

The City Council of the City of St. Charles welcomes you to its Regular Meeting of Tuesday, September 9, 2014 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. September 9, 2014 Agenda	APPROVE
4. Meeting Minutes	APPROVE
-August 7, 2014	
-August 14, 2014	
-August 26, 2014	
5. September 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, Dave Braun	
7e. EDA Report (TBD)	
7f. Park Board (TBD)	
7g. Planning & Zoning (TBD)	
7g. School Board, John Schaber	
8. Resolution #32-2014 Approving EDA Levy Request	APPROVE
9. Resolution #33-2014 Approving Preliminary 2015 Tax Levy	APPROVE
10. Rehabilitation Loan Request #06-14	APPROVE
11. Truth In Taxation Date-December 9, 2014	APPROVE
12. Resolution #31-2014 Providing for Special Home Occ. Permit-Nuttall	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

***Attachment. Questions? Contact Nick Koverman at St. Charles City Hall at 932-3020 or by email at nkoverman@stcharlesmn.org.**



MEMORANDUM for the CITY COUNCIL of St. Charles for
Tuesday, September 9, 2014

8. Resolution #32-2014 Approving the EDA Levy Request. Enclosed is the annual EDA Levy Request that was recommended by the Economic Development Authority for approval.

9. Resolution #33-2014 Approving Preliminary 2015 Tax Levy. The preliminary 2015 budget has been presented to show a preliminary increase of 2.65 percent. The preliminary budget as has been shown in previous meetings can be decreased, but it is recommended to approve the preliminary budget in order to present it to the County Auditor's office.

10. Rehabilitation Loan Request. Enclosed is a request highlighting several projects that were considered by the EDA at their Friday, September 5 meeting for consideration.

11. Truth In Taxation Date-December 9, 2014. It is recommended to set December 9, 2014 as the date for the Truth In Taxation presentation.

12. Resolution #31-2014 Providing for a Special Home Occupation Permit—Nuttall. A resolution for consideration is included in the packet along with the memo provided to the Planning & Zoning.

**MINUTES of the ST. CHARLES CITY COUNCIL Special Meeting
For Thursday, August 7, 2014 held at 5:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota**

MEMBERS PRESENT:

Councilmen:
John Schaber
Orv Dahl
Wayne Getz
Bill Spitzer

MEMBERS ABSENT:

Dave Braun

STAFF PRESENT:

Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: Craig Hilmer (Press).

1. ESTABLISH QUORUM/CALL TO ORDER

Quorum was established with Mayor Bill Spitzer calling the meeting to order at 5:07 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL of the AGENDA:

Motion to approve the agenda: **John Schaber**

No Discussion.

Motion carried.

4.Ordinance #569 Authorizing the Sale of Real Property to Active Tool & Die. Admin. Koverman reviewed with the Council the reasoning for the Ordinance in order to sell the property. He highlighted the signed development agreement and certificate of survey as exhibits. No further discussion was held. A motion was made to approve Ordinance #569.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

5.Resolution #28-2014 Approve the Sale of Real Property to Active Tool & Die. Admin. Koverman reviewed the agreement of the 2 acre land sale for the purchase price of \$1. He highlighted the Tax Increment Financing District that was created within the development to recuperate the full cost of the land and improvements that was previously agreed upon as assistance to move the project forward. No questions were asked, the signed land sale agreement was displayed as an exhibit to the resolution. A motion was made to approve the resolution as presented.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

6.Temporary License To Access and Construct Improvements. To help alleviate any potential timing issues and to help expedite the beginning of construction, a license agreement to begin construction was presented to the Council. The Active Tool & Die owners wished to begin construction that following Monday, the 11th, and this would allow them to move forward if a closing was not possible prior to that date. Understanding the agreement, a motion was made to approve the license.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

Motion to adjourn at 5:12 p.m.
Motion to approve: **John Schaber**
Motion declared carried.

John P. Schaber, Mayor Pro Tem

Attest: _____
Nick Koverman, City Administrator

MINUTES of the ST. CHARLES CITY COUNCIL
For Thursday, August 14, 2014 held at 5:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota

MEMBERS PRESENT:

Councilmen:

John Schaber

Orv Dahl

Wayne Getz

Bill Spitzer

Dave Braun (absent)

STAFF PRESENT:

Chris Hood (City Attorney), Kyle Karger (Public Works Director), Ken Frank (Police Chief), Lyle Peterson (Fire Chief), Jeff Hardtke (Ambulance Director) and Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: Bob Van Doran, Mike Bubany (David Drown & Associates), and Craig Hilmer (Press).

1. ESTABLISH QUORUM/CALL TO ORDER

Quorum was established with Mayor Bill Spitzer calling the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL of the AGENDA: Deletion: 11). Winona County Recycling.

Motion to approve the agenda: **John Schaber**

No Discussion.

Motion carried.

4. MEETING MINUTES:

-July 8, 2014

Motion to approve: **Orv Dahl**

Motion carried.

-July 22, 2014

Motion to approve: **Orv Dahl**

No discussion.

Motion carried.

5. APPROVAL of the AUGUST PAYABLES

Motion to approve payables: **Wayne Getz**

6. Notices and Communications.

7. Reports of Boards and Committees: Various reports were given.

8.Fort Culvert Project. Admin. Koverman shared that in working with MNDOT, he had received a letter that based on the information provided to date, a 48 inch culvert replacement would not be approved by MNDOT. Koverman had several discussions with Mark Schoenfelder, the Regional District Planner at MNDOT and based on the data received that showed the amount of water increasing from 18 cfs to 80 cfs, Mr. Schoenfelder would not approve the increased size without further water shed data. He provided in his letter a listing of items he would hope to see in order to make a full determination. A cost estimates from Steve Pearson was received for \$23,440 and Koverman highlighted the portions of the project that it would include. It was also relayed that communications had been ongoing with Neil Britton of WSN, but that it was relayed in order to continue investigation another proposal would

need to be reviewed. Mr. Koverman had not received anything as of yet to review with Council. He asked Mr. Engstrom to provide his best guestimate as to the 15 inch culvert and ditch grading that was recommended by WSN. Koverman provided an exhibit that showed what Mr. Britton had relayed in their conversation with he and the city engineer. According to Mr. Engstrom he estimated the project cost at approximately \$11,500. Mr. Engstrom relayed though that he was not in full agreement with the recommendation as he did not understand the need to move the water from the west side of the cartway over to eastside to discharge into the larger culvert which would then be moved back to the west side of the road. He could agree with Mr. Britton's recommendation with respect to creating a gutter to direct the water down the cartway on the west side of the road which would then be deposited into the MNDOT ditch.

Admin. Koverman then relayed on behalf of Clm. Braun that Mr. Braun had a discussion with Mr. Fort and that he was requesting that the item be postponed until after the first of the year. Clm. Braun's position was that if this is what Mr. Fort desired that the Council would honor that position, but he suggested providing something to Mr. Fort to sign basically stating that it was his decision to postpone any resolution if any that the Council would be willing to offer and holding the city harmless. Admin. Koverman suggested that if this was the direction of the Council to postpone the project that a letter be sent with any proposed resolution along with a temporary construction easement agreement seeing as how much of the project was on private property as well as a letter also offering Mr. Fort his option to postpone requesting a signature as a waiver. Mayor Spitzer then questioned the liability as he stated that this issue was brought to the Council's attention also by other private residents who rent space at Mr. Fort's storage unit. He asked City Attorney Chris Hood for comment. Mr. Hood expressed that because the issue is on private property the City is stuck in that it cannot move forward. If someone was to make a claim the League would more than likely review the claim and defend the City in that the issue is clearly on private property. He also reinforced another option expressed by Admin. Koverman that the Council could elect to do nothing and find that the issue was caused by weather and factors created by the owner. Rick Engstrom of WHKS reread the statement by WSN Engineer Neil Britton that it was not the Chattanooga Innovation Park pond that caused the issue and that the rate from the park was in fact reduced. Clm. Schaber expressed that he didn't see the City forcing the issue if Mr. Fort's choie was not to see it move forward. Mayor Spitzer stated though that it was Mr. Fort who continued to state how he felt the City was negligent and wasteful yet he knew that tax dollars had been spent to get the council to this stage and did not want to see it wasted. He asked if providing Mr. Fort 10 days to reply was reasonable if a letter or resolution was sent. Council agreed. Clm. Getz then added that if a long-term solution could not be agreed upon that he felt that the damage that was done to the existing culvert should be repaired. Clm. Dahl stated that he thought the City had done everything that it could, but that it was in Mr. Fort's control. A motion was made to instruct staff to draft Mr. Fort a letter with the proposed resolution of Pearson Backhoe and Excavation installing the 36-inch CMP culvert at the proper levels with the emergency overflows and items as presented along with a temporary construction easement and providing 10 days to respond along with the friendly amendment to repair the damaged culvert if no long term solution was agreed to.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

9.Drainage Easement License Agreement. Admin. Koverman reviewed a memo that highlighted a concern from a resident over the construction of a chainlink fence within a backyard that he had received an email regarding in late June. The resident questioned the use of a "public easement" and why the resident who put up the fence did not need a variance. After researching the easement, Admin. Koverman had learned that a 5 foot drainage easement from 1957 existed in the backyards of the properties of East Lane. The fence had been constructed prior to the city's knowledge. In reviewing the fence Supt. Kyle Karger noted several other structures and trees also located in the drainage easement. In 2013, Supt. Karger specifically moved overhead utilities underground because of the continued difficulty in accessing the easement for emergencies. City Code language was either vague or non-existent with respect to defining a public easement or the discretion allowed to the utilities superintendent. The issue was addressed with legal counsel and the options afforded to the council were to demand the removal of the fence, vacate the drainage that as discussed was found to be unknown as to the reason, or to provide a license agreement that the homeowner would sign stipulating that as a condition of use of the easement that if the need arose, the structure could be removed at the owner's expense. Mr. Hood expressed that he has used these type of agreements in other communities and found them to be effective. Supt. Karger reiterated that he the fence did not affect his utilities and were on the property owner's property. After considering their options, Clm. Getz motioned to allow the fence to remain, but to require the license agreement.

Motion to approve: **Wayne Getz**

No further discussion.
Motion carried.

15. 2015 Preliminary Budget Proposal. City Accountant Kristine Huinker presented the initial proposal for consideration by the Council for the 2015 budget. While several factors were still unknown, worse case scenarios were included and given that factor, a 2.65 percent levy increase was slated with a positive reserve cushion of just over \$31,000 being offered. Admin. Koverman noted however that in order to achieve this type of levy proposal Council needed to realize that within the Capital Improvement Budget that only \$290,000 was being slated for spending in 2015 while over \$413,000 was included for consideration. Koverman relayed that he wanted the Council to give consideration to the items, but that staff would return with recommendations on how to reduce the project costs. However, he expressed that in reviewing the Capital Improvement Plan, delaying projects and timelines has bunched these projects into shorter time frames. He added that if there were items that the council hoped would be considered that those items should be brought forward as well. He relayed that he hoped to also have updated health insurance information. No further discussion was held.

10. Water Tower Cleaning & Painting. Admin. Koverman highlighted information provided in his memo that discussed the Capital Improvement Plan for 2014 and 2016 for both interior and exterior painting of the million gallon water tank. After receiving initial project estimates for interior painting, the cost was approximately \$200,000 which was above the initial estimates of \$120,000. WHKS and Supt. Karger began exploring alternative options and during a water school, Supt. Karger located a company that specialized in painting/repair. Others contractors were contacted and visual inspections were held. Estimates were received from two companies for a combined project of interior/exterior spot repairs. Additionally quotes were received for changing the logo as well as equipping both city water tanks with agitation systems that would prevent freezing water tanks. Supt. Karger expressed that during a May inspection, three feet of frozen water was found. Many of these same issues of freezing water towers was discussed throughout the state as it related to communities water supplies. In addition, ice is a main problem related to damaged interior tanks. Estimates were reviewed from Water Tower Clean and Coat, Inc. (\$31,900) and Central Tank Coatings (\$37,200) with a separate estimate for Tank Agitation Systems for \$16,000. Mayor Spitzer stated that given the costs of the projects with what was anticipated, it shows a savings of over \$200,000. Supt. Karger explained that the tank will still be taken out of service for several weeks and city wells will run in order to maintain pressure, but that this process will only need to happen once as opposed to twice. Clm. Getz stated that he thought it was time for a logo change and it combined with the marketing information that the city had received as an earlier study with respect to branding. Clm. Dahl liked how it was significantly under budget even with a logo repainting. All agreed. The Council briefly discussed the color concept options and eventually agreed on a solution. A motion was made to award the project to Water Tower Clean and Coat, Inc. with the addition of the agitation systems for both water towers.

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

12. EMS Building Proposal. Fire Chief Lyle Peterson and Ambulance Director Jeff Hardtke presented the most recent information to the Council with respect to the recommendation by the building committee. After reviewing the plans with the CRW Architects and trying to determine expected savings by utilizing the existing structure, it was gleamed that too many unknown factors could present themselves in the form of foundational issues, walls, etc. which in the end may cause for the structure to be removed in the end. Chief Peterson discussed the two options of reusing the structure and starting new and summarized that the committee recommended utilizing a new plan design that did not reuse the existing structure. The plan allowed for more flexibility while keeping the fire trucks rolling onto Highway 14. In addition, the slope of the property provided concern for the architect that while he felt they could be overcome knew that mitigation steps would need to be taken. Additionally, Chief Peterson explained that overall it will be a more efficient use of the space. Clm. Schaber and Dahl supported the statements and the committee's findings. The Council had a brief discussion and all were in agreement that the new plan provided a more long-term vision and utilized the property to its fullest extent.

13. Resolution #-230-2014 Calling for Election on G.O. Bonds. Mike Bubany was present to discuss the financial options/resources available to the City. He reviewed the proposed options of the resources which could impact the annual property tax of a \$125,000 in a range from \$38-\$33 per year. Mr. Bubany reviewed the upfront cash options from the city and possibly county as well as ongoing resources that could be utilized. He then discussed the recent

meeting with the Winona County Board of Commissioners. The initial proposal of \$1,000,000 in a low interest loan as well as an upfront \$100,000 payment was requested. County Board officials expressed their lack of knowledge with respect to the project and that such a request would be coming. Mr. Bubany stated that the City would be open to a discussion of any amount and perhaps even to simply increasing the upfront participation cost. Mr. Bubany showed that if an additional \$100,000 was part of the project (\$200,000 total), it would essentially reduce the amount by the same dollars to the St. Charles taxpayer. In addition to the EMS project, the police department was also discussed as being part of the levy for an additional \$200,000 for renovations to city hall and the addition of a garage. The total project cost with issuance expenses and contingency funds was estimated at \$2,400,000. The Council worked through various scenarios and finalized a number of \$2,300,000 for a bond referendum question that would be approved within the provided resolution. A motion was made to approve Resolution #30-2014 Calling for Election on G.O. Bonds in the amount of \$2,300,000.

Motion to approve: **John Schaber**

Seconded by: **Wayne Getz**

No further discussion.

Motion carried.

14. Rehabilitation Program Fund Request. A request was reviewed from the EDA to utilize \$50,000 of the Rochester Sales Tax dollars for the rehabilitation loan program. To date almost the initial \$100,000 has been earmarked for various private improvement projects which has netted almost \$500,000 in private investment and improvements. It was discussed how the program was viewed as a success. A motion to approve the additional funds was made.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

16. Resolution #29-2014 Qualifying Officer to Participate in PERA. Admin. Koverman expressed that once an officer earns over \$425 in a pay period then the officer would qualify for PERA. A motion was made to approve the resolution.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

UNSCHEDULED PUBLIC APPEARANCES:

None.

Motion to adjourn at 6:32 p.m.

Motion to approve: **Wayne Getz**

Motion declared carried.

John P. Schaber, Mayor Pro Tem

Attest: _____
Nick Koverman, City Administrator

MINUTES of the ST. CHARLES CITY COUNCIL
For Tuesday, August 26, 2014 held at 5:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota

MEMBERS PRESENT:

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

STAFF PRESENT:

Nick Koverman (City Administrator) and Nate Anderson (WHKS Engineering), Marti Ellinghuysen, and Kyle Karger (Supt. Public Works).

OTHERS IN ATTENDANCE: Pat Bailey (MN Dept. of Health), Dan White, Craig Hilmer (St. Charles Press), and Cathy Groebner.

1. ESTABLISH QUOROM/CALL TO ORDER

Quorum was established with Mayor Spitzer calling the meeting to order at 5:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL of the AGENDA: ADD. 10.) Council Meeting Times

Motion to approve the agenda: **Wayne Getz**

No discussion.

Motion carried.

4. Notices and Communications. None

5. Review of Financials. No discussion.

6. Administrator Review. Mayor Spitzer provided the Council with a letter that summarized the administrator's review. Mayor Spitzer called for any comment, additions or corrections. Hearing none, the Council agreed by consensus that the letter be submitted to his personnel file.

7. Public Hearing-Wellhead Protection Plan—Part II. Mayor Spitzer called for a motion to open the public hearing to take comment on the Wellhead Protection Plan—Part II as noticed in the official newspaper.

Motion to open the public hearing at 5:03 p.m.: John Schaber

No further discussion.

Motion carried.

Admin. Koverman briefly highlighted for the Council the two year process that City staff has been working on in conjunction with WHKS to conduct their Wellhead Protection Plan. Various government entities were sent the plan for their review and comment. The purpose of the public hearing was to take any additional comment on the plan for consideration. He then turned it over to Nate Anderson of WHKS who had worked on the plan. Mr. Anderson provided some general background information and asked for comment. Mayor Spitzer called for comment once, twice. Pat Bailey from the MN Dept. of Health addressed the Council and also added her thoughts as to the benefits of the wellhead protection exercise. She explained that it helped to identify potential issues, clear up old issues, and hold formal discussions on the city's plan to mitigate/monitor existing wellhead areas. Dan White asked a question of clarification if the wellhead program was related to the drinking water quality. After hearing no comment, Mayor Spitzer called for comment once, twice, three times. He called for a motion to close the public hearing at 5:09 p.m.

Motion to close: Orv Dahl

No further discussion.

Motion carried.

Nate Anderson will finalize the document and return at a later Council meeting for formal adoption of the plan. The Council thanked him for his time.

8. 2015 Governmental Budget. Admin. Koverman began by highlighting the preliminary levy presented at 2.65 percent and recalling for Council that in order to make that figure achievable that the Capital Improvement Fund that budgeted \$290,000 for 2015 currently was overpledged at \$413,000. Koverman presented various options to reduce the amount to fall within the budgeted parameters. He reviewed one of the new projects with the SEMCAC bus service that the Council had pledged support to in the amount of \$22,519. He recalled that when the project was reviewed several months ago that an option posed to the Council for funding was to utilize Rochester Sales Tax dollars. Because this service would allow for rural residents or residents of Dover and Eyota the ability to come to St. Charles to partake of its services, that this could be a reasonable request to the EDA for support of the program. If this was a reasonable idea, the discussion would then be addressed to the EDA.

Koverman expressed that one of the primary issues confronting the Capital Improvement Plan was the replacement of a 25 year old street sweeper. Koverman relayed that the piece of equipment was initially pushed to a 20 year replacement plan before the 2008 recession forced the item to continually be pushed down year by year. He shared that over the last 10 years over \$53,000 has been spent to repair/maintain the older unit. A true replacement of the exact model of Elgin sweeper was found at \$260,000. However, it had been relayed to staff that this would not be an acceptable option. Street staff have been working with the vendor to research options and a new unit that ran well and provided the necessary features was priced at \$150,000 which was what had been initially budgeted. However, Admin. Koverman relayed that even this cost was too much. The City has maintained a cash approach for capital equipment, but Koverman offered an option of a lease/purchase that is similar to what the city does with the ambulances, but that at the end of 5 years would own the piece of equipment and still be able to utilize the unit for 15-20 additional years. As an example a 5-year plan at 2.69 percent was estimated to cost just over \$32,000/annually for 5 years. With this factored into the budget, it was fall below the planned \$290,000. Clm. Getz asked how often St. Charles streets are swept and Street Supervisor Marti Ellinghuysen addressed the question and explained that of course spring and fall are the busy times as he cleans a quarter of the town every other week for 2 months. Supt. Karger added that the City use to clean every week, but that to extend the life of the unit they went to every other. He reminded Council that sweeping of the leaves and sand helped keep debris out of the storm sewers and reduces jet vaccing. Clm. Getz asked about contracting the service and Supt. Karger highlighted that when the option was reviewed over 5 years ago that the costs were that of a payment.

Discussion then turned to a proposed truck plow and snow pusher for the loader. Supt. Karger explained that the pickup plow would replace a 9-year old unit. Supt. Karger expressed that the Case snow pusher allows the snow crews to more efficient clean cul-de-sacs and wider streets with few passes as well as not bust curbs when they use just the bucket of the Loader. They have been borrowing Steve Pearson's pusher and it has worked well. Clm. Braun expressed his disapproval with the idea. Clm. Getz asked about the wear and tear on the loader and Supt. Karger expressed that that was the reason why the loader was leased every 3 years so that a replacement unit would be possible with little or no cost. Supt. Karger explained that the annual road maintenance budget of \$60,000 could be reduced to include the estimated \$8,500 for the pusher if necessary as they are ahead of projects.

A memo related to Health Insurance was also reviewed with Council that highlighted that due to the loss of their existing plan because of the Affordable Care Act that an alternative plan needed to be sought to replace the High Deductible plan of \$2,500/\$5,000. In reviewing the rates of the plan, it was to the city's benefit to move to a \$3,000/\$6,000 plan rather than a \$2,000/\$4,000 plan. To meet the same level of support the contribution to the HSA was recommended at \$420(single) and \$620 (family) and with this adjustment the overall cost would increase 10 percent. The initial rates that Bill Singer from AT Group were not the adjusted actuals. The main difference in total cost for 2014 was the addition of an employee, the normalized Affordable Care Act rates, and HSA contribution. . The impact to the general fund budget with the proposed plan to the actual was \$3,358 with the enterprise funds being responsible for the remaining amount. City accountant Kristine Huinker explained that with the general fund overage, that could be adjusted with no change to the levy. In addition, she demonstrated to the Council how the proposed levy could in fact be reduced to zero with a minor surplus still being available. No questions were asked The city car was also reviewed as it could be delayed, but that a van might be a more efficient vehicle as the park and rec department takes a personal vehicle to pick up supplies. The cost would be greater than \$15,000 planned for a car, but that currently at 80,000 miles the car is a reliable unit at 10 years old. The proposed replacement of police squad cameras was discussed as far as looking for alternative revenue sources as far as DUI forfeiture and MADD grants. Council felt it was a good start.

9. **Union Negotiations.** Mayor Spitzer stated that a closed session had been planned to discuss strategy, but that after discussion with Admin. Koverman that the goal was to seek committee representatives and wait until proposals were presented to the Council. Previously Mayor Spitzer and Clm. Getz and Clm. Braun served on the negotiating committees. Mayor Spitzer and Clm. Getz offered both of their positions. Clm. Schaber stated that he felt they did a nice job before and if they were agreeable to it, he would recommend they serve again. Both mayor and councilman agreed.

10. **Council Meeting Times.** Mayor Spitzer addressed the Council meeting times and asked if the Council wanted to continue with the 5 p.m. time or go back to the original 7 p.m. All members expressed that it was nice, but that the 5 p.m. time was difficult on upon occasion. It was offered at possibly 5:30 or 6:00 p.m. All agreed that the 6 p.m. would work well and a motion was made to approve the 6 p.m. time until the end of the year.

Motion to approve: John Schaber

No further discussion.

Motion carried.

UNSCHEDULED PUBLIC APPEARANCES

-Marti Ellinghuysen addressed the Council and added to the snow pusher discussion that he had been using the local contractor's unit and how it saved a lot of time especially when cleaning the fairgrounds or mainstreet.

-Dan White addressed the Council to share his support.

Motion to adjourn at 5:50

Motion to approve: **John Schaber**

Motion declared carried.

John P. Schaber, Mayor Pro Tem

Attest: _____
Nick Koverman, City Administrator

RatingsDirect®

Summary:

St. Charles, Minnesota; General Obligation

Primary Credit Analyst:

Steffanie A Dyer, Chicago (1) 312-233-7007; steffanie.dyer@standardandpoors.com

Secondary Contact:

Scott Nees, Chicago (1) 312-233-7064; scott.nees@standardandpoors.com

Table Of Contents

Rationale

Outlook

Related Criteria And Research

Summary:

St. Charles, Minnesota; General Obligation

Credit Profile

St Charles GO

Long Term Rating

AA-/Stable

Upgraded

Rationale

Standard & Poor's Rating Services raised its long-term rating on St. Charles, Minn.'s series 2011A general obligation (GO) improvement and refunding bonds to 'AA-' from 'A+', based on its local GO criteria released Sept. 12, 2013. The outlook is stable.

The bonds are secured by the city's unlimited-tax GO pledge. The city has also pledged utility revenues and special assessments to the series 2011A bonds.

Weak economy

We view St Charles's local economy as weak, with projected per capita effective buying income and per capita market value at 86% of the national level and \$54,990, respectively. The city (2013 estimated population: 3,964) is in Winona County, 25 miles east of Rochester, where many residents commute for employment. The county's unemployment rate in 2013 was 4.6%, according to the Bureau of Labor Statistics.

Strong management

St Charles' financial management conditions are, in our view, strong with "good" financial practices under our Financial Management Assessment methodology, indicating financial practices exist in most areas, but that governance officials might not formalize or monitor all of them on a regular basis.

Very strong budgetary flexibility

With available general fund reserves at roughly \$614,000 or 45% of operating expenditures in fiscal 2013 (Dec. 31), it is our view that St Charles' budgetary flexibility is very strong. We feel reserves are a credit strength as the available fund balance was above 30% for the most recent audited year and we expect it to remain so for the current and following years.

Very strong liquidity

What we consider very strong liquidity supports St Charles' finances, with total government available cash to governmental funds expenditures and cash to debt service at 166% and 16.6x, respectively. Based on past issuance of debt, we believe that the issuer has strong access to capital markets to provide for liquidity needs if necessary.

Strong budgetary performance

St Charles' budgetary performance is, in our opinion, strong overall, with a deficit of 3.2% for the general fund and a surplus of 7.8% for the total governmental funds in fiscal 2013. Based on current- and subsequent-year projections, we believe that the issuers' finances will show improvement.

Strong debt and contingent liabilities

We view St Charles' debt and contingent liabilities profile as strong. Total governmental funds debt service is 10% of total governmental funds expenditures and net direct debt is 79.2% of total governmental funds revenue.

Approximately 82% of the debt is to be repaid over 10 years, which we feel is a credit strength. We view the net debt to market value low and a positive credit factor at 2.5%. In fiscal 2013, St Charles contributed 100% of its annual required pension contribution, which accounted for 5% of the total governmental funds expenditures in fiscal 2013. The city does not offer any postemployment benefits to its retirees.

Strong institutional framework

We consider the Institutional Framework score for Minnesota cities with populations greater than 2,500 as strong.

Outlook

The stable outlook reflects the city's very strong budgetary flexibility and liquidity, which we expect will continue. Currently precluding a higher rating is the city's weak economy that we do not anticipate significantly improving in the two-year time frame of the outlook. If reserves unexpectedly decrease, falling below \$500,000, it could pressure the rating.

Related Criteria And Research

Related Criteria

- USPF Criteria: Local Government GO Ratings Methodology And Assumptions, Sept. 12, 2013
- USPF Criteria: Financial Management Assessment, June 27, 2006

Related Research

- S&P Public Finance Local GO Criteria: How We Adjust Data For Analytic Consistency, Sept. 12, 2013
- Institutional Framework Overview: Minnesota Local Governments

Complete ratings information is available to subscribers of RatingsDirect at www.globalcreditportal.com. All ratings affected by this rating action can be found on Standard & Poor's public Web site at www.standardandpoors.com. Use the Ratings search box located in the left column.

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130 East Randolph Street
Suite 2900
Chicago, IL 60601
tel 312-233-7000
reference no.: 40345773

August 27, 2014

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

*Re: City of St. Charles, Minnesota, General Obligation Improvement and Refunding Bonds,
Series 2011A*

Dear Mr. Koverman:

Standard & Poor's Ratings Services ("Ratings Services") has reviewed the rating on the above-listed obligations. Based on our review, we have raised our credit rating from "A+" to "AA-" while affirming the stable outlook. A copy of the rationale supporting the rating and outlook is enclosed.

This letter constitutes Ratings Services' permission for you to disseminate the above rating to interested parties in accordance with applicable laws and regulations. However, permission for such dissemination (other than to professional advisors bound by appropriate confidentiality arrangements) will become effective only after we have released the rating on standardandpoors.com. Any dissemination on any Website by you or your agents shall include the full analysis for the rating, including any updates, where applicable.

To maintain the rating, Standard & Poor's must receive all relevant financial and other information, including notice of material changes to financial and other information provided to us and in relevant documents, as soon as such information is available. Relevant financial and other information includes, but is not limited to, information about direct bank loans and debt and debt-like instruments issued to, or entered into with, financial institutions, insurance companies and/or other entities, whether or not disclosure of such information would be required under S.E.C. Rule 15c2-12. You understand that Ratings Services relies on you and your agents and advisors for the accuracy, timeliness and completeness of the information submitted in connection with the rating and the continued flow of material information as part of the surveillance process. Please send all information via electronic delivery to pubfin_statelocalgovt@standardandpoors.com. If SEC rule 17g-5 is applicable, you may post such information on the appropriate website. For any information not available in electronic format or posted on the applicable website,

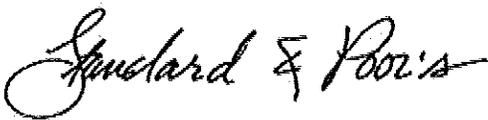
Please send hard copies to:

Standard & Poor's Ratings Services
Public Finance Department
55 Water Street
New York, NY 10041-0003

The rating is subject to the Terms and Conditions, if any, attached to the Engagement Letter applicable to the rating. In the absence of such Engagement Letter and Terms and Conditions, the rating is subject to the attached Terms and Conditions. The applicable Terms and Conditions are incorporated herein by reference.

Ratings Services is pleased to have the opportunity to provide its rating opinion. For more information please visit our website at www.standardandpoors.com. If you have any questions, please contact us. Thank you for choosing Ratings Services.

Sincerely yours,

The logo for Standard & Poor's, featuring the company name in a stylized, cursive script font.

Standard & Poor's Ratings Services

sf
enclosure

cc: Ms. Kristine Huinker, Accountant
City of St. Charles



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City Administrator's Report—August 2014

August 4—Attended the Fire Department corn feed

August 5—UMMPA conference call. Discussed selling excess Renewable Energy Credits and process to receive board approvals.

August 6—Attended MDHR meeting in St. Paul with Chief of Police.

August 12th—Attended Winona County Board of Commissioners meeting to discuss proposed EMS building project with Mayor Spitzer, Fire Chief Lyle Peterson, and Mike Bubany.

Glad Days Aug. 17-24.

Projects

-Preparation/training for Primary Election.

-Research information pertaining to urban deer populations/ATV ordinances for Public Safety Commission.

-Planning & Zoning notice information.

-Continued work on budget (researched options available for CIP)

-Working on EMS building project.

Public Works Report – August 2014

- Locates, power outage at 212 West 15th Street, and fixed flag light at City Hall
- Street light repairs, seeded and dragged new Pearson/Gathje walking trail
- Seed and mat ditches at Meadow View Park, Hillside Cemetery, East drainage ditch and multiple smaller projects
- New three phase primary and transformer installed for NRB Metals expansion
- Trimmed trees on house services and Circle Drive drainage ditch
- Rubber goods testing, 4th Street electric project, switching circuits, isolating power lines, splice pits, terminators installed and new service to house's and Well #3
- Tamped new street light poles on 4th Street, wired poles and installed new heads
- Planned new service for I-90 project and ordered transformer and materials for the three phase service at Active Tool & Die
- Switching new houses from temp to permanent services, tested grounds and hot stick with MMUA
- Hang softball nets at City Park and help Park Dept. get setup for event and tear down and clean up after Glad Days
- Tested electric meters on 4th and Bluff, also complaint and tested one on Sunset Drive
- Wreck out overhead material and wire off 4th Street electric project
- Jet vac sewer lines on South East side of town, and watered trees and seeding projects
- Painting parking stalls and cross walks in downtown area, and checked sewer lines for Resource Center
- Meter reading, work on City trucks, street sweeping and built cement walls around culverts and new driveway approach for Hillside Cemetery
- Cleaned and organized cold storage building, and repaired broken sewer main below swimming pool
- Started repairing catch basins around town, and started to apply weed killer around town
- Water samples and replaced meters and flushed deadends

Sincerely,
Kyle Karger
Public Works Superintendent

City of St. Charles Police Department

Chief – Ken Frank #601

830 Whitewater Avenue

St. Charles, MN 55972

(507) 932-3020 · (507) 932-5301 FAX



September 2014 Council Report

- We received reimbursement of \$2,896.29 for law enforcement training from the state. The total amount of training expenses submitted for 2013 was \$26,803
- We were awarded a Federal Govt. grant allowing reimbursement up to \$2594 on bullet proof vests. This would be ½ the cost of each vest during the upcoming Federal Fiscal year or until the funds are spent. The other half of each vest is reimbursed by the State of MN. Vests are replaced after 5 years of service.
- Received an award from the Shakopee Mdewakanton Sioux Community Tribal Council of Prior Lake, MN for 1 AED. This will give the department 3 working units.
- Completed the 4th quarter of the Towards Zero Death (TZD) and this marks the end of the fiscal year for that program. We will be billing Winona County for all hours put in by this department participating in this project.

Respectfully Submitted,

Chief Ken Frank

“Proud to Serve”



Planning and Zoning Commission
Thursday, September 4, 2014
7:00 P.M.
City Council Chambers
Minutes

MEMBERS PRESENT:

Bruce Dorman
Tim Jones
Jerel Mockenhaupt
Nancy Heim

MEMBERS ABSENT:

Wayne Getz
John Schaber

STAFF PRESENT:

City Administrator Nick Koverman.

OTHERS IN ATTENDANCE: Stephanie Nuttall, Tom Gort, Earl Voss, Dorothy Peterson, Roy Holst.

ESTABLISH QUORUM/CALL TO ORDER

Quorum was established and Nancy Heim called the meeting to order at 7:07 p.m.

APPROVAL of AGENDA

Motion to approve: **Bruce Dorman**
Seconded by: **Tim Jones**
Motion declared carried

APPROVAL of MINUTES-June 5, 2014

Motion to approve: **Bruce Dorman**
Seconded by: **Jerel Mockenhaupt**
Motion declared carried

BUSINESS ITEMS:

4a. Public Hearing – Special Home Occupation Permit-524 Wiskow Way.

Motion to open at 7:09 p.m.: **Jerel Mockenhaupt**

Seconded: **Tim Jones**

No further discussion.

Motion carried.

Admin. Koverman first presented the request by Stephanie Nuttall to operate a photography studio at 524 Wiskow Way. He reviewed a letter that outlined the part-time venture and the use of a single bedroom for portraits. Stephanie Nuttall then addressed the P&Z and added that very few portraits are done during the year and most of their work is at the location of the customer or at a wedding or other event. She explained it was a hobby and would take maybe 1-2 hrs a week. Tim Jones asked about parking and she explained that there would be virtually none with her driveway also being available if need be.

Earl Voss at 442 Wiskow Way asked about signage. Ms. Nuttall explained that as an R-1 signage was not permitted. Roy Holtz at 554 Wiskow Way was not opposed to the use. Chairman Heim called once, twice, three times. Hearing no other comments she called for a motion to close the public hearing.

Motion to close at 7:14 p.m.: **Bruce Dorman**

Seconded by: **Tim Jones**
No further discussion.
Motion carried.

Admin. Koverman reviewed his memo briefly. No questions were asked. P&Z members did not have any follow up questions. He did provide three recommendations that would accompany a resolution.

4b. Resolution #41-2014 Special Home Occupation Permit. Chairman Heim called for a motion of approval of a recommendation.

Motion to approve: **Tim Jones**
Seconded by: **Bruce Dorman**
No further discussion.
Motion carried.

4c. C-3 Regional Commercial/Industrial District Review. Admin. Koverman reviewed the Commission some of the concerns brought up by the recent business locating in the industrial/commercial park. He explained that given construction timelines that the Council authorized the permit to move forward. He outlined the issues as the concealed fastener lapseam walls and screening or painting rooftop units. He explained that he would look to bring back the ordinance for review. Commission members questioned if they indeed needed to or if they could leave it until they receive a second complaint. Koverman expressed that he would need to follow up with legal counsel or the planner. He would report back.

4d. Open application for P&Z. Chairman Heim expressed that she knows of various residents who expressed interest and it has been several weeks since the last posting, she would recommend reposting and considering applications at the next meeting. Only one application was received to date and it was agreed that they would like to post another time for consideration.

Motion to approve: **Bruce Dorman**
Seconded by: **Jerel Mockenhaupt**
No further discussion.
Motion carried.

Motion to adjourn at 7:47 p.m.: **Bruce Dorman**
Seconded by: **Tim Jones**
Motion declared carried.

CITY OF ST. CHARLES, WINONA COUNTY, MINNESOTA

**RESOLUTION # 32-2014
RESOLUTION APPROVING LEVY REQUEST SUBMITTED BY THE
ST. CHARLES ECONOMIC DEVELOPMENT AUTHORITY
FOR TAXES PAYABLE 2015**

WHEREAS, the St. Charles Economic Development Authority ("EDA") has prepared and presented a budget to the City Council of St. Charles, Minnesota and an estimate for tax revenues needed for EDA programs and operations for the 2015 calendar year; and,

WHEREAS, pursuant to Minnesota Statutes Section 469.107 a City may authorize a levy for economic development purposes in an amount that does not exceed 0.01813% of its taxable market value; and

WHEREAS, a levy request by an EDA requires the governing body (City Council) to approve certification of said levy request to the County Auditor by September 15th for the following year's taxes; and

WHEREAS, said levy request is to be treated as a special taxing district in accordance with Minnesota Statutes Section 275.066 and appear as a separate line item on the 2014 property tax statements; and

WHEREAS, the levy request contemplated in this Resolution is to be considered a stand alone request and is not to be automatically renewed for future years' taxes.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of St. Charles, Winona County, Minnesota that the levy request for taxes payable 2015 for all taxable property within the corporate boundaries of the City of St. Charles, Winona County, Minnesota in the amount of \$34,086 submitted by the St. Charles EDA and City Council of St. Charles is hereby approved for certification to the Winona County Auditor.

Passed and approved September 9, 2014

John P. Schaber, Mayor Pro Tem

ATTEST:

Nick Koverman, City Administrator

CERTIFICATION

I, Nick Koverman, duly appointed City Administrator of the City of St. Charles, do hereby certify that the above resolution is a true and correct copy of Resolution -2014 entitled "RESOLUTION APPROVING LEVY REQUEST SUBMITTED BY THE ST. CHARLES ECONOMIC DEVELOPMENT AUTHORITY FOR TAXES PAYABLE 2015" passed and approved by the St. Charles City Council, Minnesota, on the 9th day of September, 2014.

City Administrator, City of St. Charles

CITY OF ST. CHARLES

Resolution #33-2014

**A Resolution Approving Preliminary 2014
Tax Levy Collectible in 2015**

WHEREAS, the City of St. Charles requires revenue to meet its expenses.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ST. CHARLES that the following sum of money be levied for the current year, collectible in 2015, upon the property in said City of St. Charles, for the following purposes:

FUND	<u>2014</u>
2011A Bond Fund	\$ 219,965
Advertising Fund	\$ 20,275
Capital Improvement Fund	\$ 290,000
Celebration/Public Safety Fund	\$ 6,500
Fire	\$ 67,400
General Fund	\$ 125,530
Library Fund	\$ 102,638
Emergency Management Fund	\$ 10,500
Tax Abatement	\$ <u>10,085</u>
Total Preliminary Levy	\$ 852,893

The City Administrator is hereby authorized to transmit a copy of this resolution to the Council Auditor of Winona County, Minnesota.

Adopted this 9th day of September 2014 by the Council of the City of St. Charles, Minnesota.

John P. Schaber, Mayor Pro-Tem

Attest: _____
Nick Koverman, City Administrator

ST. CHARLES **REQUEST FOR CITY COUNCIL ACTION**

Meeting Date: September 9, 2014

General: X

Department: EDA

Item Requested: Approval of Commercial Rehab Fund Request #06-14

=====

Summary of the Issue

Three existing commercial building owners have requested forgivable loans from the EDA Commercial Rehabilitation Fund

Background

The applicants would like to make significant long-term improvements to their buildings and grounds to enhance their business.

1. Based on the Committee's review of the documentation, determined that Project 1 for Shannon Huelskamp met the eligibility requirements of the St. Charles Commercial Rehabilitation Fund. The funds will be used towards installing an awning, lighting, doors, roof work and siding on the building. The total project costs \$15,408 therefore the request is for the program maximum per building of \$7,704 The Committee recommended approval of the request to the full EDA Board at their meeting September 5, 2014 meeting. The EDA moved to approve a recommendation to City Council for the request.

2. Based on the Committee's review of the documentation, determined that Project 2 for Dave's Small Engine met the eligibility requirements of the St. Charles Commercial Rehabilitation Fund. The funds will be used towards new siding, awning, and the addition of concrete for the building. The total project costs for the building exceeds \$20,000, therefore the request is for the program maximum per building of \$10,000. The Committee recommended approval of the request to the full EDA Board at their meeting September 5, 2014 meeting. The EDA moved to approve a recommendation to City Council for the request.

3. Based on the Committee's review of the documentation, determined that Project 3 for Aaron Carlson & Chattanooga Land, Inc. met the eligibility requirements of the St. Charles Commercial Rehabilitation Fund. The funds will be used towards new siding and awning the building. The total project costs for the building exceeds \$20,000, therefore the request is for the program maximum per building of \$10,000. The Committee recommended approval of the request to the full EDA Board at their meeting September 5, 2014 meeting. The EDA moved to approve a recommendation to City Council for the request.

Funding

Approval will require \$27,704 from the Rochester Sales Tax Funds. Council action will serve to authorize the loans. Loans will be structured as a 5 year forgivable loan with 20% forgiven each year.

Recommendation

The EDA approved by motion, the following recommendations:

1. To approve Request #06-14 as requested and described above.
2. To authorize the staff to prepare all necessary loan documents.



*Winona County Auditor-Treasurer
177 Main St
Winona, MN 55987*

**TRUTH IN TAXATION
REQUEST FOR INFORMATION**

City Name: ___ City of St. Charles _____

Meeting Date: ___ Tuesday, December 9, 2014 _____

Meeting Time: ___ 6 p.m. _____

Meeting Location: ___ City Hall-City Council Chambers _____

Written Comments Address: _ 830 Whitewater Avenue _____

___ St. Charles, MN 55972 _____

Cities must submit their hearing date information to the County Auditor-Treasurer of each county by September 30, 2014.

Please return Meeting Information to:

Sherri Kuchel
Winona County Deputy Auditor-Treasurer
177 Main St
Winona, MN 55987
Fax (507) 457-6454
skuchel@co.winona.mn.us

CITY OF ST. CHARLES

RESOLUTION #31-2014

**A RESOLUTION PROVIDING FOR A SPECIAL HOME OCCUPATION
PERMIT AS DESCRIBED IN THE ZONING ORDINANCE
OF THE CITY OF ST. CHARLES**

WHEREAS, an application for a Special Home Occupation Permit has been duly filed;
and,

WHEREAS, the Planning Commission, after public hearing duly noticed, has
recommended the granting of a Special Home Occupation Permit.

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

1. A Special Home Occupation Permit is hereby granted to Stephanie Nuttall to permit the operation of a photography business within a R-1 Single Family Residential District at 524 Wiskow Way.
2. The Special Home Occupation Permit granted to Stephanie Nuttall will abide by all representations they or their agents made during the hearing process, to the extent, the Planning and Zoning Commission did not negate those representations and to the extent, they are not inconsistent with the spirit or letter of explicit conditions to the request.
3. The Special Home Occupation Permit will be reviewed within 1 year following approval with the ability to extend up to 3 years at a time.

Adopted by the Council of the City of St. Charles, Minnesota this 9th day of September 2014.

John P. Schaber, Mayor Pro-Tem

Attest: _____
Nick Koverman, City Administrator



Memorandum

To: St. Charles Planning and Zoning Commission

From: Nick Koverman, City Administrator

Date: September 4, 2014

Subject: Nuttall Request for a Special Home Occupation (524 Wiskow Way)

REQUEST SUMMARY

The petitioner seeks a Special Home Occupation to operate a photography business in the home of 524 Wiskow Way (R-1 Single Family Residence). The petitioner stated in a letter dated July 24, 2014 that a single bedroom would be used as a photography studio in addition to occasional photos in the backyard area. Section #152.28 (C)(2) of the St. Charles Zoning Ordinance forms the basis of the request.

SITE CHARACTERISTICS

The site is described by the Winona County Assessor's Office as having a 1,476 square foot home built in 1990 with an attached garage and has a PIN of 29.048.0090. It is an odd shaped lot and shown on the exhibit provided.

PLANNING & ZONING ASSESSMENT

Section #152.17(A) of the City of St. Charles Zoning Ordinance states the purpose of the R-1 District *is intended for low density residential development which will provide space and lot standards that effectively relate to the Comprehensive Plan and policies, and which ensure that adequate municipal facilities will be available at reasonable cost.*

Section #152.28(A)(1) of the Ordinance states the purpose of a home occupation *is to prevent competition with business districts and to provide a means through the establishment of specific standards and procedures by which home occupations can be conducted in residential neighborhoods without jeopardizing the health, safety and general welfare of the surrounding neighborhood.*

Section #152.28(C)(2) of the Ordinance defines Special Home Occupation *as any home occupation which does not meet the specific requirements for a permitted home occupation as defined in this division shall require a special home occupation permit which shall be applied for and reviewed and disposed of in accordance with the provisions of Section #152.46.*

Section #152.28(C)(2)(b) further restricts the permit issuance of a Special Home Occupation to one-year after which the permit may be reissued for periods of up to three-years with the review conducted through the same format as the original request.

- Zoning Administrator Comment – If the Planning and Zoning Commission decides to forward a favorable recommendation to the City Council, the recommendation should include a condition that specifies a review date within one-year of the initial approval.

Section #152.28(D)(3)(a) contains the following requirements to lessen the influence (nuisances) of Special Home Occupations on adjacent properties:

- (a) No person other than a resident shall conduct the home occupation, except where the applicant can satisfactorily prove unusual or unique conditions or need for nonresidential assistance and that this exception would not compromised the intent of this chapter.
- Zoning Administrator Comment – The petitioners will own and operate the special home occupation with the assistance of a partner. The petitioner described the business approach as a joint-venture and it was discussed the need for additional help during photo shoots.
- (b) Examples of special home occupations include: barber and beauty services, photography studio, group lessons, saw sharpening, small appliance and small engine repair and the like.
- Planner Comment – The petitioners seeks a specified example of the special home occupation
- (c) The home occupations may involve any of the following: stock-in-trade incidental to the performance of the service, repair or manufacturing which requires equipment other than customarily found in a home, the teaching with musical, dancing and other instruction of more than one pupil at a time.
- Zoning Administrator Comment – The petitioner outlined tools and equipment commonly used in the business trade such as backdrops, lighting equipment, etc.
- (d) Special home occupations may be allowed to accommodate their parking demand through utilization of non-street parking. In cases where on-street parking facilities are necessary, however, the City Council shall maintain the right to establish the maximum number of on-street spaces permitted and increase or decrease that maximum number when and where changing conditions require additional review.
- Planner Comment – The petitioner plans to utilized the existing driveway as possible for parking requirements.

RECOMMENDATION

As the St. Charles Zoning Administrator, I recommend the Planning and Zoning Commission forwards a favorable recommendation regarding this request to the City Council. The petitioner appears to satisfy the criteria contacted in Section #152.28 of the Home and Special Home Occupation and does not jeopardize the health, safety and general welfare of the surrounding neighborhood.

It is suggested that the Commission attach the following conditions to the recommendation:

1. A Special Home Occupation Permit is hereby granted to Stephanie Nuttall to permit the operation of a photography business within a R-1 Single Family Residential District at 524 Wiskow Way.
2. The Special Home Occupation Permit granted to Stephanie Nuttall will abide by all representations they or their agents made during the hearing process, to the extent, the Planning and Zoning Commission did not negate those representations and to the extent, they are not inconsistent with the spirit or letter of explicit conditions to the request.
3. The Special Home Occupation Permit will be reviewed within 1 year following approval with the ability to extend up to 3 years at a time.