The City Council of the City of St. Charles welcomes you to its Regular Meeting of Tuesday, February 12, 2018 at 6:00 p.m. at 830 Whitewater Avenue, City Council Chambers, St. Charles, Minnesota.

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<td>10. Resolution #03-2019 Front yard variance—302 20th Street—Christie</td>
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**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**
MINUTES of the ST. CHARLES CITY COUNCIL
for Wednesday, January 2, 2019 held at 5:00 p.m. at 830 Whitewater Avenue, St. Charles, Minnesota

MEMBERS PRESENT:
Councilmen:
Mayor John Schaber
Dave Braun
Craig Hilmer (absent)
Wayne Getz
David Kramer

STAFF PRESENT:
Nick Koverman, Administrator

OTHERS IN ATTENDANCE: Jill Veerkamp (St. Charles Press).

1. ESTABLISH QUORUM/CALL TO ORDER
Quorum was established with Mayor Schaber calling the meeting to order at 5:00 p.m.

2. PLEDGE of ALLEGIANCE

3. APPROVAL of the AGENDA
Motion to approve the agenda: Dave Braun
No discussion.
Motion carried.

4. Oath of Office. The Oath of Office was given to Clm. David Kramer and Wayne Getz and Mayor John Schaber.

5. Designate the Official City Publication. A motion was made to approve the St. Charles Press as the official publication for the City of St. Charles.
Motion to approve: David Kramer
No discussion.
Motion declared carried.

6. Designate Official Depositories. A motion to approve Bremer Bank, Merchants Bank, and Wells Fargo Investments as the official depositories for the City of St. Charles was moved.
Motion to approve: Wayne Getz
No discussion.
Motion declared carried.

7. Designate Mayoral Committees. The committee designees were as follows
2019 Vice Mayor—Dave Braun
Clm. Hilmer—School Board, Personnel
Clm. Braun—Park Board
Clm. Getz—Sanitary District, EDA, P&Z, High Speed Rail, and Personnel
Mayor Schaber—EDA, Communications and Technology, Public Safety, and High Speed Rail
Motion to approve: Dave Braun
No further discussion.
Motion declared carried.

7. Designate City Attorney. A motion was made to approve Flaherty & Hood as the City’s legal counsel.
Motion to approve: David Kramer
No further discussion.
Motion declared carried.

9. Ordinance #607 Administrative Fines & Fees (1st Reading). No questions were asked of the first reading of Ordinance #607 and a motion was made to approve the ordinance as presented.
Motion to approve: Wayne Getz
No further discussion.
Motion carried.

UNSCHEDULED PUBLIC APPEARANCES
-None

Motion to adjourn at 5:03 p.m.
Motion to approve: Wayne Getz
Motion declared carried.

John P. Schaber, Mayor

ATTEST

Nick Koverman, Administrator
MINUTES of the ST. CHARLES CITY COUNCIL
for Tuesday, January 8, 2019 held at 6:00 p.m. at
830 Whitewater Avenue,
St. Charles, Minnesota

MEMBERS PRESENT:
Councilmen:
Mayor John Schaber
Dave Braun
Craig Hilmer
Wayne Getz
David Kramer

STAFF PRESENT: Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: 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 with the deletion of item 7d.Library Board Report and additions to item 13). January 22, 2019 meeting cancellation.
Motion to approve: David Kramer
No discussion.
Motion carried.

4. Meeting Minutes
December 11, 2018
Motion to approve: Dave Braun
No further discussion.
Motion declared carried.

December 26, 2018
Motion to approve: Wayne Getz
No further discussion.
Motion declared carried.

5. January Payables. Admin. Koverman relayed that checks had been cut, but a payable report could not be printed for review. He would email it to Council once he had it.
Motion to approve: Wayne Getz
No discussion.
Motion declared carried.

6. Notices and communications: Admin. Koverman relayed that Rolling Hills Transit was moving to a new "Para" pass system and is discontinuing the use of tokens and tickets. Passes are available at City Hall for free.

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

8. Resolution #01-2019 Approving Thoreson Purchase Agreement and Utility and Drainage Easements. EDA Director Cris Gastner addressed the Council and relayed that over the last several months with the additions of the Whitewater Dodge of St. Charles dealership coming in the spring of 2019 and the
announcement of the Love’s Travel Center, and the ongoing discussion with a hotel prospect, that potentially the park would only have a 2-acre lot remaining. As the EDA reviewed the next best options and the interest by Jack Thoreson to have his land annexed, the timing to look at the next step in the park seemed to be coming together. The 19.3 acre parcel that abuts I-90 and is directly east of Enterprise Drive adjacent to the Chattanooga Innovation Park, would help to continue the park’s expansion and provides the city the ability to attract more business growth and development. The proceeds would of the sales ($305,000 from Whitewater Dodge and $683,000 from Love’s) would fund the purchase of the approximate 16.3 acre parcel ($375,000) from Thoreson as he is retaining a 3 acre parcel. Through much discussion, the EDA recommended the acquisition of the site. Admin. Koverman added that Thoreson’s had initially talked with City staff at the end of 2017 about the desire of annexation, but that wasn’t until this last year’s business announcements that the EDA began to explore the possibility. Chm. Kramer asked for clarification on the utility and drainage easements. Admin. Koverman relayed the reasoning for possible looping of utilities and stormwater drainage that the city requested and the Thoresons provided. Council concurred that this step would help to continue the growth of the park and ability to provide additional sites for job and tax base growth. A motion was made to approve resolution #01-2019 as requested.

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

9. Ordinance #607 Administrative Fines and Fees. Mayor Schaber presented the second reading for consideration. Hearing no further questions, he called for a motion to approve the second reading of ordinance #607.

Motion to approve: Dave Braun
No discussion.
Motion carried

10. Small Cell Wireless Facility Design Guidelines/Standards. Admin. Koverman reviewed the memo included in the packet that discussed the reasoning and purpose behind the adoption of the standards. He relayed that they could be revised but that it was recommended from Flaherty & Hood that the City adopt the standards prior to January 14, 2019. No further questions were asked. A motion to approve the standards as presented was moved.

Motion to approve: Craig Hilmer
No discussion.
Motion carried.

11. Welcoming Commitment Statement. Chm. David Kramer highlighted the meetings and discussions related to the work that the Project Fine leadership committee has been doing with respect to the survey results received by Project Fine. The survey identified various needs and concerns such as discrimination and social isolation as a few key pieces. Project Fine has been hosting Welcoming Table events in Winona and one in St. Charles as well as the Community Leadership group to develop strategies to engage communities and organizations. As part of those discussions, one such action strategy is to have communities and organizations adopt a Welcoming Statement. He read the statement that was included in the packet as “the City of St. Charles commits to building a community where all are welcomed, respected, and valued.” The Council concurred that the statement is representative of the city’s goal of inclusivity and openness. A second piece was looking to adopt strategies and goals that helped the city strive toward the goal of welcoming. No discussion was held, but a motion was made to approve the Welcoming Statement as read.

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

12. Whitewater Winterfest Request for Banner. Admin. Koverman presented a request by the Whitewater Winterfest Committee to display a banner for their event that will be held Feb. 1 and Feb. 2. They requested that the City crew put up the banner for the event that is a community-type event that has grown over the last several years as a result of a Blandin Leadership Initiative. It was offered that MnDOT has an application that could possibly be adapted for the City. All members agreed it was a good
community event and a good use of the banner display downtown. A motion to approve the request as presented was made.
Motion to approve: David Kramer
No further discussion.
Motion carried.

13. Council meeting cancellation – January 22, 2019. Mayor Schaber relayed that at this time there were not enough items to conduct a meeting on January 22, 2019 and requested a motion to cancel the meeting.
A motion was made.
Motion to approve: Dave Braun
No discussion.
Motion carried.

UNSC SCHEDULED PUBLIC APPEARANCES
None.

Motion to adjourn at 6:20 p.m.
Motion to approve: Wayne Getz
Motion declared carried.

______________________________
John P. Schaber, Mayor

ATTEST

______________________________
Nick Koverman, City Administrator
Jan. 2—Director Karger and I met with Tom Nigon of Star Solar to review the interconnection requirements with Butter Solar for the city solar project.

Jan. 9—Met with Solar One representative Eric Udelhofen and Tom Bird from Blue Earth to discuss the upcoming solar installation. UMMEG had been working with Butter Solar who has sold the solar project to Blue Earth out of Alberta, Canada. Director Karger and I met with Mr. Bird and Mr. Udelhofen to talk through timeline and process. We also held meetings with Tom Nigon of Star Energy to sort through the interconnection process. The project will begin within the next few weeks with a June 1 online date.

Jan. 23—Attended the Administrative Leadership group in Owatonna. Attended SCACF board meeting in the evening. The group is working on an activity plan for the upcoming year and is working with the Green Space committee to conduct the raffle that was held February 2.

Jan. 28—Attended a 2020 Census meeting in Winona with other county leaders led by the regional 2020 Census coordinator. I will be working with Winona County Recorder Bob Bambenek to help coordinate efforts in the census count along with other organizations to get the word out about the importance of being counted. More information will be distributed later.

Jan. 30—Held an UMMEG conference call to discuss solar projects and UMMEG business.

Jan. 31—Met with representatives from Love’s Travel along with Public Works Director Kyle Karger, Rick Engstrom (WHKS), Mayor Schaber, Tracy Schnell (MnDOT), and Dave Hanson (MnDOT) to discuss next steps. The conversation went very well and the engineers will begin exchanging more detailed information and requests.
Public Works Report – January 2019

- Performed repairs on one ton pickup sander; cleaned City Shop; took down Christmas decorations and placed them back into storage; monthly substation and powerplant reports; performed Ziegler maintenance at powerplant; pulled new service wire at 2000 Hillcrest Avenue; plowed and sanded streets, parking lots, walking trails, and washed and cleaned trucks.

- Hung two transformers and rewired for three phase power for new Oasis Drive Inn; trimmed Blvd trees and trees in power lines; repaired street lights; hung new Winter Fest banner; performed monthly power plant run; tested and ran cites five small general sets; handed out disconnect slips for City Hall; sent rubber goods in for testing.

- Worked on future three phase junction for 2019 Solar farm project; changed out pump on City dump trailer; replaced blown fuse on 3 phase bank; took down banner on main street as the grommets ripped out; hauled snow off of main street; worked on electrical spring bid list; utility locates; re-energized Envirolastic’s three phase service; discussed future Solar project with City electrical engineer; started to set up storage on new Explorer locate truck.

- Locate and send maps for Love’s Truck stop engineer; helped look for missing teenager; replaced plow cutting edges; checked power quality complaint at City Hall; checked re-reads; checked City circuits at substation for trips or blinks; got plows and sanders ready for next storm; MMAA safety meeting.

- Worked on final shop floor drain repairs; rebuilt City plate tamper; annual City Christmas tree pickup; changed air handling filters and bulbs at City Hall and Library; maintenance on City sweeper; helped get ready for winter fest at City Park; worked on concrete screed; put up no parking signs on Whitewater for snow hauling.

- Performed grader maintenance; helped locate a water shut off; helped contractor with lift station, booster station and well maintenance; Travis went through manuals, books, and organizing information from Marti; took water samples; worked on shop doors;
checked sewer backup complaint on East Avenue; locate sewer manholes and water valves for water main loop project 2019.

- Took water samples; cleaned wells; performed well maintenance on all three; read meters; two emergency dialers installed; replaced water meters; located water lines; new pump in shop lift station; cleaned filters on plow truck; ordered three inch meter for booster station; checked hills and pushed back drifts; replaced two frozen meters; regenerated plow truck.

Sincerely,
Kyle Karger
Public Works Director
February 8, 2019

- Sgt Jose Pelaez has given notice that he is scheduled for Active Military Deployment beginning June 5, 2019 thru March 10, 2020. I plan on asking the council to fill his hours with a fulltime temporary position. Hopefully this temporary position will come from within our current part-time ranks.

- Officers Wolters and McCready attended a 4-day course in Albert Lea titled “Patrol Officers Response to Steer Drugs.” This 40-hour course taught by the Midwest Counterdrug Training Center was free and taught attendees to identify, detect apprehend and articulate the drug trafficker, distributor and the drug impaired person.

- Eight applications were received for the vacant full-time police officer position. 4 individuals were selected to be interviewed and interviews have been scheduled for Thursday Feb 14.

- Officer Hewitt is on medical leave for 4-6 weeks

Respectfully submitted,

Chief Ken Frank
St Charles Police Department

"Proud to Serve"
MEMBERS PRESENT:
Jerel Mockenhaupt
David Kramer
J.D. Puri
Wayne Getz
Terry Jones
Tim Jones

MEMBERS ABSENT:
None

STAFF PRESENT:
City Administrator Nick Koverman and Daren Sikkink from WHKS.

OTHERS IN ATTENDANCE: Bernie and Sue Ellis, Mike Zillgitt (Zillgitt Civil Engineering), and Dan Christie.

ESTABLISH QUORUM/CALL TO ORDER
Quorum was established with Tim Jones calling the meeting to order at 7:00 p.m.

APPROVAL OF AGENDA:
Motion to approve: Wayne Getz
Seconded by: J.D. Puri
No further discussion.
Motion declared carried

APPROVAL OF MINUTES—September 6, 2018
Motion to approve: David Kramer
Seconded by: Jerel Mockenhaupt
No further discussion.
Motion declared carried

BUSINESS ITEMS:

4a. Appoint P&Z Chair and Vice Chair. Admin. Koverman relayed that Tim Jones and David Kramer were selected as chair and vice chair in 2018. A motion was made to continue with Jones and Kramer to their respective positions.
Motion to approve: Wayne Getz
Seconded by: Jerel Mockenhaupt
No further discussion.
Motion carried.

4b. Discuss Preliminary and Final Plat—302 20th Street (Christie). Admin. Koverman began the discussion outlining the request from Mr. Christie. It was relayed that previously Mr. Christie had already utilized the minor subdivision for his property and the next step to create additional lots, would be to plat. Mr. Christie relayed that if not for a relative he would not be entertaining the idea. In working with city staff, various requests and concessions were addressed with respect to future planning for water connections and street. Daren Sikkink of WHKS highlighted the memo dated January 29, 2019 that outlined the review of the plat. Clm. Kramer posed several questions including: changing the name on the plat of 20th Street to Kieffer Hills Drive as found in a prior plat, the utility easements of 10’ not included on all lot boundaries, the mechanism for determining when curb/gutter/sidewalk would be added to Wabasha, an access easement for Lot 1 Block 1 and a general comment about double frontage lots in the proposed
future plan. He also questioned the need to put in the street as a development cost but understood the reasoning of the unique circumstance of the petitioner and agreed with staff recommendation to remain as a private drive until such time that the outlet was sold that included the street right of way. Sikkink relayed that a potential assessment could be adopted to improve Wabasha as an option. With respect to the access easement, because the petitioner is the owner he cannot grant himself an easement. However, there was additional discussion regarding how the easement could be recorded whether after the plat was recorded or a declaration.

4c. Public Hearing—Discuss Variance and Map Amendment (302 20th Street). A motion was made to open the public hearing at 7:27 p.m.

Motion to approve: Jerel Mockenhaupt
Seconded by: J.D. Purl

No further discussions.

Motion declared carried.

Jones called for comment and requested a 5 minute time frame. Mike Zillgitt of Zillgitt Civil Engineering addressed the Commission. To address a few of the comments from the plat discussion, Mr. Zillgitt relayed that he thought an easement would be granted at the time of the sale of the outlet, but would check to see if an access if required by statute. With respect to the utility easements, Zillgitt relayed that they did not find anything that described the required easements, but would be happy to put them in with that information. Mr. Christie relayed that he was told that his house number should be 302 20th Street and he did not question. With respect to the WHKS letter, Mr. Zillgitt requested that the language be stricken related to the testing and observation of the engineered fill. Because Mr. Christie is the owner/developer and the home will be constructed for his inlaws, he believed there is a different situation whereby it is one lot versus numerous lots. In addition, they are considering using deeper footings to meet the original ground. He understood the review and comment but relayed that the portion of fill would only be where the garage would be and that steps would be taken. It was restated by the Commission that the petitioner will ensure that the soil and foundation is suitable for building, but that the petitioner would like it to not be part of the letter. The Commission discussed that if the recommendation was made that the letter would be approved with that language struck as part of the motion. All concurred. Additional comment was called for by Jones. Hearing none, he called for a motion to close the public hearing at 7:40 p.m.

Motion to approve: David Kramer
Seconded by: J.D. Purl

No further discussion.

Motion carried.

Admin. Koverman reviewed the staff memo related to the 4.3 foot front yard variance and map amendment. He read aloud the three factors associated with the 4.3 foot front yard variance.

First factor: Is the use of the property or request reasonable? Given the description provided and discussion with the petitioner, and WHKS staff, the front yard setback variance of 4.3 feet is reasonable. Staff agree with the review completed by Zillgitt Civil Design that the proposed location of the plat lines allow for a reasonable alignment of the future potential right-of-way. In addition, it allows the existing attached garage to remain in place.

Second factor: Is the problem unique to the property and not caused by the landowner? Given the location of the proposed right-of-way, the subject property was not platted when the 20th Street right-of-way was established. WHKS staff worked with the petitioner and Zillgitt Civil Design to create an seamless transition, if a public road is ever established in that area.

Third factor: If granted, the variance will not alter the essential character of the locality. The 4.3 foot variance from the front yard provision will in no way jeopardize the essential character, but will rather preserve as stated in the Zillgitt review the essential character of the locality by allowing a future right-of-way and road to be in alignment with 20th Street.
RECOMMENDATION: As the Zoning Administrator for the City of St. Charles, I recommend the Planning and Zoning Commission forward a favorable recommendation regarding the request to the City Council. The petitioners appear to satisfy the criteria contained in Section 152.46 with respect to the three-part test of the standard of practical difficulty. The recommendation would be to approve a variance request for a 4.3 foot front yard variance to the City Council.

The Finding of Facts are as follows:

Based on the discussion with the petitioner and representations made to the St. Charles Planning Commission as well as the letter submitted by the petitioner the following facts are recommended:

1. The proposed expansion and use of the property is reasonable given the current location of the existing home and proposed alignment of a future street right-of-way.
2. The variance is required due to the unique circumstances to the property such as the existing subject property was not platted when the 20th Street right-of-way was established and the owner did not cause or establish the right-of-way alignment.
3. The front yard variance nor the location will alter the essential character of the locality based on the discussions and letter submitted and rather will retain the original alignment of a proposed road rather than a possible offset connection.

Hearing no questions of the variance, he highlighted the map amendment. The findings and conclusions were not read, but were submitted for consideration to the Commission. They were 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 for certain parcels from the A-1 Agriculture District to the R-1 (Single Family Residential) for property owned by Dan and Jill Christie at 302 20th Street; 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 302 20th Street in the City of St. Charles, Minnesota, is approximately 14.28 acres, and is legally shown and described in Exhibit A which is attached hereto and incorporated herein by reference.
2. That the Subject Property is owned by Daniel R. Christie and Jill C. Brann and is currently zoned A-1 (Agriculture District) and the Planning Commission has recommended rezoning certain parcels of the property to R-1 (Single Family Residential).
3. Given the history of the use of the two existing home that abuts the R-1 (Single Family Residential), the proposed amendment would neither arbitrarily nor negatively impact the neighborhood.
4. The proposed plan and use would not negatively impact property values.
5. The proposed plan does not constitute spot zoning.
6. Potential future development would more closely resemble the adjacent R-1 (Single Family Residential) District in terms of structures and use.
7. The current and proposed infrastructure would complement the future R-1 zoning designation.
8. The proposed rezoning is consistent with the districts that are contiguous to the area proposed to be rezoned.
9. The proposed rezoning is both reasonable and consistent with the City’s comprehensive plan.
4d. Resolution #02-2019 Approve Preliminary and Final Plat. A motion was made to approve the resolution as presented along with the review letter, striking all but the language “All engineered fill areas should be defined on the grading plan.”

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

4e. Resolution #03-2019 Approve Front Yard Setback. The 4.3 foot front yard setback and the reasoning with the proposed future street was briefly reviewed again. Hearing no further discussion, a motion was made to approve the resolution as presented and the findings of facts.

Motion to approve: Wayne Getz
Seconded by: Jerel Mockenhaupt
No further discussion.
Motion carried.

4f. Ordinance #608 Zoning Map Amendment. The rezone looked at amending the A-1 district to include the proposed lots of the plat that would be related to the R-1 Single Family Residence District. No questions were asked. A motion to approve the ordinance as presented along with the findings and conclusions as submitted was motioned.

Motion to approve: Terry Jones
Seconded by: J.D. Purl
No further discussion.
Motion carried.

Motion to adjourn at 7:48 p.m.: J.D. Purl
Seconded by: David Kramer
No further discussion.
Motion carried.
January 14, 2019

Daley Farms
18869 Hwy. 14
Lewiston, MN 55952

Dear Daley Family,

On Tuesday, January 8, 2019 the City of Stockton, City Council met to discuss your request for a letter of support.

Daley Farms of Lewiston, MN is a multi-generation dairy farm located in Winona County, Minnesota, whom is seeking a variance to the animal unit total allowable limit established by the County Board of Commissioners. Since you have exhibited excellent animal husbandry techniques over the years of operation and been an excellent contributor to the betterment of your community, your school system and your county, please allow this letter to stand for our letter of support.

The City of Stockton would support Daley Farm’s efforts to gain the proper variances and conditional use permits from the County of Winona to pursue their efforts to increase their number of animal units as proposed in their application presented for discussion.

The expansion would only bring more employment, more security in the farming community and better crops from the waste produced.

Sincerely,

Bethany Winchester
Clerk – Treasurer

David Johannes
Mayor
January 7, 2019

To Whom This May Concern:

The following council members of the City of Rollingstone, Minnesota, support the Daley Farm’s LLP efforts to gain the proper variances and conditional use permits from the County of Winona to pursue their efforts to increase their number of animal units as proposed in their application.

Paul Kreidermacher, Mayor
Francis Hengel, Councilor
Rachel Larson, Councilor
Troy Kieselhorst, Councilor
Paul Seppe, Councilor
December 11, 2019

To whom it may concern,

The City of Elba approved a motion to endorse the Dailey Farms expansion. We, Jay Mollert, Patricia Haack, Scott Scherbring, Andrea Kieffer, Wayne Ehlenfeldt, and Patricia Arnold, were all in favor to support their expansion. The facility will continue to follow the guidelines to ensure environmental health and water quality in the highest regard.

Patricia Haack

Elba City Clerk
December 12, 2018

Winona County Board of County Commissioners
177 Main Street
Winona, MN 55987

RE: Support for Daley Farms Expansion

Dear County Commissioners:

As you know, the Daley Farms of Lewiston, LLP currently owns and operates three dairy sites (LLP, LLP1, and LLP7) in Utica Township, Winona County. Daley Farms intends to expand its existing dairy at the LLP site, close the LLP1 site and install open-lot runoff controls at the LLP7 site. The expansion at the LLP site will include a total confinement barn with 3,000 dairy cows, a rotary milking parlor, a manure storage basin, a feed storage pad, and stormwater runoff controls.

The approximately one thousand six hundred residents of the City of Lewiston certainly present the largest and most concentrated neighbor to the Daley Farms current locations. The residents of Lewiston are assured by Minnesota Department of Health information that our Drinking Water Supply Management Area [DWSMA] is not within the areas proposed for the expansion.

It is, therefore, our belief that this expansion of operations by Daley Farms, LLP, will not cause health-related issues for our residents. On the contrary, the City of Lewiston welcomes the potential of greater economic benefits to the various agriculture related businesses as well as those residents who are or may become employees of Daley Farms, LLP. We are more concerned that the loss of small dairy, beef, and crop farming operations due to economic pressure has continued for decades and believe this expansion is a suitable means to retain this area's rural character.

We do, therefore, declare our support of the proposed expansion of Daley Farms, LLP in the rural area neighboring the City of Lewiston. We further anticipate a continuing and growing positive relationship between the City of Lewiston and the Daley Farms, LLP.

With best regards,
City of Lewiston

[Signatures]

[Name]
Council Member

[Name]
Council Member
To Whom This May Concern:

The City of Utica, MN supports the Daley Farms expansion. The operation will follow rules to protect drinking water and protect the public from health issues.

The Utica City Council
Gary R. Sanders    Mayor of Utica
Alanna Kieffer    Council
Dan Lewis    Council
Chad Dailey    Council
David Golish    Council
Resolution # 2018-

Daley Farm's LLP

Whereas, Daley Farms of Lewiston MN, A multi-generation dairy farm located in Winona County of Minnesota is seeking a variance to the animal unit total allowable limit established by the County Board of Commissioners.

Whereas, Daley Farms LLP have exhibited excellent animal husbandry techniques over the historical years of operation.

Whereas Daley Farm's LLP have been an excellent contributor to the betterment of their community, their school system and their county.

Be it resolved that the Council of the City of Altura support Daley Farm's LLP efforts to gain the proper variances and conditional use permits from the County of Winona to pursue their efforts to increase their number of animal units as proposed in their application presented for discussion.

[Signature]
Robert J Schell DVM
Mayor City of Altura
A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT
OF DAN AND JILL CHRISTIE
TO THE CITY OF ST. CHARLES, MINNESOTA

WHEREAS, the Preliminary and Final Plat of Dan and Jill Christie to the City of St. Charles, Minnesota has been duly reviewed by the Planning Commission on February 7, 2019; and,

WHEREAS, the Preliminary and Final Plat of Dan and Jill Christie to the City of St. Charles, Minnesota has been duly reviewed by the City Council on February 12, 2019.

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

1. Upon the recommendation of the Planning Commission and in consideration of the lack of reasonable objection to the preliminary or final plat, the final plat of Dan and Jill Christie is hereby approved.

Adopted by the Council of the City of St. Charles, Minnesota this 12th day of February.

STATE OF MINNESOTA
COUNTY of Winona
I, Nick Koverman, City Administrator of the City of St. Charles, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 12th day of February, 2019; the original of which is on file in this office. I further certify that ___ members voted in favor of this resolution and that ___ members were present and voting.

____________________________________
John Schaber, Mayor

Attest:

______________________________
Nick Koverman, City Administrator

SEAL
January 29, 2019

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

RE: St. Charles, MN  
Dan Christie Subdivision  
Review of Preliminary Plans & Plat and Final Plat

Dear Nick:

We have reviewed the plans and plat. We offer the following comments.

The following variances apply to this project:

1. The Developer is requesting a setback variance of 4.3 feet from the front yard setback. The existing house meets the setback requirements but with the creation of Outlot A (future 20th St right of way) the house would not meet the required setback.

   We would recommend this variance versus narrowing the proposed 20th Street right of way or offsetting the 20th Street intersection to meet the required setback.

The following fee related items apply to the project:

1. Land dedicated for outdoor recreation is not included with this development. A parkland dedication fee of $1,300 applies to this development.

2. Sewer and Water Impact fees apply to the 1.56 platted acres. City Staff is recommending waiving the Sewer and Water Impact fees in lieu of the developer platting an Outlot which will allow for the extension of a municipal watermain.

   The watermain extension in the Outlot is proposed to eventually connect the high-level water system in the trailer park to the north. The City will participate in constructing the north-south section of watermain. The proposed Sewer and Water Impact fees of $6,006 are proposed to be waived.

3. A subdivision inspection fee of $4,500 applies to this development.

We offer the following additional comments:

1. A construction schedule should be submitted for this project.

2. All engineered fill areas should be defined on the grading plan. It is recommended that the City require the Developer to perform testing and observation of all engineered fill outside the right-of-way. The Developer should be required to submit test results and
observation records to the City upon completion. This information is provided to the City for informational purposes only and is not reviewed by the City.

3. A 66-foot-wide Outlot should be shown at the easterly end of Lot 1, Block 1. This Outlot will allow for the extension of a proposed watermain and a future street to the adjacent northerly property. The future street construction will be the responsibility of future developers of this property. The north-south watermain extension will be constructed by the City of St. Charles.

4. A plan and profile sheet should be provided for the north-south watermain extension to the northerly plat limit. The watermain should be labeled "Furnish and install 6-inch DIP watermain by City". The plan sheet will be reimbursed by the City for an amount of $2360.

5. All sanitary sewer main and service pipe should be SDR-26.

6. The future storm water management pond and a connecting street to Wabasha Avenue should be shown on the general development plan.

7. The future driveway location and house elevations for Lot 1, Block 1 should be shown on the plan.

We recommend approval of the preliminary and final plans and plat conditional upon the above items being addressed.

Please contact us if you have any questions.

Sincerely,

WHKS & co.

Daren D. Sikkink, P.E.

WKA/wa

Cc: Kyle Karger, City of St. Charles
    Dan Christie, Developer
    Mike Zillgitt, Zillgitt Civil Design
City of St. Charles
Resolution #03-2019

A Resolution Providing for the Variance
From the Provisions of Section 152.41
Of the St. Charles Zoning Ordinance

WHEREAS, an application to vary a certain provision of Section §152.41 of the Zoning Ordinance of the City of St. Charles has been duly filed by the City of St. Charles; and

WHEREAS, the Planning Commission, after public hearing, duly noticed, has recommended the granting of a 4.3 foot rear yard variance to Dan and Jill Christie from the provisions of Section §152.41 of the St. Charles Zoning Ordinance; and

WHEREAS, granting the variances for the proposed addition are reasonable given the current location of the existing home and proposed alignment of a future street right-of-way; and

WHEREAS, granting the variance is due to the unique physical characteristics of the property such as the existing subject property was not platted when the 20th Street right-of-way was established and the owner did not cause or establish the right-of-way alignment; and

WHEREAS, granting the variance will not alter the essential character of the locality but rather retain the original alignment of a proposed road rather than a possible offset connection.

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

1. A variance is granted from the provisions of Section §152.41 of the St. Charles Zoning code to allow the 4.3 foot front yard variance for 302 20th Street West, Lot 1, Block 3 Section-30-Twp-106 Range -010 Limits St. Charles Part of Lot-085 owned by Dan and Jill Christie.

Adopted this 12th day of February 2019 by the Council of the City of St. Charles, Minnesota.

John Schaber, Mayor

Attest:

Nick Koverman, City Administrator
Memorandum

To: St. Charles Planning and Zoning Commission
From: Nick Koverman, City Administrator
Date: January 31, 2019
Subject: Dan and Jill Christie Variance Request and Map Amendment

VARIANCE REQUEST INFORMATION: Dan and Jill Christie, owners at 302 20th Street, have submitted a preliminary and final plat which has been reviewed by WHKS and is recommended for approval. In reviewing the plat and the location of the existing home and future extension of what could be a 66-foot wide public street in the future, a 25-foot front yard setback is required from the owner’s property line. However, given the location of the existing home and the proposed location of the proposed 66’ wide future street, a 4.3 foot variance would be necessary. Section 152.40 of the St. Charles Zoning Ordinance forms the basis of the request.

SITE CHARACTERISTICS: The petitioner owns a piece of property that is inside city limits and is located in southwest side of the city and is currently zoned A-1 (Agricultural). The petitioner desires to add additional lots, which is the reason for the required plat as they have split the property previously for the construction of their existing home. The petitioner desires to have the existing and proposed lots zoned as R-1 (Single Family Residential) but retain the majority of the parcel as A-1.

ASSESSMENT: The petitioner has submitted a letter to address the variance provisions with respect to the request. Practical difficulty is the new legal standard set forth that cities must apply when considering applications.

First factor: Is the use of the property or request reasonable? Given the description provided and discussion with the petitioner, and WHKS staff, the front yard setback variance of 4.3 feet is reasonable. Staff agree with the review completed by Zillgitt Civil Design that the proposed location of the plat lines allow for a reasonable alignment of the future potential right-of-way. In addition, it allows the existing attached garage to remain in place.

Second factor: Is the problem unique to the property and not caused by the landowner? Given the location of the proposed right-of-way, the subject property was not platted when the 20th Street right-of-way was established. WHKS staff worked with the
petitioner and Zillgitt Civil Design to create an seamless transition, if a public road is ever established in that area.

Third factor: If granted, the variance will not alter the essential character of the locality. The 4.3 foot variance from the front yard provision will in no way jeopardize the essential character, but will rather preserve as stated in the Zillgitt review the essential character of the locality by allowing a future right-of-way and road to be in alignment with 20th Street.

RECOMMENDATION: As the Zoning Administrator for the City of St. Charles, I recommend the Planning and Zoning Commission forward a favorable recommendation regarding the request to the City Council. The petitioners appear to satisfy the criteria contained in Section 152.46 with respect to the three-part test of the standard of practical difficulty. The recommendation would be to approve a variance request for a 4.3 foot front yard variance to the City Council.

The Finding of Facts are as follows:

Based on the discussion with the petitioner and representations made to the St. Charles Planning Commission as well as the letter submitted by the petitioner the following facts are recommended:

1. The proposed expansion and use of the property is reasonable given the current location of the existing home and proposed alignment of a future street right-of-way.
2. The variance is required due to the unique circumstances to the property such as the existing subject property was not platted when the 20th Street right-of-way was established and the owner did not cause or establish the right-of-way alignment.
3. The front yard variance nor the location will alter the essential character of the locality based on the discussions and letter submitted and rather will retain the original alignment of a proposed road rather than a possible offset connection.

As such, resolutions will be drafted to represent the variance recommendations.

MAP AMENDMENT DISCUSSION AND RECOMMENDATION

In reviewing the overall and surrounding zoning district, the proposed plat and map amendment aligns itself with the City’s Comprehensive Land Use plan as it reflects the direction of the type of growth in that area. The proposed parcels are contiguous with the abutting R-1 (Single Family Residential) District. The proposed map amendment will include two existing homes that are already single family residential in use and will allow for the creation of two additional residential lots. In working with the petitioner, the city views the remaining parcel of A-1 (Agriculture) as a viable location for future expansion of residential lots. This proposal is consistent with the City’s Comprehensive Land Use Plan. The petitioner has worked diligently with the City staff to accommodate the
possibility of future growth not only within the proposed parcel, but adjoining plats of land as well. It is recommended for approval for the zoning amendment (proposed Ordinance #608).

FINDINGS AND CONCLUSIONS

WHEREAS, the Planning Commission after review, made a favorable recommendation to the St. Charles City Council for a rezone designation for certain parcels from the A-1 Agriculture District to the R-1 (Single Family Residential) for property owned by Dan and Jill Christie at 302 20th Street; 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 302 20th Street in the City of St. Charles, Minnesota, is approximately 14.28 acres, and is legally shown and described in Exhibit A which is attached hereto and incorporated herein by reference.
2. That the Subject Property is owned by Daniel R. Christie and Jill C. Braun and is currently zoned A-1 (Agriculture District) and the Planning Commission has recommended rezoning certain parcels of the property to R-1 (Single Family Residential).
3. Given the history of the use of the two existing home that abuts the R-1 (Single Family Residential), the proposed amendment would neither arbitrarily nor negatively impact the neighborhood.
4. The proposed plan and use would not negatively impact property values.
5. The proposed plan does not constitute spot zoning.
6. Potential future development would more closely resemble the adjacent R-1 (Single Family Residential) District in terms of structures and use.
7. The current and proposed infrastructure would complement the future R-1 zoning designation.
8. The proposed rezoning is consistent with the districts that are contiguous to the area proposed to be rezoned.
9. The proposed rezoning is both reasonable and consistent with the City’s comprehensive plan.
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: 1/30/2019
Last Data Uploaded: 1/30/2019 2:25:41 AM

Developed by Schneider Geospatial
CITY OF ST. CHARLES

ORDINANCE #608

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

THE CITY OF ST. CHARLES DOES ORDAIN:

Section 1. That the following described real property located within the city limits of the
City of St. Charles, County of Winona, State of Minnesota, be rezoned from A-1 (Agriculture) to
R-1 (Single Family Residential District): Owners, Dan and Jill Christie. See Attached Exhibit A
and B, 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 12th day of February 2019 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:
Proposed Zoning Change
(A-1 to R-1)
Resolution #04-2019 

A Resolution Authorizing Qualified Part-Time Police Officers to Participate in the City's PERA Plan

WHEREAS, the policy of the State of Minnesota as declared in Minnesota Statutes 353.63 is to give special consideration to employees who perform hazardous work and devote their time and skills to protecting the property and personal safety of others; and

WHEREAS, Minnesota Statutes Section 353.64 permits governmental subdivisions to request coverage in the Public Employees Police and Fire plan for eligible employees of police or sheriff departments whose position duties meet the requirements stated therein and listed below.

BE IT RESOLVED that the City of St. Charles, Minnesota hereby declares that the position of part-time police officer, currently held by Brady Jones, meets all the following Police and Fire Plan membership requirements:

1. Said position requires a license by the Minnesota peace officer standards and training board under sections 626.84 to 626.863 and this employee is so licensed;

2. Said position’s primary (over 50%) duty is to enforce the general criminal laws of the state;

3. Said position charges this employee with the prevention and detection of crime;

4. Said position gives this employee the full power of arrest, and

5. Said position is assigned to a designated police or sheriff’s department.

BE IT FURTHER RESOLVED that this governing body hereby requests that the named employee be accepted as a member of the Public Employees Police and Fire Plan effective the date of this employee’s initial Police and Fire Plan salary deduction by the governmental subdivision.

Passed and approved this 12th day of February 2019.

John Schaber, Mayor

Attest: 
Nick Koverman, City Administrator

STATE OF MINNESOTA
COUNTY of Winona
I, Nick Koverman, City Administrator of the City of St. Charles, do hereby certify that this is a true and correct transcript of the resolution that was adopted at a meeting held on the 12th day of February; the original of which is on file in this office. I further certify that ___ members voted in favor of this resolution and that ___ members were present and voting.
City of St. Charles
Resolution #05-2019

A Resolution Approving A
One-Day 3.2 Malt Liquor License

WHEREAS, the St. Charles Public Library is submitting an application to the City of St. Charles in order to sell 3.2 Malt Liquor at 125 W. 11th Street on Saturday, April 13, 2019.

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 3.2 Malt License submitted by the St. Charles Public Library to the City of St. Charles.

Adopted by the Council of the City of St. Charles, Minnesota this 12th day of February, 2019.

____________________________
John Schaber, Mayor

Attest:
____________________________
Nick Koverman, City Administrator
January 17, 2019

Mr. Kyle Karger
Public Works Director
City of St. Charles
830 Whitewater Avenue
St. Charles, MN 55972

RE: St. Charles, MN
2018 Street Improvements
Pay Request No. 3

Dear Kyle:

Enclosed is the Pay Request No. 3 for work on the above referenced project. We recommend payment in the amount of $11,614.81 to:

Dunn Blacktop Co.
24206 TH 43 Box 208
Winona, MN 55987

Please contact me if you have any questions.

Sincerely,

WHKS & co.

Daren D. Sikkink, P.E.
DDS/rge

Enclosure

cc: Nick Koverman, City of St. Charles
Fred Bauer, Dunn Blacktop Co.
Partial Payment Request
For Construction Work Completed

Project: 2018 Street Improvement Project
Project No.: 8559.00
Location: St. Charles, Minnesota
Contractor: Dunn Blacktop

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<th>Unit Price</th>
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<th>Quantity Completed This Estimate</th>
<th>Quantity Completed to Date</th>
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Net Payment this Estimate $ 11,614.81

Bid Price: $ 478,278.74
Alternate #1 $ 39,066.75
Date: 1/17/2019
Estimate #: 3
% Complete: 98.1%

Total Work Completed $ 507,446.88
Less 5% Retained $ (25,372.35)
Less Previous Payments $ (470,459.72)
February 7, 2019

Mr. Kyle Karger  
Public Works Director  
City of St. Charles  
830 Whitewater Avenue  
St, Charles, MN 55972

RE: St. Charles, MN  
Safe Routes to School Improvements  
Pay Request No. 4

Dear Kyle:

Enclosed is the Pay Request No. 4 for work on the above referenced project. We are recommending reducing the retainage from 5% to 3%. We recommend payment in the amount of $18,561.99 to:

Dunn Blacktop Co.  
24206 TH 43 Box 208  
Winona, MN 55987

Please contact me if you have any questions.

Sincerely,

WHKS & co.

Daren Sikkink, P.E.  
DDS/cpf

Enclosure

cc: Nick Koverman, City of St. Charles  
Fred Bauer, Dunn Blacktop Co.
## PARTIAL PAYMENT ESTIMATE

FOR CONSTRUCTION WORK COMPLETED

**Bid Price:** $510,417.11  
**Date:** 2/7/2019  
**Estimate #:** 4  
**% Complete:** 103.1%

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PARTIAL PAYMENT ESTIMATE
FOR CONSTRUCTION WORK COMPLETED

Project: Safe Routes to School Improvements
State Project: 085-591-035 TA 8517 (247)
Project No.: 8278.00
Location: St. Charles, MN
Contractor: Dunn Blacktop Co.

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Total Work Completed plus Change Order $526,803.05
Supplemental Agreement 1 (Conduit) $2,500.00
Subtotal $529,303.05
Less 3% Retainage $15,789.10
Less Previous Payments $491,951.96

Net Payment this Estimate $18,561.99