

MINUTES of the ST. CHARLES CITY COUNCIL
For Tuesday, November 12, 2013 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:

Robert Scott (Flaherty & Hood), Ken Frank (Police Chief) and Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: Cathy Groebner, David Parkhurst, and Craig Hilmer (St. Charles Press).

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:

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

4. MEETING MINUTES

-October 8, 2013

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

-October 22, 2013

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

5. November Payables. A question was asked by Clm. Getz with respect to a purchase. Admin. Koverman would provide the Council with an answer following the meeting.

6. Notices and Communications. None.

7. Reports of Boards and Committees: Various reports from boards and commissions were provided.

8. Ordinance #564 Zoning and Map Amendment (943 Wabasha Avenue). Mayor Spitzer began the discussion for proposed Zoning and Map Amendment for 943 Wabasha Avenue for the proposed three lots from I-1 to an R-3. Mayor Spitzer read the Findings and Conclusions aloud for the council.

FINDINGS AND CONCLUSIONS

WHEREAS, the Planning Commission after review, made a favorable recommendation to the St. Charles City Council for a rezone designation from an I-1 (Light Industry District) to an R-3 (Mixed Use Residential) for property owned by Stephen T. Conlin at 943 Wabasha Avenue (Parcels: 29.045.0290, 29.045.0280, and 29.045.0270); and

WHEREAS, notice of this public hearing before the St. Charles Planning Commission of the City of St. Charles, Minnesota, was duly noticed pursuant to City Code §152.47; and

NOW, THEREFORE, the St. Charles Planning and Zoning Commission, based upon the evidence presented at said hearing, make the following:

FINDINGS

1. That the property at issue (Subject Property) located at 943 Wabasha Avenue in the City of St. Charles, Minnesota, is approximately 38,595 sq. ft. in area, and is legally shown and described in Exhibit A which is attached hereto and incorporated herein by reference.
2. That the Subject Property is owned by Stephen T. Conlin and is currently zoned I-1 (Light Industry) and the Planning Commission has recommended rezoning the property to R-3 (Mixed Use Residential).
3. Given the year and a half history of the use of the current facility as a cosmetology salon that directly abuts both the I-1 (Light Industry District) and R-1 (Single Family Residential), and the proposed amendment would neither arbitrarily nor negatively impact the neighborhood.
4. The proposed and current use of a cosmetology salon as stated by the owner is defined as permitted within the R-3 either through a Home Occupation Permit or as a Conditional Use.
5. The proposed plan and use would not negatively impact property values.
6. The proposed plan does not constitute spot zoning.
7. Potential future development would more closely resemble the adjacent R-1 (Single Family Residential) District in terms of height, setbacks and internal site design.
8. The current infrastructure would complement the future R-3 zoning designation.
9. The proposed rezoning is consistent with the districts that are contiguous to the area proposed to be rezoned.
10. The proposed rezoning is both reasonable and consistent with the City's comprehensive plan.

Mayor Spitzer asked if the Council had any questions regarding the proposed rezone and the memo outlining the discussion and all affirmed their understanding of the amendment. He asked if the Council had any additional findings for the record, hearing none, he asked for any other discussion. A motion was made to approve the recommendation forwarded by the Planning & Zoning as well as the Findings and Conclusions as read.

Motion to approve: **Orv Dahl**

Seconded by: **Dave Braun**

Motion carried.

A motion was made to accept the first reading of Ordinance #564: **John Schaber**

No further discussion.

Motion carried.

9. Public Hearing-Public Nuisance 1400 Wabasha Avenue.

A motion to open the public hearing at 1400 Wabasha Avenue at 7:22 p.m.: Wayne Getz

No further discussion.

Motion carried.

Mayor Spitzer called for anyone to comment with respect to the public nuisance cited at 1400 Wabasha Avenue. He called three times with no one coming forward to speak. After the third call, Mayor Spitzer called for a motion to close the public hearing at 7:23 p.m.

Motion to close: **John Schaber**

Seconded by: **Orv Dahl**

Motion carried.

10. Approve Assessment Agreement/Findings/Conclusions and Order. Admin. Koverman highlighted for the Council the discussion with the representative (Dave Parkhurst) on behalf of Tom Bartram. Admin. Koverman

highlighted the various avenues he exhausted in looking for resources or support for the owner with no luck. He also shared the avenues that Mr. Parkhurst had attempted and been denied. Koverman then read the Findings and Conclusions and Order with respect to the ongoing broken sewer line and public nuisance.

WHEREAS, notice pursuant to St. Charles City Code Section 90.23, of the public hearing before the City Council of the City of St. Charles, Minnesota, was duly given to Thomas A. Bartram, property owner(s) of record of 1400 Wabasha Avenue, by mail service on November 8, 2013; and

WHEREAS, pursuant to St. Charles City Code Section 90.23(B)(3), subd. 2, a public hearing was held on November 12, 2013, before the St. Charles City Council to consider the alleged nuisance conditions present on the property of 1400 Wabasha Avenue.

NOW, THEREFORE, the St. Charles City Council, based upon the record and evidence presented at said hearing, makes the following:

FINDINGS

1. That a sewer pipe extending from the house to the City's sewer main is and has been broken and potentially leaking into the groundwater causing potential contamination of the groundwater supply at 1400 Wabasha Avenue.
2. That the ongoing break at 1400 Wabasha Avenue has the potential to adversely affect the health and safety of the public as outlined in the following:
 - a. 90.15 Public Nuisance (A) Maintains or permits a condition which unreasonably annoys, injures, or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public;
 - b. 90.16, Public Nuisances Affecting Health (G) The pollution of any public well or cistern, stream or lake, canal or body of water by sewage, industrial waste or other substances;
 - c. 90.18 Public Nuisances Affecting Peace and Safety (O) Waste water cast upon or permitted to flow upon streets or other public properties.
3. That estimates are attached hereto demonstrating the repair work necessary.
4. A Notice of Adverse Action demonstrating the denial to secure financing and complete the project on his own.

In working with Mr. Parkhurst on behalf of Mr. Bartram, he agreed with the nuisance order and appreciated the help provided. Admin. Koverman outlined the reasoning's why he felt the issue was a public nuisance and why he elected to have the city abate the nuisance. He listed the ongoing seepage of the sewer and potential health affects into the public ground water and weather as reasons to immediately abate the nuisance. He had been in contact with several contractors and received assistances and assurances that the project could be completed at the estimated not to exceed \$5,200. Admin. Koverman discussed with the Council prior directives to aid residents through city employee assistance, if possible, to reduce overall costs. An agreement was also provided to Mr. Bartram that he had signed and notarized, waiving his right to appeal and allowing the city to conduct the work necessary. A motion was made to approve the Findings and Conclusions as outlined as well as the agreement.

Motion to approve: **John Schaber**

Seconded by: **Wayne Getz**

No further discussion.

Motion carried.

11. 2014 Payloader. Administrator Koverman highlighted the various factors with respect to the proposed 1999 Loader replacement.

-The 2014 Capital Improvement Plan has scheduled the Case Loader replacement. The current total price with the 1999 Case Loader trade-in (\$41,992.72) with the current State Contract Price would be a replacement cost of

\$87,198.28 (\$5,813/year/15 years). Historically, large equipment pieces held a replacement schedule of 10 years, which was then increased to 15 years in 2008.

The current 2013 State Bid Price is locked in until December 31, 2013. Order must be made in December to avoid projected 6-10 (\$12,919) percent increase.

-If ordered in December, delivery will be in 2014 with no sales tax on the loader.

-Loader is used by all departments' including-electric, water, sewer, street, park and recreation.

-In 2008, \$25,000 was spent to rebuild the transmission, which is again showing signs of slipping and shifting poorly. Additional maintenance issues of front end pins and bushings have been reported by Marti, which he has determined will need replacing. The articulating bushing is also close to needing replaced. Bucket issues have been noted by employees and are a safety issue.

-The 2014 Capital Improvement Plan has scheduled the replacement for \$120,000, which with the current replacement value will bring the price to \$87,198.28.

-The Case Loader will offer better safety options such as ride stabilizer/control. The additional features include quick attachment for forks, plow blade, brush forks, etc. that add greater versatility in usage.

He also provided schedules from various communities showing varying terms of length for their loaders, which ranged from 5 years-20 years. Clm. Dahl cited the trade-in value, the planned/scheduled capital improvement schedule, and the fear of backing up items that may break down if we don't keep up in addition to the minimal cost per year if kept 15 years as reasons for trading. With potential repairs on the horizon and past money put into the machine, he added he did not want to continue to fix a machine that wasn't worth it. Clm. Getz added that he agreed with the capital improvement schedule. Clm. Braun questioned the expense for the use it receives. Clm. Braun expressed that if the replacement schedule was moved to 20 years as an option that it would reduce that yearly cost. The idea of leasing was discussed as well as what other used pieces of equipment in the 2-5 year range would be. Clm. Schaber expressed that he liked the potential savings the city would receive by ordering in 2013 if it remains in the capital improvement equipment. The pros of the technology advances were discussed as reasons to move to a new unit. Mayor Spitzer expressed that he was in favor of replacing the unit because of the factors discussed, but that he wasn't opposed to relooking at the replacement schedule of that unit. Clm. Getz questioned the prices of used units and Clm. Schaber agreed that he would be interested to see those numbers, as well as lease options. A motion was made to research used units no older than 5 years as well as lease options and their affordability.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

12. Winter Parking Exemptions. Admin. Koverman presented two residents names for annual parking exemptions. A motion was made to approve the exemptions.

Motion to approve: John Schaber

No further discussion.

Motion carried.

13.2014 CEDA Contract. Admin. Koverman highlighted the contract from Community Economic Development Associates that reflected a 2 percent increase. The Economic Development Authority recommended approving the contract with CEDA. A motion was made to approve the 2014 contract.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

14. Resolution #21-2013 2014 Gas Bids. Admin. Koverman reviewed the bids citing that Kwik Trip was the unleaded bid winner and Greenway Co-op was the diesel bid. A motion to approve the resolution was made.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

15. Health Insurance Renewal Update. Admin. Koverman relayed that after receiving the health insurance renewal rates, that Bill Singer of A.T. Group expressed his apologies for an early estimate of a 5 percent increase as rates reflected a 19 percent increase. He offered that several factors including the Affordable Care Act, and uncertainty in

the marketplace. Concerns over how the HSA deductible would be covered with a December 1 renewal versus a January 1 renewal was also discussed. HealthPartners elected to extend the deductible year until November 30, 2014.

UNSCHEDULED PUBLIC APPEARANCES

None

Motion to adjourn at 7:57 p.m.: **John Schaber**

No further discussion.

Motion declared carried.

William J. Spitzer, Mayor

Attest: _____
Nick Koverman, City Administrator