISTRICT FROM PARKING REQUIREMENTS

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

Section 1. § 152.41: REGULATIONS; GENERAL

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

- (1) *Parking space requirements.* The required parking and loading spaces shall be provided on the premises of each use. Each parking space shall contain a minimum area of not less than 300 square feet including access drives, and a width of not less than 9 feet, and a depth of not less than 20 feet. The minimum number of required off-street parking spaces for various uses shall be as follows: except for the Central Business District where all non-residential uses shall be exempt from the following parking requirements:

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

Adopted this ____ day of _____, 2022 by the City Council of the City of St. Charles, Minnesota.

Mayor John Schaber

Attest:

Richard Almich, Interim City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Published:

Date: _____

CITY OF ST. CHARLES

ORDINANCE NO. 2022-647

AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA,
AMENDING CHAPTER 152 OF ITS CODE OF ORDINANCES RELATING TO
RESIDENTIAL PARKING REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT

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

Section 1. § 152.41: REGULATIONS; GENERAL

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

(1)(a) Apartments: 1-1/2 parking spaces for each apartment, except housing for the elderly projects, which shall provide 3/10 parking space for each dwelling unit; and any dwelling unit in the CBD district which requires 1 (one) designated parking stall per unit;

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

Adopted this ____ day of _____, 2022 by the City Council of the City of St. Charles, Minnesota.

Mayor John Schaber

Attest:

Richard Almich, Interim City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Second Reading:

Date: _____

Ayes: _____
Nays: _____
Absent: _____
Abstain _____

Published:

Date: _____

CITY OF ST. CHARLES

ORDINANCE NO. 2022-648

AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA,
AMENDING CHAPTER 152 OF ITS CODE OF ORDINANCES ESTABLISHING SIZE
REQUIREMENTS FOR ACCESSORY STRUCTURES

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

Section 1. § 152.41: REGULATIONS; GENERAL

(C) *Accessory Buildings.*

(3) (a) A detached accessory building shall not be located in any required front yard. Detached accessory buildings in residential districts shall not exceed 1 story or 16 feet in height and shall not be greater than 1,000 square feet in area and cannot occupy more than 10% of the lot area. The total square footage of all detached accessory structures shall not be equal to or greater than the footprint of the principal structure.

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

Adopted this ____ day of _____, 2022 by the City Council of the City of St. Charles, Minnesota.

Mayor John Schaber

Attest:

Richard Almich, Interim City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Published:

Date: _____

CITY OF ST. CHARLES

ORDINANCE NO. 2022-649

**AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA,
AMENDING CHAPTER 152 OF ITS CODE OF ORDINANCES ESTABLISHING AN R-
4 MULTIPLE FAMILY APARTMENT ZONING DISTRICT**

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

Section 1. § 152.19.5 – MULTIPLE-FAMILY APARTMENT DISTRICT.

- (A) Purpose. The R-4 District is intended to permit multi-family dwelling units of 12-40 units housed in one structure.
- (B) Permitted principal uses. Within an R-4 District, unless otherwise provided by this chapter, no building or land shall be used except for the following:
 - (1) Apartment buildings consisting of 12-40 dwelling units.
- (C) Dimensional standards.
 - (1) Maximum density of 16 units per acre.
 - (2) Front yard setback of at least 30 feet for the principal structure.
 - (3) Side yard setback of at least 10 feet, or 25 feet for corner side yards for the principal structure.
 - (4) Setbacks from structures in R-1, R-1M, R1-O districts shall be 30 feet from district lines.
 - (5) Rear yard setback of at least 30 feet for the principal structure.
 - (6) Maximum height of 45 feet.
 - (7) Building coverage shall not exceed 45% of the lot area.
 - (8) Shall provide 1.5 parking spaces per dwelling unit.
 - (9) Required parking shall have a 10 foot setback from any property line.
- (D) Performance standards.
 - (1) Buildings shall be constructed of high-quality materials. Primary materials allowed are as follows:
 - (a) Brick
 - (b) Natural Stone
 - (c) Wood consisting of horizontal lap siding with a painted surface
 - (d) Precast concrete units and concrete block, provided that surfaces are molded, serrated or treated with a textured material.
 - (e) Transparent glass
 - (f) Vinyl or fiberboard siding
 - (g) Other materials as approved by the Planning Commission.
 - (3) The following materials are prohibited:

- (a) Plain or painted concrete block
- (b) Plain precast concrete panels
- (c) Prefabricated steel or sheet metal panels
- (d) Aluminum, fiberglass or asphalt siding.

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

Adopted this ____ day of _____, 2022 by the City Council of the City of St. Charles, Minnesota.

Mayor John Schaber

Attest:

Richard Almich, Interim City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain _____

Published:

Date: _____