

WATERVILLE CITY COUNCIL  
SPECIAL MEETING  
May 27, 2015, 6:30 P.M.

There was a special meeting of the Waterville City Council held in Council Chambers at 6:30 p.m. on May 15, 2015 regarding the pavement survey results, street project list, seal coating list, dust coating update and quotes, digester grit removal results, City lot discussion/use/final site preparation for 128 3<sup>rd</sup> Street South, legal opinion on incompatible offices update, building donation request, budget work session dates, LCCMR project awards, Waterville entrance sign – EDA request, final pay request Timm’s Trucking and Don Hanks Construction, Police Chief Contract, training request Chief Manning and Doug Spicer, and off-site gambling request.

Present: Vail, Wollin, McIntyre and Mayor Mihalik;

Absent: Leave of Absence Schmidtke

Also Present: Administrator/Clerk Teresa Hill, Jason Moran City Attorney, and Jason Femrite City Engineer.

Also Absent: None

**1. Call to Order/Pledge of Allegiance.** Mayor Mihalik called the meeting to order noting that all Council was present except Schmidtke who is on a leave of absence. Also present was Teresa Hill, Administrator/Clerk, Jason Femrite City Engineer and Jason Moran City Attorney. Pledge of Allegiance was recited. Mayor Mihalik struck item 16 Off-Site Gambling Request from the agenda.

**2. Pavement Survey Results – Jason Femrite.** Mr. Femrite presented Council with a report regarding the pavement survey results. They did the street inventories a number of weeks ago and finalized the report. Mr. Femrite said Council can decide on what type of maintenance schedule that they would want to come up with. Mr. Femrite said he can help prioritize. They set up the basic framework for street maintenance. Waterville has approximately 14 miles of paved streets. The street conditions in the City of Waterville are by and large excellent. With the soils, high water table and lakes adjacent to the streets the conditions of the street that they have found with the survey are really good. We do have work to do to continue to keep the streets at this level. Credit goes to staff over the years that have maintained the streets with the budgets that have been set forth. The streets marked in red are reconstruct, the streets marked in green is seal coating and overlaying to be able to maintain the street level of service. The pavement evaluation that they did, they rated every street on a point system. Mr. Femrite went through the report which included the street conditions, street lifecycle, pavement evaluation, surface evaluation, execution, rating results, pavement condition rating values, pavement management, bituminous pavement treatment options, pavement treatment cost estimating, funding & financing current funding and recommendations. Streets with a pavement condition Rating 7-10 is 8.3 miles and it is recommended to continue with crack fill/patching/seal coat program every 4 to 6 years. Rating 6 is approximately 4 miles and it is recommended to mill and overlay those streets, the rating of 4-5 which is 1 mile it is recommended to mill & overlay with patching that would have to take place. This one mile could teeter into the reconstruction ranking of 1-3. Mr. Femrite said that one mile should be the first plan of attack as far as the overlay capital being put into those so we don’t let those slip into the reconstruction category. Pavement condition rating of 1-3 is 0.2 miles and that is recommended for full depth reconstruction. Mr. Femrite said a seal coat is usually good between 4 to 6 years, 5 is the general rule. About every 5<sup>th</sup> years you would want to put down another seal coat. Mr. Femrite provided the cost per square yard for the crack filling & seal coating, bituminous patching, edge mill and

bituminous overlay and full depth reconstruction. Mr. Femrite recommended that the City adopt the pavement maintenance plan and then start to develop a capital street improvement funds for seal coating, overlays and reconstruction based on the ratings. Mr. Femrite said an update of the segment evaluation and management plan should be completed a minimum of every 5 years to monitor changes in the pavement condition ratings. Mr. Femrite went through the streets that they are recommending reconstruct, seal coat, overlay, and overlay with patching. Mr. Femrite can provide a recommendation on which streets should be done first and figure out a monetary amount to accomplish the maintenance of the streets. Discussion held by Council regarding the pavement management plan and budgeting for same. Motion by Wollin, seconded by McIntyre to adopt the pavement management plan. Unanimous vote. Motion carried.

**3. Street Project List.** Mayor Mihalik said South Reed Street is scheduled for reconstruction. Part of Reed Street South does not have utilities. Do we put utilities there if we are going to reconstruct the street? Ms. Hill said CSAH money has been going into a reserve for this project. Ms. Hill said this would be an interest project to try to assess based on preliminary costs by the time you throw the water and sewer and street in there she thinks you would need to analyze what that would look like before you continue with authorizing it. There are not very many assessable properties in that section and you would also be doing a water crossing so it will drive up that cost. It is an area of town that could be developed if it did have water and sewer out to that area. Mayor Mihalik said that the State of Minnesota came up with small cities assistance program. He believes that there is approximately \$26,000 that the City of Waterville could get. Ms. Hill has not taken a look at how to obtain these funds yet. Mr. Wollin questioned what section of South Reed is to be reconstructed. Mr. Femrite said to the bridge, just on the other side of the bridge is where the last sanitary sewer manhole is that is where it is curb and gutter and that is in really good condition. Just on the other side of the bridge. Ms. Hill said from the bridge to the highway is to be reconstructed. Discussion held regarding assessing this area. Ms. Vail discussed speaking with the County again regarding a share of the cost. Discussion held regarding the drainage issue with that portion of the street. Council will start the South Reed Street project at the June 2<sup>nd</sup> meeting and continue with a work session on June 4<sup>th</sup> at 6:30 p.m. Motion by Mihalik, second by Vail to table the street project list to the Regular Council meeting on June 2<sup>nd</sup>. Unanimous vote. Motion carried.

**4. Seal Coating list.** Motion by Mihalik, seconded by McIntyre to table the seal coating list to the Regular Council meeting on June 2<sup>nd</sup>. Unanimous vote. Motion carried.

**5. Dust Coating Update and Quotes.** Mr. Femrite said that they did a little bit of research on the recycled blacktop vs. dust coating and he cannot say that it came back saying you should definitely do this, this is the best option for dust coating. Mr. Femrite said if you put it down a certain thickness it may peel up with the snow plowing in the winter. Also it does not eliminate dust by any means it sometimes changes the color of the dust or a different form of dust. It does not eliminate dust. Mr. Femrite said spending the amount of dollars it would cost for putting recycled asphalt down and then not getting the results that you are looking for where it doesn't eliminate dust it may have the potential of peeling up with the snow plow and thirdly it is fairly expensive to put down. It also comes down to availability. Mr. Femrite provided a couple of the pitfalls. The benefit is that you would have more aggregate on the roadway. Mr. Femrite said how it compacts depends on the traffic. Mayor Mihalik asked what the cost difference was between recycled blacktop and dust coating. Mr. Femrite said that he did not fully research the cost of it he did get one quote. It does come down to availability of the recycled asphalt. Around \$25.00 to \$30.00 per ton is what he was quoted from a contractor. He would recommend to put down at least a couple of inches of the recycled asphalt. Mayor Mihalik asked

if this list is the same as we have had in the past. Ms. Hill said the list is what we have circulated every year. Last year we did not do the Edna Morris alley, the second street alley between 1<sup>st</sup> and Reed. The cost per gallon is the same cost per gallon as we paid last year ninety cents for 2014 and 2015. The total last year was \$4,500, his total bid with all of them together is \$5,296.50. He used 5,000 gallons of product last year. Discussion held regarding whether to include the two alleys this year. Discussion held regarding the recycled asphalt and the dust coating. Motion by Vail, seconded by Mihalik that we dust coat all of the streets except the two that Clinton did not recommend the 2<sup>nd</sup> Street alley and the Edna Morris alley. Unanimous vote. Motion carried.

**6. Digester Grit Removal Results.** Council received one bid, the bid was retracted at that time; the bid that went out did not cover what needed to be done. The work that was required was much more than what was originally specified. This is the second bid that has gone out. Mayor Mihalik said he believes we have to work closer with FEMA on actually doing this bid where the contractors understand what needs to get done. It is also a matter of timing. Discussion held regarding what the bid is supposed to cover. Ms. Hill said that we have issues with trying to re-bid it again. We have only had one bidder each time and it is difficult to pull a bidder in to do that. Ms. Hill said she thinks we need to look at an alternative method or work with FEMA on something that would be allowable and fall under their funding scope and also ask for an extension. We would have to apply for a federal extension in order to receive any funds. Discussion held regarding the bidding specifications and a backup plan. Mr. Peach advised Council of the problems with the digester filling up with grit. Motion by Mihalik, seconded by McIntyre to give Ms. Hill direction to continue to work with FEMA and ask for another extension. Unanimous vote. Motion carried.

**7. City Lot Discussion/Use/Final Site Preparation for 128 3<sup>rd</sup> Street South.** Mayor Mihalik moved the Council meeting to 128 3<sup>rd</sup> Street South and Council will return to discuss what each Councilmember would like to see done with the lot. Out at the site each Council member gave their ideas of what they would like to see done with the lot. Ms. Hill explained the dimensions of the lot. Discussion held regarding possible parking and how to prepare it for parking. Meeting returned to Council Chambers. Mayor Mihalik recapped some of the ideas that were discussed. (1) Renting or purchasing a chain fence or chain boundary marker ten feet from the brick on the north side of the lot and also putting the same type of chain barrier on the Third Street side to prevent cars going through on Third Street; (2) gravel the parking lot so it doesn't become a dust bowl; Discussion held regarding what type of gravel to put on the parking lot. (3) A deed swap of land behind what use to be the ex-beauty shop that is currently City property but the ex-beauty shop also owns the alley way. Engage in discussion with the new owner to give the City the alleyway and we would exchange the land behind his building. This would benefit both the City and the building owner. Mayor Mihalik said Council did not discuss signage. Mr. Moran believes that proper signage would reduce liability for the City. Discussion held what will be put on the signs. Motion by Mihalik, seconded by McIntyre for the City to create a rope or chain barrier between the building on the north side of the lot and along Third Street, on the north side of the lot it would be ten feet from the brick and then along the sidewalk on the Third Street side. Unanimous vote. Motion carried. Motion by Mihalik, seconded by Wollin to give Teresa direction to work with the contractor to provide us with an alternate bid to put down rock to confirm the type of rock work with Clinton Peach and to see if that can be done before Bullhead Days and bring that recommendation to Council at the next meeting. Unanimous vote. Motion carried. Motion by Mihalik, seconded by McIntyre to give Teresa Hill direction to work with the owners of what use to be the beauty shop to let them know that we are interested in swapping the alley for the piece of land behind their building. This would give

them access and would also give the City access down the alley. We are not making a decision tonight but at least to see what their level of interest would be. Unanimous vote. Motion carried. Mayor Mihalik said he would like to see some sort of bush hedging along the west side of the lot that would prevent vehicles from coming in from the west side and they would be forced to use the ramps that allow them to get up onto the lot. Discussion held regarding what type of hedges to put up.

**8. Legal Opinion on Incompatible Offices Update.** Mr. Moran said he has continued to look into the incompatibility of offices issue. He also spoke with Councilman Schmidtke today and he referenced Statute 412.152. This statute is not on point and applies to the Mayor serving as Mayor and the Fire Chief and he can do both. This does not address whether a Councilman can be the Fire Chief. We discussed that at length through the attorney general memorandum that he provided to Council at the last meeting. A Councilman cannot be on the Council and also be the Fire Chief they are incompatible offices. We have already dealt with that and Mr. Schmidtke is on his leave of absence and that issue as far as he is concerned has been completely put to rest and we are in good shape right now with the way that situation sits. The issue was then raised at the last meeting was can Mr. Schmidtke sit in the role of 1<sup>st</sup> Assistant Chief and Council and that is completely gray. He looked into it and the research that he has compiled leaves him to believe that Mr. Schmidtke can be the 1<sup>st</sup> Assistant Chief and on the Council. The duties of the 1<sup>st</sup> Assistant Chief although similar to the Chief are just a little different enough to allow him to sit at both roles. Mr. Moran said he has sought the League's opinion on this and they are having their staff attorneys research it. Discussion held regarding incompatible offices.

**9. Building Donation Request.** Mayor Mihalik said Good Samaritan approached him and Teresa and informed them that they will most likely be gifting the building and the property to an entity. They asked if the City was interested in being one of those entities that would be considered. Discussion held regarding whether the City would be interested in the building donation. Discussion held. Mayor Mihalik said completing a donation request form does not mean that if awarded we have no choice we have to take the property, it means that we are putting our hat in the ring and we will have the option if they so choose us. We still have time to have an inspector go through the building and give us a conditional read on it, the air conditioning, the heating, the roof, walls, leaking, anything that we might be interested in. If the report does not come back favorable we would have the option to say no we are not interested. Discussion held regarding the building. Motion by McIntyre, seconded by Mihalik that we fill out the form and send it in and make the request, put our hat in the ring to receive it. Unanimous vote. Motion carried. Mayor Mihalik gave Teresa direction to find an inspector or somebody who may know the building to be able to do a walk through and provide a recommendation of their thoughts and the conditions of the building to Council.

**10. Budget Work Session Dates.** Discussion regarding a budget work session date. Mayor Mihalik requested that each department head be available for the first budget meeting. Motion by Mihalik, seconded by Vail to set the first budget meeting for Tuesday June 30<sup>th</sup> at 7:00 p.m. Unanimous vote. Motion carried.

**11. LCCMR Project Awards.** Ms. Vail said this is one of the projects we had on the list for the LCCMR grant and they have been working with the school a couple of years on this and went out for quotes. The quote is for the White Water Creek Project located near School District bus garage by Conservation Landscapes, LLC in the amount of \$10,400. This is the quote that we would like to award it to. Ms. Vail said this is in the budget with the in-kind. Motion by

Wollin, seconded by Vail to award this project to Conservation Landscapes, LLC in the amount of \$10,400. Unanimous vote. Motion carried.

**12. Waterville Entrance Sign – EDA Request.** Mayor Mihalik said last year in 2014 one of the projects from the EDA was to put a sign on Highway 13 and 60 which is a great awareness on a major traffic flow of coming into Waterville. It is typical for cities to have one at each entrance to the City and we do have that availability. The EDA has been doing some fund raising for a second sign to be on the North side of the City, this would be coming in from the Kilkenny side and just north of North Shore Drive. The sign would be identical to what we currently have at Highway 13 and 60. There would be a change in the picture. The EDA has raised \$4,000 towards this project. The EDA is \$6,000 short. The EDA would like to ask Council's permission to proceed with the sign. The EDA did receive a bid and it is \$10,000 for the sign. The EDA would like to use \$6,000 from the general fund to pay for the additional amount. Discussion held. Motion by Mihalik, seconded by McIntyre for the Council to approve \$6,000 from the general fund for the production and installation of a second Waterville sign on the north side of the City. Unanimous vote. Motion carried.

**13. Final Pay Request – Timm's Trucking and Don Hanks Construction.** Motion by McIntyre, seconded by Vail to make the final payment to Timm's Trucking and Don Hanks Construction. Unanimous vote. Motion carried.

**14. Police Chief Contract.** There is some additional information that the HR Committee is waiting on. Motion by Mihalik, seconded by Vail to table the Police Chief Contract until the regular Council meeting. Unanimous vote. Motion carried.

**15. Training Request – Chief Manning and Doug Spicer.** Mayor Mihalik said this request is for firearms instructor training. Historically we have always sent people out for their firearms training. Chief Manning is requesting that Doug Spicer attend training to become a firearms instructor. Mayor Mihalik said over the next couple of years this would eventually pay for itself. Motion by Wollin, seconded by Vail to approve the firearms training for Officer Spicer to be held July 27-31, 2015 at Alexandria Technical & Community College. Unanimous vote. Motion carried.

**16. Adjourn.** Motion by Mihalik, seconded by McIntyre to adjourn. Unanimous vote. Motion carried. Meeting adjourned 8:09 p.m.

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Stephen Mihalik, Mayor

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Teresa Hill, Administrator/Clerk