

**MINUTES of the ST. CHARLES CITY COUNCIL  
For Tuesday, April 8, 2014 held at 7:00 p.m. at  
830 Whitewater Avenue  
St. Charles, Minnesota**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

Lyle Peterson (Fire Chief), Rick Schaber (Park and Rec), Sharon Grossardt (Librarian), Jeff Hardtke (Ambulance Director), Ken Frank (Chief of Police), Kristine Huinker (City Accountant) and Kyle Karger (Public Works Supt.).

**OTHERS IN ATTENDANCE:** Mike Bubany, Tom Wenthe, Cathy Groebner, Dan White, Brian Todd (PB), and Craig Hilmer (Press).

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

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL of the AGENDA:**

Motion to approve the agenda: **Orv Dahl**  
No Discussion.  
Motion carried.

**4. MEETING MINUTES:**

-March 11, 2014

Motion to approve: **Wayne Getz**  
Motion carried.

-March 25, 2014

Motion to approve: **John Schaber**  
No discussion.  
Motion carried.

**5. APPROVAL of the APRIL PAYABLES**

Motion to approve payables: **Dave Braun**

**6. Notices and Communications.**

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

**8. 2013 Audit Review-Tom Wenthe.** Mr. Wenthe from Smith Schafer & Associates presented the 2013 Audit review for consideration by the Council. He highlighted that the city was in good financial standing with 46 percent reserves, consistent budgeting, the electric fund trend is good, debt is being paid down and for the first time that he has been conducting the audits, the sewer fund will be debt free. He did express that the Council may want to look at storm sewer fees as the cash in and out for projects is running very tight and may go negative if the trend continues. There were no questions by the Council. A motion was made to accept the audit findings.

Motion to approve: **Orv Dahl**  
No further discussion.  
Motion carried.

**9.Old Cartway Culvert.** Admin. Koverman started by highlighting the communications between Clm. Braun, the property owner Mr. Skip Fort, and staff with respect to when the concern of the privately owned culvert was presented in mid March. He outlined the steps that staff had taken to try and contact the owner and identify the specific issue. City crews were sent up to Fort Building and Lumber on Tuesday, April 1<sup>st</sup> after staff received word that the culvert that is within the cartway as well as the privately installed culvert that extends from the original culvert was apparently frozen through. As a way to divert the water, a temporary outlet was dug through the gravel. In addition a pump was used to lower the water level. The City engineer was also contacted and inspected the situation. Various questions were raised as to ownership and responsibility of the culvert system. It was noted that snow piles remained in the area that were pushed by the property owner into the location of the culvert, which may have contributed to the issue as thawing and freezing occurred. According to Admin. Koverman, Mr. Fort claimed that this water issue was caused from the construction of the I-90 business park. Admin. Koverman reminded the Council that all approvals/permits had been received by MNDOT and met engineering requirements. As part of the old cartway and the abandoning of a portion of the old cartway in 2011, the City had worked with Mr. Fort to alleviate any perceived problems by his storage units to the north. Daren Sikkink, WHKS engineer, explained to the Council the drainage report and hydraulic computations that were permitted. He added that while work was done on the existing pond to improve the area, the pipe in the pond was not changed or altered and thus would not change the rate at which the water would be shed onto any other property. And in fact, that a property owner cannot shed more than what was already there and should try to reduce it if possible. Chris Hood, city attorney, was present and in his understanding of the issue, he questioned who ultimately has responsibility. Because it is on private property the city has no authority and if the city chose to provide a long-term solution, he recommended an agreement be put in place with the owner. Given the nature of the cartway, Mr. Hood then asked the question of why is the city still maintaining/operating this piece of property. He expressed that potentially looking to vacate the remaining portion of the cartway may also be another option.

Mayor Spitzer asked Clm. Braun if he could provide an update as he had spoken with the property owner directly. Clm. Braun indicated that he would like to wait until the area had dried out because not much could be done until that time. Clm. Schaber expressed that he would like to look at the vacation option and Clm. Dahl expressed that he would at least like to know the process. Mr. Hood expressed that he would bring back to the Council the process as he knew there was an underlying court ruling. He also wanted to research the history of the cartway. He then offered to Council that in similar situations, if a citizen feels that there is negligence by a city then they would have the right to make a claim against the city. Clm. Braun stated that he had hoped that Mr. Fort in the meantime was working with a contractor to determine what he would need to do. Clm. Schaber expressed that he hoped the Council could do what it could to resolve the issue and work together, but that the cartway was no use to the city. Mayor Spitzered summarized the concensus of the Council, which was to take no action at this time until Mr. Fort comes forward to inform the City Council of what he would like done. Clm Dahl stated that he would still like Mr. Hood to bring information back to the Council on the vacation process. A motion was made to table any action until hearing from Mr. Fort and to have Mr. Hood research and bring back information regarding the vacation process.

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

**10.2013 Department Reports.** Mayor Spitzer thanked all the department heads for their time and the reports provided and asked the Council if they had any questions concerning any of the specific reports. Hearing none, he thanked them again for their time.

**11. EMS Building Committee Report.** Fire Chief Lyle Peterson was present alongside Ambulance Director Jeff Hardtke to present the Council with a final report on the analysis of a potential EMS building that would combine the fire and ambulance departments. He outlined the concerns and areas that were in need of assistance. He expressed that the building design has a 50 year lifespan in mind that would serve not only the departments, but also the community. In addition, space would also be created for the police department by vacating the current ambulance garages. Preliminary discussions have also been held with the County with respect to an alternative PSAP or 911 location. Through the committee's research, it was determined that grants were not an option.

However, in working with the County a potential funding of a portion of the building with a more favorable interest rate was discussed. In addition, a one-time contribution would be made to help pay for wiring and space consideration. Chief Peterson expressed that he felt the committee has served its purpose and thought this would be the last presentation by the committee as the information is left to the Council. Mike Bubany of David Drown & Associates was then able to present to the Council a general idea of the project from a bonding perspective if the project was to be solely completed through tax dollars, in addition to how it could be reduced through utilization of suggested revenue streams and the impact on a home with \$100,000 value. Mr. Bubany expressed that in reality the impact could range from \$40 to as low as \$18 per \$100,000 of value. He then discussed the process of moving forward to allow for public input on a proposal such as the EMS Building. He outlined a process that included a public hearing and offered to help host an open house to discuss the project and the implications to help gauge community interest. Clm. Schaber expressed that he felt there was no harm in setting a public hearing date as no money would be expended to consider the option. This also would allow for residents to provide their input if the proposal was not what they wanted. Clm. Braun expressed his concern of the City conducting a project of this type and then the School District looking to build something in the near future as well. Council agreed to investigate the school board's position with respect to their future projects. Mike Bubany expressed that he would provide a resolution calling for a public hearing at the next council meeting. The Council concurred with the action.

**12. Resolution #08-2014 Granting A Conditional Use Permit-Eric and Holly Davis-572 St. Charles Avenue.** Admin. Koverman briefly reviewed the conditional use permit request to put an apartment in the above portion of the house at 572 St. Charles Avenue that was permitted within the C-2 Service Commercial District. He read aloud the Findings of Fact related to review of the request. He also reviewed some of the concerns related to the neighbors. The petitioner had stated that he would be combining the two parcels into one. However, Koverman relayed that according to the County that the legal description would track to the CUP even after a new parcel was created.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

**13. Request For Council Action-Street Maintenance Worker.** Admin. Koverman highlighted the memo that detailed the process of the recommendation for the vacant Street Maintenance Worker position. The recommendation was for the hiring of Gregory Feuerhelm. The recommendation was to start Mr. Feuerhelm at \$20.53 with one week's vacation. A motion was made to hire Mr. Feuerhelm with the listed recommendation.

Motion to approve: **John Schaber**

**Aye:** John Schaber, Orv Dahl, Bill Spitzer

**Nay:** Dave Braun, Wayne Getz

No further discussion.

Motion carried.

**14. Commercial Rehab Request #02-14.** The request was reviewed for the Masonic Lodge for \$5,500.00 as part of an \$11,000 project that would include replacing an awning, installing new windows and an electrical service. A motion was made to approve the request.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

#### **UNSCHEDULED PUBLIC APPEARANCES:**

Dan White expressed his support for the EMS project and how it would help all of the volunteers of the departments.

Motion to adjourn at 8:11 p.m.  
Motion to approve: **John Schaber**  
Motion declared carried.

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**William J. Spitzer, Mayor**

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