

**MINUTES of the ST. CHARLES CITY COUNCIL
for Tuesday March 9, 2010 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:

Nick Koverman, Administrator
Rick Schaber, Park and Rec.
Kyle Karger, PW Superintendent
Bill Eckles, Chief of Police

OTHERS IN ATTENDANCE: Nancy Heim and Craig Hilmer.

1). ESTABLISH QUORUM/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 with the following additions:

19. Resolution #10-2010 EAID Grant

20. Library Board Appointment-Pat Mohs

Motion to approve the agenda: Wayne Getz

Seconded by: John Schaber

Motion carried.

4). APPROVAL of the MINUTES

February 9, 2010

Motion to approve: John Schaber

Seconded by: Orv Dahl

Motion declared carried

5. March Payables. Reviewed. Councilman Getz questioned the need for contracting car maintenance services. It was determined that this question and many similar ones could be brought up as the City looked at budgets for the March 23, 2010 meeting.

Motion to approve: John Schaber

Seconded by: Wayne Getz

Motion declared carried.

6. Notices and Communications. Admin. Koverman reminded the Council about the upcoming April 14 Board of Equalization hearing at 7:00 p.m.

7. Reports of Boards and Commissions. Various reports were given.

8. Resolution #06-2010. One-Day Malt Liquor License-Library Fundraiser. The Council reviewed the license for the one day fundraising event held at the library. A motion was made to approve the license.

Motion to approve: John Schaber

Seconded by: Dave Braun

Motion declared carried.

9. Resolution #07-2010 One-Day Malt Liquor License Fast pitch Tournament. It was clarified that the fundraiser was a kickball tournament and the proceeds supported a fast pitch softball team. A motion was made to approve the license.

Motion to approve: Wayne Getz

Seconded by: Orv Dahl

Motion declared carried.

10. Ordinance #535 Amending Sections of Administrative Fines and Fees. Mayor Spitzer read the Ordinance out loud. The amended fees were to correct a past ordinance that did not reflect the most current changes. A motion was made to approve the ordinance.

Motion to approve: John Schaber

Seconded by: Wayne Getz

Motion declared carried.

11. 2010 Summer Job Listing. A motion was made to approve the advertisement of the summer job listing for the Park & Rec and swimming pool. No discussion was held.

Motion to approve: Dave Braun

Seconded by: Orv Dahl

Motion declared carried.

12. 2010 Summer Brochure. A motion was made to approve the summer brochure.

Motion to approve: Orv Dahl

Seconded by: Dave Braun

Councilman Schaber asked for clarification of the brochure. Administrator Koverman stated that one of the major changes to the brochure approved by the Park Board was the additional week that the pool would be closed due to budget cuts. This closing he expressed was in the first round of cuts, but that only one week was necessary in the first budget. The second round of cuts the second week was added, but that it was not something that Winona or Rochester had not done already. To compensate for the proposed additional week the single and family membership was reduced by \$10. After clarification of those points Councilman Schaber was satisfied with the brochure.

Motion declared carried.

13. Ordinance #535 Background Investigations-Background check form. Mayor Spitzer outlined the reasoning for the new ordinance that would make it mandatory for background checks for all employees and volunteers of the city. This ordinance and background form had been reviewed by the City Attorney and approved by the Park Board over previous meetings. A motion to approve the ordinance as read was made.

Motion to approve: Wayne Getz

Seconded by: John Schaber

Motion declared carried.

14. 2010 SAC/WAC Connection Suspension. Admin. Koverman highlighted past meetings and discussions at the EDA level as well as with the Sanitary District to devise a plan to help partner with local and area builders to encourage the housing construction here in St. Charles. He had asked the Sanitary District to support a similar venture to waive their \$2,640 connection fee as an investment but to date did not receive support. In 2009, Admin. Koverman relayed that 6 new homes were built which meant \$9,000 to the SAC/WAC fees for St. Charles. As discussed the EDA had been investigating ways to help economically to stir local economy and this was one option offered. A discussion on when to enact, if to be retroactive, and even if the City should shoulder the burden of the Sanitary District fees was held. It was the consensus of the Council to waive the SAC/WAC fees for one year from Jan. 1, 2010 to December 31, 2010. Concern was held to make sure the City was given credit to the fee or how to inform the resident that the fee was being waived. It was suggested that on the bill that it show the \$1,500 fee being waived by the City. It was discussed and agreed that it would apply to R-1 single family residential dwellings. A motion was made to waive the City's SAC/WAC fee totaling \$1,500 from Jan. 1, 2010 to Dec. 31, 2010 to houses only built in an R-1 Single Family residence.

Motion to approve: Orv Dahl

Seconded by: Wayne Getz
Motion declared carried.

15. Take home car policy. Administrator Koverman presented a proposed take home car policy that after reviewing the City's policy for the police expressed that one did not exist and that it would be in the best interest of the organization to adopt a general use policy. With the help of Chief Eckles and other department heads the policy had been tweaked to work with each department. He was going to send it to the City Attorney for additional review, but wanted to see what the Council felt first. Various pieces were discussed and the primary concern was putting too many items in. Councilman Schaber expressed that perhaps a statement at the end stating, "any item not specifically allowed by this policy is disallowed." Admin. Koverman would review the policy with the City Attorney and bring it back for discussion at the next Council meeting.

16. Resolution #08-2010 Establishing Billing Procedures-Sanitary District. The Sanitary District had questioned the billing practice for a handful of residents who were accepted onto the Sanitary District line, but using their own well. Currently they were being billing a flat rate, which did not account for usage or flow. In discussions with the Sanitary District, it was the concern of both parties that leaks, nor Inflow or Infiltration could be detected and that it was not fair to the rest of the District's users to charge a low flat rate. The Sanitary District passed a resolution and asked the City to also pass a resolution for how these individuals should be billed. It was the suggestion of the administration to offset any undue burden by providing the water meter, but leaving the cost of installation to the user. This would be a savings of approximately \$260 for the meter. The council agreed that it would be fair to all residents and users to pursue this option. A motion was made to accept Resolution #08-2010.

Motion to approve: Wayne Getz
Seconded by: Dave Braun
Motion declared carried.

17. Resolution #09-2010 Amending CUP-Schlichenmeyer. Councilman Schaber discussed the amended conditions for the Conditional Use Permit for J&D Electric Golf Carts. Mayor Spitzer read the Findings of Fact recommended from the Planning & Zoning Commission. A motion was made to accept Resolution #09-2010 with the amended conditions.

Motion to approve: John Schaber
Seconded by: Orv Dahl
Motion declared carried.

1. Granting the conditional use permit is not detrimental to the health, safety, morals, comfort, convenience or welfare of the persons residing or working in the neighborhood of the use; or

2. To the public welfare or to the property or improvements in the neighborhood as required by the approval criteria as listed in Section §152.43(4); and

3. The testimony presented to the Commission supported J & D's Electric Vehicles and Golf Carts LLC development plan and that they would adhere to the standards set forth to the Commission while not adversely affecting the neighborhood in which the business will be conducted; and

4. The Planning Commission agreed that this business qualifies under the "retail sales" category as set forth in the R-3 District provisions; and

5. The proximity to a C-1 District would accommodate the business proposal.

A motion to approve the Findings of Fact as read was made:

Motion to approve: John Schaber
Seconded by: Dave Braun
Motion declared carried.

18. Recycling Fee Waiver. Councilman Braun began the conversation that was initiated during the February 9th meeting. His concern for waiving the fee for individuals was that it could open the door for

others to take the recycling over to a neighbors and split the fee, which is not the intent. Mayor Spitzer agreed that it opens the door for potential abuses. Councilman Schaber agreed, while Councilman Dahl also agreed that while initially he was in favor after the discussion he could see how it would create problems to begin making exceptions. Councilman Getz questioned the Winona County tax and Admin. Koverman discussed the various programs that residents have access to and our held in or around St. Charles. A motion was made to keep the recycling fee as is and not to allow exemptions to the fee.

Motion to approve: Dave Braun

Seconded by: Wayne Getz

Motion declared carried.

19. Resolution #10-2010 EAID Grant Submission. Admin. Koverman planned to apply for a grant that would pay 100 percent of the handicap accessible doors for the front of city hall for the upcoming voting season. An accompanying resolution was required for support of the grant. A motion was made to approve Resolution #10-2010 for participation in the grant.

Motion to approve: John Schaber

Seconded by: Orv Dahl

Motion declared carried.

20. Library Board Appointment-Pat Mohs. A motion was made to appoint Pat Mohs to the Library Board.

Motion to approve: Dave Braun

Seconded by: Wayne Getz

Motion declared carried.

Open Forum was held.

Mayor Spitzer expressed to Council to have them think about ways to save money and to think about what they value for the community.

A motion to adjourn: John Schaber

Seconded by: Orv Dahl

Motion declared carried.

William J. Spitzer, Mayor

ATTEST

Nick Koverman, Administrator