



The City Council of the City of St. Charles welcomes you to its Regular Meeting of Tuesday, May 11, 2021, 2021 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. May 11, 2021 Agenda	APPROVE
4. Meeting Minutes	APPROVE
-April 13, 2021	
-April 14, 2021 (Board of Equalization)	
-April 27, 2021	
5. May 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, Jose Pelaez	
7d. Library Board Report, David Kramer	
7e. Park Board, Dave Braun	
7f. Planning & Zoning, Wayne Getz	
7g. School Board, John Steffel	
8. Resolution #22-2021 Preliminary Plat – South Fork Addition Third	APPROVE
9. Part-time Library Aid Recommendation	APPROVE
10. Police Department Internship Discussion	APPROVE
11. Outdoor Dining Permit Consideration	APPROVE
12. Ordinance #632 Pet Sanitation (1 <sup>st</sup> Reading)	APPROVE
13. Pay Request #2 Maguire Iron, Inc.	APPROVE
14. Resolution #24-2021 4-day Temporary Liquor, WC Fair	APPROVE
15. Resolution #25-2021 1-day Temporary Liquor, WC Fair	APPROVE
16. Resolution #26-2021 Accepting Donation for St. Charles Ambulance	APPROVE
17. LMCIT Insurance Deductible Change	APPROVE
18. Summer Park & Rec Staff List	APPROVE
19. 2021 Gladiolus Days Button Contest Winner	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: 412 683 142#



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**MEMORANDUM for the CITY COUNCIL of St. Charles for  
Tuesday, May 11, 2021**

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**8. Resolution #22-2021 Preliminary Plat-South Fork Addition Third.** The Planning & Zoning held a public hearing regarding the preliminary plat and recommended approval with no reasonable objections.

**9. Part-time Library Aid Recommendation.** Included for consideration is the recommendation that will be presented to the St. Charles Public Library Board as part of their Monday, May 10<sup>th</sup> meeting.

**10. Police Department Internship.** Chief Police will present information related to a proposed police department internship program request. Additional information will be provided prior to the Council meeting for consideration. Staff have been working with Flaherty & Hood for consideration of a program and if approved will continue to adopt the agreement/guidelines.

**11. Outdoor Dining Permit – State of MN.** As part of the Governor's Executive Orders related to COVID, Cities may be allowed to request a permit to allow for restaurant sales on state owned property. Staff was contacted by Sen. Carla Nelson's office regarding a possible request, but at this time a request has not been received from the property owner. In consultation with city attorney Chris Hood, a license agreement could be drafted that the petitioner would be required to approve as a contingency of the city's application. If Council concurs, when or if staff receives the request, the City would look to make the application with adoption of the license agreement by the petitioner. However, if the Governor's Orders are cancelled, all permits would cease.

**12. Ordinance #632 Pet Sanitation (1<sup>st</sup> Reading).** The Park & Recreation Board will hold a public hearing, Monday, May 10<sup>th</sup> and upon a recommendation of Ordinance #632, a first reading is requested.

**13. Pay Request #2 Maguire Iron, Inc.** The second pay request has been received and reviewed by WHKS and it is recommended for approval.

**14. Resolution #24-2021 4-day Temporary Liquor (Winona County Fair).** Please see the enclosed resolution for consideration.

**15. Resolution #25-2021 1-day Temporary Liquor (Winona County Fair).** Please see the enclosed resolution for consideration.

**16. Resolution #26-2021 Accepting Donation for St. Charles Ambulance.** Please see the enclosed resolution for consideration.

**17. LMCIT Insurance Deduction Change.** Currently the City of St. Charles has a \$500.00 deductible. Trends show that on average the city only makes claims a few times in a given year. Consideration is being sought to raise the deductible to \$1,000 which will save approximately \$7000 annually or 6 percent.

**18. Summer Park & Rec Staff List.** The Park Board will review and recommend the summer staff list at their Monday, May 10<sup>th</sup> meeting.

**19. 2021 Gladiolus Days Button Contest Winner.** The Park Board will make a recommendation for the 2021 Gladiolus Days Button Contest winner.

**MINUTES of the ST. CHARLES CITY COUNCIL**  
**for Tuesday, April 13, 2021 held at 6:00 p.m. at**  
**830 Whitewater Avenue,**  
**St. Charles, Minnesota**

**MEMBERS PRESENT:**

Councilmen:

Mayor John Schaber

Dave Braun (via phone)

John Steffel

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:** Melissa Krusmark (City Accountant), Cris Gastner (CEDA-EDA Director), Jose Pelaez (Chief of Police), Rick Schaber (Park & Rec Director), Nick Koverman (City Administrator).

**OTHERS IN ATTENDANCE(Others via teleconference unless noted):** Jason Boynton (Smith Schafer & Associates), Daren Sikkink (WHKS-present).

**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: **David Kramer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**4. Meeting Minutes**

March 9, 2021

Motion to approve: **Wayne Getz**

Roll call was taken and all voted in favor.

No further discussion.

Motion declared carried.

March 23, 2021

Motion to approve: **David Kramer**

Roll call was taken and all voted in favor.

No further discussion

Motion declared carried.

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

Motion to approve: **John Steffel**

Roll call was taken and all voted in favor.

No further discussion.

Motion declared carried.

**6. Notices and communications:** Admin. Koverman highlighted the press release regarding the national award given to the designer of the Purple Heart Memorial. The monument was named the best in all of

North America for that particular field of entry. Congratulations and thanks were stated to the Veterans Memorial Committee for undertaking such a worthwhile endeavor for the good of the community. The annual Project Fine dinner date of June 20, 2021 was relayed and if interested Council was asked to contact Admin. Koverman. The 2020 Consumer Confidence Report for water was included in the packet and now available at City Hall and online. Residents will receive a notice on their May 1<sup>st</sup> bill.

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

Various reports were given.

**8. 2020 Audit-Smith Schafer & Associates.** Jason Boynton, principal CPA with Smith Schafer, was virtually present to deliver the 2020 audit. Boynton relayed that the 2020 was noted as a “clean” audit. He reviewed all aspects of the city’s operations from the revenues and expenses of all departments. He summarized that 39 percent of the governmental funds operations are collected through tax levy, while 25 percent of the governmental funds comes from Local Government Aid (LGA) and that LGA has not kept pace. Due to COVID, several departments saw declining revenues, and while operational expenditure decreased slightly, the net effect was a decrease in the unassigned General Fund balance from 2019 of 41 percent to 39 percent in 2020, which is still in line with the City’s policy of a reserve fund balance of between 35-50 percent. He relayed that the City was in good standing with all of its debt payments and that overall the City had very little debt and that revenues with respect to the city’s utility fees for service were keeping pace with rising costs and debt requirements. Mayor Schaber asked if there were any questions. Hearing none, he called for a motion to approve the 2020 audit as presented. It was so moved.

Motion to open: **David Kramer**

Roll call was taken and all voted in favor

No further discussion.

Motion carried.

**9. Resolution #12-2021 Setting Hearing to Modify MDD No. 1.** EDA Director Cris Gastner presented the resolution that discussed setting a public hearing for the consideration of a Housing TIF District for a proposed 12-lot development in the Southfork Subdivision. Mr. Gastner relayed that the approval, if given tonight, did not obligate the city to a TIF, but rather set the date and time of the hearing. Due diligence and a full project request will follow in the weeks to come prior to the hearing. Mayor Schaber asked if there were any additional questions asked. Hearing none, he called for a motion to approve the resolution as presented.

Motion to open: **Wayne Getz**

Roll call was taken and all voted in favor

No further discussion.

Motion carried.

**10. Revolving Loan Fund Request No. 01-2021.** Gastner relayed that a loan request for \$20,000 was received from Versatile Woodworking to assist in the down payment for a building in town. If the owner of the building chooses to sell to another entity that would use the current business for what it is today, the loan would be contingent on acquiring that property and the motion would reflect that as well. According to Gastner, the loan was reviewed by a member of the newly appointed loan committee and it was recommended for approval by the EDA. A motion was made to approve the loan request from Versatile Woodworking contingent upon the acquisition of the building location discussed with the loan committee and proposed in the request. Clm. Steffel asked for clarification that the loan would not be approved for any other location and Gastner confirmed that point.

Motion to approve: **Wayne Getz**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**11. RCA—Fulltime Officer Recommendation.** Police Chief Jose Pelaez presented a request to hire Kyler Nesbit of LaCrescent as the next full-time officer that will fill the vacancy of a next Sergeant position. Nesbit was part of an interview pool of 12 applicants, of which six applicants were interviewed. Chief Pelaez highlighted candidate Nesbit’s education, experience, and information related to the background

check that further demonstrated his ability to perform at the level of full-time Officer for the City of St. Charles. Based on those pieces, in addition to his strong work ethic, communication skills, and drive to make his workplace and community better, Chief Pelaez recommended that candidate Nesbit be offered the first step at \$24.54/hr. plus benefits. The official start date was recommended as May 3, 2021. Mayor Schaber asked for any comments. Hearing none, a motion was made to approve the hiring of Kyler Nesbit as recommended.

Motion to approve: **Dave Braun**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**12. 2021 Street/Sidewalk/Trail Discussion.** Daren Sikkink of WHKS was present and highlighted for the Council various project updates. He highlighted that discussion with staff for the proposed sidewalk project was amended to provide an option of eliminating the proposed new sidewalk that would be installed from Richland Avenue north from Highway 14 as well as the 9<sup>th</sup> Street/East Avenue sidewalk section. These were the only two new sections of sidewalk that would be added. The proposed cost savings was approximately \$188,000 and could be removed the proposed overall project if desired. In addition, in reference to the previous Council discussion, a sidewalk was proposed along the north side of 4<sup>th</sup> Street that would extend up the hill and provide a safe avenue for pedestrians that would stop just beyond the first driveway. This was done in order to provide a safe route up the hill which was the main concern expressed. Park Director Rick Schaber provided an update that he and Admin. Koverman attended the school board meeting Monday evening and that consensus was given by the school board that a proposed trail on the newly acquired property made sense. Supt. Apse asked that staff return to the school board when the final proposed route would be determined. Mr. Sikkink also relayed that due to increasing prices and possible shortages throughout the summer that Council would look to make a determination so that contractors can lock in prices and materials. Otherwise, he relayed, that potential change orders by the contractors for these increased prices due to delays, could result if the decision to proceed was delayed much longer. Mayor Schaber reminded Council that the proposed bond would be reduced due to the city's ability to use \$650,000 from the Capital Improvement Fund in order to pay for a portion of the Chattanooga Innovation Park expansion. Therefore, the overall price of the project would be approximately \$6,830,250.21. Mayor Schaber relayed that for the amount of project that is proposed, the City would be getting a good amount of work done for the price. His recommendation was to complete the full project, minus the two sidewalk pieces of Richland Avenue and East Avenue due to the fact that potentially these projects could fall under Safe Routes To School. Clm. Getz expressed that he agreed with Mayor Schaber that doing the full project made the most sense from a cost standpoint as maintenance of the various pieces will only get more expensive. Clm. Kramer concurred with that point. Clm. Braun asked if it was still projected at \$10-\$12/month for a home valued at \$263,000 and Mayor Schaber expressed that it was. Clm. Kramer added that where staff had discussed the proposed sidewalk for 4<sup>th</sup> Street was the best location in his review and estimation as well as it addressed the safety issue for the hill. He added that in walking around town in the past, he noted that we should do a better job of sidewalks and doing more of them to the benefit of the entire community made more sense.

The Council discussed the sidewalk resolution presented as #13-2021 and a motion was made to approve Schedule A, less the new sidewalks from north of Highway 14 along Richland Avenue and the segment along 9<sup>th</sup> Street and East Avenue, awarding the bid to Chippewa Concrete Services.

Motion to approve: **David Kramer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

The Council then discussed the remaining resolutions that would approve the low bids for the remaining projects of the Chattanooga Innovation Park Construction (#14-2021), the Chattanooga Innovation Park pond (#15-2021), the trail project (#16-2021), the Street project (Schedules A, B, C as #17-2021), the Gravel Alley Paving project (#18-2021), and the Chip Seal project (#19-2021). Clm. Kramer asked about what portion the pond would provide for the city versus the land owner. Daren Sikkink of WHKS relayed that the pond would cover approximately 60 percent of the city's runoff and cover 40 percent of the

participating landowner's land. The landowner is deeding over approximately 1.5 acres of land where the regional pond will be located. A motion was made to approve the resolutions as presented that highlighted the lowest most responsible bidders for each project that would be numbered as stated.

Motion to approve: **John Steffel**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

Daren Sikkink then asked for direction from the Council regarding the proposed East trail segment that would go on the school district's land. The engineer's estimate is approximately \$300,000 and was factored into Mike Bubany's information as presented at the last meeting. Sikkink relayed that surveying and engineering of the trail would need to be completed and that the trail would be put out for bid. A motion was made to allow staff to proceed with putting the trail out for bid and to continued to work with the school district as to the route and installation.

Motion to approve: **Dave Braun**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**13. Pay Request #1 Water Tower.** Admin. Koverman highlighted the first pay request in the amount of \$171,840.70 and no questions were asked. A motion to approve the pay request was moved.

Motion to approve: **David Kramer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**14. Resolution #11-2021 Variance Dayland (1248 Wabasha Avenue).** Admin. Koverman highlighted the request and read the findings aloud as the following:

***WHEREAS,** granting the variance for the placement of a proposed 12X20 accessory structure in the frontyard is reasonable given the assignments and statements provided by the petitioner and is in harmony with the purpose and intent of the ordinance; and*

***WHEREAS,** granting the variance is necessary and reasonable due to the unique physical characteristics of the property given the slope and grade of rear and side yards and desire to maintain the existing natural drainage ways. In addition, the problem is not caused by the landowner; and*

***WHEREAS,** granting the variance will not alter the essential character of the locality given the existing structures and location of other structures in the neighborhood and the materials will match primary structure.*

Hearing no discussion, Mayor Schaber called for a motion to approve as presented.

Motion to approve: **Wayne Getz**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**15. Ordinance #631 Amending Zoning Map-RMTD (1<sup>st</sup> Reading).** Admin. Koverman highlighted the previous actions taken with respect to meeting with the St. Charles Township, approving the joint resolution for annexation and sending the required materials in to Minnesota Municipal Boundary Adjustment for consideration. The final piece was to amend the zoning map and include the 10-acre area as C-3 Regional Commercial District zoning. No questions were asked and a motion to approve the ordinance as presented for a first reading was moved.

Motion to approve: **David Kramer**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

**Unscheduled Public Appearances.** None.

Motion to adjourn at 7:14 p.m.: **Wayne Getz**

Roll call was taken and all voted in favor.

No further discussion.

Motion carried.

ATTEST

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**John Schaber, Mayor**

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**Nick Koverman, City Administrator**

**MINUTES of the ST. CHARLES BOARD OF EQUALIZATION**  
for Wednesday, April 14, 2021 held at 7:00 p.m. at  
830 Whitewater Avenue,  
St. Charles, Minnesota

**MEMBERS PRESENT:**

Councilmen:

Mayor John Schaber

Dave Braun (phone)

Wayne Getz

David Kramer (absent)

Craig Hilmer (absent)

*Due to the 2020 COVID pandemic, teleconferencing measures were instituted. A quorum of the Council was present.*

**STAFF PRESENT:** Nick Koverman City Administrator

**OTHERS IN ATTENDANCE** (phone conference: Stephen Hacken (County Assessor), John Conway (County Assessor).

**1. ESTABLISH QUORUM/CALL TO ORDER and ROLL CALL**

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

**2. BUSINESS**

County Assessor Stephen Hacken and John Conway presented the information via teleconference to the Board of Equalization on the assessment trends and what he sees county wide. The members of the Board of Equalization waited for 20 minutes but no calls were received during the meeting and no one was present. Mr. Conway reported that he had received only two calls and that one did not return his follow up call. He also reported that there had been 35 sales to date in 2021 in St. Charles.

Seeing that no one was in attendance a motion to adjourn was made.

Motion to adjourn at 7:26 p.m.

Motion to approve: **Wayne Getz**

No further discussion.

Roll Call was taken and all were in favor.

Motion declared carried.

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**John P. Schaber, Mayor**

ATTEST

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**Nick Koverman, City Administrator**



**MINUTES of the ST. CHARLES CITY COUNCIL  
for Tuesday, April 27, 2021 held at 6:00 p.m. at  
830 Whitewater Avenue,  
St. Charles, Minnesota**

**MEMBERS PRESENT:**

Councilmen:

Mayor John Schaber

Dave Braun

John Steffel

Wayne Getz

David Kramer (absent)

*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:** Melissa Krusmark (Accountant) and Nick Koverman (City Administrator).

**OTHERS PRESENT:** Amy Berends (WOW), Bill Spitzer (Water Tower Committee Chair), and Mike Bubany (David Drown & Associates).

**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**

No further discussion.

Motion carried.

**4. Notices and Communications.** Admin. Koverman highlighted the information from the Southern Minnesota Initiative Foundation and how they have supported Winona County and St. Charles. Koverman then relayed the valuation increase for the generation plant by the LMCIT, the city's insurer. In addition, he highlighted information that was being posted on the city's website and Facebook page to highlight the upcoming 2021 project season. As dates became more concrete additional information would be provided to the community.

**5. Review of Financials:** No questions were asked.

Motion to approve: **Wayne Getz**

No further discussion.

Motion declared carried.

**6. Moose Day Proclamation.** Mayor Schaber highlighted the 2020 Moose Day proclamation that was cancelled due to COVID in 2020. The Moose Lodge has again slated to welcome the Moose Lodge governor and requested the proclamation for May 14, 2021. Hearing no objections, a motion was made to approve the proclamation.

Motion to approve: **Dave Braun**

No further discussion.

Motion declared carried.

**7. Letter of Support-Jose Pelaez.** Mayor Schaber relayed that he was contacted by a member of the American Legion of Eyota and that it was requested of the mayor to write a letter of support for Chief

Pelaez to be named Person of the Year for enlisted service members. Mayor Schaber presented the letter with the Council support of the recommendation. The Council concurred and a motion was made to support the letter.

Motion to approve: **Wayne Getz**

No further discussion.

Motion declared carried.

**8. WOW Summer Request.** Amy Berends of the What's On Wednesday committee was present and first thanked the Council for the support of the Southern Minnesota Initiative Foundation (SMIF), the St. Charles Area Community Foundation (SCACF), the green space committee, and WOW. She highlighted how much she appreciates that the city crew will be able to help with the installation of the church bell, the work done for the sidewalks, the installation of the handicap door and inside work to make the church accessible. Berends then presented the request for the use of the green space for the five dates specified in the request along with the use of the city hall bathrooms, trash cans, closing of St. Charles Avenue for food trucks, etc. She highlighted various themes and other partnerships that were taking place. Council thanked her and the committee for their work and are hopeful for the summer events. A motion was made to approve the request.

Motion to table: **John Steffel**

No further discussion.

Motion declared carried.

**9. Mike Bubany-2021 Street Project Financing Discussion.** Mike Bubany of David Drown & Associates was present to discuss the next steps for the financing of the 2021 Street/Sidewalk/Trail/Chattanooga 2<sup>nd</sup> Addition project. Bubany highlighted the statutory authority guidelines and the processes that the City Council has previously authorized and completed. He again outlined the sources and uses of the funds for the Council. He asked for questions and at the time, there were none from the Council. He then discussed the next steps for the sale of the bonds and the proposed sale date of May 25, 2021.

**10. Resolution #20-2021 Setting Sale of Bonds.** Mayor Schaber presented the resolution that was associated with the discussion by Mr. Bubany and called for a motion to approve the resolution as presented. A motion was moved to approve Resolution #20-2021.

Motion to approve: **Dave Braun**

Seconded by: **John Steffel**

No further discussion.

Motion declared carried.

**11. Water Tower Logo Design.** Bill Spitzer, who chaired and provided the survey for the City Council, provided highlights of the survey and noted that many comments were received thanking the City Council for allowing input on the design. The final design selected was Option B, which highlighted St. Charles on two sides of the water tower with the "Est. 1854" and the school logo. A motion was made to approve the option as recommended. The Council thanked Mr. Spitzer for his time and commitment to the City and the project.

Motion to table: **Wayne Getz**

No further discussion.

Motion declared carried.

**12. Ordinance #631 Amending the Zoning Map (RMTD) (2<sup>nd</sup> Reading).** Mayor Schaber called for any questions, comments or concerns on the second reading that would amend the zoning map to include the two parcels. Hearing none, a motion was made to approve the ordinance as presented.

Motion to table: **Dave Braun**

No further discussion.

Motion declared carried.

**13. Resolution #21-2021 Electronic Signatures.** Admin. Koverman relayed that in working with Chris Hood, the city attorney, it was noted that electronic signatures were common practice in many of the daily business pieces of the city from contracts to utility bills, etc. He presented the proposed policy and

resolution that would provide authority for the organization. Hearing no concerns, a motion was made to approve the resolution as presented.

Motion to table: **Wayne Getz**

No further discussion.

Motion declared carried.

**14. Neitz Easement Agreement.** Admin. Koverman presented the proposed easement agreement that has been signed and provided in consideration by Phil Neitz, owner of ABs Leasing, for a sewer easement along his property that would allow a future buyer of the two parcels that the city will sell just south of his property. The easement allows the service to be constructed on Mr. Neitz's property that will allow for the improvement to the drainage area that was completed several years to remain in tact, given it is a bituminous structure. Council concurred with the agreement and need and a motion was made to approve/accept the easement agreement.

Motion to table: **Dave Braun**

No further discussion.

Motion declared carried.

**15. Advertisement for Bid (Parcel A & B).** Admin. Koverman relayed that these two parcels had been previously advertised back in 2015-2016 with no interest. The city then contemplated the need for the easement which was approved in item 14. Recent interest in the property has been expressed and thus the advertisement would be printed again. Council concurred with the sale and the advertisement and a motion was made to approve the advertisement for bid.

Motion to table: **Dave Braun**

No further discussion.

Motion declared carried.

**Unscheduled Public Appearances. None.**

Motion to adjourn at 6:30 p.m.: **Wayne Getz**

Roll call was taken, and all voted in favor.

No further discussion.

Motion carried.

ATTEST

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**John Schaber, Mayor**

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**Nick Koverman, City Administrator**

# City of St. Charles

## 2021 City Wide Clean Up – Drop Off

**For the safety of our workers –**

**We ask residents to stay in their vehicles at all times**

**Saturday, June 19<sup>th</sup> 8:00 a.m. to 12:00 p.m.**

**No materials will be accepted after 12:00 p.m.**

**City Shop/Compost Site - 200 Northwoods Drive**

**All residents are required to bring a Driver's License to ensure they are a City of St. Charles – Residential Utility Customer**

### **Tire Disposal**

Up to 20 car/pickup/ATV/bike tires per household (OFF the rims) ONLY.



**(ABSOLUTELY NO TRACTOR OR SEMI TIRES)**

### **Household Drop Off**

Waste Management will be providing household item\* disposal at the Compost Site ONLY



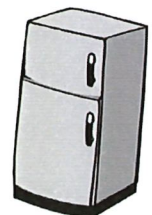
***\*NOTE: No building or construction material, electronics (TVs/computers), large exercise equipment (treadmills), hazardous material, regular garbage or recyclables will be accepted.***

### **Appliance Drop Off @ Timm's Auto Salvage**

Where: 936 West 12<sup>th</sup> Street, St. Charles

When: Monday thru Friday (8:00 a.m. – 4:30 p.m.)

No Charge for Disposal



Timm's Auto Salvage will accept appliances at no charge; recycling rebates will be available from the City on the following:

Refrigerator (13 cu. ft. +) or Chest Freezer (6 cu. ft.+) Dehumidifier or Window Air-Conditioning Units

**These appliances must be in working condition to receive a rebate.**



# 2021 City Wide Clean Up – Drop Off Items

Below are suggested items that will be accepted at the corresponding locations:

## Compost Site

### 200 Northwoods Drive:

Tires  
Bed frames, Mattresses, Tables, Chairs,  
Dressers, End tables, Bookcases, Living  
room furniture, Outdoor furniture, Bar stools,  
Desks & Desk chairs, File cabinets, Infant  
furniture, Benches, Ottomans, Rocking  
chairs, Baker's racks, etc.

## Timm's Auto Salvage

### 936 West 12<sup>th</sup> Street:

Stoves, Refrigerators, Freezers, Dishwashers,  
Washers, Dryers, Toaster ovens, Water  
heaters, Grills (w/o propane tank), Air  
conditioners, Furnaces, Dehumidifiers,  
Humidifiers, Microwave (w/o glass tray), Large  
exercise equipment, Lawn mowers, and  
Bicycles

This clean up day is for St. Charles **RESIDENTS ONLY**. If you are caught bringing in material from outside of the city limits or allowing someone else to bring something in and disposing of it for them, you may be fined. Neighbors watch for people bringing in items and police will be advised to do more patrols. This Clean Up day is a benefit to residents and when abused, the City Council needs to re-evaluate if it should continue. Please remember that the \$.75 City residents pay monthly helps to fund this event and also to keep our compost site available to residents. We thank you for your cooperation.

## Where can I take Hazardous Waste?

### Household Hazardous Waste Facility

Location: 225 West 2nd Street  
Winona

Phone #: (507) 457-6405

### Olmsted Cty Recycling Center Plus

Location: 305 Silver Creek Rd NE,  
Rochester

Phone #: (507) 328-7070

### The following items can be taken to the above locations:

- Paint, stain/varnish, cleaners, gasoline, fuels, solvents, antifreeze, motor oil/filters, aerosol cans, pesticides, fluorescent bulbs, rechargeable batteries, propane cylinders, residential sharps, acids/bases
- Button batteries: (hearing aid, watches & other electronics)
- Rechargeable batteries
- ❖ **No auto batteries, ammunition, TV's or electronics!**

### Medications:

- Old or unused medications may be dropped off at the St. Charles Police Department located at 830 Whitewater Avenue during business hours. Make sure all labels are blackened out & bottles put into a sealed bag.

*\*\*\*Please ring the Police Department doorbell for service\*\*\**



## City Administrator's Report—April 2021

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**April 5**—Met with fire department 1<sup>st</sup> Assistant Chief Scott Schossow to discuss a long-term Capital Improvement Plan for replacement of fire trucks. Schossow will continue working on the spreadsheet and will present when a draft plan is completed.

**April 6**—Held a strategic planning session with St. Charles Area Community Foundation (SCACF) as the board considers how it can be effective and impactful within the community and region.

**April 7**—Took part in floodplain trainings conducted by the DNR as a refresher. The series went for several weeks.

**April 9**—Held conference call with Kristi Robinson of StarEnergy Services regarding Impact Study.

**April 12**—Attended St. Charles School Board meeting with Park & Rec Director Rick Schaber to request partnership for proposed trail.

**April 14**—Held conference call with Flaherty & Hood regarding possible variance for Southfork Third addition. Attended a WOW meeting to discuss proposal and upcoming season. Attended the Board of Equalization meeting.

**April 15**—Held discussion with John Steffel, president of the Lions, and Pam Tesch, organizer of the flowerbasket committee. The program has been in existence for 10+ years, but the flowerbasket committee has asked other groups to take over. The Lions have expressed a commitment to the project. Clm. Steffel can provide additional details.

**April 16**—Cris Gastner and I met with Mike Bubany to discuss the upcoming proposed TIF project for Whitewater Properties related to Southfork Third.

**April 19**—Cris Gastner and I held a conference call with Mitch Massman of CEDA, who represents Lewiston. An exchange of information was held and support for approaching the Winona County EDA was also discussed.

**April 21**—A conference call was held with representatives from Trinity Lutheran Church to discuss a proposed development. The project looks to be moving forward and more information will be presented as the platting process will begin.

**April 23**—A meeting with Mike Bubany to discuss the city's bonding process and the TIF plan was held.

**April 26**—Interviews were held for the part-time library assistant.

**April 27**—A Zoom meeting was held with MMUA representatives as a listening session. PW Director Karger and I attended to learn who the contacts would be and to share our concern regarding solar requirements.

**April 28**—Interviews for library assistant were continued on Wednesday.

**April 29**—A preconstruction meeting was held for Chattanooga 2<sup>nd</sup> Addition with contractors and WHKS staff. Attended an evening meeting of the SEMLM with guest speakers from SMIF and the coordinator of SE MN Together Initiative focused on transportation.

## **April 2021 Public Works Report**

. Repair street lights, clean up sand pile at old shop, order electrical material, measure footages for new underground projects, work at power plant, unload 3ph transformer at shop, ran power plant, changed out insulator in substation, flushed hydrants, monthly rubber goods, remove street light at truck stop, disconnect power at Amerigas, removed plowing equipment, picked up trash on I-90, locate property pins and disconnect electric service on Wabasha Avenue.

. Safety meeting, working with Mastec on electrical boring, worked on new 3ph junction, replaced poles on East Ave, electric disconnect 1455 Oakview, burned brush pile at shop, mapping for electrical projects, new electric services Meadow View Drive, Trout Avenue & Jessens Drive, worked on new truck, worked on 2021 salt orders, removed pole by substation, fence permits, disconnect 507 E. 13<sup>th</sup> St, picked up electric truck in cities and waiting for upper buckets, set basements for new transformers, log in and enter locates, order new electrical material and checked all sirens in town.

. Meter tests, got quotes for pad mount switch, sent crimper in for repair, call about invisible fence placement, checked with Star Engineering on 3ph billing, cleaned and stocked locate truck, traced water line at Americas, reattached meter socket, locating for alley paving and sidewalk projects, opened water tower for HBC, disconnect at 906 St. Charles Avenue and worked on electric maps.

. Truck to Stockton for box switch out, cleaned and swept parking lots and streets, cleaned snow dump area at fairgrounds, inspected manholes, sweeper broom replacement, pickup trash around city shop, re-reads for city hall, graded West 1<sup>st</sup> Street, changed water meters, cut down trees on East 4<sup>th</sup> for sidewalk, hauled rock for landscaping around church behind city hall, pulled electrical wire, sweeping streets, pushed up brush dump and cleaned around fire hall.

. Cleaned rocks in alley, worked on sweeper broom, cleaned city shop, hauling compost to city pit, cleaned truck for trade-in, replaced bad pipe and bolts in Well #5, entire crew 2<sup>nd</sup> vaccine shot, thanks to Winona County EMS, flushed hydrants at golf course and entire city, water samples, located buried manhole on Hillcrest, located curb stops, looked up meter sizes, found water shut off at catholic church, and meeting with upcoming contractors.

Sincerely,

Kyle Karger, Director of Public Works

# City of St. Charles Police Department

Chief – Jose Pelaez #601

830 Whitewater Avenue

St. Charles, MN 55972

(507) 932-8020 · (507) 932-8701 FAX



May 11, 2021

- On April 1<sup>st</sup> Officer McCready attended an 8-hour Taser Instructor Certification Course that was hosted by AXON (formerly Taser International) at the Mall of America. Officer Floerke was our Taser Instructor until 2020, so now Officer McCready will be taking over those responsibilities.
- On April 20<sup>th</sup>, Officer Wolters completed his Storm Spotter Refresher Training, thus the entire department is up to date now on this critical training.
- Officers completed Mental Health Training Part 3 of 4. This course helps meeting the annual POST-mandated learning objectives for: Crisis intervention and mental illness crisis, conflict management and meditation, implicit bias, and community diversity and cultural awareness.
- Chief Pelaez met with members of Project FINE in Winona to discuss ways to build a partnership with Project FINE to build stronger relationships with minority communities in St. Charles. Some of the topics discussed included: participation in community events hosted by Project FINE, what are some of the current concerns of minority communities when dealing with law enforcement, public safety concerns from minority communities, and how to breach the fear of reporting crime to law enforcement.

Respectfully submitted,

Chief, Jose Pelaez

“Proud to Serve”





**Planning and Zoning Commission**  
**Thursday, May 6, 2021**  
**7:00 P.M.**  
**City Council Chambers**  
**Minutes**

**MEMBERS PRESENT:**

Terry Jones  
Tim Jones  
Wayne Getz  
J.D. Purl

**MEMBERS ABSENT:**

Jerel Mockenhaupt  
Freddy Perez  
David Kramer

**STAFF PRESENT:**

City Administrator Nick Koverman.

**OTHERS IN ATTENDANCE:** Daren Sikkink (WHKS Engineers), Mike Bubany (David Drown & Associates), and Andrew Buck (GGG Engineering).

**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 by: **Wayne Getz**  
Seconded by: **Terry Jones**  
No further discussion.  
Motion declared carried

**APPROVAL of MINUTES-April 8, 2021**

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

**BUSINESS ITEMS:**

**4a. Public Hearing—Preliminary Plat South Fork Third Addition.**

Jones called for a motion to open the public hearing at 7:01 p.m.

Motion to approve: **Wayne Getz**

Seconded by: **J.D. Purl**

No further discussion.

Motion declared carried

Jones stated that comments would be taken from anyone present and limited the comments up to 5 minutes for or against the proposed language.

Daren Sikkink of WHKS presented information related to the memo provided to the P&Z meeting packet. Sikkink highlighted various points of the preliminary plat including adding of a temporary cul-de-sac at the end of the street, including the city's trail easement on the final plat, questions related to stormwater and the pond. Sikkink relayed that generally speaking for the preliminary plat, it met all of the expectations and that when all of the required reports were in for review that is when a detailed review of the plan would be undertaken.

Andrew Buck of GGG Engineering addressed some of the questions relayed in the memo and stated that all of them would or could be addressed. It was questioned of Mr. Sikkink whether a gate valve or flushing hydrant would be required at the end of the road to which Mr. Sikkink replied that he would be speak with

Director Karger. Buck relayed that the stormwater pipe would be run through the development and would daylight at the same elevation. Chairman Jones questioned the need for fencing around stormwater ponds. Sikkink replied that each city is different as far as requirement, but that many times it is based on grades of the pond. The initial pond was designed as a wet pond, but standards now prefer an infiltration pond. It was discussed that the pond requirement will be that the developer clean/maintain the pond up to the original standards at the end of each phase. He also indicated that the trail easement that the City had acquired from SEMMCHRA, the former owners of the property, had been added to the plat.

Seeing no one else present, he called three times for comment. Hearing none, he called for a motion to close the public hearing at 7:24 p.m.

Motion to close the public hearing at 7:24 p.m.

Motion to approve: **Terry Jones**

Seconded by: **J.D. Purl**

No further discussion.

Motion declared carried.

Admin. Koverman relayed that Clm. Kramer, who also sits on the P&Z, questioned the drainage way to runs northeast through the property and if the developer/owner had considered that piece with future developments. Andrew Buck at GGG stated that they were aware of the question and would have the conversation with the owner. No other questions were discussed.

**4b. Resolution #22-2021 Preliminary Plat Approval.** Chairman Jones called for a motion to approve the resolution as presented.

Motion to approve: **Terry Jones**

Seconded by **J.D. Purl**

No further discussion.

Motion declared carried.

**4c. Resolution #23-2021 TIF Municipal Development District modification.** Mike Bubany of David Drown & Associates presented information related to the proposed housing TIF District for South Fork Third Addition. He outlined the reasonings why the P&Z Commission needed to approve the resolution as presented as the map identifying the district needed to be approved. Mr. Bubany highlighted the need and reasonings for the TIF and how the mechanism would work. A public hearing will be held by the City Council on June 22, 2021 for the consideration of the TIF, but that again the Planning & Zoning was being requested to review the item due to the adoption of the map and to ensure that an improper use was not being planned in an area not designated for it. Hearing no other questions, Chairman Jones called for a motion to approve the resolution as presented.

Motion to approve: **J.D. Purl**

Seconded by: **Terry Jones**

No further discussion.

Motion declared carried

Motion to adjourn at 8:08 p.m.

Motion to approve: **Wayne Getz**

Seconded by: **Terry Jones**

No further discussion.

Motion carried.

**EXTRACT OF MINUTES OF A MEETING OF THE  
PLANNING COMMISSION OF  
THE CITY OF SAINT CHARLES, MINNESOTA**

HELD: May 6, 2021

Pursuant to due call and notice thereof, a regular meeting of the Planning Commission of the City of Saint Charles, Winona County, Minnesota, was duly held at City Hall on the 6th day of May, 2021, at 7 p.m. for the purpose, in part, of making a recommendation to the City Council on the modification of Municipal Development District No. 1, the establishment of Tax Increment Financing District No. 1-9 therein, and the adoption of a modified Development Program and Tax Increment Financing Plan relating thereto.

The following Commissioners were present: Tim Jones, Terry Jones, Wayne Getz, J.D. Purl

And the following were absent: David Kramer, Freddy Perez, Jarel Mockenhaupt

Commissioner J.D. Purl introduced the following resolution and moved its adoption;

**RESOLUTION #23-2021**

**RECOMMENDING APPROVAL  
OF THE MODIFICATION OF MUNICIPAL DEVELOPMENT DISTRICT NO. 1,  
THE ADOPTION OF A MODIFIED DEVELOPMENT PROGRAM THEREFORE,  
THE ESTABLISHMENT OF TAX INCREMENT FINANCING DISTRICT NO. 1-9 THEREIN  
AND THE ADOPTION OF A TAX INCREMENT FINANCING PLAN RELATING THERETO**

**WHEREAS**, the Planning Commission has reviewed the documents relating to the proposed modification of Municipal Development District No. 1 and the establishment of Tax Increment Financing District No. 1-9 therein; and

**WHEREAS**, the Planning Commission has been asked to provide a recommendation to the City Council regarding the adoption of the same;

**NOW THEREFORE BE IT RESOLVED** by the Planning Commission of the City of Saint Charles, Winona County, Minnesota (the "City"), as follows:

1. The proposed development of the project area as described in the modified Municipal Development Program and Tax Increment Financing Plan are generally consistent with the City's development plan and zoning ordinances, will serve to complement the City's plans for creation of development opportunities in the City, and will serve to promote the City's development objectives.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Terry Jones and upon vote being taken thereon, the following voted in favor:

And the following voted against the same: N/A

Adopted by the Planning and Zoning Commission of the City of St. Charles, Minnesota this 6<sup>th</sup> day of May, 2021.

  
\_\_\_\_\_  
**Tim Jones, Chairman**

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

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

I, the undersigned, being the Zoning Administrator of the Planning Commission of the City of Saint Charles, Minnesota, DO HEREBY CERTIFY that the attached resolution is a true and correct copy of an extract of minutes of a meeting of the Planning Commission of the City of Saint Charles, Minnesota duly called and held, as such minutes relate to the modification of Municipal Development District No. 1 and the establishment of Tax Increment Financing District No. 1-9 therein.

WITNESSED:

  
\_\_\_\_\_

5 / 6 / 2021  
Date

**City of St. Charles**

**Resolution #22-2021**

**A RESOLUTION APPROVING THE PRELIMINARY  
PLAT OF SOUTH FORK ADDITIONS THIRD SUBDIVISION  
TO THE CITY OF ST. CHARLES, MINNESOTA**

**WHEREAS**, the Preliminary Plat of South Fork Additions Third subdivision to the City of St. Charles, Minnesota has been duly reviewed by the Planning and Zoning Commission on May 6, 2021; and,

**WHEREAS**, the Preliminary Plat of South Fork Additions Third subdivision to the City of St. Charles, Minnesota has been duly reviewed by the City Council on May 11, 2021.

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

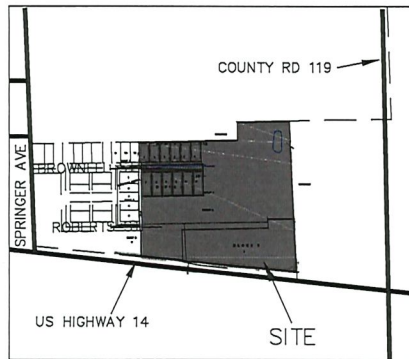
1. Upon the recommendation of the Planning and Zoning Commission and in consideration of the lack of reasonable objection to the preliminary plat, the preliminary plat of South Fork Additions Third subdivision is hereby approved.

Adopted by the Council of the City of St. Charles, Minnesota this 11<sup>th</sup> day of May, 2021.

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

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





VICINITY MAP  
T. 106 N., R. 10 W., SEC. 21  
"NOT TO SCALE"

#### LEGEND

- IRON PIPE WITH PLASTIC CAP  
STAMPED LS 21940 SET
- FOUND MONUMENTS ARE 1/2 INCH  
IRON PIPES UNLESS OTHERWISE NOTED
- U.E. UTILITY EASEMENT
- SECTION LINE
- UNDERLYING PLAT LINE
- EASEMENT LINE
- MAJOR CONTOUR
- MINOR CONTOUR
- WM WATERMAIN
- SAN SANITARY SEWER
- STORM STORM SEWER
- BUILDING SETBACKS

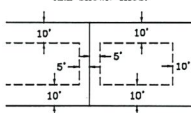
**PROJECT CALCULATIONS:**  
TOTAL PROJECT AREA: 23.92 ACRES  
DEVELOPABLE AREA: 9.40 ACRES  
13 PROPOSED LOTS  
OUTLOT "A" AREA: 19.99 ACRES  
435 LINEAR FEET OF ROAD  
ALL STREETS ARE LOCAL  
EXISTING IMPERVIOUS: 0.00 ACRES  
WETLANDS: 0.00 ACRES  
PROPOSED RIGHT OF WAY: 0.65 ACRES

**LAND DESCRIPTION:**  
Outlot A, SOUTH  
FORK ADDITION,  
according to the  
recorded plat  
thereof on file and  
of record at the  
office of the Winona  
County Recorder.

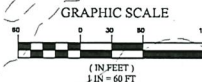
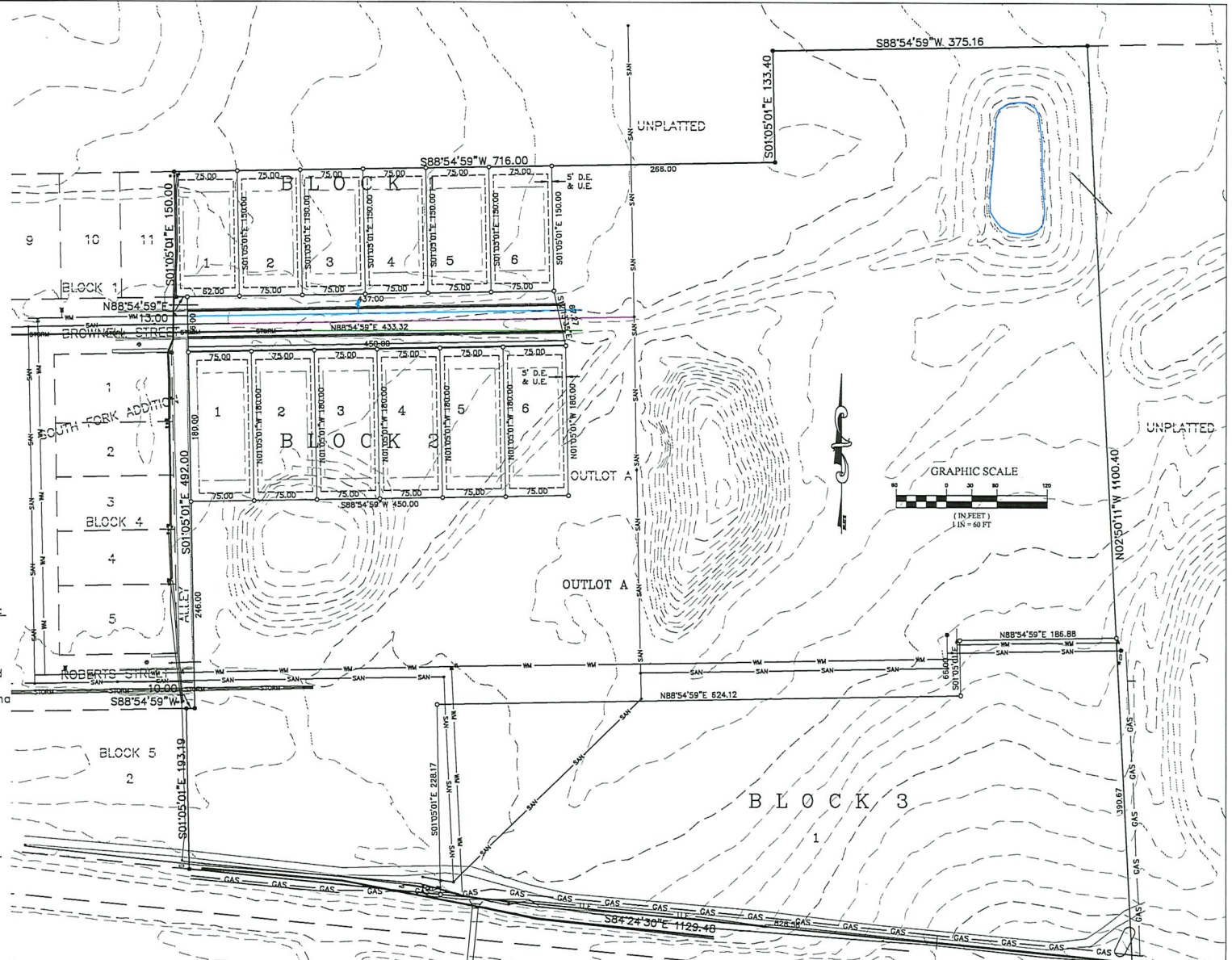
**OWNERS/ DEVELOPERS**  
MITCHELL WALCH  
20687 COUNTY ROAD 33  
ALTURA, MN 55910

**ENGINEER & SURVEYOR**  
G-CUBED INC.  
14070 HWY. 52 SE  
CHATFIELD, MN 55923

DRAINAGE AND UTILITY EASEMENTS  
ARE SHOWN THUS:



BEING 10.00 FEET IN WIDTH AND  
ADJOINING ALL STREET LINES, REAR LOT  
LINES, AND END SIDE LOT LINES AND  
5.00 FEET IN WIDTH AND ADJOINING ALL  
INTERIOR SIDE LOT LINES, UNLESS  
OTHERWISE INDICATED ON THE PLAT



I HEREBY CERTIFY THAT THIS PLAN,  
SPECIFICATION, OR REPORT WAS PREPARED  
BY ME OR UNDER MY DIRECT SUPERVISION  
AND THAT I AM A DULY LICENSED  
PROFESSIONAL ENGINEER UNDER THE LAWS OF  
THE STATE OF MINNESOTA.

DATE: 1/25/2021  
REG. NO. 21640

DATE: 1/25/2021  
Prepared For:  
MITCHELL WALCH  
20687 COUNTY ROAD 33  
ALTURA, MN 55910

**G<sup>3</sup> G-Cubed**  
14070 Hwy 52 S.E.  
Chatfield, MN 55923

**ENGINEERING  
SURVEYING  
PLANNING**  
Ph: 507-867-1866  
Fax: 507-867-1865  
www.g3cubed.com

DESIGNED: ADB  
DRAWN: ADB  
CHECKED: GCG

REVISED	BY	DATE
SUBMITTAL	ADB	4/15/2021

CITY OF ST. CHARLES  
WINONA COUNTY

SOUTH FORK ADDITIONS THIRD  
PRELIMINARY PLAT

BENCHMARK:

SHEET 1  
OF 1 SHEETS

## *St. Charles Public Library*

*125 W. 11<sup>th</sup> St.  
St. Charles, MN 55972*

On Monday, April 26 and Wednesday, April 28, a committee consisting of St. Charles Public Library Director Jill Veerkamp, St. Charles City Administrator Nick Koverman, and St. Charles Public Library Board Secretary Susan Keith interviewed seventeen candidates for the position of Part-Time Library Assistant. Ultimately, it is the recommendation of the committee to offer the position of Library Assistant to **Rosanna (Rosie) Jones**.

### Comments from the Interview Committee:

It was a very difficult decision, as there were many strong candidates. Ultimately, it was the decision of the committee that Rosie Jones would be the best fit to suit the needs of the St. Charles Public Library.

Rosie is personable, approachable, and not shy to talk. She likes to read and has a wide range of reading interests. She has experience in working with many different types of people and has empathy gained while working in the healthcare field.

Rosie has familiarity with different technology platforms, not limited to, but including, tablets and Kindles, computers, Zoom, Facebook, and the Internet.

Rosie demonstrated an ability to pay attention to detail and was able to put the provided note cards in order according to Dewey Decimal number, and author/title.

Finally, Rosie's schedule is incredibly flexible.

Overall, the interview committee believes that Rosie Jones will be an asset to the St. Charles Public Library and recommends that the Library Board offer her the position of Library Assistant.



STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION  
INSTRUCTIONS AND APPLICANT INFORMATION SHEET

APPLICANT INFORMATION

Municipality Name: \_\_\_\_\_

Contact Person Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

INSTRUCTIONS AND INFORMATION

- All documents associated with the Temporary Outdoor Dining Permit process are subject to change. Submit using the most current documents available for download at:  
  

<http://www.dot.state.mn.us/temporary-outdoor-dining/>
- Complete this Applicant Information Sheet and compile and complete documents listed in Required Document Checklist.
- Submit required documents to the appropriate MnDOT Temporary Outdoor Dining Permit District Contact for processing. Please refer to the MnDOT District Map to determine your MnDOT district. All required documents must be submitted as one .pdf document.
- Upon approval of the required documents, each municipality will receive one Temporary Outdoor Dining Permit.
- **A MUNICIPALITY MUST HAVE A FULLY EXECUTED TEMPORARY OUTDOOR DINING PERMIT WITH MNDOT PRIOR TO ISSUING PERMITS TO BUSINESSES FOR USE OF TRUNK HIGHWAY RIGHT OF WAY.**

REQUIRED DOCUMENT CHECKLIST

Municipality must submit the following items to the appropriate MnDOT District Contact as one .pdf document:

- ☐ Completed Applicant Information Sheet and Temporary Outdoor Dining ("TOD") Permit (this form), including all necessary signatures by authorized municipal representatives;
  - ☐ Permit Exhibit A: Map identifying the trunk highway right of way over which the municipality may issue an Outdoor Dining Permit (as defined in the TOD);
  - ☐ Permit Exhibit B: Municipal Resolution to enter into the TOD with MnDOT (see example [here](#));
- ☐ Certificate of Insurance showing compliance with Section 19 of the TOD and stating: "The State of Minnesota is included as an additional insured." The certificate should list The State of Minnesota, Department of Transportation, as the Certificate Holder.



STATE OF MINNESOTA  
DEPARTMENT OF TRANSPORTATION  
PERMIT - TEMPORARY OUTDOOR DINING

City/Township

Permit #

Expiration

November 1, 2021 or Expiration of Executive Order  
#20-01, whichever occurs first

The State of Minnesota, through its Commissioner of Transportation ("MnDOT") hereby grants a Permit for Temporary Outdoor Dining ("TOD") purposes to \_\_\_\_\_ ("Municipality"), to allow the Municipality to permit the use of the trunk highway right of way ("Right of Way") shown on Exhibit "A" (the "Trunk Highway Area"), attached hereto and incorporated herein by reference, for use as provided in this TOD. This TOD is executed by the Municipality pursuant to resolution, a certified copy of which is attached hereto as Exhibit B.

## Temporary Outdoor Dining- Food and Beverage Service

The Municipality may issue a permit to a licensed person, firm, or corporation engaged in the business of conducting a food and beverage service establishment, as defined in Minn. Stat. Chap. 157 ("Business") for the temporary use of all or a portion of the Trunk Highway Area for the placement of the components necessary to create an outdoor dining area in which to conduct outdoor food and beverage service, including tables, chairs, and refuse containers ("Outdoor Dining Components") and the associated food and beverage service thereto and maintenance thereof. The permit issued by the Municipality to a Business as provided in this paragraph shall be herein referred to as an "Outdoor Dining Permit". A business issued an Outdoor Dining Permit by the Municipality shall be herein referred to as a "Permitted Business".

In addition, the following special provisions shall apply:

### SPECIAL PROVISIONS

1. **TERM.** This TOD commences on the date upon which MnDOT secures all necessary signatures on this TOD and terminates at 11:59 PM on 11/01/2021 or upon the expiration of Executive Order #20-01, whichever occurs first ("Expiration Date"), subject to the right of cancellation by MnDOT, with or without cause, by giving the Municipality ten (10) days written notice of such cancellation.

Municipality hereby voluntarily releases and waives any and all claims and causes of action for damages,

costs, expenses, losses, fees and compensation arising from or related to any cancellation or termination of this TOD by MnDOT. Municipality agrees that it will not make or assert any claims for damages, costs, expenses, losses, fees and compensation based upon the existence, cancellation or termination of the TOD. Municipality agrees not to sue or institute any legal action against MnDOT based upon any of the claims released in this paragraph.

2. **OUTDOOR DINING PERMIT BETWEEN MUNICIPALITY AND BUSINESS.** The following items must be attached to and incorporated into each Outdoor Dining Permit issued by the Municipality to a Permitted Business and made available to MnDOT upon request:
  - a. **MAP.** Municipality and a Permitted Business will collaborate to develop a map specifically identifying the following:
    - i. Boundaries of the portion of the Trunk Highway Area covered by the Outdoor Dining Permit;
    - ii. Proposed closures of: bike lanes, parking lanes, shoulder, traffic lanes, or roads;
    - iii. Detour routes for closed bike lanes and/or roads;
    - iv. Traffic control consistent with the obligations of this TOD as determined by Municipality (description of proposed traffic control);
    - v. If appropriate, alternate route for large commercial vehicles or agricultural vehicles.
  - b. **SPECIAL CONDITIONS.** *SPECIAL CONDITIONS REQUIRED FOR OUTDOOR DINING PERMIT BETWEEN MUNICIPALITY AND BUSINESS FOR USE OF TRUNK HIGHWAY RIGHT OF WAY* ("Special Conditions") attached hereto and incorporated into this TOD as Exhibit C.
3. **SPECIAL CONDITIONS.** Failure by a Municipality to attach and incorporate the Special Conditions to any Outdoor Dining Permit and/or failure to require and enforce compliance with the terms contained in the Special Conditions may result in termination of this TOD.
4. **LOCATION AVAILABLE FOR OUTDOOR DINING PERMIT.** Municipality may only issue an Outdoor Dining Permit to a Business for all or a portion of the Trunk Highway Area contiguous to the primary physical location of the Business.
5. **MUNICIPALITY TO PROVIDE CONTACT INFORMATION.** Municipality must provide a list of all Permitted Businesses to MnDOT. This list must include the name and location of the Permitted Business and emergency contact information for the Permitted Business.
6. **OUTDOOR DINING COMPONENT INSTALLATION.** The installation and maintenance of all Outdoor Dining Components shall be at no cost or expense to MnDOT and shall occur in a manner compatible with the safe and efficient operation of the trunk highway system.
7. **MAINTENANCE.** Any and all maintenance of the Trunk Highway Area shall be provided by the Municipality at the Municipality's cost and expense. MnDOT will not mark obstacles for users on trunk highway right of way. If an Outdoor Dining Component becomes damaged, Municipality will

immediately remove, or cause to be removed, the Outdoor Dining Component from the Trunk Highway Area.

8. **TERMINATION OF OUTDOOR DINING PERMITS.** Prior to the Expiration Date or earlier termination, Municipality will terminate or otherwise cancel all Outdoor Dining Permits.
9. **REMOVAL.** Upon the Expiration Date or earlier termination, at the Municipality's sole cost and expense, Municipality will:
  - a. Remove, or cause to be removed, all Outdoor Dining Components from the Trunk Highway Area and restore the Trunk Highway Area to a condition satisfactory to the MnDOT District Engineer; and
  - b. Surrender control of the Trunk Highway Area to MnDOT.

If, without MnDOT's written consent, Municipality or a Permitted Business continues to occupy all or a portion of the Trunk Highway Area after the Expiration Date or earlier termination of this TOD, MnDOT may remove the Outdoor Dining Components and restore the Trunk Highway Area to a condition satisfactory to the MnDOT District Engineer. Municipality will pay all costs and expenses incurred in the removal of Outdoor Dining components and restoration of the Trunk Highway Area.

Notwithstanding anything herein to the contrary, in the event of an emergency as determined in MnDOT's sole discretion, MnDOT may, without prior notice, order the Municipality to remove the Outdoor Dining Components, or MnDOT may remove the Outdoor Dining Components at Municipality's expense.

10. **ACCESS TO TRUNK HIGHWAY.** No owner of property adjacent to the Trunk Highway Area shall be deprived of reasonable access to the trunk highway by reason of the Outdoor Dining Permit or any activity thereunder.
11. **SIGNS.** No signs shall be placed on the Trunk Highway Area unless specifically authorized herein. Municipality may authorize a Permitted Business to display proprietorship signs on that portion of Trunk Highway Area over which the Permitted Business holds an Outdoor Dining Permit subject to federal, state, and local laws and regulation, including Federal Highway Administration regulations related to number, size, location, and design of signs. No signs shall be placed on any MnDOT or other governmental agency sign post. Signs must not impede the flow of traffic or divert driver attention along the trunk highway system.
12. **TRAFFIC CONTROL.** The Municipality will provide all necessary traffic control in accordance with the Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways ("MN MUTCD").
13. **USE.** Municipality shall use, and shall only allow Permitted Businesses to use, the Trunk Highway Area for public purposes. Unless specifically authorized herein, no permanent structures or advertising devices in any manner, form or size shall be allowed on the Trunk Highway Area. No commercial activities shall be allowed to operate upon the Trunk Highway Area except as expressly authorized by the terms of this TOD and Executive Order 20-70.

This TOD is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities, which may occupy the Trunk Highway Area. Any use permitted by this TOD or permitted by an Outdoor Dining Permit issued under this TOD shall remain subordinate to the right of MnDOT to use the property for highway and transportation purposes and subordinate to rights granted to any third party by law or by and through an agreement between MnDOT and that party. This TOD does not grant any interest whatsoever in land or establish any, rights to relocation benefits.

This TOD does not create any future right to use the Trunk Highway Area or any other Right of Way, for the same or different purposes.

- 14. APPLICABLE LAWS.** This TOD does not release the Municipality from any liability or obligation imposed by federal law, Minnesota law, local ordinances, or other agency regulations relating thereto.

The Municipality, at its sole cost and expense, shall comply and require all Permitted Businesses to comply with Minnesota law (including but not limited to applicable Executive Orders, requirements related to liquor licensing, the Minnesota Occupational Safety and Health Act of 1973, Minnesota Statutes 2019, Chapter 182 ("Minnesota OSHA Standards"), and Minnesota Rules Chapter 4626 ("Minnesota Food Code")), federal law (including the Americans with Disabilities Act), municipal laws, rules, regulations, and ordinances (including zoning ordinances and requirements related to food and liquor licenses), all restaurant and bar industry guidance provided by the Commissioners of Health, Employment and Economic Development, and Labor and Industry pursuant to Executive Order 20-56 Section 7(b), and all guidelines related to COVID-19 set forth by the Minnesota Department of Health and the United States Centers for Disease Control and Prevention. If all or a portion of the Trunk Highway Area subject to an Outdoor Dining Permit is not in compliance with applicable law, MnDOT may order the Municipality to terminate the Outdoor Dining Permit and remove the Outdoor Dining Components or MnDOT may remove the Outdoor Dining Components and Municipality shall reimburse MnDOT for the cost thereof.

- 15. SAFETY.** MnDOT shall retain the right to limit and/or restrict any activity, including the assemblage of individuals or groups on the Trunk Highway Area users on all Trunk Highway Area over which this TOD is granted, so as to maintain public safety and public health.
- 16. ENVIRONMENTAL.** The Municipality shall not, and shall not allow a Permitted Business to, dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the Trunk Highway Area. In the event of spillage of regulated materials, the Municipality shall notify in writing MnDOT's District Engineer and shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Municipality.
- 17. MECHANIC'S LIENS.** The Municipality (for itself, its permittees, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers', mechanics', or materialmen's liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any permittee, subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto.

**18. INDEMNITY.** Municipality shall indemnify, defend to the extent authorized by the Minnesota Attorney General's Office, hold harmless and release the State of Minnesota, its Commissioner of Transportation, employees, agents and any successors and assigns of the foregoing, from and against:

- a. All claims, demands, and causes of action for injury to or death of persons or loss of or damages to property (including Municipality's or Permitted Business's property) occurring on the Trunk Highway Area or connected with Municipality's or Permitted Business's use and occupancy of the Trunk Highway Area, except when such injury, death, loss or damage is caused solely by the negligence of the State of Minnesota, but including those instances where the State of Minnesota is deemed to be negligent because of its failure to supervise, inspect or control the operations of Municipality or Permitted Business or otherwise discover or prevent actions or operations of Municipality or a Permitted Business giving rise to liability to any person;
- b. Claims arising or resulting from the temporary or permanent termination of Municipality's or a Permitted Business's rights on any portion of Trunk Highway Area over which this TOD is granted;
- c. Claims, demands, and causes of action resulting from or associated with traffic control or safety measures necessary for use of the Trunk Highway Area by Municipality or Permitted Business, including claims for costs or expenses related to detours;
- d. Claims, demands, and causes of action related to alcohol consumption on or near the Trunk Highway Area, including claims related to the Dram Shop Act or other liability under Minnesota Statutes Chapter 340A;
- e. Claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages;
- f. Any laborers', mechanics', or materialmen's liens or other liens or claims of any kind whatsoever filed or maintained for or on account of any work done or materials furnished; and
- g. Any damages, testing costs and clean-up costs arising from spillage of regulated materials attributable to any installation, maintenance, removal, or other use of the Trunk Highway Area by Municipality or a Permitted Business.

The liability of MnDOT is governed by Minn. Stat. §3.736 and other applicable law.

**19. GENERAL INSURANCE REQUIREMENTS – MINIMUM COVERAGE REQUIREMENTS.** Prior to the execution of any Outdoor Dining Permit, the Municipality shall provide MnDOT with a properly executed certificate(s) of insurance which shall clearly evidence the insurance required below and name the State of Minnesota and MnDOT as an Additional Insured.

#### **19.1 Liquor Liability Insurance**

If Permitted Business holds a liquor license, Municipality must hold, or must require a Permitted Business to hold, Liquor Liability coverage against all potential claims by third parties arising out of the giving, selling, serving, or supplying of alcoholic beverages in the Trunk Highway Area. Coverage shall be

in amount of minimum limits of \$1,000,000 per occurrence and \$2,000,000 annual aggregate and shall name the State of Minnesota as an Additional Insured.

#### **19.2 Workers' Compensation Insurance**

Municipality must provide Workers' Compensation coverage for all its employees and, in case any work is subcontracted, Municipality will require the subcontractor to provide Workers' Compensation coverage in accordance with the statutory requirements of the State of Minnesota and Employers liability with limits not less than:

\$100,000 Bodily Injury by Disease per Employee

\$500,000 Bodily Injury by Disease Aggregate

\$100,000 Bodily Injury by Accident

#### **19.3 General Liability Insurance**

a. Minimum Limits of Liability:

The Municipality is subject to the terms and conditions of Minn. Stat. Chapter 466 and will maintain Commercial General Liability insurance (or comparable coverage under a program of self-insurance) with Tort Claims limits currently not less than \$500,000 per person and \$1,500,000 per occurrence for bodily injury and property damage.

b. Coverages:

X Premises and Operations Bodily Injury and Property Damage

X Personal & Advertising Injury

X Blanket Contractual

X Products and Completed Operations

X State of Minnesota named as Additional Insured

#### **19.4 Additional Insurance Conditions:**

- a. Municipality's policy(ies) shall be primary insurance to any other valid and collectible insurance available to the State of Minnesota with respect to any claim arising out of the Municipality's or a Permitted Business's performance under this TOD.
- b. If Municipality receives a cancellation notice from an insurance carrier affording coverage herein, Municipality agrees to notify the State of Minnesota within five (5) business days with a copy of the cancellation notice, unless Municipality's policy(ies) contain a provision that coverage afforded under the policy(ies) will not be cancelled without at least thirty (30) days advance written notice to the State of Minnesota.
- c. Municipality is responsible for payment of TOD related insurance premiums and deductibles.

- d. Municipality's policy(ies) shall include legal defense fees in addition to the liability policy limits.
- e. Municipality shall obtain insurance policy(ies) from insurance company(ies) having an "AM Best" rating of A- (minus), Financial Size Category of VII or better, and authorized to do business in the State of Minnesota (or comparable coverage under a program of self-insurance).

**20. PROPERTY DAMAGE.** Municipality will maintain insurance on their own property. Notwithstanding anything apparently to the contrary in this TOD, Municipality hereby releases MnDOT from any and all liability or responsibility to the Municipality or anyone claiming through or under them by way of subrogation or otherwise for loss or damage, even if such loss or damage shall have been caused by the fault or negligence of MnDOT or anyone for whom MnDOT may be responsible.

**21. NOTICES.** All notices which may be given, by either party to the other, will be deemed to have been fully given when served personally on MnDOT or Municipality or when made in writing addressed as follows:

Municipality at:

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MnDOT at:

State of Minnesota  
Department of Transportation

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The address to which notices are mailed may be changed by written notice given by either party to the other.

**22. CONSTRUCTION AND INTERPRETATION.** Whenever required by the context of this TOD, the singular shall include the plural, and vice versa.

**23. ASSIGNMENT.** No assignment of this TOD is allowed.

**24. IN WRITING.** Except for those which are set forth in this TOD, no representations, warranties, or agreements have been made by MnDOT or Municipality to one another with respect to this TOD.

**25. EXHIBITS:** The following exhibits are attached to and incorporated into this TOD:

- a. **Exhibit A:** Map identifying the Right of Way over which the Municipality may issue an Outdoor Dining Permit;
- b. **Exhibit B:** Municipal Resolution Authorizing the Municipality to Enter into this TOD; and
- c. **Exhibit C:** Special Conditions Required for Outdoor Dining Permit between Municipality and Business for Use of Trunk Highway Area.

MINNESOTA DEPARTMENT OF TRANSPORTATION

CITY OR TOWNSHIP OF

APPROVAL

BY \_\_\_\_\_

ITS District Engineer  
\_\_\_\_\_

DATE \_\_\_\_\_

BY \_\_\_\_\_

ITS \_\_\_\_\_

DATE \_\_\_\_\_

BY \_\_\_\_\_

ITS \_\_\_\_\_

DATE \_\_\_\_\_



**TEMPORARY OUTDOOR DINING PERMIT**

**EXHIBIT A**

[TO BE REPLACED BY MAP IDENTIFYING THE RIGHT OF WAY OVER WHICH THE MUNICIPALITY MAY ISSUE AN  
OUTDOOR DINING PERMIT]

**TEMPORARY OUTDOOR DINING PERMIT**

**EXHIBIT B**

[TO BE REPLACED BY MUNICIPAL RESOLUTION]

**TEMPORARY OUTDOOR DINING PERMIT**

**EXHIBIT C**

**SPECIAL CONDITIONS REQUIRED FOR OUTDOOR DINING PERMIT BETWEEN MUNICIPALITY AND BUSINESS FOR  
USE OF TRUNK HIGHWAY RIGHT OF WAY**

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**SPECIAL CONDITIONS REQUIRED FOR OUTDOOR DINING PERMIT BETWEEN MUNICIPALITY AND BUSINESS  
FOR USE OF TRUNK HIGHWAY RIGHT OF WAY**

**1. DEFINITIONS:**

- a. **MnDOT PERMIT:** A permit issued by the State of Minnesota, through its Department of Transportation, to a Municipality to authorize the Municipality to issue Outdoor Dining Permits and to establish minimum requirements the Municipality must require in the Outdoor Dining Permit.
- b. **MUNICIPALITY:** Minnesota city or township authorized by a MnDOT Permit to issue an Outdoor Dining Permit to a Permitted Business.
- c. **OUTDOOR DINING COMPONENT:** Items placed in the Outdoor Dining Area by a Permitted Business, authorized through an Outdoor Dining Permit, to create or enhance an Outdoor Dining Area, specifically including tables, chairs, and refuse containers and specifically excluding grills and coolers.
- d. **OUTDOOR DINING PERMIT:** Permit issued by a Municipality to a Permitted Business, under authority of a MnDOT Permit, to authorize creation and use of an Outdoor Dining Area for the placement of Outdoor Dining Components and the service thereto and maintenance thereof.
- e. **OUTDOOR DINING AREA:** Portion of trunk highway right of way a Permitted Business is authorized to use through an Outdoor Dining Permit.
- f. **PERMITTED BUSINESS:** Minnesota licensed food and beverage service establishment that is issued an Outdoor Dining Permit.

**2. COMPLIANCE BY PERMITTED BUSINESS.** Permitted Business agrees to comply with the following specifications, requirements, guidelines, and standards:

- a. Collaborate with Municipality to develop a map, for attachment to and incorporation into, the Outdoor Dining Permit, identifying the following:
  - i. Boundaries of the Outdoor Dining Area covered by the Outdoor Dining Permit;
  - ii. Proposed closures of: bike lanes, parking lanes, shoulder, traffic lanes, or roads;
  - iii. Detour routes for closed bike lanes and/or roads;
  - iv. Traffic control consistent with the obligations of the MnDOT Permit as determined by Municipality (description of proposed traffic control); and
  - v. If appropriate, alternate route for large commercial vehicles or agricultural vehicles.
- b. Comply with all federal, state, and local laws and regulations, specifically including the Americans with Disabilities Act, the Minnesota Food Code (Minnesota Rules 2019, Chapter 4626), applicable liquor licensing restrictions and regulations (including Minnesota Statutes 2019, Chapter 340A), the Minnesota Occupational Safety and Health Act of 1973 (Minnesota Statutes 2019, Chapter 182), and local zoning and licensing laws, as well as all public health and safety guidelines related to food and beverage service establishments and all aspects of the Outdoor Dining Permit as provided by the Minnesota Department of Health, Minnesota Department of Economic Development, and Center for Disease Control.
- c. Maintain a copy of all food and liquor licenses and the Outdoor Dining Permit onsite.

- d. Permitted Business must place a barrier on the outer edge of the Outdoor Dining Area if serving alcohol in the Outdoor Dining Area.
- e. Maintain sightlines for motor vehicle movements, traffic control devices, and pedestrian crossings. All Outdoor Dining Components will remain at least 20 feet from all intersections.
- f. Refrain from obstructing driveways, alleyways, pedestrian ramps, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, or utility access areas.
- g. Refrain from using or allowing use of the Outdoor Dining Area in a manner that fully or partially deprives an adjacent property owner of reasonable access to the trunk highway system.
- h. Coordinate impacts to bus stops with appropriate transit agency.
- i. Permitted Business will coordinate with Municipality for the installation and maintenance of all traffic control per Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways ("MN MUTCD") and will comply with all traffic control.
- j. When using parking lanes or when closing down through lanes for outdoor dining purposes, use appropriate nighttime traffic control devices (i.e. reflectorized drums, cones, barriers) to direct traffic and to separate vehicle traffic from Outdoor Dining Areas.
- k. When using parking lanes, closing down through lane(s), or otherwise operating a business on trunk highway right of way adjacent to travel lanes with a speed limit of 35 mph or less, stay at least 6 feet from the edge of the nearest travel lane unless a continuous barrier is used. Use of parking lanes or travel lanes for Outdoor Dining Areas will not be permitted adjacent to travel lanes with a speed limit greater than 35 mph. MnDOT is willing to consider closing down through lanes on multiple lane roadways to increase the distance to the nearest travel lane.
- l. When using parking lanes, closing down through lane(s), or otherwise operating a business on trunk highway right of way adjacent to travel lanes with a speed limit of 40 or 45 mph, Outdoor Dining Areas must be at least 20 feet from the edge of the nearest travel lane.
- m. When using parking lanes, closing down through lane(s), or otherwise operating a business on trunk highway right of way adjacent to travel lanes with a speed limit of 50 mph or higher, Outdoor Dining Areas must be at least 40 feet from the edge of the nearest travel lane.
- n. Refrain from blocking drainage structures or impeding drainage.
- o. Refrain from digging or drilling into any hard surfaces (pavements, curbs, sidewalks) without written MnDOT approval.
- p. Remove all Outdoor Dining Components by the expiration of Executive Order 20-70 or November 2, 2020, whichever occurs first, and collaborate with Municipality to restore trunk highway right of way to its previous condition to the satisfaction of the MnDOT District Engineer.
- q. Maintain Outdoor Dining Area in a clean and sanitary condition and maintain all Outdoor Dining Components in good working condition.
- r. Comply with all Title II ADA requirements, including but not limited to clear zones and reach, width and height requirements for accessibility.

- i. An ADA pedestrian access route (PAR) of four (4) feet for no more than 200 feet is allowed. If the PAR is reduced to four (4) feet for 200 feet or more a turnaround/passing space of five (5) foot x five (5) foot shall be provided.
    - ii. Vertical surface discontinuity shall be a maximum of ¼ inch (or ½ inch if beveled at 1:2).
    - iii. The cross-slope of the PAR shall be two percent (2%) whenever possible and cannot exceed three percent (3%) at any point. Where the sidewalk is greater than 4% this provision will not be applied.
  - s. Refrain from the placement of signs other than signs identifying business proprietorship. Proprietorship signs must comply with federal, state, and local laws and regulation, may not be placed on any MnDOT or other governmental agency sign post, and must not impede the flow of traffic or divert driver attention along the trunk highway system.
3. INDEMNIFICATION AND HOLD HARMLESS. Permitted Business agrees to the following:

Permitted Business agrees to defend to the extent authorized by the State of Minnesota Office of the Attorney General, indemnify, protect and hold the State of Minnesota, the Minnesota Department of Transportation, and their officers, representatives, agents, and employees harmless from and against all claims asserted or liability established for damages or injuries to any person or property, including the Permitted Business's own employees, agents or officers which arise from, or are connected with, or are caused or claimed to be caused by, any actions of the Permitted Business or attributable to the Permitted Business.

Permitted Business agrees to agrees to defend to the extent authorized by the State of Minnesota Office of the Attorney General, indemnify, protect and hold the State of Minnesota, the Minnesota Department of Transportation, and their officers, representatives, agents, and employees harmless from and against all claims asserted or liability established related to alcohol consumption on or near the Outdoor Dining Area, including claims related to the Dram Shop Act or other liability under Minnesota Statutes Chapter 340A.

Further, the Permitted Business agrees to hold harmless the State of Minnesota, Minnesota Department of Transportation, and their officers, representatives, agents, and employees for any loss or damage arising out of the use, or the discontinuance of any use of the trunk highway right of way, including the Outdoor Dining Area; that the Permitted Business understands and agrees that the use of the Outdoor Dining Area and trunk highway right of way is to be temporary; that the Permitted Business shall not acquire any right, title, or interest in the Outdoor Dining Area; that the Permitted Business may be required by the State of Minnesota or the Minnesota Department of Transportation to vacate all or any part of the Outdoor Dining Area at any time; that upon demand to vacate the Outdoor Dining Area, the Permitted Business will promptly remove all Outdoor Dining Components or other elements related to the activities permitted by the Outdoor Dining Permit, or reimburse the State for the cost of removing all Outdoor Dining Components or other elements related to the activities permitted by the Outdoor Dining Permit; and that the Permitted Business shall have no recourse against the State of Minnesota, Minnesota Department of Transportation, or its officers, representatives, agents or employees, for any loss or damage occasioned by the Permitted Business being required to vacate all or part of the Outdoor Dining Area which the Permitted Business has been granted an Outdoor Dining Permit.

**CITY OF ST. CHARLES**

**ORDINANCE NO. 632**

**AN ORDINANCE OF THE CITY OF ST. CHARLES, MINNESOTA,  
AMENDING CHAPTER 92 OF ITS CODE OF ORDINANCES TO ESTABLISH NEW  
LANGUAGE REQUIRING PET OWNERS TO REMOVE PET EXCREMENT FROM  
PUBLIC AND PRIVATE PROPERTY AND SETTING AN ADMINISTRATIVE FINE  
FOR SUCH VIOLATIONS**

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

Section 1. Title IX: General Regulations, Chapter 92: Animals, is amended as follows:

**§ 92.014 PET SANITATION.**

(A) *Dog and cat excrement.* It is unlawful for any person who owns or has custody of a dog or cat to cause or permit such animal to defecate on any private property without the consent of the property owner or on any public property, unless such person immediately removes the excrement and places it in a proper receptacle. The provisions of this subsection shall not apply to Seeing-Eye dogs under the control of a blind person or dogs while being used in city police activity.

(B) *Penalty.* Violations of this section shall be charged at the discretion of law enforcement either as an administrative citation pursuant to §34.01, or as a petty misdemeanor.

Section 2. Title III: Administration, Chapter 34, Section 34.01: Administrative Schedule of Fines, is amended to add the following fine amount:

<b>Statute/Ordinance</b>	<b>Description</b>	<b>Administrative Fine/Fee</b>
§92.014	Pet Sanitation Violation	\$25

Section 3. This Ordinance shall take effect upon publication.

Adopted this 26th day of May, 2021 by the City Council of the City of St. Charles, Minnesota.

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**John Schaber, Mayor**

Attest:

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**Nick Koverman, City Administrator**

2905 South Broadway  
Rochester, MN 55904-5515  
Phone: 507.288.3923  
Fax: 507.288.2675  
Email: rochester@whks.com  
Website: www.whks.com



April 29, 2021

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

RE: St. Charles, MN  
Chattanooga Water Tower  
Pay Request 2

Dear Mr. Koverman :

Enclosed is Pay Request No. 2 for work on the above referenced project. We recommend payment in the amount of \$308,859.30 to:

Maguire Iron, Inc.  
P.O. Box 1446  
Sioux Falls, SD 57101

Please contact me if you have any questions.

Sincerely,

**WHKS & CO.**

Eric Tourdot, P.E.

EAT/et

Enclosures

cc: Kyle Karger, City of St. Charles, MN  
Bret Teymer, Maguire Iron, Inc.



**City of St. Charles  
Resolution #24-2021**

**A Resolution Approving A  
Four-Day Intoxicating Liquor License**

**WHEREAS**, the American Legion Hugh Watson Post 190 is submitting an application to the City of St. Charles in order to sell Intoxicating Liquor at Winona County Fairgrounds on Wednesday, Thursday, Friday, Saturday, July 7-10, 2021.

**WHEREAS**, the entire perimeter of the site not on the side of the grandstands must be enclosed by a row of safety fencing, each row at least 4 feet in height. If Lessee wishes to use a barrier other than safety fencing, alternative materials with similar safety qualities may be pre-approved by the City; and

**WHEREAS**, the entire licensed site must be closely monitored by the licensee to ensure that no one leaves the premises with an alcoholic beverage in hand and/or passes such a beverage to anyone off the site; and

**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 Intoxicating Liquor License submitted by the American Legion Hugh Watson Post 190 to the City of St. Charles.

Adopted by the Council of the City of St. Charles, Minnesota this 11<sup>th</sup> day of May, 2021.

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

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

**City of St. Charles  
Resolution #25-2021**

**A Resolution Approving A  
One-Day Intoxicating Liquor License**

**WHEREAS**, the American Legion Hugh Watson Post 190 is submitting an application to the City of St. Charles in order to sell Intoxicating Liquor at Winona County Fairgrounds on Sunday, July 11, 2021.

**WHEREAS**, the entire perimeter of the site not on the side of the grandstands must be enclosed by a row of safety fencing, each row at least 4 feet in height. If Lessee wishes to use a barrier other than safety fencing, alternative materials with similar safety qualities may be pre-approved by the City; and

**WHEREAS**, the entire licensed site must be closely monitored by the licensee to ensure that no one leaves the premises with an alcoholic beverage in hand and/or passes such a beverage to anyone off the site; and

**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 Intoxicating Liquor License submitted by the American Legion Hugh Watson Post 190 to the City of St. Charles.

Adopted by the Council of the City of St. Charles, Minnesota this 11<sup>th</sup> day of May, 2021.

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

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

**City of St. Charles**  
**Resolution #26-2021**

**RESOLUTION ACKNOWLEDGING THE DONATION TO THE ST. CHARLES VOLUNTEER  
AMBULANCE FROM JOHN WOLTER**

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

**WHEREAS**, the St. Charles Volunteer Ambulance has received a donation in the amount of \$800.00 from the John Wolter on behalf of Mary Wolter to be used by the St. Charles Volunteer Ambulance Association.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ST. CHARLES, MINNESOTA THAT:** the City Council of the City of St. Charles acknowledges and accepts the \$800.00 donation from John Wolter on behalf of Mary Wolter.

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

Adopted this 11th day of May, 2021 by the City Council of the City of St. Charles.

CITY OF ST. CHARLES

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

ATTEST:

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