

**MINUTES of the ST. CHARLES CITY COUNCIL**  
**For Tuesday, April 14, 2015 held at 6:00 p.m. at**  
**830 Whitewater Avenue**  
**St. Charles, Minnesota**

**MEMBERS PRESENT:**

Councilmen:

Dave Braun  
Orv Dahl  
Wayne Getz  
David Kramer  
John Schaber

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Ken Frank (Police Chief), Officer Jose Pelaez, Rick Schaber (Park and Rec Director), and Nick Koverman (City Administrator).

**OTHERS IN ATTENDANCE:** Tom Wentte (Smith Schafer & Associates), Dan White, Scott McConkey, and Craig Hilmer (Press).

**1. ESTABLISH QUOROM/CALL TO ORDER**

Quorum was established with Mayor John 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: **Dave Braun**  
No discussion.  
Motion carried.

**4. MEETING MINUTES**

-March 10, 2015  
Motion to approve: **Orv Dahl**  
Motion carried.

-March 24, 2015  
Motion to approve: **David Kramer**  
Motion carried.

**5. APPROVAL OF March PAYABLES**

Motion to approve payables: **Dave Braun**

**6. Notices and Communications.** None.

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

**8. 2014 Audit-Tom Wentte-Smith Schafer & Associates.** Tom Wentte provided the 2014 audit review. He showed that the city was given a clean audit, reserves had grown to 48 percent and the city was in a healthy financial standing. The Council thanked him for his time.

**9. 2014 Department Year End Reports.** The Council briefly reviewed the reports. Clm. Kramer asked Chief Ken Frank the reasoning for the increased number in calls for service to the police department. Chief Frank attributed the number to the new LETG reporting system stating that better reporting of all activity was made possible.

**10. Electric Service Agreement-A. Archer.** Mr. Archer was not present at the time. The Council moved on to other items and would return to the item.

**11. Outstanding Agency for TZD Enforcement—Dept. of Traffic Safety.** Scott McConkey presented the St. Charles Police Department with an award for outstanding enforcement within the Toward Zero Death initiative. He provided a piece of equipment rather than a plaque explaining that he knows it will receive more use this way. He thanked Officer Jose Pelaez for helping to administer and run the program as well.

**12. Resolution #13-2015 Rear Setback Variance for fire/ambulance.** Admin. Koverman reviewed the need for the 5' rear yard variance for the proposed fire/ambulance building. He pointed out the requirements outlined in the memo to the P&Z Commission.

**(1) The variance is in harmony with the purpose and intent of the ordinance.** As part of a C-2 Service Commercial District the proposed use is in keeping with the historic use of the building and has been at that location since the 1960s. *The Service Commercial District is intended to provide areas suitable for commercial enterprises which require special traffic access considerations due to their nature of use. This district will guide the development of these uses in a manner which will be beneficial to both the residents and the land use growth pattern of the city by avoiding costly strip development.*

**(2) The variance is consistent with the comprehensive plan.** The replacement of the fire hall structure enhances the community character, vitality, and is in keeping with the historic location of the fire hall. In order to maintain effective service delivery of fire and ambulance, the variance allows for the continued delivery of service while promoting and maintaining our Highway 14 inner corridor of the community. It is in keeping with Comprehensive Plan as outlined in the following Goals and Policies within the plan:

-Enhancing either the Fire Hall or the City Hall structure to serve as an Incident Command Center to follow the Emergency Management Plan

-As needed, the City will review and analyze the maintenance and upgrade of public facilities and delivery of public services to the public.

-The City will continue to provide facilities and services to all residents in a safe and dependable manner, improving and maintaining its systems as necessary.

**(3) The proposal seeks to use the property in a reasonable manner not permitted by the zoning ordinance.** The proposed request providing a 5' rear yard proposes to use the property in a reasonable manner by minimizing the impact of the rear yard setback, while trying to maximize the property to its fullest extent possible. The requested variance for the use of the property is reasonable as it attempts to make the best use of the assets while also having a responsibility to provide updated facilities for its residents and volunteers as a valued community resource of the community.

**(4) The plight of the landowner is due to circumstances unique to the property not created by the landowner.** The two parcels of land owned by the city is land locked as it located in the original plat of the downtown, but it also directly adjacent to State Highway 14 to its north. The property also abuts the alley to the west and in trying to keep the facility located as far north as possible to provide distance from the neighboring properties was the intent. The City is attempting to make the best use of the assets they have purposes given the constraints of the location within the original plat.

**(5) The variance, if granted, will not alter the essential character of the locality.** According to the proposal by the EMS Building Committee the essential character of the locality will be consistent and in keeping with the existing conditions of the property and the neighborhood. In addition, it can be seen and witnessed that within the alley similar existing setbacks/encroachments exist within the C-2 and R-1 District. The proposed variance will reduce the existing encroachment from the existing structure, but it is still necessary.

**(6) No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection elevation for the particular area or permit standards lower than those required by federal, state or local law.** The level of flood protection elevation will be maintained and not applicable due to not being located in a Flood Protection Zone.

**(7) Economic considerations alone do not constitute practical difficulties.** There is no economic gain due to the non-profit nature of the local unit of government.

He then outlined the Findings of Fact as:

**WHEREAS**, granting the variances for the proposed addition are reasonable given the current use of the land within the C-2 District, the ability for the continued use of the existing space, the inability to locate structure anywhere else on the parcel; and

**WHEREAS**, granting the variance is due to the unique physical characteristics of the property such as the location in the existing original plat, as well as being located on a corner lot between Church Avenue (east property line), alley (west property line) and Highway 14 (north property line); and

**WHEREAS**, granting the variance will not alter the essential character of the locality based on the petitioner representations, letter and plans submitted.

Hearing no further discussion, the Council agreed with the findings and recommendation and a motion to approve the resolution as presented was made.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

- 13. Resolution #12-2015 Awarding 2015 Sewer Lining Project.** Admin. Koverman reviewed the estimates included in the resolution as \$59,016.25 from Visu-Sewer and \$85,087.50 from Municipal Pipe Tool Co. and relayed the recommendation to approve the bid to Visu-Sewer.

A motion was made to approve Resolution #12-2015.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

- 14. Farmer's Market Update.** Admin. Koverman relayed that the market season was fast approaching and that the one change for the market would be the day on which the market is held as it will move from Thursdays to Tuesdays in hopes of attracting more residents. It was believed that the market was competing with Thursday on First in Rochester, but was also noted that the Food for Families program was also held on Thursday which made for parking issues.

- 15. Dynamic Recycling.** Admin. Koverman relayed that arrangements had been made for City Cleanup Day to take place on May 16 and that the tire collection day will be held May 13. He added that requests had been made previously to include the pickup of televisions and computer monitors and that a company had been found that provides this service. He reviewed the rates with a flat rate of not more than \$285.00 for a mobilization charge, and noted that the state contract rate was 10.5 cents per pound. Unfortunately, he does not know what type of response the city will receive. While he budgets \$10,500 with the brunt being spent to Advanced Disposal, he is unsure of the participation. It was suggested that a limit of one television and one computer per city utility residential customer be put on. The Council agreed and thought that was fair. It was discussed about the potential of charging additionally at the site, but logistics would be more difficult. This first time would give staff time to evaluate the service and response. A motion was made to approve contracting with Dynamic Recycling and to limit one television/one computer monitor per residential utility customer.

Motion to approve: **David Kramer**

No further discussion.

Motion carried.

- 16. Subordinating Agreement-OMNI Holdings.** Admin. Koverman provided the background on a restructured loan to OMNI Holdings that was approved in 2014. At the time of the Council approved loan, the documentation was recorded prior to the bank's information and thus put the city in the first position of their overall loan. It was not the intent of the EDA to secure first position, but to remain the same. The proposed agreement would allow the bank to move into first position with the city in the second position as initially intended. A motion was made to approve the agreement.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

- 17. April 28, 2015 Council meeting cancellation.** Mayor Schaber discussed that the upcoming meeting that he and Administrator Koverman will be absent. With few agenda items, it was discussed about cancelling the meeting. The Council agreed and cancelled the meeting on a motion.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

- 10. Electric Service Agreement-A. Archer.** Admin. Koverman relayed that following the review of preferred changes by Mr. Archer's attorney to the agreement, that several comments and suggested changes had been received from Council and that after further review by the city attorney, that the proposed changes were acceptable. Mayor Schaber asked the Council if they felt comfortable with the language in the agreement. Hearing no further comment he asked for a motion to approve the agreement with the Mr. Archer. Koverman relayed that he would forward the approved agreement on to Mr. Archer for his final approval.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

Motion to adjourn at 7:00 p.m.

Motion to approve: **Orv Dahl**

Motion declared carried.

---

**John Schaber, Mayor**

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