

MINUTES of the ST. CHARLES CITY COUNCIL
For Tuesday, September 23, 2014 held at 6:00 p.m. at
830 Whitewater Avenue
St. Charles, Minnesota

MEMBERS PRESENT:

Councilmen:
John Schaber
Dave Braun
Orv Dahl
Wayne Getz (absent)
Mayor Bill Spitzer

STAFF PRESENT:

Nick Koverman (City Administrator) and Nate Anderson (WHKS Engineering), Ken Frank (Chief of Police).

OTHERS IN ATTENDANCE: David Kramer, Skip Fort, Cathy Groebner, and Dan White.

1. ESTABLISH QUORUM/CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL of the AGENDA: Add: 18). ECI Request, 19). Special Council Meeting-September 29, 2014

Motion to approve the agenda: **Dave Braun**

No discussion.

Motion carried.

4. Notices and Communications. None

5. Review of Financials. No discussion.

6. Public Hearing-Proposed Utility Special Assessment.

Motion to open the public hearing at 6:01 p.m.: **John Schaber**

No further discussion.

Motion carried.

Administrator Koverman explained that this is generally the time that outstanding utility accounts are rectified and/or put on the County Assessor's tax rolls. With this hearing, the council was only considering one utility in the amount of \$443.64. Mayor Spitzer called once, twice, three times for anyone to come and speak on behalf of the delinquent account. Hearing none, he called for a motion to close the public hearing at 6:04 p.m.

Motion to close the public hearing at 6:04 p.m.: **Orv Dahl**

No further discussion.

Motion carried.

7. Resolution #32-2014 Approving Utility Special Assessment.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

8. Public Hearing-Vacation of Drainage Easement (Whitewater Industrial Park 2nd).

Motion to open the public hearing at 6:06 p.m.: **Dave Braun**

No further discussion.

Motion carried.

Admin. Koverman discussed the 5' public drainage easement that existed on both the north and south property line of the property owned by OMNI Holdings and NRB Metals. As part of the title opinion, it was requested that

they city vacate the drainage easement that separated the two properties. The owner was in favor of the vacation and all water issues had addressed through the construction/design process. Mayor Spitzer called for comment once, twice, three times. Hearing none, he called for a motion to close the hearing at 6:07 p.m.

Motion to close the public hearing: **John Schaber**

No further discussion.

Motion carried.

9. Ordinance #570 Vacating Drainage Easement (Whitewater Industrial 2nd). The first reading was conducted.

A motion to approve the first reading was made.

Motion to approve: John Schaber

No further discussion.

Motion carried.

10. Dangerous Dog Ordinance. Police Chief Ken Frank highlighted recent incidents of dog attacks that ranged from classifications of potentially dangerous dogs to in fact citing a dog as a dangerous dog. He explained that over his 14 months as the Chief of Police that he has had several issues, but was reviewing what the accepted or norm was for the community. In reviewing the ordinance he has noted several issues and limitations to the enforcement of dangerous dogs. He identified one of the issues with respect to classification of a potentially dangerous dog as effectively not having any teeth to the ordinance. A clear definition of what a proper enclosure is also troubles the Chief Frank. He questioned what is a suitable age to control a dog. He even asked about the possibility of restricting the number of animals. He explained that he felt now was the time to educate the public on current leash laws, provide more patrolling of this issue by officers, alert people of the availability of a dog park, review and amend the ordinance of 1997, and look at when the city can and cannot remove a dog. Mayor Spitzer briefly highlighted the dangerous dog state statute and explained how he felt it was very restrictive and cautioned the Council on how many dogs would be labeled as a dangerous dog. Chief Frank highlighted again recent issues of dogs breaking off leashes and various offenses that he felt jeopardized public safety and the need to be restrictive. Clm. Dahl expressed his concerns if dogs are biting people. Clm. Braun expressed his concern of mislabeling dogs if being provoked and on private property. Mayor Spitzer asked Chief Frank if he could bring back proposed suggested changes to the ordinance. Clm. Schaber agreed to clean up the language and finding a middle ground. Pastor Heather Klason then addressed the Council and recounted her recent involvement following her own dog attack incident. She expressed that she also felt the police department was handicapped with how the ordinance read. She expressed her concern that she no longer feels safe to walk the streets. Her goal is to help provide assurances for the future so that similar incidents don't affect other community members. Mayor Spitzer asked about possible statistics to show the number of warnings issued. With the addition of LETG, Chief Frank explained that this will now be more easily accessible and that he would work to bring numbers back. The issue of a fee schedule was also discussed briefly. The question of issuing administrative citations was asked. Much of the process is in place, but with the switch over to e-citations it was delayed until that could be sorted out. Skip Fort commented on dogs located next to one of his properties. A brief discussion was held with respect to boarding fees. Mayor Spitzer then finalized the discussion that Chief Frank would come back to the Council with some proposed changes.

11. Fort Culvert Project. Admin. Koverman highlighted a letter that was received from Skip Fort regarding the Council's proposed resolution to the drainage issue located at his property. It requested that any decision be postponed until the first of the year, but that in the spring of the year the emergency ditch on the west side be reopened in case of flooding. Clm. Schaber expressed that he had spoken with Mr. Fort and confirmed with him what it was in fact he was requesting. Mr. Fort restated that it was the tail of the west end of what was the overflow channel that he wanted to be reopened. Clm. Schaber expressed that if it was not on the city's property that the temporary construction easement would be required. Mr. Fort then expressed that he might be able to do the work with his own equipment. Mayor Spitzer then reviewed the funds that have been expended to date regarding the issue. In total, the fees associated with the issue totaled \$11,170. He stated the fact that it was requested to fix the problem and now after spending \$11,170 that the Council not fix the problem and postpone. Mayor Spitzer questioned the Council on the liability issue of not doing anything. He then questioned what happens after the first of the year and would the Council use the information already gathered as a potential solution or expend additional funds. Clm. Schaber expressed that he did not feel the costs would be incurred again, but does not believe they are recoverable either. He also felt that it was expressed by legal counsel that it would not be a liability to the city if the owner has elected to postpone the project. A motion was made to accept that the owner does not wish to do anything

at this time and that the city revisits the issue in the spring and do our due diligence not to spend any more money than we need to spend.

Motion to approve: **John Schaber**

No further discussion.

Mayor Spitzer voted against stating he believes the Council should fix the problem.

Motion carried 3-1.

12. Resolution #35-2014 Wellhead Protection Plan Part 2. Nathan Anderson of WHKS addressed the Council stating that the full plan was presented for questions/approval. He highlighted various areas that outlined the City's commitment to the plan and steps to be taken. No questions were asked. A motion to accept resolution #35-2014 was made.

Motion to approve: **Dave Braun**

No further discussion.

Motion carried.

13. Resolution #34-2014 Supporting an Application to DNR Legacy Grant. Admin. Koverman updated the Council regarding the status of the 2008 FRTP grant. DNR staff had contacted the City to request a letter to withdraw from the grant as a sufficient timeline did not exist to complete the grant contract and construction. Koverman relayed that he had worked with engineering staff and DNR representatives to determine the next best course of action and their support. It was suggested to apply for the DNR's Legacy Trail Grant. They would provide letters of support, but no guarantee of success could be given. It was made clear, Koverman reiterated, that the timeline for an October 1 completion date was not feasible according to the DNR staff. In addition, a limited window existed for the Legacy program in which this will be the last year that the DNR will control the process. It was recommended that the City make application for the Legacy program and the resolution would support that application. Clm. Dahl expressed that we have come so far and if this was the next best step he felt the City should take it. Council concurred. A motion was made to approve Resolution #34-2014.

Motion to approve: **Orv Dahl**

No further discussion.

Motion carried.

14. 2015 Budget. Admin. Koverman provided a brief update with regard to the request to Winona County regarding the EMS building funds. While the item was tabled at the County Commissioners meeting on the 9th of September, Koverman had requested a resolution on the 23rd. They would meet to discuss, but all indications with the County budget and policy was that the request would be denied. Alternatives of funding options were offered to the County Board for consideration, but it was not believed the request would move forward. Marketing of the building will move forward by the Fire Relief and Ambulance. Koverman turned the discussion to a prior budget item regarding Council salaries. In his research he found that the current salary was average. He noted that many cities utilize a meeting stipend system for additional meetings that ran outside of Council meetings that ranged from \$25-\$60. This was a point that had been discussed several years ago as a way to entice members to attend additional meetings outside of the community. However, there are many meetings such as sanitary district, EDA, Park Board, Library Board that are additional as well. The council discussed how they felt that those meetings in town were part of their regular duties and that the meeting stipend would be for meetings outside of city limits. Koverman discussed how this stipend would offset, but not totally pay for Councilman who might have to take off of work to attend a meeting. He highlighted various meetings attended by the mayor whether it be the High-speed Rail Commission, Winona County Emergency Committee, or one of the many others. It would offset time away from work and lost wages. A \$50 per diem was suggested, but after discussion the Council agreed and motioned on \$35 per meeting stipend outside of city limits. Admin. Koverman will draft an ordinance for adoption.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

15. Water Truck-Ford Replacement Program. Admin. Koverman presented an option to the City Council to enroll the City Water Truck in the Ford replacement program. The 2013 with 9,000 miles would be enrolled and would receive the same benefits of no maintenance/tire replacements, etc. that would be the benefit of annual replacement. The initial cost in order to enroll the vehicle with a 2015 would be the difference between the value of the 2013 and the 2015 which was \$1,781. The cost to continue to trade in the vehicles following the initial year

should be minimum if not zero. Clm. Schaber expressed that he thought it made sense before and for the minimal upgrade cost it made sense. Clm. Dahl agreed. A motion was made to proceed with enrolling the water truck into the Ford replacement program.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

16. SMIF Speak Out. Admin. Koverman highlighted the Southern Minnesota Initiative Foundation's Speak Out program November 15 in Red Wing, Minnesota. This partnership is where the projects for regional initiative will be discussed and considered. The asset mapping process will be used to flush out projects of regional significance.

17. Lighthouse Gods Food Program. Mayor Spitzer highlighted a request and program that was brought to his attention to package 100,000 rice meals of which 20 percent would be donated to the local food shelf. They have asked the city to help gauge interest and support. They would require 800 people or about 200 people a shift. The event would be an all-day event. Clm. Braun expressed his willingness to help as did his fellow councilmen. They talked about the end of October beginning of November as a possible timeline. Contacts would be made with the school, churches, and other groups. Council concurred with the idea.

18. ECI Request. A request was reviewed to house books in the lobby area of City Hall for children. Various language books will be offered and the program is through the partnership that the city has with the Early Childhood Initiative. A motion was made to approve the request.

Motion to approve: Dave Braun

No further discussion.

Motion carried.

19. Special Council Meeting Date. Mayor Spitzer requested possible dates for a special council meeting that was being set as part of a hearing for a dangerous dog declaration. The meeting will be September 29 at 6 p.m. Admin. Koverman explained that information for the proceeding would be provided prior to the event. A motion was made to approve the date and time of Monday, September 29 at 6 p.m.

Motion to approve: **John Schaber**

No further discussion.

Motion carried.

UNSCHEDULED PUBLIC APPEARANCES

-Marti Ellinghuysen addressed the Council and added to the snow pusher discussion that he had been using the local contractor's unit and how it saved a lot of time especially when cleaning the fairgrounds or main street.

-Dan White addressed the Council to share his support.

-Skip Fort asked about receiving a letter from the city acknowledging their agreement to postpone. It was agreed that it would be in the minutes and Mr. Fort was satisfied.

Motion to adjourn at 7:32 p.m.

Motion to approve: **John Schaber**

Motion declared carried.

John P. Schaber, Mayor Pro Tem

Attest: _____
Nick Koverman, City Administrator