



The City Council of the City of St. Charles welcomes you to its Regular Meeting of Tuesday, June 9, 2020 at 6:00 p.m. at 830 Whitewater Avenue, City Council Chambers, St. Charles, Minnesota.

ITEM	ACTION REQUESTED
1. Call to Order	
2. Pledge of Allegiance	
3. June 9, 2020 Agenda	APPROVE
4. Meeting Minutes -May 12, 2020 -May 26, 2020	APPROVE
5. June Payables	APPROVE
6. Notices and Communications (if applicable)	INFORMATION
7. Reports of Boards and Committees:	INFORMATION
7a. Administrator's Report, Nick Koverman	
7b. Public Works Superintendent Report, Kyle Karger	
7c. Chief of Police Report, Ken Frank	
7d. Library Board Report, David Kramer	
7e. EDA Report, Wayne Getz	
7f. Park Board, Dave Braun	
7g. School Board, Craig Hilmer	
8. Covid-19 Updates/Recommendations	DISCUSS/APPROVE
9. Temporary Ice Cream Stand Request-600 E 5th	APPROVE
10. Permanent Public Trail Easement-SEMMCHRA/St. Borromeo	APPROVE
11. OSHA 50/50 Safety Grant	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**

Please Note: Some or all councilmembers may participate by telephone or other electronic means as permitted through Minn. Stat. 13D.021.

To attend the conference call please dial 1-320-460-1726 and the conference ID: 831 603 799#

\*Attachment. Questions? Contact Nick Koverman at St. Charles City Hall at 932-3020 or by email at [nkoverman@stcharlesmn.org](mailto:nkoverman@stcharlesmn.org).



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**MEMORANDUM for the CITY COUNCIL of St. Charles for**  
**Tuesday, June 9, 2020**

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**8. COVID-19 Updates/Recommendations.** Additional information was released from Governor Tim Walz on Friday, June 5. Discussion will follow regarding his guidelines.

**9. Temporary Ice Cream Stand Request-600 East 5<sup>th</sup>.** Please see the enclosed Request For Council Action.

**10. Permanent Public Trail Easement Agreements-SEMMCHRA/St. Borromeo.** Included are the two trail easement agreement and exhibits for consideration.

**11. OSHA 50/50 Safety Grant.** Please see the Request For Council Action included.

**MINUTES of the ST. CHARLES CITY COUNCIL**  
**for Tuesday, May 12, 2020 held at 6:00 p.m. at**  
**830 Whitewater Avenue,**  
**St. Charles, Minnesota**

**MEMBERS PRESENT:**

Councilmen:

Mayor John Schaber

Dave Braun (via phone)

Craig Hilmer

Wayne Getz

David Kramer (via phone)

*Note: Due to COVID-19 pandemic, Council previously authorized a local emergency resolution allowing the use of teleconferencing to observe Governor Tim Walz Executive Order 20-20, which called for sheltering in place.*

**STAFF PRESENT:** Rick Schaber (Park & Recreation Director), Shawn Elsbury (City Accountant), Nick Koverman (City Administrator).

**OTHERS IN ATTENDANCE:** Matt Rahlf, Brian Wodele-teleconference (Winona County Surveyor and Jill Veerkamp-teleconference (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.

Motion to approve: **Dave Braun**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**4. Meeting Minutes**

April 14, 2020

Motion to approve: **Dave Braun**

Roll call was taken and all voted in favor.

No further discussion.

Motion declared carried.

April 15, 2020

Motion to approve: **Wayne Getz**

Roll call was taken and all voted in favor.

No further discussion

Motion declared carried.

**5. May Payables.** No questions were asked.

Motion to approve: **Craig Hilmer**

Roll call was taken and all voted in favor.

No further discussion.

Motion declared carried.

**6. Notices and communications:** Admin. Koverman relayed that SEMCAC offered to repaint the community center as their weatherization crew was looking for possible tasks. This was offered from

SEMCAAC due to the organization using the facility for their meetings. The city will pay for the paint and supplies.

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

Various reports were given.

8. COVID-19 Updates. Park and Recreation Director Rick Schaber relayed to the Council that he had been working closely with various other communities and the relative parks and aquatics agencies as well as the Department of Health to stay up to date on regulations as discussions continued on the possibility of programming and opening of the pool. He was hoping for additional guidance from the Governor's office and the Department of Health. He stressed that the City is hopeful to be able to operate as usual, but is waiting for the guidance. He discussed the standard timeframe of opening the pool and provided Council with an outline of what process he would need to do to move forward. No additional questions were asked. Shawn Elsbury, City Accountant, highlighted his memo as he had reviewed various funds and relayed that funds were trending consistently and that he feels they will hold steady. No questions were asked.

**9. Summer Park & Rec Job List.** Mayor Schaber briefly highlighted the list included in the packet. A motion was made to approve the list as presented.

Motion to approve: **Dave Braun**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**10. Ordinance #621 Public Drinking & Exemptions (2<sup>nd</sup> Reading).** Admin. Koverman highlighted that additional language was added since the first reading to allow for additional signage language in parks.

With no further questions, a motion was made to approve the ordinance.

Motion to approve: **Craig Hilmer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**11. Ordinance #622 9<sup>th</sup> Street Vacation (1<sup>st</sup> Reading).** Admin. Koverman briefly highlighted the discussion held at the P&Z meeting with respect to the request by the St. Charles School District to vacate the remaining portion of 9<sup>th</sup> Street. In 2011, the City received a similar request to vacate the eastern portion of the street which was approved. He highlighted the proposed parking plan for the vacated area and that no questions of the vacation were received as part of the discussion. A motion was made to approve the first reading.

Motion to approve: **David Kramer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**12. Resolution #21-2020 Preliminary and Final Plat Rahlf Subdivision (442 Church Avenue).** Admin. Koverman highlighted the request for three lots to be platted that included one with an existing home. The site plan had been reviewed with the additions for water, sewer, storm sewer, utility easements and setbacks. He highlighted the 20 foot alley and the discussion that would take place with the school district to receive a quit claim deed as the owner of the alley. In addition, he highlighted the potential conflict of rededicating public streets which are believed to be part of the original plat of 1854. The resolution proposed was to adjust the depiction of the plat to only include the block lines, but to include a textual note on the plat that recognized the public's interest in the street, but that it was owned by Mr. Rahlf. Mr. Rahlf who was present agreed to the solution and that the change would be made to the plat. Admin. Koverman relayed that as part of the resolution, a new WHEREAS clause was added as a contingent approval that the change would be made and approved by the County Surveyor. No additional questions were asked and a motion to approve the resolution as presented was moved.

Motion to approve: **Dave Braun**

Roll call was taken and all voted in favor.

No further discussion.  
Motion carried.

**13. Resolution #22-2020 Amending the 2020 Garbage Rates.** Mayor Schaber relayed that the garbage contract had been completed and that the new rates were included in the resolution as part of that process. A motion was made to approve the resolution as presented.

Motion to approve: **Craig Hilmer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**14. Extension of Employment-Feuerhelm.** Mayor Schaber briefly reviewed the letter and relayed that Mr. Feuerhelm had continued his employment due to COVID-19. A motion was made to approve the extension.

Motion to approve: **David Kramer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**14. Letter of Resignation—Officer Chris Lennon.** Mayor Schaber thanked Officer Lennon for all of his years of service. A motion was made to accept the letter of resignation.

Motion to approve: **Craig Hilmer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**Unscheduled Public Appearances. None.**

Motion to adjourn at 6:26 p.m.: **Wayne Getz**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

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**John Schaber, Mayor**

ATTEST

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**Nick Koverman, City Administrator**

**MINUTES of the ST. CHARLES CITY COUNCIL  
for Tuesday, May 26, 2020 held at 6:00 p.m. at  
830 Whitewater Avenue,  
St. Charles, Minnesota**

**MEMBERS PRESENT:**

Councilmen:

Mayor John Schaber

Dave Braun (via telephone)

Craig Hilmer (via telephone)

Wayne Getz

David Kramer

*Note: Due to COVID-19 pandemic, Council previously authorized a local emergency resolution allowing the use of teleconferencing to observe Governor Tim Walz Executive Order 20-20, which called for sheltering in place.*

**STAFF PRESENT:** Rick Schaber (Park & Rec Director) and Nick Koverman (City Administrator)

**OTHERS IN ATTENDANCE:** Brian Todd (Post Bulletin-via telephone) and Jill Veerkamp (St. Charles Press-via telephone).

**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: Addition 9.) Temporary Liquor License Premise Change**

Motion to approve: **Dave Kramer**

No discussion.

Roll call was taken, all voted in favor.

Motion carried.

**4. Notices and communications:** None.

**5. Review of Financials.** No questions or comments. A motion was made to approve the financials as presented.

Motion to approve: **Wayne Getz**

No further discussion.

Roll call was taken, all voted in favor.

Motion carried.

**6. COVID-19 Updates/Requests.** Admin. Koverman presented various pieces of information/requests related to COVID-19 procedures and events. He relayed that according to the Minnesota Municipal Utility Association, waivers of late fees were requested to be waived until June 12 by the Public Utilities Commission. In talking it over with staff, it was the consensus that given the timing of the bills, to waive late fees until the end of July. He added that residents are still required to pay their bills and/or make arrangements if necessary. Disconnections will still place if no form of payment or communication has been received.

As part of EDA loan payments, after taking part in a Winona County EDA meeting, it was their recommendation to extend loan payments through the end of August. Koverman recommended the same for St. Charles loan holders, but to extend the time on the loan.

For City Hall, he indicated that for June 1, City Hall will begin with a soft opening with 2 days a week and remaining closed 3 days. Staff will continue to direct residents to use the dropbox or online for utility payments. Cash payments will be accepted, but no change will be provided at this time. The community center and pavilions will follow the governor's guidelines.

A Preparedness Plan was presented to Council for consideration as well that outlined various strategies. The plan was a template from the Coalition of Greater MN Cities and he felt covered many of the bases, while not going overboard. He requested an approval of the plan as well.

Park & Rec Director Rick Schaber presented information that he hopes to gain more direction from the Dept. of Health. He discussed summer programming and possibly starting June 15. Again, he is waiting for clear information on pool operations at this time.

Mayor Schaber asked for any discussion. Hearing none, a motion was made to approve the plan and recommendations presented along with extending the time period of the EDA loans.

Motion to approve: **David Kramer**  
No further discussion.  
Roll call was taken, all voted in favor.  
Motion carried.

**7. Ordinance #621 Drinking in Public (2<sup>nd</sup> Reading).** Admin. Koverman relayed that at the last meeting, a second reading was approved. However, City Hall Park was omitted from the list of public spaces. In speaking with the city attorney, he recommended receiving a motion to rescind the last reading, adopt the new language and motion to approve the second reading. Council concurred, and a motion was made to rescind the second reading.

Motion to rescind the second reading: **Craig Hilmer**  
No further discussion.  
Roll call was taken, all voted in favor.  
Motion carried.

A motion was made to adopt the language of City Hall Park as presented, and approve the second reading of Ordinance #621.

Motion to approve: **Dave Braun**  
No further discussion.  
Roll call was taken, all voted in favor.  
Motion declared carried.

**8. Resolution #23-2020. Accepting a Donation from the City of Dover.** Mayor Schaber highlighted the resolution and thanked the City of Dover. It was requested that a thank you letter be sent.

Motion to approve: **David Kramer**  
No further discussion.  
Roll call was taken, all voted in favor.  
Motion declared carried.

**9. Good Sport Bar & Grill Temporary Revised Premise Permit.** Mayor Schaber relayed that a request was received from Good Sport Bar & Grill along with a proposed plan to conduct outside seating within the Governor's guidance. The plan demonstrated a fenced area that would be potentially 75 percent of the parking area. Admin. Koverman relayed that the owners would need to follow Dept. of Health guidelines for their food license and that an updated liquor liability policy to cover the parking would be needed, if it didn't already cover their property. It was understood that the parking area would be a temporary option until restrictions were lifted. Council briefly discussed the parking in the area and how the business hopes to accommodate for their guests with the off-sale side and existing parking in the lot. Mayor Schaber entertained a motion to modify their premise permit of their liquor license in conformance with the plan shown to allow for outside consumption as a temporary condition due to COVID-19 until such time that normal business operation are allowed.

Motion to approve: **David Kramer**  
No further discussion.  
Roll call was taken, all voted in favor.  
Motion declared carried.

**UNSCHEDULED PUBLIC APPEARANCES**

None.

A motion to adjourn at 6:19 p.m.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

ATTEST:

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**John Schaber, Mayor**

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**Nick Koverman, City Administrator**

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April 2020

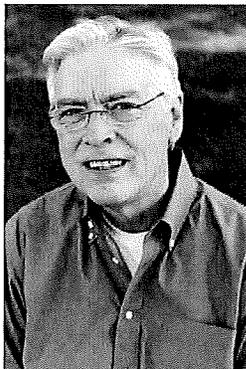


SOUTHERN MINNESOTA  
INITIATIVE FOUNDATION

Collaborating for Regional Vitality

# *taking* THE INITIATIVE

News from Southern Minnesota Initiative Foundation



In 1986, an economic crisis had shaken Greater Minnesota. Farms across the state faced bankruptcy and rural communities suffered. This created uncertainty about the future of rural Minnesota.

In response to that “farm crisis” the urban-based [McKnight Foundation](#) created six sister foundations, including [Southern Minnesota Initiative Foundation \(SMIF\)](#) , to provide support and resources directly to the people and communities in their respective regions. Thirty-four years later, SMIF has invested more than \$114 million in southern Minnesota alone. We have found our region’s communities have proven to be not only resilient in the face of unprecedented challenges, but innovative in the way they approach

solutions.

Today we are in crisis again. Within a short period of time, our world has changed from what it was just a few weeks ago, and with this new uncertainty come those familiar fears about what the future may bring. However, we have seen glimmers of hope as businesses quickly adapt by holding virtual and curbside sales or by altering their marketing strategies to address the current situation. We have also seen communities come together to support health care workers and other personnel on the frontline of this health pandemic. And, true to our mission, SMIF is again prepared to rise to the challenges brought about by this new crisis by supporting the needs in our [20-county region](#) . Details of our response can be found below.

While we cannot predict the future, we have seen time and again that the people of southern Minnesota are resilient. Remember, Spring is here, and we will all begin to see signs of new growth soon. I am confident we will get through this current crisis by working together, as we always do.

See my full op-ed

## Supporting our region in a time of crisis



At SMIF we have been responding to the new challenges that our partners have been facing since this all began.

At the urging of Governor Walz, an Emergency Child Care Grant Program was created to provide immediate financial support to licensed child care providers in Greater Minnesota. SMIF was able to award 481 family providers and 34 centers in our 20-county region

with immediate funds. We are also working to support strategy and business planning for child care providers during this difficult time.

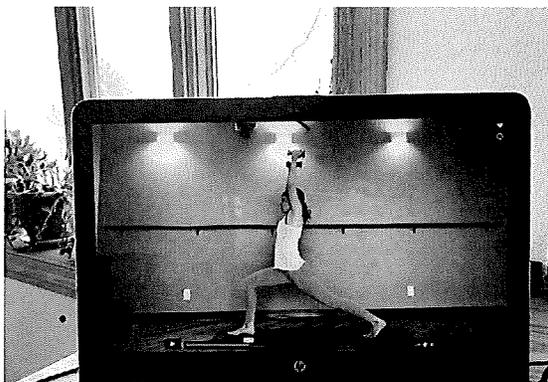
SMIF lenders are currently reviewing more than 500 applications for the Minnesota Department of Employment and Economic Development's (DEED) Small Business Emergency loan program. SMIF is one of nearly two dozen lenders for this program. We also continue to meet with our entrepreneur peer groups virtually.

SMIF has also been raising funds to administer grants to our 30 community foundations to support their grantmaking as their communities turn to them for immediate action and assistance.

All of this has been made possible thanks to the generosity of our donors, the strength of our partnerships and our dedication to this region.

More information can be found at [smifoundation.org/COVID-19](https://smifoundation.org/COVID-19). We are currently fundraising for our Early Childhood Relief Fund and Community Foundation Relief Fund. To support our relief efforts visit [smifoundation.org/donate](https://smifoundation.org/donate).

## Hope and innovation in challenging times



While we know this is a difficult time for many people, it has been inspiring to see how our partners are adapting their businesses, supporting their communities and getting creative to overcome new challenges. Here are some examples of what our loan and equity clients and community foundations are doing:

The St. Charles Area Community Foundation raised donations to match a



grant from SMIF in less than one day. A \$3,125 grant will support the Hometown

Resource Center which assists the community with food, clothing, household and monetary needs.

- JIT Companies (Green Isle) is developing an "intubation enclosure" which gets inserted in patients' throats to prepare them for ventilators, ultimately protecting healthcare workers from the virus.
- Clean Plus (West Concord) and Daisy Blue Naturals (Albert Lea) are now both producing hand sanitizer.
- Busy Baby (Oronoco) pivoted their marketing strategy to highlight all of the home uses for their baby mat, including how it can be helpful for those now working from home.
- The Our Town USA Community Foundation (serving the United South Central School District) will be providing a \$1,000 grant to the Wells Area Food Shelf.
- Many of our restaurant and brewery loan clients, including Half Pint Brewing (Waseca) and China House Cafe (Truman) are offering delivery or pick up.
- Sollid Studios (Owatonna) is now offering virtual fitness and yoga classes.
- The Preston Area Community Foundation will be providing a \$3,000 grant to their EDA for local business support.



### SMIF's COVID-19 Resource Page

Check out our COVID-19 resource page for important information on resources for our partners. We keep this page updated as new information becomes available.

[smifoundation.org/covid-19](https://smifoundation.org/covid-19)

### Third Quarter Loans

**Clean Plus**, West Concord | Manufacturing for automotive and industrial sectors  
**F2 Enterprises LLC**, Waseca | Trucking and sales repair of electric motors  
**Fahan Transportation LLC**, Waseca | Non-emergency medical transportation  
**Glazon Group Inc**, Cannon Falls | Home health and staffing  
**Infinite Recycled Technologies**, Albert Lea | Recycling

### See Our Business Resources

### Recent Grant Awards

**Emergency Child Care Grants:** \$250,450 awarded to 515 child care providers

### Upcoming Deadlines

Early Literacy Grants : due May 6  
Paint the Town Grants : due June 17



## City Administrator's Report—May 2020

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**May 8**—City Accountant Shawn Elsbury and I teleconferenced with a meeting with the Department of Homeland Security and Emergency Management to determine eligibility and the process related to submitting to FEMA for COVID-19 reimbursements.

**June 14**—Attended the RollingHills/SEMCAAC Transportation Advisory Committee meeting. Rides have slowly begun to rebound and staff were able to find various funding sources to maintain staffing during the slowed period.

**June 18**—Held a discussion with Winona County EDA Director prior to the EDA meeting to discuss the potential of working with the County on a potential housing partnership. Winona County EDA will be planning a Strategic Planning Session for July 23<sup>rd</sup>. I have been working with the administrators from Goodview and Lewiston to work together to provide a presentation. Staff will work with CEDA staff who represent all three cities to brainstorm ideas.

**June 19**—Working with SEMMCHRA on developing the trail easement along with researching past agreement for possible sale of property.

**June 20**—Held SCACF Foundation meeting via teleconference. Awarded various grants including Paint the Town grant, and Ready Set School.

**June 21**—Held conference call with SMIF representative to talk about St. Charles in general and the work of the foundation.

**June 27**—Held conference call with administrators group.

## Public Works Report – May 2020

- Set single phase transformer; make up primary elbows; ground tub and move secondary services on golf course; power plant report; substation report; and rubber goods testing; move three phase wires and replace three phase junction at golf course's expense for new shed; repaired street lights on Main Street; and trimmed trees in power lines.
- Dirt work and gravel work for boulevards and alleys; cleared shop drain; safety meeting from MMUA; set up two sets of scaffolding for painting community center; monthly power plant run; power outage on South Bluff Ave and replaced bad cutout and lightning arrester; repaired culvert on North Richland Ave.; located property pins; repaired bad pipe and sink hole in road on Whispering Hills drive; added 30 pavers at Veterans memorial.
- Installed temporary electric service on Whispering Hills Dr.; dug in electric service on Country view dr.; Water Service repair; trimmed grass; check valves on 16" water main on south Whitewater for Future hydrant replacement; got material ready to replace burnt power pole from bad cutout/lightning; pushed up brush dump; Cleaned up winter salt pile by old shop' switched electrical circuits to ready ourselves for 5-28 power pole replacement.
- Put breaker marks on pole to cut jumpers and open circuit on west 12<sup>th</sup> St.; started pole replacement 430pm; drop three phase transformer bank; buy wires; cable services; customers quadruple x; put in new pole and reinstall all equipment; 5 guys 8.5 hours later 1:00am in the morning job finished; worked on utility locates.
- Installed new electric meter at 1201 Whitewater Ave.; Measurement for state permit on highway 14 right of way; Three phase power loop from High School Track; make up bills for other Utility Services; put in new electrical stock into inventory; install and make up new secondary pedestal on east Jessens Rd; get quotes on new material; check on meter complaints and readings; replace Whitewater Pub Meter; checking inventory totals for 2020 underground projects; contact gopher One about adjustments to new St. Charles electrical territory; and wreck out material from pole replacement project.
- Dirt and seed around new gas antenna poles on Hillcrest and Don Ave; spraying weeds around City; dug out soft spot on park; repair & grade cul-de-sac on countryside. Acres and add gravel, new storm water catch basin; and curb and sidewalks; new transformer basement in Sherwood Park; street dept. mowing around City and Sweeping Streets.
- Clean gravel out of yards from plowing; graded gravel roads and alleys; removed plow equipment off trucks; new signs on Wabasha Ave; cleaned fairgrounds dumping snow sight; repaired hydraulic tamper; repaired curb stop by Bremer Bank; filled new sand bags and got rid of old ones; replaced water meters;

monthly water samples; repaired valve boxes I-90 industrial park; straightened hydrant in Meadowview subdivision; ordered hydrant and parts for replacement project on South Whitewater

- Draw down checks on Well 5; loaded artificial turf for High School; front end loader; maintenance; well chemicals replaced; flushed and exercised well 4; repaired pickup slide out; hauled and leveled gravel at I-90 booster station; read meters for City Hall; flushed out curbs tops; finals for City Hall; pumped at Pit on 74 south for valve inspection; and grease removal treatment in lift stations.

Sincerely Kyle Karger

St. Charles Director of Public Works

# City of St. Charles Police Department

Chief – Ken Frank #601

830 Whitewater Avenue

St. Charles, MN 55972

(507) 932-8020 · (507) 932-8701 FAX



June 5, 2020

Officer Robbie Floerke is the, “threat recognition and use-of-force instructor” for the St Charles Police Department. He has held this position and developed it and the training programs since shortly after I assumed responsibilities as the Police Chief nearly 7 years ago. He is responsible for providing this department with at minimum 20 hours of MN POST Board approved use-of-force training each year. This includes handgun, rifle and shotgun use. Taser, pressure point control tactics, handcuffing, defensive strikes, weapon retention and intermediate weapon/baton and chemical use.

In addition, each officer completes 3hrs online training sponsored by the League of MN Cities called PATROL. The three courses mandated by this department are “Readiness Aspects – Use of Force,” “Use of Force Legal Issues,” and “Use of Deadly Force.”

During a three year licensure period Officers are required to complete 16hrs of POST approved training in Crisis Response, Conflict Management and Cultural Diversity. As with all POST mandated training guidelines we try to exceed these minimal requirements, which in turn provides our officers additional training to work in a society with increasing tumultuous needs.

I had three officers registered to attend conflict management and cultural diversity training this past winter, but these classes canceled due to the COVID-19 crisis and no rescheduled date has been set

Our training will continue to evolve and focus on the everchanging societal issues. We recognize the need for strategic training enforcement strategies to best serve and protect our community, officers and society.

We continually review both formally and informally incidents that occur from within and outside this department. Officer Floerke required all officers to watch and review a 10-minute video of the George Floyd murder. Officers were then given several questions as it related to our use-of-force training. Written responses were required and then reviewed by Officer Floerke with each officer individually. Below are the questions submitted by Officer Floerke and his responses.

**1 – Have I or any other Use of Force Instructor ever taught you to place your knee on a subject’s neck while having them in the prone handcuffing position?**

Absolutely Not. According to the St Charles Police Departments Use-of-Force Policy a shoulder pin (neck) restraint is considered deadly force. Words like “I can’t breathe” indicate respiratory restraint.

“Proud to Serve”



# City of St. Charles Police Department

Chief – Ken Frank #601

830 Whitewater Avenue

St. Charles, MN 55972

(507) 932-8020 · (507) 932-8701 FAX



## **Have we ever fully taught you to not place your full weight on a subjects back?**

Some common errors of the prone handcuffing, you do not allow the officer to place his/her knee on the subject's neck. Placing the knee on the neck causes a high degree of pain and could potentially cause unnecessary injury. The pain may cause an adrenal rush, if unchecked. This is strongly discouraged and corrected immediately if an officer is viewed placing a knee on the subject's neck during training. I also recommend not placing the full weight of your body onto the subjects back area, while the knees are in the correct placement areas. This can be accomplished by placing the knee below the controlled arm alongside the subject on the ground. The full weight of your body on a subjects back can cause Excited Delirium and Positional Asphyxia, if left there for an extended period of time. Once a subject is handcuffed from the prone position, and once it is safe to do so get them onto their side/recovery position or onto their butt in a seated position. During the use of force monitor the subjects mental and health symptoms, and if necessary, notify dispatch for emergency medical assistance. I recommend that medical assistance is requested for any use of force situations before the transport of the subject to jail and/or a mental health facility. This is to at least check a subject's vitals and make sure you are able to safely transport them. This would also be able to help in determining high risk individuals that could be susceptible to sudden in-custody death.

## **2 – In your own words tell me the correct knee placement in the prone takedown/handcuffing position?**

The correct knee placement from the prone position, places one knee on the subjects back between the shoulder blades, above the controlled arm. Then the other knee is placed on the lower back to prevent the suspect from rolling away from the officer. The officer should place one knee at a time on each location. The knee below the controlled arm can also be placed directly on the ground alongside the subject.

## **3 – If you ever seen a fellow officer (from this department or another department) use excessive force and/or execute the position used in the George Floyd incident, how would you react? Would you step in and stop the excessive force?**

I would hope and fully expect that as an officer if you view and feel something that is not correct with the force used, you would first stop it from continuing and second immediately tell the a supervisor along with making sure your report correctly states your view of the incident with the truth.

**“Proud to Serve”**



**City of St. Charles Police Department**

**Chief – Ken Frank #601**

830 Whitewater Avenue

St. Charles, MN 55972

(507) 932-8020 · (507) 932-8701 FAX



**4 – What other training would you like me to incorporate with use of force or any other trainings I could teach?**

Some of the response received:

\*\*street slang awareness so that officers don't take offense to certain words and phrases

\*\*more critical incident debriefings including full team debriefs and one on one debriefs. Possibly require that at least once a year an officer sit down with a professional with the focus on Officer Wellness

\*\*verbal command training – Practicing commands and dialogs in conjunction with training scenarios.

\*\*More scenario-based trainings

Respectfully submitted,

Chief Ken Frank

**“Proud to Serve”**





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## **Memorandum**

**To: Mayor and Council**

**From: Nick Koverman, City Administrator**

**Date: June 3, 2020**

**Subject: Request for intermittent food trailer use**

Enclosed is a request from Sue Christie at 600 East 5<sup>th</sup> Street for the temporary use of her MN licensed food trailer. She would like to be able to open her ice cream trailer on the weekends provided in the request from 11 a.m.-8 p.m. According to the Dept. of Health inspector, she is allowed to operate a total of 21 days before being required to move the trailer. According to Dept. of Health inspector, Andrea Kieffer, she would be permitted to operate with her state license.

Christie has contacted the surrounding neighbors and received approval from those directly abutting her and plans to close her private drive from both Highway 14 and East 5<sup>th</sup> Street access. She will cone off the driveways and will require social distancing and hopes to serve only a single guest a time (a map is enclosed for reference). Weekend operations may vary depending on the number of customers and weather. She has provided a copy of her Dept of Health license and her liability insurance. Due to COVID-19 and the closing of large event gatherings, she is unable to operate under normal circumstances.

She prefers to operate at her location given the necessity for two 220-services. Arrangements would be made to accommodate for the additional utility need as she currently has one such service and would contract to have a temporary service installed.

Because of the unique and temporary situation, and given the limited nature and scope of services, it is felt that this service/request would not adversely or negatively impact the neighborhood. No onsite tables/chairs will be provided as it will be a walk-up TO GO service.

June 3, 2020

To: St. Charles City Council

I am asking permission to set up my food trailer in my driveway in front of my garage for some weekends in July & August and if works well possibly September. The weekends I am looking at

tentatively are:

July	3-5
July	10-12
July	24-26
July	31 - Aug 1+2
August	7-9
August	14-16
September	5-7

This are not exact dates for sure, but what I am looking at

The route I would have customers come to my stand is come on Bluff Avenue and turn on East 5th Street (Cemetery road) - park or line up going east on East 5th Street. I would have 1 customer or car at a time to the trailer. We will monitor this for social distancing also.

I have talked to most of the neighbors and they all said it was fine - TO GO FOR IT. Talked to Mik and had 2 houses left to talk to on the 2 corners of Bluff Avenue - no one was home at the time.

I will also be talking and working with the MN Dept. of Health also.

Sincerely  
Sue Christie

page 2



Overview



Legend

- Roads
  - Other
  - Interstate
  - US/State Highway
  - City Streets
  - County Road
  - Township Road
  - Private Drive
- Municipalities
  - ▣ Municipalities
  - ▣ Winona Boundary
  - ▣ Parcel

Parcel ID	290000350	Alternate ID	n/a	Owner Address	CHRISTIE,SUSAN K
Sec/Twp/Rng	20-106-010	Class	201 - RESIDENTIAL		600 5TH ST E
Property Address	600 5TH ST E	Acres	n/a		ST CHARLES, MN 55972
	ST CHARLES				
District	SAINT CHARLES CITY				
Brief Tax Description	Sect-20 Twp-106 Range-010 LIMITS ST CHARLES Lot-014 LIMITS PAR COMMENCING 352.5' EAST OF SECTION LINE & 138' NORTH OF NORTH LINE HWY, W 69', N TO S LINE OF ST, ELY ALONG S 69' M/L, S 121.5' TO BEG				
	<b>(Note: Not to be used on legal documents)</b>				

**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: 6/2/2020  
 Last Data Uploaded: 6/2/2020 4:11:36 AM

Developed by Schneider GEOSPATIAL

(Do not write in the space above. Reserved for recording/transfer data)

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**PERMANENT PUBLIC TRAIL EASEMENT  
AND TEMPORARY CONSTRUCTION EASEMENT**

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between Southeastern Minnesota Multi-County Housing and Redevelopment Authority, referred to hereinafter as “Grantor,” and the City of St. Charles, Minnesota, a municipal corporation organized under the laws of the State of Minnesota, 830 Whitewater Avenue, St. Charles, Minnesota, referred to hereinafter as “Grantee”; (collectively referred to herein as the “parties”).

**AGREEMENT**

That for and in consideration of the sum of One Dollar and No/100ths (\$1.00) Dollars and other good and valuable consideration, paid this date by Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee do hereby agree as follows:

1. The undersigned Grantor hereby grants and conveys to the Grantee a Permanent Easement, 20 feet in width, for public trail purposes (the “Permanent Easement”), over, under and across that part of the tract of land legally described on Exhibit A, which is attached hereto and incorporated herein by reference, in the City of St Charles, Winona County, Minnesota, as depicted in the survey in Exhibit B, which is attached hereto and incorporated by reference (the “Permanent Easement Area”). The parties agree that with respect to ingress and egress only, this Permanent Easement shall be non-exclusive in nature.
2. The undersigned Grantor hereby grants and conveys to the Grantee a Temporary Easement for construction purposes (the “Temporary Easement”) over, under and across that part of the tract of land legally described on Exhibit A, in the City of St. Charles, Winona County, Minnesota, as well as the 10 feet on either side of the Permanent Easement Area (the “Temporary Easement Area”).

The Temporary Easement shall expire no later than the earlier of (a) one year following the date on which the contractor hired by the City to complete the Grantee work first conducts work within the Permanent Easement Area or Temporary Easement Area.

3. The Grantor states and hereby covenants that the Grantor is the lawful owner of the above-described real property, is lawfully seized and possessed of said real property, and that the Grantor has good and lawful right to grant the Permanent Easement and Temporary Easement described herein.
4. The Grantee shall have the right to construct, excavate, grade, inspect, install, remove, demolish, operate, maintain, place, replace, reconstruct, improve, enlarge and repair, as it may find reasonably necessary trail facilities and improvements, and such other improvements appurtenant thereto, in the Permanent Easement and Temporary Easement areas described herein.
5. The Grantee and its employees, agents, permittees and licensees shall have the right of ingress and egress to and from the Permanent Easement and Temporary Easement areas at all times and without notice to Grantor by such route, in the judgment of the Grantee, as shall occasion the least practical damage and inconvenience to the Grantor.
6. The Grantee shall have the right to trim, remove and keep the Permanent Easement area clear of all buildings, structures, roots, shrubbery, trees, bushes, undergrowth and all other obstructions that may interfere with or endanger the Grantee's exercise of any of the rights pursuant to this Permanent Easement.
7. The Grantor shall not erect, construct or locate in the Permanent Easement area any new structure or object that was not in existence on the date of this Permanent Easement, which would prevent the Grantee's reasonable access to the Permanent Easement and Temporary Easement areas or prevent the public's full enjoyment of the rights granted hereunder, without the written consent of the Grantee.
8. The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
9. This Permanent Easement shall be recorded as soon as practicable following its execution with the understanding that the Grantee has complete and absolute sole ownership, use and control of the public trail facilities and improvements constructed in the Permanent Easement area in accordance with the grant of rights conveyed herein.
10. Grantor and Grantee agree to correct any legal descriptions contained herein if there is a mistake discovered, including any mistakes or discrepancies revealed by an accurate survey of the property identified herein.
11. The Grantee will hold harmless the Grantor for all actions not caused by the Grantor and protections afforded under Minnesota Trespass law MN Statute 609.605.

IN WITNESS WHEREOF, the parties have hereunto executed this document the day and year first above written.

**GRANTOR: SOUTHEASTERN MINNESOTA  
MULTI-COUNTY HOUSING AND  
REDEVELOPMENT AUTHORITY**

By: \_\_\_\_\_  
Buffy Beranek, Its Executive Director

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF WABASHA    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by Buffy Beranek as Executive Director of the Southeastern Minnesota Multi-County Housing and Redevelopment Authority, Grantor.

\_\_\_\_\_  
Notary Public

**GRANTEE:**

CITY OF ST. CHARLES, MINNESOTA

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

**ATTEST:**

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

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF WINONA    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020, by John Schaber as Mayor and Nick Koverman as City Administrator on behalf of the City of St. Charles, a municipal corporation under the laws of the State of Minnesota, Grantee.

\_\_\_\_\_  
Notary Public

**THIS INSTRUMENT WAS DRAFTED BY:**

FLAHERTY & HOOD, P.A.  
525 Park Street, Suite 470  
St. Paul, MN 55103  
Phone: 651-225-8840  
Fax: 651-225-9088

## EXHIBIT A

### LEGAL DESCRIPTION OF REAL PROPERTY

The real property referenced in this Permanent Easement is legally described as follows:

#### TRAIL EASEMENT DESCRIPTION:

That part of the Northwest Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota, more particularly described as:

Commencing at the southwest corner of the Northwest Quarter of Section 21, Township 106 North, Range 10 West; thence North 01 degrees 09 minutes 34 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the west line of said Northwest Quarter, 639.22 feet to a point on the north right-of-way line of Trunk Highway No. 14, also being the point of beginning; thence South 82 degrees 43 minutes 54 seconds East, along said north right-of-way line, 938.33 feet; thence easterly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 110.00 feet, arc length of 59.45 feet; thence North 66 degrees 18 minutes 18 seconds East, 28.92 feet; thence easterly along a tangential curve, concave southerly having a central angle of 61 degrees 55 minutes 39 seconds, a radius of 90.00 feet, arc length of 97.28 feet; thence South 51 degrees 46 minutes 03 seconds East, 28.92 feet; thence easterly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 110.00 feet, arc length of 59.45 feet; thence South 82 degrees 43 minutes 53 seconds East, along said north right-of-way line, 519.23 feet; thence easterly along a tangential curve, concave northerly having a central angle of 27 degrees 52 minutes 53 seconds, a radius of 210.00 feet, arc length of 102.19 feet; thence easterly along a tangential curve, concave southerly having a central angle of 11 degrees 42 minutes 22 seconds, a radius of 190.00 feet, arc length of 38.82 feet; thence North 81 degrees 05 minutes 36 seconds 51.75 feet to a point on the east line of OUTLOT A, SOUTH FORK ADDITION; thence North 01 degrees 09 minutes 34 seconds West, along said east line, 20.18 feet; thence South 81 degrees 05 minutes 36 seconds West, 54.48 feet; thence westerly along a tangential curve, concave southerly having a central angle of 11 degrees 42 minutes 22 seconds, a radius of 210.00 feet, arc length of 42.90 feet; thence westerly along a tangential curve, concave northerly having a central angle of 27 degrees 52 minutes 53 seconds, a radius of 190.00 feet, arc length of 92.46 feet; thence North 82 degrees 43 minutes 53 seconds West, 519.23 feet; thence westerly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 90.00 feet, arc length of 48.64 feet; thence North 51 degrees 46 minutes 03 seconds West, 28.92 feet; thence westerly along a tangential curve, concave southerly having a

central angle of 61 degrees 55 minutes 39 seconds, a radius of 110.00 feet, arc length of 118.89 feet; thence South 66 degrees 18 minutes 18 seconds West, 28.92 feet; thence westerly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 90.00 feet, arc length of 48.64 feet; thence North 82 degrees 43 minutes 54 seconds West, 745.38 feet; thence North 00 degrees 35 minutes 36 seconds East, 138.64 feet to the southeast corner of Lot 1 of said SOUTH FORK ADDITIONS; thence North 89 degrees 24 minutes 24 seconds West, along the south line of said Lot 1, 20.00 feet; thence South 00 degrees 35 minutes 36 seconds West, 136.31 feet; thence North 82 degrees 43 minutes 54 seconds West, 175.78 feet; thence South 01 degrees 09 minutes 34 seconds East, 20.22 feet to the point of beginning.

Containing 0.95 acres, more or less and subject to any easements and restrictions of record.

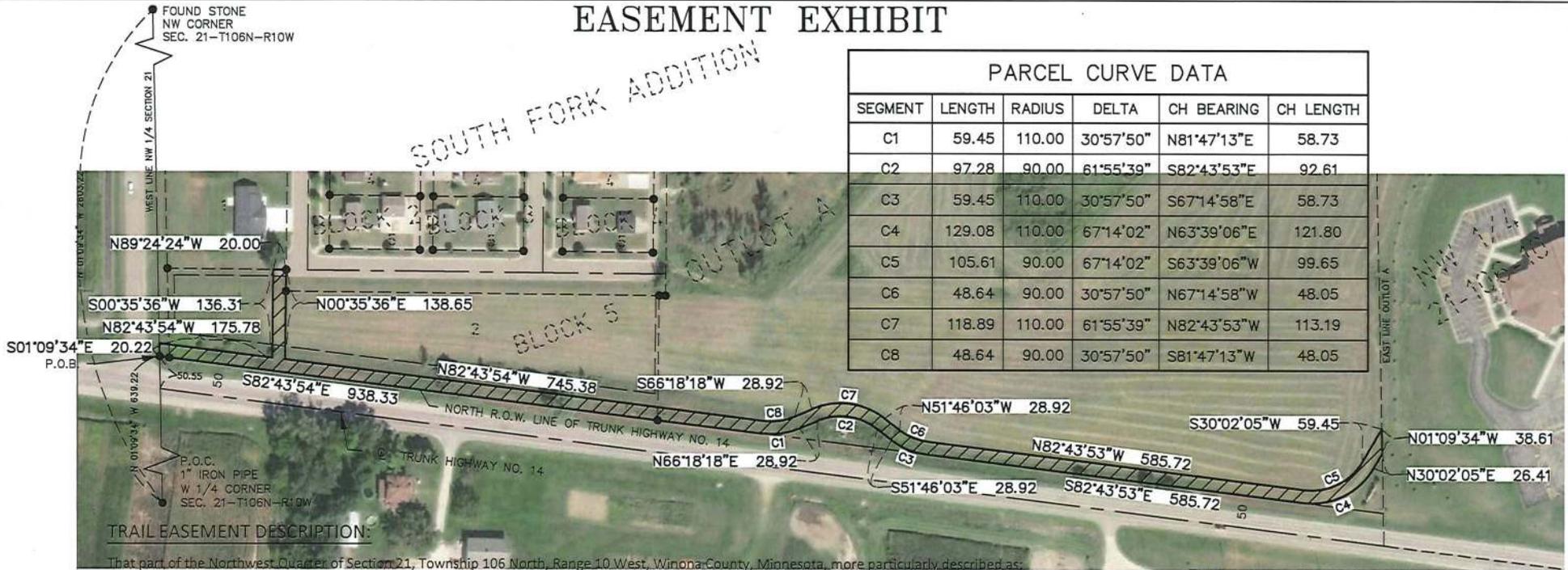
**EXHIBIT B**

**DEPICTION OF PERMANENT EASEMENT**

# EASEMENT EXHIBIT

SOUTH FORK ADDITION

PARCEL CURVE DATA					
SEGMENT	LENGTH	RADIUS	DELTA	CH BEARING	CH LENGTH
C1	59.45	110.00	30°57'50"	N81°47'13"E	58.73
C2	97.28	90.00	61°55'39"	S82°43'53"E	92.61
C3	59.45	110.00	30°57'50"	S67°14'58"E	58.73
C4	129.08	110.00	67°14'02"	N63°39'06"E	121.80
C5	105.61	90.00	67°14'02"	S63°39'06"W	99.65
C6	48.64	90.00	30°57'50"	N67°14'58"W	48.05
C7	118.89	110.00	61°55'39"	N82°43'53"W	113.19
C8	48.64	90.00	30°57'50"	S81°47'13"W	48.05



### TRAIL EASEMENT DESCRIPTION:

That part of the Northwest Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota, more particularly described as:

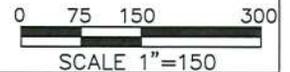
Commencing at the West Quarter corner of Section 21, Township 106 North, Range 10 West; thence North 01 degrees 09 minutes 34 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the west line of said Northwest Quarter, 639.22 feet to the north right-of-way line of Trunk Highway No. 14 also being the point of beginning; thence South 82 degrees 43 minutes 54 seconds East, along said right-of-way line, 938.33 feet; thence easterly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 110.00 feet, arc length of 59.45 feet; thence North 66 degrees 18 minutes 18 seconds East, 28.92 feet; thence easterly along a tangential curve, concave southerly having a central angle of 61 degrees 55 minutes 39 seconds, a radius of 90.00 feet, arc length of 97.28 feet; thence South 51 degrees 46 minutes 03 seconds East, 28.92 feet; thence easterly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 110.00 feet, arc length of 59.45 feet; thence South 82 degrees 43 minutes 53 seconds East, along said right-of-way line, 585.72 feet; thence easterly along a tangential curve, concave northerly having a central angle of 67 degrees 14 minutes 02 seconds, a radius of 110.00 feet, arc length of 129.08 feet; thence North 30 degrees 02 minutes 05 seconds East, 26.41 feet to the east line of Outlot A; thence North 01 degrees 09 minutes 34 seconds West, along said east line, 38.61 feet; thence South 30 degrees 02 minutes 05 seconds West, 59.45 feet; thence westerly along a tangential curve, concave northerly having a central angle of 67 degrees 14 minutes 02 seconds, a radius of 90.00 feet, arc length of 105.61 feet; thence North 82 degrees 43 minutes 53 seconds West, 585.72 feet; thence westerly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 90.00 feet, arc length of 48.64 feet; thence North 51 degrees 46 minutes 03 seconds West, 28.92 feet; thence westerly along a tangential curve, concave southerly having a central angle of 61 degrees 55 minutes 39 seconds, a radius of 110.00 feet, arc length of 118.89 feet; thence South 66 degrees 18 minutes 18 seconds West, 28.92 feet; thence westerly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 90.00 feet, arc length of 48.64 feet; thence North 82 degrees 43 minutes 54 seconds West, 745.38 feet; thence North 00 degrees 35 minutes 36 seconds East, 138.64 feet; thence North 89 degrees 24 minutes 24 seconds West, 20.00 feet; thence South 00 degrees 35 minutes 36 seconds West, 136.31 feet; thence North 82 degrees 43 minutes 54 seconds West, 175.78 feet; thence South 01 degrees 09 minutes 34 seconds East, 20.22 feet to the point of beginning and there terminating.

### LEGEND

- - DENOTES FOUND PIPE UNLESS OTHERWISE NOTED
- - DENOTES A SET 1/2" OPEN PIPE WITH CAP #44930
- — — — — EXISTING EASEMENT
- — — — — EXISTING LOT LINE
- — — — — SECTION LINE
- PROPOSED TRAIL EASEMENT

**BEARING SYSTEM USED:**  
WINONA COUNTY COORDINATE  
SYSTEM NAD 83, ADJUSTMENT- 1996

SCALE: 1" = 150'	FOR:
DRAWN BY: ADM	CITY OF ST. CHARLES
DATE: 3/9/2020	NW 1/4
PROJECT NO. 5985.20	SEC. 21, TOWNSHIP 106N., RNG. 10W
CADD NO.: 5985.20_Easement_South_fork	WINONA COUNTY, MINNESOTA

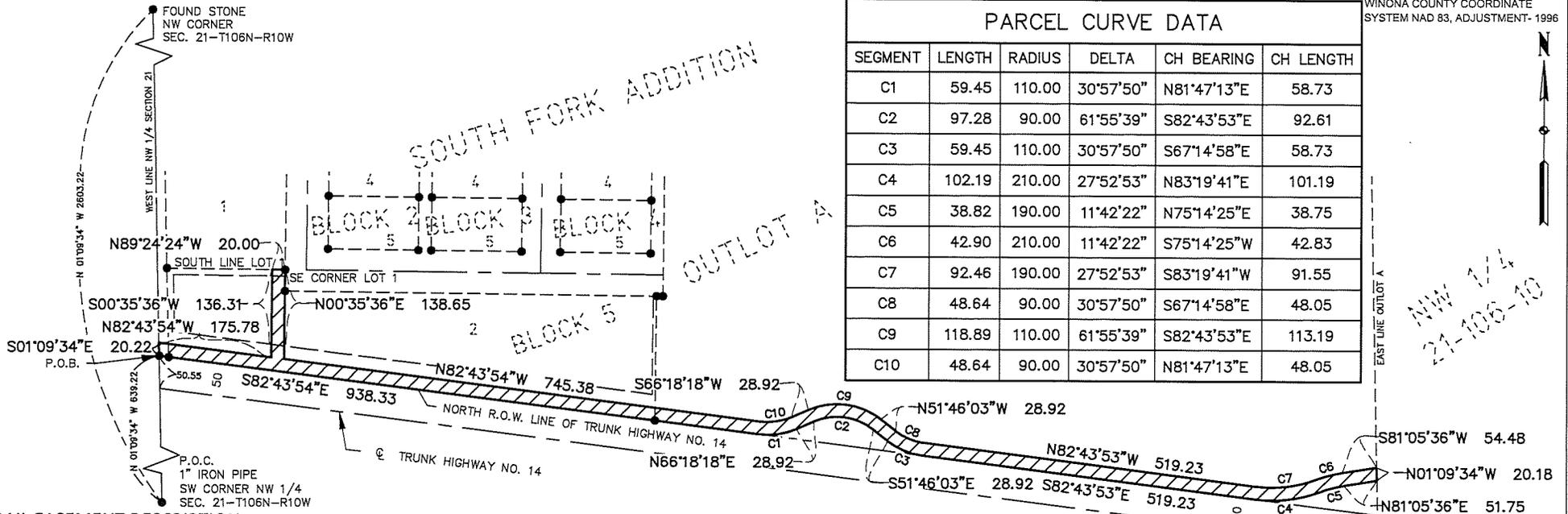


# EASEMENT EXHIBIT

BEARING SYSTEM USED:  
WINONA COUNTY COORDINATE  
SYSTEM NAD 83, ADJUSTMENT- 1996



PARCEL CURVE DATA					
SEGMENT	LENGTH	RADIUS	DELTA	CH BEARING	CH LENGTH
C1	59.45	110.00	30°57'50"	N81°47'13"E	58.73
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C4	102.19	210.00	27°52'53"	N83°19'41"E	101.19
C5	38.82	190.00	11°42'22"	N75°14'25"E	38.75
C6	42.90	210.00	11°42'22"	S75°14'25"W	42.83
C7	92.46	190.00	27°52'53"	S83°19'41"W	91.55
C8	48.64	90.00	30°57'50"	S67°14'58"E	48.05
C9	118.89	110.00	61°55'39"	S82°43'53"E	113.19
C10	48.64	90.00	30°57'50"	N81°47'13"E	48.05



## TRAIL EASEMENT DESCRIPTION:

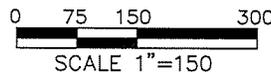
That part of the Northwest Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota, more particularly described as:

Commencing at the southwest corner of the Northwest Quarter of Section 21, Township 106 North, Range 10 West; thence North 01 degrees 09 minutes 34 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the west line of said Northwest Quarter, 639.22 feet to a point on the north right-of-way line of Trunk Highway No. 14, also being the point of beginning; thence South 82 degrees 43 minutes 54 seconds East, along said north right-of-way line, 938.33 feet; thence easterly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 110.00 feet, arc length of 59.45 feet; thence North 66 degrees 18 minutes 18 seconds East, 28.92 feet; thence easterly along a tangential curve, concave southerly having a central angle of 61 degrees 55 minutes 39 seconds, a radius of 90.00 feet, arc length of 97.28 feet; thence South 51 degrees 46 minutes 03 seconds East, 28.92 feet; thence easterly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 110.00 feet, arc length of 59.45 feet; thence South 82 degrees 43 minutes 53 seconds East, along said north right-of-way line, 519.23 feet; thence easterly along a tangential curve, concave northerly having a central angle of 27 degrees 52 minutes 53 seconds, a radius of 210.00 feet, arc length of 102.19 feet; thence easterly along a tangential curve, concave southerly having a central angle of 11 degrees 42 minutes 22 seconds, a radius of 190.00 feet, arc length of 38.82 feet; thence North 81 degrees 05 minutes 36 seconds 51.75 feet to a point on the east line of OUTLOT A, SOUTH FORK ADDITION; thence North 01 degrees 09 minutes 34 seconds West, along said east line, 20.18 feet; thence South 81 degrees 05 minutes 36 seconds West, 54.48 feet; thence westerly along a tangential curve, concave southerly having a central angle of 11 degrees 42 minutes 22 seconds, a radius of 210.00 feet, arc length of 42.90 feet; thence westerly along a tangential curve, concave northerly having a central angle of 27 degrees 52 minutes 53 seconds, a radius of 190.00 feet, arc length of 92.46 feet; thence North 82 degrees 43 minutes 53 seconds West, 519.23 feet; thence westerly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 90.00 feet, arc length of 48.64 feet; thence North 51 degrees 46 minutes 03 seconds West, 28.92 feet; thence westerly along a tangential curve, concave southerly having a central angle of 61 degrees 55 minutes 39 seconds, a radius of 110.00 feet, arc length of 118.89 feet; thence South 66 degrees 18 minutes 18 seconds West, 28.92 feet; thence westerly along a tangential curve, concave northerly having a central angle of 30 degrees 57 minutes 50 seconds, a radius of 90.00 feet, arc length of 48.64 feet; thence North 82 degrees 43 minutes 54 seconds West, 745.38 feet; thence North 00 degrees 35 minutes 36 seconds East, 138.64 feet to the southeast corner of Lot 1 of said SOUTH FORK ADDITIONS; thence North 89 degrees 24 minutes 24 seconds West, along the south line of said Lot 1, 20.00 feet; thence South 00 degrees 35 minutes 36 seconds West, 136.31 feet; thence North 82 degrees 43 minutes 54 seconds West, 175.78 feet; thence South 01 degrees 09 minutes 34 seconds East, 20.22 feet to the point of beginning.

Containing 0.95 acres, more or less and subject to any easements and restrictions of record.

## LEGEND

- - DENOTES FOUND PIPE UNLESS OTHERWISE NOTED
- EXISTING EASEMENT
- - - EXISTING LOT LINE
- PROPOSED TRAIL EASEMENT



SCALE: 1" = 150'  
DRAWN BY: ADM  
DATE: 5/22/2020  
PROJECT NO. 5985.20  
CADD NO.: 5985.20\_Easement\_South\_fork

FOR:

CITY OF ST. CHARLES  
NW 1/4  
SEC. 21, TOWNSHIP 106N., RNG. 10W  
WINONA COUNTY, MINNESOTA



(Do not write in the space above. Reserved for recording/transfer data)

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**PERMANENT PUBLIC TRAIL EASEMENT  
AND TEMPORARY CONSTRUCTION EASEMENT**

This Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between The Church of St. Charles Minnesota, a corporation under the laws of the State of Minnesota, referred to hereinafter as “Grantor,” and the City of St. Charles, Minnesota, a municipal corporation organized under the laws of the State of Minnesota, 830 Whitewater Avenue, St. Charles, Minnesota, referred to hereinafter as “Grantee”; (collectively referred to herein as the “parties”).

**AGREEMENT**

That for and in consideration of the sum of One Dollar and No/100ths (\$1.00) Dollars and other good and valuable consideration, paid this date by Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, the Grantor and Grantee do hereby agree as follows:

1. The undersigned Grantor hereby grants and conveys to the Grantee a Permanent Easement, 20 feet in width, for public trail purposes (the “Permanent Easement”), over, under and across that part of the tract of land legally described on Exhibit A, which is attached hereto and incorporated herein by reference, in the City of St Charles, Winona County, Minnesota, as depicted in the survey in Exhibit B, which is attached hereto and incorporated by reference (the “Permanent Easement Area”). The parties agree that with respect to ingress and egress only, this Permanent Easement shall be non-exclusive in nature.
2. The undersigned Grantor hereby grants and conveys to the Grantee a Temporary Easement for construction purposes (the “Temporary Easement”) over, under and across that part of the tract of land legally described on Exhibit A, in the City of St. Charles, Winona County, Minnesota, as well as the 10 feet on either side of the Permanent Easement Area (the “Temporary Easement Area”).

The Temporary Easement shall expire no later than the earlier of (a) one year following the date on which the contractor hired by the City to complete the Grantee work first conducts work within the Permanent Easement Area or Temporary Easement Area.

3. The Grantor states and hereby covenants that the Grantor is the lawful owner of the above-described real property, is lawfully seized and possessed of said real property, and that the Grantor has good and lawful right to grant the Permanent Easement and Temporary Easement described herein.
4. The Grantee shall have the right to construct, excavate, grade, inspect, install, remove, demolish, operate, maintain, place, replace, reconstruct, improve, enlarge and repair, as it may find reasonably necessary trail facilities and improvements, and such other improvements appurtenant thereto, in the Permanent Easement and Temporary Easement areas described herein.
5. The Grantee and its employees, agents, permittees and licensees shall have the right of ingress and egress to and from the Permanent Easement and Temporary Easement areas at all times and without notice to Grantor by such route, in the judgment of the Grantee, as shall occasion the least practical damage and inconvenience to the Grantor.
6. The Grantee shall have the right to trim, remove and keep the Permanent Easement area clear of all buildings, structures, roots, shrubbery, trees, bushes, undergrowth and all other obstructions that may interfere with or endanger the Grantee's exercise of any of the rights pursuant to this Permanent Easement.
7. The Grantor shall not erect, construct or locate in the Permanent Easement area any new structure or object that was not in existence on the date of this Permanent Easement, which would prevent the Grantee's reasonable access to the Permanent Easement and Temporary Easement areas or prevent the public's full enjoyment of the rights granted hereunder, without the written consent of the Grantee.
8. The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.
9. This Permanent Easement shall be recorded as soon as practicable following its execution with the understanding that the Grantee has complete and absolute sole ownership, use and control of the public trail facilities and improvements constructed in the Permanent Easement area in accordance with the grant of rights conveyed herein.
10. Grantor and Grantee agree to correct any legal descriptions contained herein if there is a mistake discovered, including any mistakes or discrepancies revealed by an accurate survey of the property identified herein.
11. The Grantee will hold harmless the Grantor for all actions not caused by the Grantor and protections afforded under Minnesota Trespass law MN Statute 609.605.

IN WITNESS WHEREOF, the parties have hereunto executed this document the day and year first above written.

**GRANTOR: THE CHURCH OF ST. CHARLES  
MINNESOTA**

By: \_\_\_\_\_  
Fr. Timothy Biren, Its Priest

STATE OF MINNESOTA    )  
                                  ) ss.  
COUNTY OF WINONA    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020, by Fr. Timothy Biren as Priest of The Church of St. Charles Minnesota, a Corporation under the laws of the State of Minnesota, Grantor.

\_\_\_\_\_  
Notary Public

**GRANTEE:**

CITY OF ST. CHARLES, MINNESOTA

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

**ATTEST:**

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

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF WINONA    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2020, by John Schaber as Mayor and Nick Koverman as City Administrator on behalf of the City of St. Charles, a municipal corporation under the laws of the State of Minnesota, Grantee.

\_\_\_\_\_  
Notary Public

**THIS INSTRUMENT WAS DRAFTED BY:**

FLAHERTY & HOOD, P.A.  
525 Park Street, Suite 470  
St. Paul, MN 55103  
Phone: 651-225-8840  
Fax: 651-225-9088

## EXHIBIT A

### LEGAL DESCRIPTION OF REAL PROPERTY

The real property referenced in this Permanent Easement is legally described as follows:

#### TRAIL EASEMENT DESCRIPTION:

That part of the Northwest Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota, lying 20.00 feet north and being parallel to the following described line:

Commencing at the southwest corner of the Northwest Quarter corner of Section 21, Township 106 North, Range 10 West; thence North 01 degrees 09 minutes 34 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the west line of said Northwest Quarter, 639.22 feet to a point on the north right-of-way line of Trunk Highway No. 14; thence South 82 degrees 43 minutes 54 seconds East, along said north right-of-way line, 1904.69 feet to the southeast corner of OUTLOT A, SOUTH FORK ADDITION; thence North 01 degrees 09 minutes 34 seconds West, along the east line of said OUTLOT A, 53.92 feet to the point of beginning; thence North 81 degrees 05 minutes 36 seconds East, 37.13 feet; thence easterly along a tangential curve, concave northerly having a central angle of 19 degrees 53 minutes 07 seconds, a radius of 210.00 feet, arc length of 72.88 feet; thence North 61 degrees 12 minutes 29 seconds East, 91.80 feet and there terminating.

The westerly end of said easement shall be prolonged or shortened to terminate on the east line of OUTLOT A.

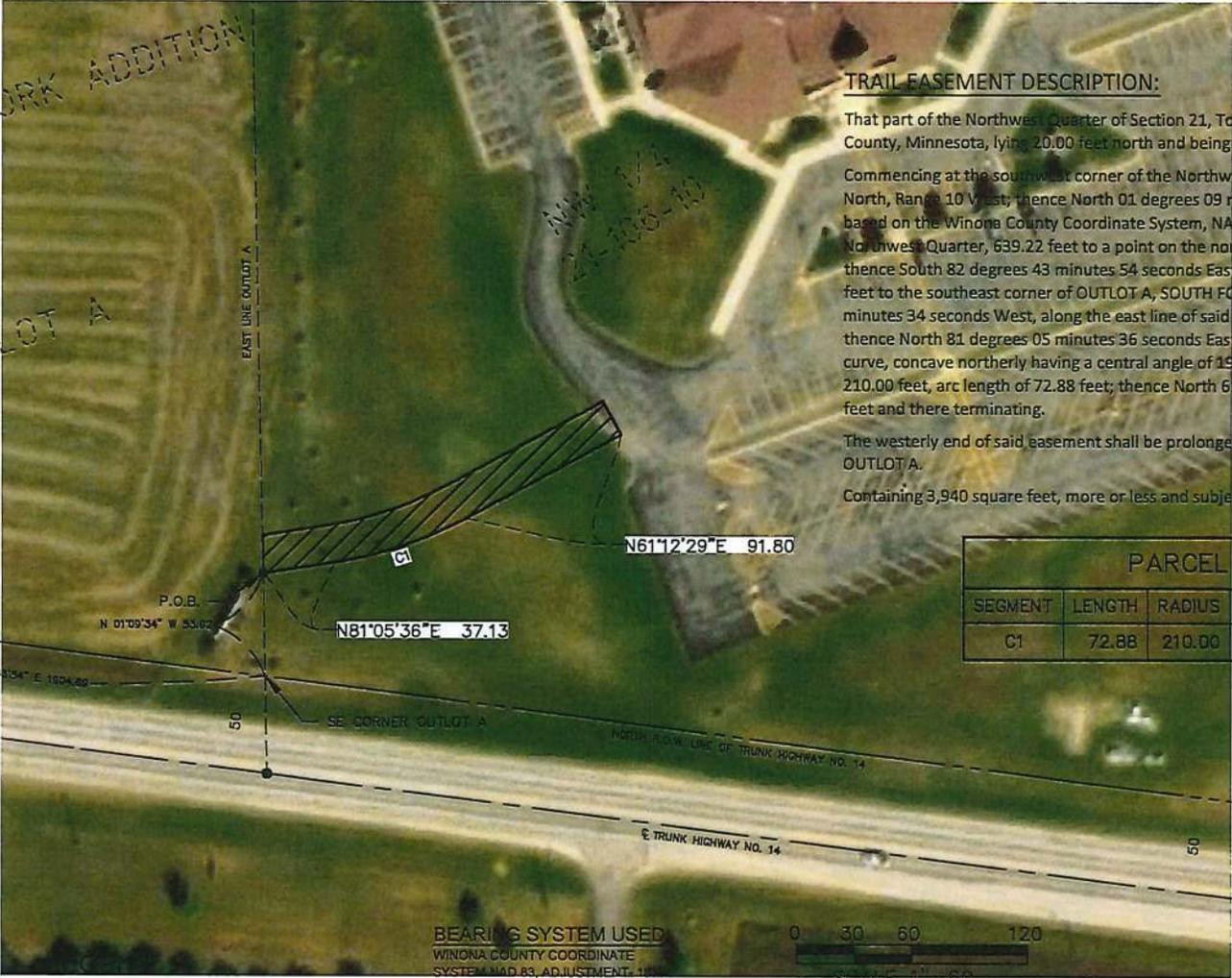
Containing 3,940 square feet, more or less and subject to any easements and restrictions of record.

Containing 0.95 acres, more or less and subject to any easements and restrictions of record.

**EXHIBIT B**

**DEPICTION OF PERMANENT EASEMENT**

# EASEMENT EXHIBIT



**TRAIL EASEMENT DESCRIPTION:**

That part of the Northwest Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota, lying 20.00 feet north and being parallel to the following described line:

Commencing at the southwest corner of the Northwest Quarter corner of Section 21, Township 106 North, Range 10 West; thence North 01 degrees 09 minutes 34 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the west line of said Northwest Quarter, 639.22 feet to a point on the north right-of-way line of Trunk Highway No. 14; thence South 82 degrees 43 minutes 54 seconds East, along said north right-of-way line, 1904.69 feet to the southeast corner of OUTLOT A, SOUTH FORK ADDITION; thence North 01 degrees 09 minutes 34 seconds West, along the east line of said OUTLOT A, 53.92 feet to the point of beginning; thence North 81 degrees 05 minutes 36 seconds East, 37.13 feet; thence easterly along a tangential curve, concave northerly having a central angle of 19 degrees 53 minutes 07 seconds, a radius of 210.00 feet, arc length of 72.88 feet; thence North 61 degrees 12 minutes 29 seconds East, 91.80 feet and there terminating.

The westerly end of said easement shall be prolonged or shortened to terminate on the east line of OUTLOT A.

Containing 3,940 square feet, more or less and subject to any easements and restrictions of record.

PARCEL CURVE DATA					
SEGMENT	LENGTH	RADIUS	DELTA	CH BEARING	CH LENGTH
C1	72.88	210.00	19°53'07"	N71°09'02"E	72.52

FOUND STONE  
NW CORNER  
SEC. 21-T106N-R10W

SOUTH FORK ADDITION

WEST LINE NW 1/4 SECTION 21

N 01°09'34" W 2603.22

N 01°09'34" W 639.22

P.O.C.  
1" IRON PIPE  
SW CORNER NW 1/4  
SEC. 21-T106N-R10W

P.O.B.  
N 01°09'34" W 53.92

S 82°43'54" E 1904.69

EAST LINE OUTLOT A

OUTLOT A

N 81°05'36"E 37.13

N 61°12'29"E 91.80

SE CORNER OUTLOT A

NORTH R.O.W. LINE OF TRUNK HIGHWAY NO. 14

E TRUNK HIGHWAY NO. 14

50

BEARING SYSTEM USED  
WINONA COUNTY COORDINATE  
SYSTEM NAD 83, ADJUSTMENT: 1996

0 30 60 120  
SCALE 1" = 60'

- - DENOTES FOUND PIPE UNLESS OTHERWISE NOTED
- EXISTING EASEMENT
- EXISTING LOT LINE
- SECTION LINE
- PROPOSED TRAIL EASEMENT

SCALE: 1" = 60'

DRAWN BY: ADM

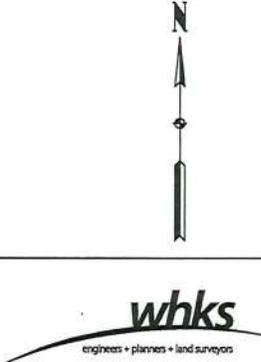
DATE: 5/22/2020

PROJECT NO. 5985.20

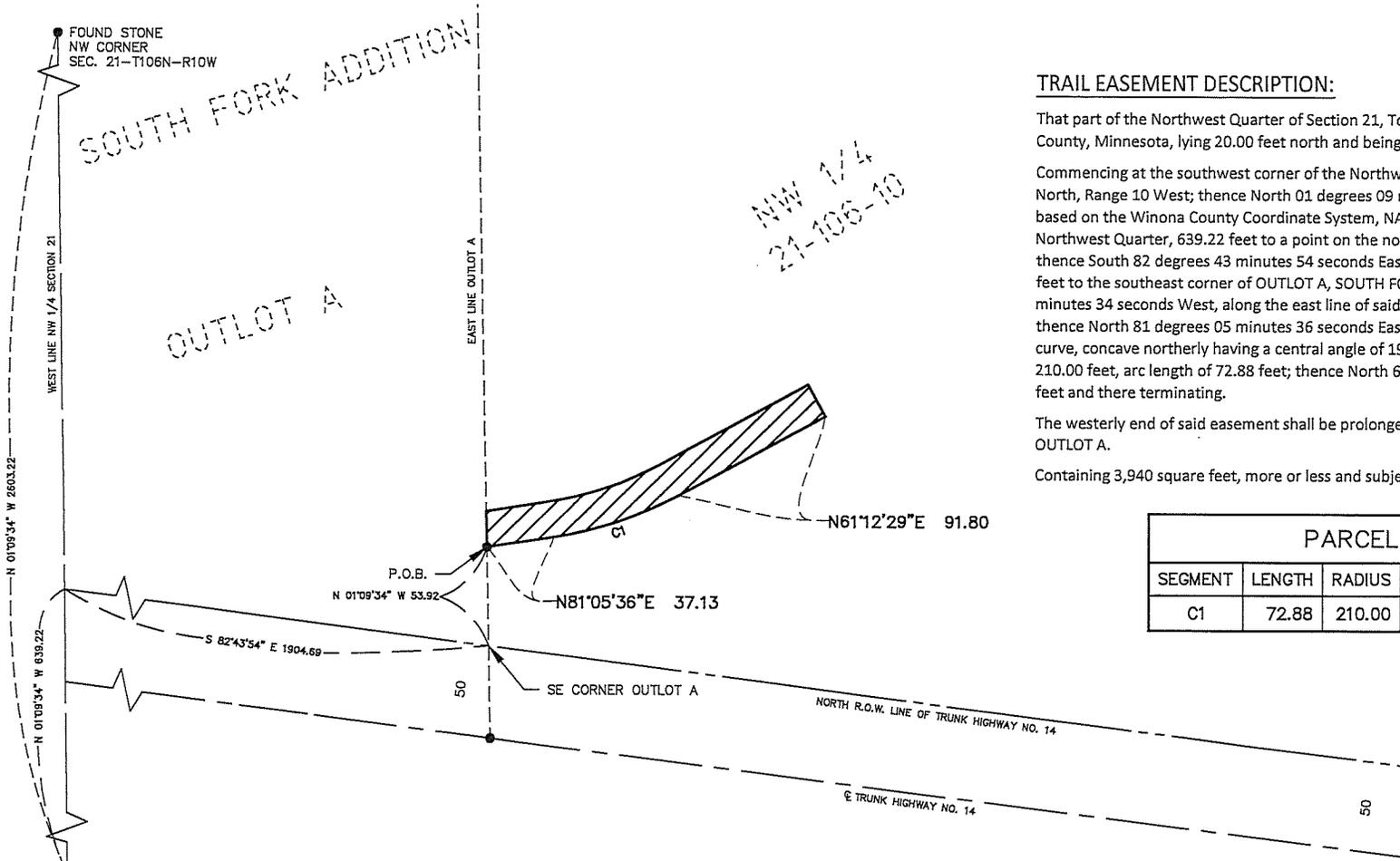
CADD NO.: 5985.20\_Easement\_South\_fork

FOR:

CITY OF ST. CHARLES  
NW 1/4  
SEC. 21, TOWNSHIP 106N., RNG. 10W  
WINONA COUNTY, MINNESOTA



# EASEMENT EXHIBIT



## TRAIL EASEMENT DESCRIPTION:

That part of the Northwest Quarter of Section 21, Township 106 North, Range 10 West, Winona County, Minnesota, lying 20.00 feet north and being parallel to the following described line:

Commencing at the southwest corner of the Northwest Quarter corner of Section 21, Township 106 North, Range 10 West; thence North 01 degrees 09 minutes 34 seconds West (Note: All bearings are based on the Winona County Coordinate System, NAD'83, Adjusted 1996) along the west line of said Northwest Quarter, 639.22 feet to a point on the north right-of-way line of Trunk Highway No. 14; thence South 82 degrees 43 minutes 54 seconds East, along said north right-of-way line, 1904.69 feet to the southeast corner of OUTLOT A, SOUTH FORK ADDITION; thence North 01 degrees 09 minutes 34 seconds West, along the east line of said OUTLOT A, 53.92 feet to the point of beginning; thence North 81 degrees 05 minutes 36 seconds East, 37.13 feet; thence easterly along a tangential curve, concave northerly having a central angle of 19 degrees 53 minutes 07 seconds, a radius of 210.00 feet, arc length of 72.88 feet; thence North 61 degrees 12 minutes 29 seconds East, 91.80 feet and there terminating.

The westerly end of said easement shall be prolonged or shortened to terminate on the east line of OUTLOT A.

Containing 3,940 square feet, more or less and subject to any easements and restrictions of record.

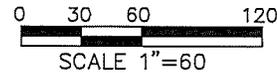
PARCEL CURVE DATA					
SEGMENT	LENGTH	RADIUS	DELTA	CH BEARING	CH LENGTH
C1	72.88	210.00	19°53'07"	N71°09'02"E	72.52

## LEGEND

- - DENOTES FOUND PIPE UNLESS OTHERWISE NOTED
- — — — — EXISTING EASEMENT
- — — — — EXISTING LOT LINE
- — — — — SECTION LINE
-  PROPOSED TRAIL EASEMENT

## BEARING SYSTEM USED:

WINONA COUNTY COORDINATE  
SYSTEM NAD 83, ADJUSTMENT- 1996



SCALE: 1" = 60'  
 DRAWN BY: ADM  
 DATE: 5/22/2020  
 PROJECT NO. 5985.20  
 CADD NO.: 5985.20\_Easement\_South\_fork

FOR:

CITY OF ST. CHARLES  
 NW 1/4  
 SEC. 21, TOWNSHIP 106N., RNG. 10W  
 WINONA COUNTY, MINNESOTA



**Request for City Council Action**

Date: June 3, 2020

Requested Council Date: June 9, 2020

Originating Department: Public Works

Council Action Requested: Accept OSHA matching 50/50 Safety Grant

Background Information: Scott Bunke worked with Mark Hottel of Minnesota Municipal Utility Association (MMUA), our safety coordinator, to apply for a 50/50 matching grant to purchase a set of grapples for the loader. In working with the OSHA representative, the grapples was a perfect match for the grant as it helps to reduce workplace accidents and strains/sprains for employees. The cost of the unit is \$18,500, which half will be paid for by the grant, with the remaining funds coming from tools and equipment.

It is recommendation of staff to accept the grant and purchase the grapples unit with the remainder of the funds coming from tools and equipment.



City applied for and is approved for an OSHA 50/50 Matching grant.

Scott Bunke

City of St. Charles

Feb 25<sup>th</sup>, 2020

Price: \$18,500.00

GRAB TEC RDX280 Grapple Bucket

City also has the money in our tools & equipment budget and will order if approved by Council.

	RDX 160	RDX 175	RDX 280
[A] Max Opening height (in)	65	76	81.75
[B] Grapple overall width	93.5	98.5	106
Grapple Tine Thickness (in)	.625	.625	1.00
Diameter of main grapple pivot pins (in)	2.00	2.00	2.50
Diameter of cylinder pivot pins (in)	1.50	1.50	2.50
Max clamping force at tips of teeth with 3750psi (lbs)	4,110	5,867	10,300
Cylinder Bore (in)	2.50	3.0	4.00
Cylinder Pressure rating (psi)	5,000	5,000	5,000

RDX 175

RDX 280

