

**MINUTES of the ST. CHARLES CITY COUNCIL**  
**For Tuesday, December 11, 2012 held at 7:00 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:**

Kyle Karger (Public Works Superintendent), Bill Eckles (Police Chief), Nick Koverman (City Administrator), Cassie Leppien, and Kristine Huinker (City Accountant).

**OTHERS IN ATTENDANCE:** Cathy Groebner, Laura Berndt (St. Charles Press), Nathan Lien, Susan Lien, Collin Johnson, Barb Johnson, Travis Lange, Fred Troendle, Dr. Wayne Feyereisn, and Brandon Fitzsimmons (Flaherty & Hood).

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

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL of the AGENDA: Deleting of items 7e). School Board report. Adding: 16a: Resolution #41-2012 Accepting a Donation from St. Charles Lions; 16b 100 year Commemorative Coin-St. Charles Library; 16c. 2012-2013 SAC/WAC fees; 18 Separation and Release Agreement between the City of St. Charles and William Eckles.**

Motion to approve the agenda: **Orv Dahl**

No discussion.

Motion carried.

**4. APPROVAL of the MINUTES**

**-November 13, 2012**

Motion to approve: **John Schaber**

No discussion.

Motion declared carried

**-November 27, 2012**

Motion to approve: **Wayne Getz**

No discussion.

Motion declared carried

**5. APPROVAL of the December PAYABLES**

Motion to approve payables: **Orv Dahl**

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

**7. Reports of Boards and Committees:** Discussion of reports and boards.

**8. Receipt of Initiative Petition.** Admin. Koverman read a statement provided by the City's attorney. To summarize, because the city's Home Rule Charter is preempted by the state's Planning Statute, no initiative or petition for referendum can be held. Given the number of signatures which was approximately 906 or 49.5% percent

of the number of voters in the last municipal election, it was recommended to address the petition at a later Council meeting to discuss the options with legal counsel present. No action was taken.

**9. Truth In Taxation.** Kristine Huinker provided the Truth In Taxation presentation and outlined the sources and uses of the various revenues and expenditure pieces. The proposed tax levy is at 4.69 percent.

**10. 2013-2014 LELS Contract.** Admin. Koverman highlighted the two union negotiations between the LELS and the IBEW. In discussions with LELS, the move around the state by many communities was the return of a multi-year contracts. The request to the city was a 3 percent raise; however, after discussions with the LELS they accepted a 1 percent January, 1 percent July or effectively a 1.5% increase for both 2013-2014. There were no language change requests. A motion was made to approve the recommended 2-year contract.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried. 4-1

Motion (nay): **Dave Braun**

**11. 2013-2014 IBEW Contract.** Admin. Koverman highlighted the same information to the Council with respect to the IBEW contract. No additional language requests were made. IBEW representatives were also requesting a 3 percent, but after discussions with the City's negotiating committee, were grateful for the proposal. It was recommended to approve the two contract with the proposed 1 percent January, 1 percent July effective for both years.

Motion to approve: **John Schaber**

No further discussion.

Motion carried. 4-1

Motion (nay): **Dave Braun**

**12. Ordinance #558 Amending Sewer Rates 2<sup>nd</sup> Reading.** No questions were held for the second reading that presented a 6 percent sewer increase.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

**13. Ordinance #559 Amending Water Rates 2<sup>nd</sup> Reading.** Discussion was held by the Council regarding the base rates and how to effectively serve the customer. Admin. Koverman reminded Council about the programs that do exist for customers and how many are using them. He relayed how at this time there was no recommendation for electrical rates, but that the rate study would be brought to the Council in January for review. He again relayed that Council should forward concerns or requests for help to the City staff to be able to help residents. A motion to approve Ordinance #559 2<sup>nd</sup> reading was made for a 3 percent raise.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried. 4-1

Motion (nay): **Dave Braun**

**14. Resolution #40-2012 Establishing the 2013 Budget.** Mayor Spitzer asked if there were any questions, comments or concerns on the proposed 2013 budget. Hearing none, he called for a motion. A motion was made to approve Resolution #40-2012 Establishing the 2013 Budget.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

**15. Resolution #39-2012 Approving Final 2012 Tax Levy Collectible in 2013.** Mayor Spitzer asked if there were any questions, comments, concerns and that everyone understood the resolution. He called for a motion. A motion was made to approve Resolution #39-2012 Approving the Final Tax Levy Collectible in 2013.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

**16. Winter Parking Exemption.** Two winter parking exemptions were presented for Wabasha Avenue. A brief discussion was held on a Wabasha Avenue.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

**16a. Resolution #41-2012 Accepting a Donation from the St. Charles Lions.** Mayor Spitzer discussed the donation that was made to the city for the upcoming Library Centennial celebration. He had approached the Lions about an idea to create a commemorative coin and the Lion's donation of \$350 would help cover a portion of the costs. Mayor Spitzer was looking for a motion to approve the use of council's advertising budget for the remaining costs. Clm. Braun motioned to approve Resolution #41-2012 Accepting the Donation from the Lions.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

**16b. 100 year Commemorative Coin-St. Charles Library.** The council understood the discussion of the coin in relation to the centennial celebration and the consensus was to utilize the money from the advertising budget from the council. A motion to approve the commemorative coin was made.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

**16c. 2012-2013 SAC/WAC fees.** Admin. Koverman highlighted a discussion held by the EDA to retroactively reimburse the 2012 SAC/WAC fee which would account for \$1,500 for one new home building permit in 2012. The motion would also encompass moving forward with 2013 fees for residential fees only. A motion was made to approve the reimbursement of 2012 fees and waiving 2013 residential SAC/WAC fees.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

Mayor Spitzer discussed that the Library would be closed all day Monday, December 24<sup>th</sup> and the request was made with respect to City Hall being closed the full day. Historically City Hall has been closed the afternoon of Christmas Eve. Clm. Schaber expressed that his agency was closing the full two days and Clm. Braun concurred. A motion was made to close the full day December 24<sup>th</sup>.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

#### **Unscheduled Public Appearances**

Travis Lange addressed the Council with respect to the initiative petition and relayed the number of volunteers and time that was spent going door-to-door. They also offered if there was anything else that the council would like to see that they would be glad to take part. Council thanked Mr. Lange for his and the committee's time and energy.

No other public appearances were made.

**17. Closed Meeting-Performance Evaluation.** Mayor Spitzer read a statement that pursuant to Minn. Stat. 13D.05 subd. 3(a) a closed meeting would be held for the performance evaluation of Police Chief Bill Eckles. A motion to close the meeting was made.

Motion to close at 8:04 p.m.: **John Schaber**

Seconded by: **Wayne Getz**

Motion carried.

This portion of the meeting was electronically recorded.

Councilmen Getz, Dahl, Schaber, Braun and Mayor Spitzer were present. Nick Koverman, Brandon Fitzsimmons (Flaherty & Hood) and Bill Eckles were also present.

The agenda item was discussed.

Bill Eckles left the meeting.

Reopening meeting (The following are statements by Mayor Spitzer):

Following a closed meeting for evaluation of performance of a City employee pursuant to Minnesota Statutes, section 13D.05, subdivision 3(a), the City Council meeting is now open. The time is 8:46 p.m.

Pursuant to Minnesota Statutes, section 13D.05, subd. 3(a), the City Council is required to summarize its conclusions regarding the evaluation of William Eckles. Here are the conclusions:

- On December 11, 2012 the City Council held a closed meeting to evaluate the performance of William Eckles, Police Chief.
- Mr. Eckles did not request that such meeting be open to the public. As a result, the evaluation of Mr. Eckles' performance took place in a closed meeting as required by the Minnesota Open Meeting Law.
- I will now provide a summary of the conclusions reached by the City Council from the December 11 evaluation:
  - Mr. Eckles' had some ability and performance issues as Police Chief. Because of these issues, the City Council believed that Mr. Eckles was not the right fit to continue in the position as Police Chief to lead and manage the St. Charles Police Department.
  - As a result, Mr. Eckles and the City Council have now reached a consensus that Mr. Eckles separate from employment pursuant to the Separation Agreement with Mr. Eckles that the City Council will consider.
- On behalf of the City Council, I wish to thank Mr. Eckles for his service to the City and wish Mr. Eckles the best of luck in all his future endeavors.

**18. Separation and Release Agreement between City of St. Charles and William Eckles.** Mayor Spitzer stated that he would now entertain a motion to approve the Separation and Release Agreement between the City of St. Charles and William Eckles.

Motion to approve: **Orv Dahl**

Seconded by: **John Schaber**

No further discussion.

Motion carried.

Mayor Spitzer then asked Admin. Koverman if he had a recommendation for Interim Police Chief. Admin. Koverman relayed that he had learned through the Minnesota Post Board that an Interim Chief was required to be named. He recommended Chris Lennon on an Interim basis for 20 hours a week. The Council concurred with the recommendation until such time that the Council could make a determination as to what direction it wanted to move for the replacement of the Chief of Police. A motion was made to appoint Chris Lennon as Interim Chief for 20 hours a week.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

Mayor Spitzer added that he would like Admin. Koverman to send out a letter to the Winona County Attorney's office, Winona County Sheriff, and Olmsted County Sheriff within 8 hours to notify those agencies of the change.

Motion to adjourn at: 8:51 p.m.

Motion to approve: **Wayne Getz**

No further discussion.  
Motion declared carried.

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**William J. Spitzer, Mayor**

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