

MINUTES of the ST. CHARLES CITY COUNCIL
For Tuesday, November 12, 2014 held at 6:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota

MEMBERS PRESENT:

Councilmen:

John Schaber

Orv Dahl (absent)

Wayne Getz

Bill Spitzer

Dave Braun

STAFF PRESENT:

Ken Frank (Chief of Police) Lyle Peterson (Fire Chief), Jeff Hardtke (Ambulance Director), Kristine Huinker (City Accountant), and Nick Koverman (City Administrator).

OTHERS IN ATTENDANCE: Mike Bubany (David Drown & Associates), David Kramer, and Craig Hilmer (St. Charles Press).

1. ESTABLISH QUORUM/CALL TO ORDER

Quorum was established with Mayor Bill Spitzer calling the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL of the AGENDA:

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

No Discussion.

Motion carried.

4. MEETING MINUTES:

-October 14, 2014

Motion to approve: **Wayne Getz**

Motion carried.

-October 28, 2014

Motion to approve: **John Schaber**

No discussion.

Motion carried.

5. APPROVAL of the NOVEMBER PAYABLES: Motion to approve payables: **Dave Braun**

6. Notices and Communications. None.

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

8.Resolution #40-2014 Canvassing Municipal Election. Mayor Spitzer introduced the resolution and officially congratulated Mayor-elect John Schaber and Councilman Braun and Council-elect David Kramer. A motion was made to accept the resolution.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

Mayor Spitzer opened the discussion up with regard to the open seat created by the election of Clm. Schaber. Clm. Schaber expressed that a similar instance was taking place at the school board level and that it was discussed as far as taking the next highest receiver of votes or even looking back at past council members for their experience. Clm.

Schaber asked if Clm. Getz would be interested in serving the remainder of his term. Clm. Getz stated that it would be his honor if that was the will of the Council. Hearing support from his fellow Councilmen it was the concensus that Clm. Getz would be appointed to the vacant position due to his experience and working knowledge of the Council and projects. Admin. Koverman will present a resolution that will declare vacancy and the appointment of Clm. Getz at the next meeting.

9. Resolution #44-2014 Canvassing Return of Election (Referendum). The election results were briefly reviewed that demonstrated the 662 votes cast in favor versus the 589 votes cast against for the proposed \$2.3 million referendum. Mike Bubany of David Drown & Associates expressed that the City would initiate the financial steps when the City needed money but to do so early would pay unnecessary interest. He envisions a competitive sale of the bonds and expressed that a recent 30-year rate received was at 3.6 percent and noted that because of the city's better rating and lower term, the city should expect to see a lower interest rate. It was then discussed by Admin. Koverman as an option to bring the building committee back together to discuss a process/timeline. The Council agreed and it was hoped that a meeting could be established within 2 weeks. A motion was made to approve the resolution as presented.

Motion to approve: **Dave Braun**

Seconded: **John Schaber**

No further discussion.

Motion carried.

10. Fire Department Bylaws. Fire Chief Lyle Peterson addressed the Council highlighting the area of changes in the staggered terms of the officers. The Council expressed that the proposed changes made sense. Admin. Koverman added that in discussing the bylaws with legal counsel that adding language to the effect that the Council would appoint the position of Fire Chief was in the City's best interest. He also expressed that several pieces of the personnel matters should not be in the bylaws but rather the city's personnel handbook. Instead, how the department operates would be more appropriate in a Standard Operating Procedure (SOP) manual, which the fire department has started. The city attorney recommended tabling any motion until the personnel pieces could be removed and incorporated into the City's personnel handbook rather than in the City Code. Clm. Schaber expressed that he understood the reasoning, but felt that the requested changes of the bylaws could simply be added into the SOPs at a later date. A motion was made to accept the changes as presented and task the city to standardize the personnel handbook and convert the SOPs at the same time in working with the city attorney.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

11. 2015 Preliminary Enterprise Budget. Mike Bubany of David Drown & Associates presented information to the Council highlighting that water and sewer debt payments were reduced substantially or eliminated thereby creating the ability for the Council to propose no increase to those funds. He noted this would not be a recurring event, but that for this year the funds looked stable enough without the increase even in light of the sanitary district still implementing a 5 percent increase. He did however recommend an .82 cent increase in storm water fees for residential in order to keep up with projected projects. He called for the possibility of an interfund loan if a larger project needed immediate attention until cash reserves could be utilized. He recommended keeping the final levy as the preliminary levy amount of 2.65 percent or just over \$22,023. He commended the Council for continuing to implement the 3 percent annual increase to Fund 25 the Capital Improvement Fund and stated that at some point the fund will generate a savings revenue, but that would only be until the city decided how to utilize those moneys. The Council thanked Mr. Bubany for his time.

12. Contract for Winona County Shooting Range. Police Chief Ken Frank presented a proposed contract for service for utilization of the Winona County Firing Range for \$600 annually for 6 years. Chief Frank cited the safety and ability for better instruction through the use of the facility. Clm. Schaber expressed that because it was more conducive to training he would support the agreement. A motion was made to approve the contract with Winona County as presented.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

13. Dangerous Dog Ordinance Amendments. Chief Frank reviewed the changes to the Dangerous Dog Ordinance and additional language recommended. He highlighted how the language had been more aligned with state statute by the city attorney, but then offered how the city's proposed ordinance exceeded the state statute with respect to the potentially dangerous dog designation, the proposed requirements for a proper enclosure, micro-chipping, and a \$50,000 surety bond. In addition, the proposed ordinance discussed limiting the number of total animals and maximum amount of dogs permitted before requiring a multiple pet permit. Some discussion was held with respect to whether the language restricted the total number of dogs to three or whether through the multiple pet permit process that number allowed could be exceeded. In addition, discussion was held with respect to providing special provisions for certified or licensed breeders. Staff was directed to seek clarification and propose additional language.

14. ATV Ordinance Amendments. Chief Frank highlighted the various amendments to the ATV ordinance that would allow ATVs more flexibility to utilize city streets. He began to identify the definition section that calls out various types of alternative vehicles that are utilized. He reviewed the various changes as well as called out the use of a multi-year permit/sticker and the proposed \$25 fee. Other provisions of safety use were also added as language to the ordinance. Mayor Spitzer asked about the location of the sticker on the ATV and if language should be added. Various suggestions of putting it on the slow moving sign or on the front quarter panel were offered.

15. Urban Deer Population. Chief Frank discussed the Public Safety Committee's discussion of the urban deer population issue. The committee talked about various options available from prohibiting the feeding of deer to deer hunting on public lands. As the committee discussed the potential options for a hunt, the committee did not like the idea allowing this type of activity in city limits, but reviewed the lands potentially open and did not see those areas as having an impact. Chief Frank relayed that education of the effects of feeding within a community was more accepted. He relayed that the committee was not in favor with an ordinance prohibiting feeding as they felt enforcement would be difficult. Mayor Spitzer agreed that education would be a good first step. No further discussion was held.

16. 2015 CEDA Contract. Admin. Koverman reviewed the 2015 Community and Economic Development Contract for service in the amount of \$32,460 which is an increase of 3 percent from the previous year. The contract time is for 6 days a month, but Mr. Gastner is in the office 12 days a month as he flexes his time with the City receiving the benefit. No further discussion was held. A motion was made to accept the 2015 contract with CEDA.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

17. Commercial Rehab Request 09-14. A project proposal was received by Big Gain/Ag Specialist for remodeling at their current location which will include handicap accessible ramp, exterior doors/windows, reconstructing/resurfacing walls. The total project exceeded \$20,000 and a request of the \$10,000 was made from the Rehabilitation Loan program dollars. A motion to approve request 09-14 was made.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

18. Resolution #41-2014 Approving Liquor Licenses. The list was briefly reviewed and a motion was made to approve the resolution.

Motion to approve: **Wayne Getz**

No further discussion.

Motion carried.

19. Resolution #42-2014 Approving Cigarette Licenses. The list was briefly reviewed and a motion was made to approve the resolution.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

20. Resolution #43-2014 Approving Gas and Diesel Bids. The bids were received and tallied and the resolution approved Kwik Trip, Inc. as the provider of unleaded fuel and CHS Rochester for the diesel. A motion to approve the resolution was made.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

21. Library Board Resignation. The letter from Pat Mohs was reviewed and the Council thanked her for her service to the Library Board. A motion to accept the resignation letter was made.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

UNSCHEDULED PUBLIC APPEARANCES:

Motion to adjourn at 7:26 p.m.

Motion to approve: **John Schaber**

Motion declared carried.

William J. Spitzer, Mayor

Attest: _____
Nick Koverman, City Administrator