

WATERVILLE CITY COUNCIL
REGULAR COUNCIL MEETING
October 6, 2015, 7:00 P.M.

There was a regular meeting of the Waterville City Council held in Council Chambers at 7:00 p.m. on October 6, 2015.

Present: Vail, McIntyre, Wollin, Schmidtke and Mayor Mihalik

Absent: None

Also Present: Administrator/Clerk Teresa Hill, Jason Femrite of Bolton & Menk, and City Attorney Jason Moran

Also Absent: None

1. Call to Order. Mayor Mihalik called the meeting to order at 7:00 p.m., noting that all Council members were present. Also present were Teresa Hill, Administrator/Clerk, Jason Femrite of Bolton & Menk and Jason Moran, City Attorney. Pledge of Allegiance was recited.

2. Approval of Minutes – September 1, 2015 Public Hearing, September 1, 2015 Regular meeting, and September 15, 2015 special meeting. Motion by McIntyre seconded by Vail to approve the minutes of the September 1, 2015 Public Hearing, September 1, 2015 Regular meeting, and September 15, 2015 special meeting. Unanimous vote. Motion carried.

3. Approval of Agenda/Additional Items to Agenda. Motion by Schmidtke, seconded by Mihalik to approve the agenda. Unanimous vote. Motion carried.

4. Written Petitions, Requests, Etc. –

A. Resolution 2015R-038 Variance Request – Gary Myers. Gary and Sandra Myers, 2231 Goodview Road, Winona MN 55987 applied for a variance permit for (1) a rear yard setback variance of 15 allowing for a 10 ft. rear yard setback (2) impervious surface variance of 2,675.75 sq. ft. to allow for 19.518 sq. ft of impervious surface; and (3) flood fill extension regulation variance of 5 ft. allowing for 10 ft. flood fringe fill extension along the East and West sides of the proposed garage to construct a 34'x34' garage. Current zoning allows for a 25 ft rear yard setback, impervious surface no greater than 25% of the lot size and flood fringe fill must extend 15 ft. from the structure into the yard. The existing property is currently zoned R2-Medium Density Residential, Shoreland and Flood Plain. The Parcel ID is 24.495.0417; Address: 417 Lind Street; Legal Description: CIC #27 Tetonka Estates Unit 417 & Limited Common area of 1/5 interest in Common Area. Mayor Mihalik said included is a picture of an existing shed which is on the property line along with the recommendation to approve this request from Planning and Zoning and to add to the recommendation for the shed to be removed once the new structure is erected. Motion by Wollin, seconded by Vail to adopt Resolution 2015R-038 adopting findings of fact and reasons for approval for variance application for Gary and Sandra Myers, 417 Lind Street, Parcel No. 24.495.0417 described as: CIC#27 Tetonka Estates Unit 417 and limited Common Area & 1/5 interest in common area. Unanimous vote. Motion carried. Motion by Wollin, seconded by McIntyre to include removing of the shed with Resolution 2015R-038. Unanimous vote. Motion carried.

B. Resolution 2015R-039 Variance Request – Leora DeBoer. Leora DeBoer, 924 E. Palm Avenue, Burbank, CA applied for the following variances: (1) a front yard setback variance of 20 ft. allowing for a 10 ft. front yard setback; (2) an ordinary high water setback variance of 6 ft. allowing for a 69 ft. ordinary high water set back to remove existing home and construct a new home with attached garage. Current zoning allows for a 30 ft. front yard setback and a 75 ft. ordinary high water setback. The existing property is currently zoned R2-Medium Density Residential, Shoreland and Flood Plain as follows: Parcel ID #: 24.600.0280; Address: 825 Reed Street North; Legal Description: Outlots – Snows Addn that part of Outlot 1 Comm at SW Cor of Lot 1, Block 3, Snows Addn, Th W 120 Ft, N 225 Ft, W 97.1 Ft, NW 168.4 ft to beg th NW 75 ft, W 33 ft, N 19 Ft, SW 100.5 Ft to shoreline Th Se’ly along shoreline to a point then NE 114 to Beg. Mayor Mihalik advised that Planning and Zoning recommends approving this variance request. Motion by Vail, seconded by McIntyre to adopt Resolution 2015R-039 adopting findings of fact and reasons for approval for variance application for Leora DeBoer, 825 Reed Street North, Parcel Number 24.600.0280. Unanimous vote. Motion carried.

C. Trick or Treat for Food Shelf. Motion by Mihalik, seconded by McIntyre to approve the Trick or Treat for Food Shelf billing insert. Unanimous vote. Motion carried.

5. Unfinished Business

A. Public Hearing Ordinance 51.044 regulating use of sump pumps and discharge of storm water, ground water and surface water into sanitary sewer system. There were no comments.

B. Second Reading Ordinance 51.044 regulating use of sump pumps and discharge of storm water, ground water and surface water into sanitary sewer system. Motion by McIntyre, seconded by Wollin to accept the second reading of Ordinance 51.044 regulating use of sump pumps and discharge of storm water, ground water and surface water into sanitary sewer system. Unanimous vote. Motion carried.

C. Adoption of Ordinance 51.044 regulating use of sump pumps and discharge of storm water, ground water and surface water into sanitary sewer system. Motion by Mihalik, seconded by Schmidtke adopting Ordinance 51.044 regulating use of sump pumps and discharge of storm water, ground water and surface water into sanitary sewer system. Unanimous vote. Motion carried.

D. Casey’s Building Donation – Jason Moran. Mr. Moran said that he has been in contact with Casey’s almost every three or four days. Jason Femrite of Bolton & Menk has also been in contact with them. He received some communication from them yesterday that would indicate that they are going to be taking a look at it this week. It appears the hang up right now is number one Casey’s has been extremely busy and number two they are trying to sort through the legal descriptions that Bolton & Menk have drafted. Mr. Moran said he has reviewed the legal descriptions and he does not see any issues with them. Mr. Moran said he thinks it is just a matter of getting Casey’s to finalize this. Mr. Moran said he appreciates Bolton & Menk’s assistance in trying to get this matter resolved. Motion by Mihalik, seconded by McIntyre to table the Casey’s building donation to the November meeting unless we have an answer sooner, then we can move sooner. Unanimous vote. Motion carried.

E. State Building Code Public Hearing – November 5, 2015 6:00 p.m. Mr. Schmidtke inquired as to what is being done to let people know of the public hearing. Ms. Hill advised that it has been printed on the utility bills. Mr. Schmidtke inquired what about the people who do not get utility bills. Discussion held regarding who should and how people should be notified. Mr. Schmidtke said he would like to have a questionnaire regarding the state building codes of yes or no on the notification. A bulk mailing and notice to contractors will be mailed out regarding the State Building Code public hearing. Discussion held regarding the notice and date of the public hearing. Motion by Mihalik, seconded by McIntyre to set a public hearing for the State Building Code for November 5th at 6:00 p.m. Unanimous vote. Motion carried.

F. Tetonka View Street Light Request. Mayor Mihalik said there was a Citizen complaint of where the light would be located. Mayor Mihalik spoke with many of the residents in the area. There are two options that the Citizens would be okay with. Council reviewed the two options. Mayor Mihalik said he would like to give Ms. Hill direction to check with the electrical company on the placement of a street light based on the map and bring that back to Council at the November meeting. Motion by Mihalik, seconded by Schmidtke to table the Tetonka View Street light request to the November meeting. Unanimous vote. Motion carried.

G. Establishment of Ordinance No. 116 “Residential Rental Property Registration and Licensing”. Mr. Moran said when we held the public hearing he was given some areas to check into. He will do that and report to the Council at the next meeting. Mr. Schmidtke asked if the people that get inspected every year will they be exempt. Mr. Moran said we are looking into that, since they are to some extent already inspected we may exempt them out. Mr. Moran said he wants to see if that inspection that they already undergo would be the same inspection under this ordinance. Motion by Mihalik, seconded by McIntyre to table the establishment of Ordinance No. 116 “Residential Rental Property registration and licensing” to the November meeting. Unanimous vote. Motion carried.

6. Citizen Time (Comments, Information from those present) -

A. Jennifer Grobe, 409 Harmon Street, said she is wondering if the acceptance of the building donation is really a good idea. She hears a lot of citizens saying it is not a good fit for the City at some point in time because of parking issues. Also you don’t want to see it turn into another white elephant like Hilltop Terrace was where it cost the taxpayers hundreds of thousands of dollars. She realizes that that building wouldn’t cost that much but the taxpayers subsidized rent on Hilltop Terrace for many, many years because they couldn’t make payments. Accepting something like this is going to end up costing money. You are already raising the levy and stuff that it seems like it is going to be an expense that we shouldn’t have to bear. Thank you.

B. Dave Schwirtz, 450 Cedar Circle, said he would like a progress report and expected date of completion on the culvert work on Cedar Circle. It has been since the spring of 2014 when that was first a problem. Is there an expected completion date or a reason why they haven’t started it? Mayor Mihalik said that was approved in early summer or midsummer this year to proceed forward with correcting that issue. Mayor Mihalik asked if Ms. Hill has heard

anything at all from the contractor that was approved for this. Ms. Hill said that Mr. Peach had talked to the contractor and the reason why they haven't started is because of the water table so they are waiting for the water table to go down before they can proceed with any work. She has not been given a firm date. Mayor Mihalik said he understands it has been a wet summer but if you could check with the contractor to see if they have a date or plan scheduled to get that done and let the homeowner know. Mr. Schwirtz asked if he bid that not knowing there was a water table. The project at the sewer plant they must know there is a water table, they are pumping it. Mayor Mihalik said he can only imagine how wet the summer was. Ms. Cutts said he knows that. Mr. Schwirtz said when he bid it he knew it right? Mayor Mihalik said he does not know how he bid that, if he bid it based on the water table of what it normally is or what it was this summer so he doesn't have an answer to that. Mr. Swirtz said so is there an expected completion date? Mayor Mihalik said we gave Ms. Hill direction to see if we have an expectation on it. Mr. Schwirtz said when you turn out bids for projects like this is it just open ended then? Mayor Mihalik said he believes we only had one bidder for this project. Ms. Hill said two bids. Mr. Schmidtke said he would just as soon he would get on it right away. There was no completion date that was our fault. Mr. Schwirtz said one question he has is how do we set our priorities on projects? He saw a project in the last month where a City of Waterville resident's tile was plugged. Somehow or another he got word to the City workers and this was on a Friday and on Monday they were out there and they were cleaning his tile and cutting trees and trimming. He thought why do we have to wait so long what is the priority here? Mayor Mihalik asked if that was a contractor or City workers doing that. Mr. Schwirtz said the City workers were doing that. Mr. Schwirtz said we followed the City for months just to establish who's responsibility the culvert was, a City street. Mayor Mihalik said he understands his concern and frustration, he thinks the question is what is the Contractor's priorities in their list of work to get this done. Mayor Mihalik said that is what we need to find out. Mr. Schwirtz said well it is leading to more than one question. Mayor Mihalik said it is a fair question we approved this earlier this summer and it hasn't been done. He understands the water table, but let's get a project date on it. Mayor Mihalik said and for Council's consideration if we need to go back out to bid and see if there is another contractor for this that may be what we need to do. Mr. Wollin said maybe for the future we need to put a project date on everything. We made a mistake he guesses.

C. Sue Cutts, 450 Cedar Circle, said the thing is, yes it has been a wet year she understands that, but she feels he knew where this culvert was and how close it was to the lake that this could happen. We did have a dry spell in there where it could have been done and now we have had rain, after rain, after rain and if we get a lot of snow this winter and it doesn't get done yet this fall and then we have a lot of spring rains we are going to be back to square one where our yard is flooding and we are taking on water from two other culverts besides our own yard and we are going to be floating again. It has just been put off for too long. Mayor Mihalik said we certainly understand so Ms. Hill if you can find out what the project date is on that and if we can't get a project date he thinks the City needs to consider going back out to bid for this that will have a project date assigned to it.

D. **Mr. Whitehurst of ISD #2143.** Mr. Whitehurst presented Council with a power point presentation that they presented at a public meeting last evening in regards to the operating referendum. Mr. Whitehurst said there will be a special election which will occur November 3rd, 2015. The polling hours are from 7:00 a.m. to 8:00 p.m. It will be a special election so the

polling places will be the Elysian school building for the Elysian residents, Waterville school building for the Waterville and the Morrystown school building for Morrystown residents. Mr. Whitehurst said this is an operating referendum; it is not a building referendum. The funds for this are the funds that are used to keep the district operational. It will not be used for any significant upgrades or new construction. Basically it is to keep the doors open. The other portion of this that is vitally important is how it is taxed. In regards to taxation in an operating referendum the only portion that is taxed when it is in regards to Ag land is the house, the garage and one acre. Ag land is not taxed on an operating referendum. The main reason we need the referendum is because our current one will expire. We went out in 2009 for 8 years and that is expiring so we need to renew it. Our enrollment has declined and we are funded on a per pupil basis, so our funding source from the State level has not been there. State funding has not kept pace with inflation and if it doesn't pass right now we are looking at a 2016-2017 budget shortfall of about 1.4 million. The operating referendum will get us close. We are looking at two questions on the ballot. The first question is renewal of the current operating referendum which will expire at the end of this school year. The second question is for an additional \$450 per pupil. This will help us stay functional and operational with our programming and will take care of our buses and our technology needs. Cost of technology in the school has sky rocketed with things that we need to provide kids and the connectivity that we need to have associated with it? If it doesn't pass we will have to make some significant adjustments. We will also have to make some cuts. Mr. Whitehurst said he does not know how to go about cutting 1.4 million from the school budget. It would be devastating. The Board may come back with another proposal the following year. You can only vote on these once a year because it is taxes payable for the following years so it would be November 2016. Mr. Whitehurst said the bigger question we need to have is if these two questions do not pass is what do we want as a school district? Our building bonds haven't been supported, our operating referendums aren't supported, and maybe we need to start talking with some of our neighbors. Maybe we need to look at maybe some dissolution. He hates to use the word but we need to look at what direction we want to go as a school community going forward. Mr. Whitehurst went through the Education formula allowance for years 2009 through 2017. Over 8 year span the average increase in state funding to school was just a little over 1%. That coupled with our declining enrollment technically we probably went backwards every school year. Mr. Whitehurst said in 2015-16 we have enrollment of 805 students. Somewhere ten years down the line, probably 720/750 range, he figures 65 kids per grade level is where we are at. Mr. Whitehurst said one of the questions that they always have is how does our taxes as a school compare to our neighboring districts. Mr. Whitehurst showed a graph of what happens if we pass the first question that would be continuing the taxes the way that they currently are: A \$150,000 home Cleveland is the only district that paid less school taxes on that dollar amount. They paid \$348 and we are at \$429. The group average for the school districts was \$602; state average on a home of \$150,000 is \$573. The bar graph immediately below it indicates what happens if the 2nd question passes. We would move into the \$559 dollar range with a group average of \$602 and less than the state average of \$573. He believes Cleveland, Waseca, Mankato and Faribault schools are going to something with their voters this fall whether it be an operating referendum or building bond. Mr. Whitehurst provided an analysis of the tax impact. Mr. Whitehurst went through the tax impact and what it will cost people for the two questions on a \$150,000 home. The net effect for passing both questions 1 and 2 is \$130 or not quite \$11.00 a month. Agricultural property will pay taxes for the proposed referendum based only on the value of the house, garage and one acre.

Seasonal recreational residential property will pay no taxes for the proposed referendum. Mr. Whitehurst said the school's accomplishments and achievements are that in 2013 our reading scores were about 1% higher than the state average. In 2015 we were up to 12% higher. We are trending the gap between the state averages and where we are going it keeps increasing. The same is true with our math scores. These are statewide tests given every school year. In 2013 for math we were 2% higher and now we are up to 12 1/2 % higher than the state average. Mr. Whitehurst showed a graph showing the reading proficiencies and math proficiencies. WEM's coordinates are higher than any school district in the area. Out of 35 schools in south central Minnesota we have the best math and reading scores. Every year they range schools on their MCA test results. Waterville and Morristown Elementary were both rewarded as reward schools meaning they are in the top 15% in the State of Minnesota. We also have the ranking by the schooldigger.com, we are rated 4th out of 120 for Waterville elementary. These are nice accomplishments. Another program they have had in place for a number of years "positive behavior intervention and support" which is a program for kids to basically work with them on behaviors and proper conduct and approaching life and school in a positive manner. This past year the junior high was recognized as one of 36 schools in the entire state for receiving excellence in this category. Another piece that we have associated with the operating referendum is that we have been able to keep our transportation fleet up to date. That is a source of pride for the 14 years he has been here. We own our buses and we have been able to keep those current and up to date. They have been integrating technology into the classrooms. They have a serious project going with I-pads in grades K-4 and they are using chrome books grades 5-12. They have got carts in the classrooms and they also have smart boards. That has come through the funds from the operating referendum. We still have a full industrial arts program and a vocational program. It is important for a community this size and the nature of our residents that we have those intact. Most schools do not have them. We have the college now program where that means a High School Senior can earn 15 college credits without leaving the classroom from our instructors before they go to college. Those credits are transferable to the vast majority of our MNSCUE four year institutions. The kids in essence have almost a full year covered if they take all the courses before they get to college. They have a project lead the way which is an engineering program that they do which starts in the 8th grade throughout high school. They also have a performing arts program. They have full music in the elementary and full art. Most schools do not have specialists to instruct those. Mr. Whitehurst went through the polling locations and ballot questions again. Question 1 has to pass before question 2 can pass. So if someone votes no on Question 1 it is automatically passed aside. There are absentee ballots available at the district office. Mr. Whitehurst said that he believes there is a lot to be said for accountability. He tried to exemplify what they have done at the district with the dollars. Another part of that is physical stewardship and the last slide he put at the bottom is that the school district has earned the Minnesota Department of Education's prestigious school finance award 10 of the last 11 years. We are a rare school in Minnesota that has earned it that many times. Mayor Mihalik said congratulations on the school's accolades you have received and your accomplishments. Mayor Mihalik said he is encouraging voters to go out and vote.

7. New Business.

A. Street light request intersection of Maple Drive & Northshore Drive – Casey Larson. Casey Larson is requesting a street light at the intersection of Maple Drive and Northshore Drive. Mayor Mihalik said that street becomes relatively narrow and it is extremely

dark it doesn't let any of the moon or stars lights to come in. Mr. Schmidtke said we would have to get a price on this too. Mr. Wollin asked if this has been requested before. Ms. Hill said that she does not remember it ever being requested. Mayor Mihalik gave Ms. Hill direction to also check with the electrical company to get some quotes on getting a street light in that area for Council to consider for the November meeting. Motion by Mihalik, seconded by McIntyre to table the street light request for the intersection of Maple Drive and Northshore Drive to the November meeting. Unanimous vote. Motion carried.

B. Public interest in the dirt pile at the City snow lot. Mayor Mihalik said that we have had a request for the dirt. Mayor Mihalik said Ms. Hill advised that there are other materials in the black dirt and recommended that in order to save the City money on moving the dirt it should be given away on a first come, first serve basis and let the requestor know that it will be available. Ms. Vail said this isn't the black dirt that we have. Ms. Vail said she believes this dirt was brought in when we had the demolition derby years ago. Ms. Hill said it is not clean fill. Motion by Schmidtke, seconded by Wollin to approve the request and to put this for public notice. Unanimous vote. Motion carried.

C. 2016 Levy and Budget Public Discussion set for December 1, 2015 at 7:00 p.m. Motion by McIntyre, seconded by Vail to schedule the 2015 Levy and Budget Public Discussion for December 1, 2015 at 7:00 p.m. Unanimous vote. Motion carried.

D. Resolution 2015R-040 Accepting Donations. Mayor Mihalik said this resolution is for individuals and businesses that made donations towards the next City sign. Mayor Mihalik said thank you to everyone making a donation. Motion by McIntyre, seconded by Vail to adopt Resolution 2015R-040 Accepting Donations to the sign. Unanimous vote. Motion carried.

E. Reschedule November Council meeting Due to School Special Election. Motion by Mihalik, seconded by Schmidtke to reschedule the November Council meeting for November 5, 2015 at 8:00 p.m. Unanimous vote. Motion carried.

F. Unfinished Construction – Jason Moran. Mr. Moran said that Council had asked that he look into the issue of unfinished construction in town. We have some projects that have not been completed in quite a while. The issue was one was really of blight and certain situations. Some cities have passed what are commonly known as unfinished construction ordinances. Mr. Moran said what he has proposed here for consideration is a small amendment to our nuisance ordinance. Since we don't have the building code in place right now it may not be a bad idea to look at passing an unfinished construction ordinance. Basically what it would say as this one indicates that you have 12 months from the time that you begin construction to complete it or 12 months from the time that you get your building permit to complete it. Dirt can't be exposed for any longer than 12 months. It has got to be grassed, it has got to be sodded or seeded. In addition all siding must be complete within 12 months, roofing projects have to be completed within 12 months. Exterior doors, exterior windows, exterior fences, decks, sheds, exterior finish should be completed within 12 months. Mr. Moran said sometimes in cities you have individuals who begin construction and simply for whatever reason don't complete it. An ordinance like this would thwart that and would insure that projects are completed on a timely

manner. It does also state that interior construction should be completed within 12 months from the date of any permit or the date of the start of construction. All new residential home construction should be completed within 12 months along with driveways and approaches to residences. Mr. Moran said this is something for Council's consideration. Mr. Moran said this would go a long way towards eliminating any kind of blight situation that you feel is in town. Discussion held regarding the length of time that construction has to be completed by. This proposed ordinance would be in the nuisance ordinance. Mayor Mihalik said this is something that the nuisance committee can also take up in their discussion and bring a recommendation to Council.

G. American Engineering Testing – Agreement Services. Discussion regarding American Engineering agreement for services. Motion by Wollin, seconded by Mihalik to approve American Engineering Testing Agreement for Services. Unanimous vote. Motion carried.

H. City Hall Storage Clean up by Council Members. Ms. Vail requested that Council members would like to volunteer to straighten up the items in storage above City Hall. Mayor Mihalik said he would volunteer and would want to make sure that we do not have a quorum at any time while cleaning. Discussion of which areas will be cleaned up. Mr. Moran, Ms. Vail and Mr. McIntyre also volunteered. Mayor Mihalik said we would coordinate with Ms. Hill with the times of clean-up.

I. Resolution 2015R-041 Accepting AED Donation. Alliance Pipeline wishes to donate a Zoll Automated External Defibrillator to the Waterville Fire Department for use at the Baseball field. Motion by Wollin, seconded by Vail to adopt Resolution 2015R-041 accepting AED donation. Unanimous vote. Motion carried.

J. Letter of Resignation – Dan Peach from Waterville Police Department. Motion by Mihalik, seconded by McIntyre to accept the letter of resignation from Mr. Dan Peach. Unanimous vote. Motion carried.

K. Incorporation of Waterville Museum. Mr. Moran said at the last City Council meeting we discussed incorporating the Waterville Museum. Mr. Moran said he would encourage the City to progress forward with that. Mr. Wollin said Council received a letter regarding the Waterville Museum and he had informed Council before that in order to touch anything that is over in Le Sueur County we have to go through Le Sueur County because once you donate things it is property of them. Mayor Mihalik said this would be a separate entity that would seek its own donations for the Waterville Museum with or without partners. Mr. Moran said what has been donated to Le Sueur County Historical Society is theirs and we would be our own entity. We would be open to receiving our own donations. They are a completely separate entity and they do their thing and we do ours. Mr. Wollin said he wanted to address the letter. Mr. Moran said LCHS's attorney Jennifer Urban extended an invitation for the Mayor, Councilman Wollin and himself to sit down with LCHS and discuss some things potentially a partnership is the tenor of the letter. Discussion regarding the LCHS invitation. Motion by Mihalik, seconded by Vail to give Mr. Moran permission to proceed forward with incorporating Waterville Museum as a separate non-profit corporation. Unanimous vote. Motion carried.

Motion by Mihalik, seconded by Schmidtke giving direction to Mr. Mihalik and Mr. Wollin to either both or one of us based on availability to meet with Le Sueur County Historical Society to hear their suggestion on how we could potentially work together. Mr. Moran would also be present at the meeting. Unanimous vote. Motion carried.

L. Conservation Rate. Discussion held to set special meeting date to discuss the conservation rate as well as the water rate for 2016. Mayor Mihalik set a special meeting to discuss the conservation rate and water rate for 2015 for Thursday, October 29, 2015 at 6:00 p.m.

M. Pay Request #2 Wapasha Construction. Motion by Wollin, seconded by McIntyre to approve Pay Request #2 of Wapasha Construction. Unanimous vote. Motion carried.

N. Pay Request #1 GM Contracting. Mr. Femrite said this would be paying out the forcemain that they installed over the past month and everything is in order. Motion by Wollin, seconded by Vail to approve Pay Request #1 of GM Contracting. Unanimous vote. Motion carried.

8. Engineer's Report. Mr. Femrite said the wastewater treatment plant is obviously well under construction. The dewatering is all set up and they are now working on the concrete work for the aeration basin. Everything is starting to proceed. He does not know of any current issues that Council needs to be aware of. The forcemain and lift station to Kamp Dels, like he mentioned the forcemain is all fully installed and they are installing the lift station this week and will be working on the controls and control panels and sampling room and start to get that wrapped up. Mr. Femrite said they have mobilized in and are working on that. They have all the control panels ordered and all of the components for that lift station. The Cannon River rain garden they had a good meeting down there this week with the contractors and they are mobilizing back in and are starting to get that project wrapped up. Rerouting of that storm sewer you will see over the next week or two. That is progressing well.

9. Attorney's Report. Mr. Moran said nothing to report on above and beyond what has already been said. If anyone has any questions. No questions were asked.

10. Administrator's Report. Ms. Hill had nothing to report.

11. Council Discussion.

A. Mr. Schmidtke asked if there was anything on phone quotes. Ms. Hill said they went the opposite way and would be considerably higher.

B. Mr. Schmidtke said he brought up last year about the rocks at South Reed Street. He had another complaint on that. Ms. Vail said she could address that a little bit, they were not sure what projects they would be able to do after losing last summer. She would like to leave them a little bit longer to see. She doesn't think they will be doing any more of the project in the river. They could move what they would want within the park system and we would recommend at that time Council could decide what to do with the rest. We might be needing some within the parks which we can address shortly. Mr. Schmidtke said it has been a year. Ms. Vail said right,

you will have to understand that when we had the flood we lost the time during that and then when you work with grants you work with bids so we will address that. Mr. Schmidtke said he gets these complaints from citizens. Mr. Schmidtke said he will just tell them from now on it is on our long range plan. Ms. Vail said she was just explaining what had happened on that and they will address that as the Park Board. Mayor Mihalik said as far as Park Board is this something you are looking at addressing. Ms. Vail said they didn't know where they were going to come up with the bids and everything else. As we all know we lost a lot of time with that. We had hoped to do a lot of restoration in the river and that is probably not going to be happening. We will address it, she is not disagreeing at all, we will address that and she will report back to Council. Mr. Schmidtke said it is an eyesore for the people that come into town. Ms. Vail said as the dirt has been there for years also. She would agree on that so they will address that. Mr. Wollin said he had mentioned possibly putting a row of trees along there so that you can actually keep things there but you can't see them. Mr. Wollin said he doesn't know if we need to think about something like that again. Ms. Vail said at certain time of the year you can get from the county inexpensive bushes and trees. Mayor Mihalik said it does sound like a plan not to hide the rocks but to remove them. Ms. Vail said initially that was going to be a huge in-kind of our portion of the project. That was the goal of it. With the high waters and the floods and rerouting our money within the project that is where that changed. She will address it, she doesn't know much more that she can say on that. She will address it and she will get back to Council.

C. Ms. Vail said the Fire Department meetings are open to the public. She would like it if a council member or numerous council members so that there would be a quorum so that council members would be able to go down to the fire department and go to the meetings or go to the trainings. She would not want to be obviously disrupting if she went there at all it would just be a learning experience and to become more involved with that. If we could post those meetings so that if two or more Council members wanted to be there it would be okay. Mr. Moran said it is not a problem as long as you are not discussing things with the other Council members. If you are sitting there observing or listening that is not an issue. Ms. Vail said that would be her goal to be there to just be observing and listening. Mr. Moran said he wouldn't get into a whole lot of discussion with the other two Council members that are there. Mayor Mihalik said it is his understanding of open meeting is that a quorum of Council members can be at any social event or other event as long as Council discussion or discussions that could come up in front of Council is not discussed. Mr. Moran said that is right, he would just steer clear of the other two. Mayor Mihalik said the only concern he would have with that with three of us, one being on the fire department, being at the meeting is the fire department in their meeting could be discussing something that comes in front of Council. That would be his concern so he would support Ms. Vail's suggestion of posting then. Ms. Vail said how would we address that. Mr. Schmidtke said all our meetings are posted when we have our meetings. Mayor Mihalik said we just need to post that a quorum of City Council could potentially be present. He would just recommend we be safe and we just keep that posted even if a quorum is not present, just in case something is voted upon or discussed. Mr. Moran said he thinks as long as the three aren't standing next to each other talking about what is being discussed and interacting with one another. Ms. Vail said her goal would be not to disrupt the meeting at all. It would just be observing and learning. Mayor Mihalik said Ms. Vail would you recommend Mr. Moran check with the league and see how the league would feel about this especially with one Council

member being on the Fire Department. Ms. Vail said she would ask Teresa what she thinks. Ms. Hill said she would rather be on the side of caution because if residents happen to see you guys down there, there could be questions too. She doesn't see any reason why you wouldn't be able to put up a standard posting that Council could be available to observe their training sessions. They are posted out here for every third Monday of the month. Ms. Hill said the location would be down there. Ms. Hill said she thinks it just keeps it a little more open. Ms. Vail said right which would be her goal too.

D. Mayor Mihalik said he would like to make two recognitions. One is for the scarecrow contest that is currently happening here on Third Street. It is awesome to see the community involvement and what is happening up there. He was out there on Monday and it was just great to see so many people out there participating in a first year event. Also recognition to Ms. Kim Baerg who is working along with her volunteers on the mural at Lions Park. It is making very fast progress and it is looking great. So recognition again, just another case where another group of Citizens are working for the City. Thank you for everybody involved in both those projects.

12. Approval of Disbursements. Motion by Schmidtke seconded by Mihalik to approve the disbursements in the amount of \$415,285.80. Unanimous vote. Motion carried.

13. Impress Cash Fund. Motion by McIntyre, seconded by Wollin to approve the impress cash fund in the amount of \$62.59. Unanimous vote. Motion carried.

14. Closed Meeting – Attorney/Client privilege. Motion by Mihalik, seconded by Wollin to go into closed session for attorney/client privilege discussion. Unanimous vote. Motion carried. Meeting closed 8:08 p.m.

15. Open Meeting. Motion by Mihalik, seconded by McIntyre to open the meeting. Unanimous vote. Motion carried. Meeting opened 8:35p.m. Motion by Mihalik, seconded by McIntyre to authorize Ms. Hill to negotiate with a property owner to pay for one-half of the appraisal. If this is not agreeable with the property owner then pay the full amount of the appraisal. Unanimous vote. Motion carried.

16. Adjourn. Motion by Mihalik, seconded by Schmidtke to adjourn. Unanimous vote. Motion carried. Meeting adjourned 8:36 p.m.

Stephen Mihalik, Mayor

Teresa Hill, Administrator/Clerk