

WATERVILLE CITY COUNCIL  
REGULAR COUNCIL MEETING  
October 4, 2016, 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 4, 2016.

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

Absent: None

Also Present: Administrator/Clerk Teresa Hill, Jason Femrite and Kris Swanson 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 and Kris Swanson of Bolton & Menk, and Jason Moran, City Attorney. Pledge of Allegiance was recited.

**2. Approval of Agenda/Additional Items to Agenda.** Mayor Mihalik said that he would like to add one item to the agenda. This will be a closed session for both client/attorney privilege and for union negotiations. Also he would like to move item number K Emergency Manager Director update and Flood Related Action items up between items B and C. Motion by Schmidtke, seconded by Mihalik to approve the agenda with the changes. Unanimous vote. Motion carried.

**3. Written Petitions, Requests, Etc.**

**A. Billing insert request – Trick or Treat for the Food Shelf.** Motion by Vail, seconded by McIntyre to approve the billing request for Trick or Treat for the Food Shelf. Unanimous vote. Motion carried.

**4. Unfinished Business**

**A. Visit from Santa.** Mayor Mihalik requested that Council consider a City sponsored program to have Santa visit families around the City. The way the program works is parents or guardians come in and leave a gift for their child and they would choose an available time for that Santa to go out and visit the child and give them the gift that the parent bought. Mayor Mihalik said that Scott Pullen has volunteered to be the Santa. Discussion regarding the time slots and week for the Santa visits. The proposed time is the week of December 12<sup>th</sup> through the 16<sup>th</sup> with gifts needing to be at City Hall no later than December 7<sup>th</sup>? Mayor Mihalik would like a Council member to go with Santa to the homes. Mayor Mihalik asked City Attorney Moran if the fire department could have Santa do the waiver and have a firefighter drive the fire truck to the homes with Santa. Mr. Moran said certainly if the Council agrees that the fire truck can be used he is sure that the fire department would be fine with it. He does not see it as an issue. Motion by Mihalik, seconded by McIntyre to approve the City Sponsored Santa visit with fire truck transporting if available for the week of December 12<sup>th</sup> through the 16<sup>th</sup> with gifts having to be dropped off by December 7<sup>th</sup> using 15 minute intervals as presented to Council. Along with this motion he would like to have something put in the billing insert, the face book page and website promoting this as well and we will work with the local newspaper and have the newspaper also advertise this. Unanimous vote. Motion carried.

**5. Citizen Time (Comments, Information from those present) –**

A. Dave Arnold, 604 Tetonka View Drive addressed Council to thank everyone that was involved in their road. It is wonderful. We have a blacktopped road where we can take our vehicles now and have a clean vehicle when you leave home and travel. The road is awesome. Everybody in the whole community is very appreciative of that for all of the hard work that went into that. We appreciate that. Mr. Arnold said we still got flooded with the flood and so many people did but it was probably about 10 inches and of course on the sides. Without it being elevated and finished like it is now, we would have had three feet of water in there. We had at least a foot and a half to two feet of water that we were going through. We appreciate everybody's hard work on that and it is greatly appreciated. Mayor Mihalik said you are welcome and as you mentioned that road would not have been passable. That neighborhood would not have been accessible from either direction in this last event. He appreciates Mr. Arnold's thankfulness.

## **6. New Business.**

A. **Chicken Ordinance – Sarah Edwards.** Ms. Edwards addressed Council to request that they amend the ordinance so that a chicken coop can be next to a structure such as a detached garage under the condition that it is not on a foundation or anchored to the ground. Ms. Edwards provided a photo of her chicken coop and its location according to the ordinance. Ms. Edwards said that in the winter a tarp would have to be placed over the coop to protect the chickens from the elements. Mr. Wollin asked what are the issues with doing that. Mr. Moran said that is the way our ordinance is written; it follows the regular and customary setbacks. Discussion regarding allowing a chicken coop close to a detached structure. Mr. Moran said you can amend the ordinance to allow a coop to be closer to a house, the issue then becomes the possibility of attracting rodents to the house and the idea is try to keep them away from the house and other structures. Ms. Edwards said she isn't asking that they be allowed next to a house, but rather to a garage or shed. Mr. Moran said he thinks the big one is the setbacks from neighboring property lines and neighboring buildings. Mayor Mihalik said if there was an amendment to the ordinance allowing unanchored, without a foundation, chicken coop next to a garage or shed is that something that we would want Mr. Moran to draft that language for us to look at next month. Discussion regarding the possible amendment. Mayor Mihalik said he likes the idea of a detached shed or detached garage within two feet, he thinks that would be reasonable. Mr. Moran will draft the amendment to the ordinance to present to Council. Motion by Mihalik, seconded by Vail to table the Chicken Ordinance to the November meeting. Unanimous vote. Motion carried. Motion by Mihalik, seconded by Vail to schedule a public hearing ten minutes prior to the November meeting for the 1<sup>st</sup> reading and for the public hearing for the Chicken Ordinance. Unanimous vote. Motion carried.

B. **Request to Re-open Senior Center.** Ms. Anita O'Dell has a proposal for the City but was not present. Motion by Mihalik, seconded by McIntyre to table the request to re-open the Senior Center to the November meeting. Unanimous vote. Motion carried.

K. **Emergency Management Director Update and Flood related Action items.** Officer Spicer addressed Council regarding the flooding issues. Since September 26<sup>th</sup> the water levels have gone down approximately 17 inches. Officer Spicer said that they did a lot of sandbagging to protect properties. He would like to thank all the volunteers for helping and assisting with the sandbagging. They filled approximately 20,000 sandbags. Approximately 17,200 sandbags went out which includes 12,700 to the Citizens in Waterville and approximately 4,500 out to the County. Officer Spicer said through the direction of Ann Traxler they have placed an order for 100,000 bags and two pallets of poly. Officer Spicer said we are currently trying to find storage for the sandbags. The cost for sandbagging, personnel, and equipment used

ran approximately \$14,203. Officer Spicer said he is requesting Council's decision on the sandbag removal and disposal. Officer Spicer said in 2014 the City contracted for the disposal of the sandbags. Discussion regarding the sandbag removal. Officer Spicer said that the State has declared a disaster so there would be 50% reimbursement. Ann Traxler of Le Sueur County said she believes the State is now seeking a federal declaration. She does not think that there will be a problem reaching the 7.4 million dollars of uninsured damage for infrastructure. As far as infrastructure and public lands there will be funding for that. Individual assistance she is not sure if we are going to get it. If we get the federal then 75% is paid for by FEMA and the state usually kicks in 25%. The County threshold of \$98,000 was met very easily. Waterville had five times that much of uninsured damage and infrastructure. It is looking good for reimbursement for the City. Ms. Traxler said that she heard from Joe Kelly who is the head of homeland security for Minnesota. He said that we are going to have our preliminary damage assessment next week. We will know more after that and they will give you advice on what is going to be accepted and what is not. Ms. Traxler said a lot of lessons were learned from 2014. The City did an outstanding job, you worked as a team. When she saw the team in motion and everybody was communicating. She wants to thank what the City has done and what the volunteers have done because there is a total difference from 2014 and 2016. She thinks the City is in recovery now because of all of the hard work that you guys put ahead. Ms. Traxler introduced Tammy Stewig who is her deputy now. Ms. Vail thanked Ann Traxler. Mr. Spicer said that the City sent out a flier regarding the sandbags that are already laid on the property. The property owners do have the ability to keep their sandbags around their homes if they wrap them in black poly to protect the integrity of the sandbags. They can leave them in place all winter long. Discussion regarding what to do with the sandbags that are in place. Motion by Mihalik, seconded by McIntyre that the City will give residents who have sandbags until November 1<sup>st</sup> to notify the City that they would like them removed this year. After November 1<sup>st</sup> it would be the resident's responsibility of removing them if they want them removed this year. In the spring the City will determine if a second option will be given to remove them in the spring. Unanimous vote. Motion carried. Discussion held on how the sandbags will be removed. Mayor Mihalik said if residents are able to put their sandbags to the curb that would be great but the City is willing to have volunteers to go around house to house to remove the sandbags. Residents who are unable to remove their sandbags will have to call City Hall. Officer Spicer said that he would like Council to be aware that the sewer system was overworked during the flood specifically from open clean outs in the Lagoon area. Ms. Hill said that the Lagoon area was checked for open clean outs. Officer Spicer said a MN Dot Engineer stopped at City Hall and he will be investigating bottle necks in the system along Highway 13 bridge. The highway bridge was included in the Governor's bonding bill but did not get funded. He will also be working with a hydrologist to evaluate the study for the Schmidtke Dam. Ms. Vail wanted to thank all the volunteers, Officer Spicer, City Staff, Fire, Police, Street and Sewer department. Also the Village who brought in a lot of food and volunteers. People babysat so people could keep working. Mayor Mihalik said it was very well orchestrated and he thanked all the volunteers. He appreciates the County and their representation here and Officer Spicer's leadership through this was fantastic. Officer Spicer thanked everyone for assisting him. Officer Spicer thanked Ann and Teresa who was wonderful working with him. Mayor Mihalik said the Village stepped up and was tremendous in being there first thing and last. Also the Fire Department with everything they did by filling and placing sandbags. Mr. Wollin thanked the high school kids who helped.

**C. Refuse and Recycling Service – Waste Management.** Representative of Waste Management Jay Nieson, Matthew Rydberg and Charlie Brown were present to address Council regarding their service in the City of Waterville. Jay Nieson addressed some of the issues such

as missed pickups, wheels being broken, etc. They are making an effort to repair carts and switching carts. Mr. Nieson said they haven't lived up to their expectations much less the City's expectations. The past management staff did not have a customer first focus. They now have a new management staff with Matthew Rydberg and Charlie Brown. Mr. Nieson discussed the glass incident that occurred. They spent approximately \$4,000 cleaning it up. The driver was coached and disciplined. Mr. Rydberg discussed the survey that was sent out by Waste Management. Mr. Schmidtke said there have been complaints for about two years. Mr. Schmidtke discussed his complaints regarding the service. Mr. Schmidtke said he wants as little traffic on the roads as possible. Mr. Moran asked Waste Management what have they done to remedy the concerns that the City has advised them of time and time again. We are talking missed pickups, debris in the roads, what has been done within the past 30 days to make sure that it doesn't continue. Mr. Nieson said they actually have a new driver on the route that is more experienced and knows the town and is aware of the issues we have had in town and he has been properly coached. Mr. Brown said that the new driver located 18 containers with broken wheels and Mr. Brown called the residents directly. Discussion regarding missed streets. The City of Waterville is individually routed with GPS tracking. For missed pickups they should be picked up within two days.

**D. Waste Water Agreement – Kamp Dels.** Nyl Pope and Kris Swanson were present to discuss the Kamp Dels request of additional wastewater loadings. Mr. Pope said they would like to find out if they should build a pre-treatment plant or is there a way they can work something out with the City to be able to send the untreated sewer to the City and have the City take care of it. Mr. Pope discussed what their options are and what the City would be willing to do. Mr. Pope is asking that a portion of the wastewater treatment plant be allocated to Kamp Dels in the event that they needed it. They would still pay for the treatment of any sewage that went into it. Mayor Mihalik said if Kamp Dels were to give all their waste to Waterville that would take Waterville's approximate expansion to add 76 homes to the City onto our system. In the near term we will not add 76 homes, but in the long term we hope that we will. Are we willing to accept Kamp Dels offer to hold a portion of the plant for their use? Discussion regarding different scenarios that the City would do to take on Kamp Dels additional wastewater loadings. Mr. Swanson addressed Council regarding his memorandum on the Kamp Dels discharge increase. Discussion regarding buying the capacity back or leasing the capacity, etc. Mr. Moran said the City of Le Center has virtually the same type of agreement with a couple of factories in town and Mankato has sold capacity to other participating cities. This is very common. It can get very technical on how much capacity you are going to sell and how do you value the cost of that capacity. Mr. Swanson said the unknown is in the request for long term and Waterville being a smaller city the flexibility for the treatment plant is less. Mayor Mihalik said he would like to have Mr. Swanson, Ms. Hill, Jason Moran, himself, Mr. McIntyre be on a committee and bring back a recommendation based on what Kamp Dels is willing to do in November. Motion by Mihalik, seconded by Wollin to have an exploratory committee consisting of Mr. Swanson, Mr. Moran, Ms. Hill, Mr. McIntyre and myself and a representative from Kamp Dels to explore what options are available to work further with Kamp Dels and bring a recommendation back to Council at the next meeting. Unanimous vote. Motion carried.

**E. Snow Hauling Quotes.** Mayor Mihalik said a rate increase was asked for by our current hauler. Does Council want to accept the increase or does Council want to get quotes. Motion by Wollin, seconded by McIntyre to go with the present contractor with the increase. Unanimous vote. Motion carried.

**F. MNCOG Operations Committee Member Appointment.** MNCOG requested a Council member to be assigned to this committee. Motion by Mihalik, seconded by Vail to make a recommendation that Mr. Wollin be assigned to represent the City of Waterville on the MNCOG General Assembly meeting. Unanimous vote. Motion carried.

**G. Truth in Taxation Meeting Date – December 6<sup>th</sup> 7:00 p.m.** Motion by Mihalik, seconded by Vail ratifying the truth in taxation meeting set for December 6, 2016 at 7:00 p.m. Unanimous vote. Motion carried.

**H. HR Hire recommendation.** The HR committee recommended Beth Clinton be assigned to our Emergency Management. The pay for this position when needed is \$12 an hour. Motion by McIntyre, seconded by Schmidtke to hire Ms. Clinton to fill the position on emergency management. Unanimous vote. Motion carried.

**I. Resolution 2016R-036 to Potentially re-assess for special assessments.** Mr. Moran said the City has acquired in tax forfeiture a parcel of property off of Harmon Street which has special assessments currently on it. Once it goes through tax forfeiture those special assessments can be wiped off or reassessed in the event the parcel is purchased by somebody. Ms. Hill questioned if the City can waive the reassessment if it is incorporated into a neighboring parcel. The parcel right now is not buildable. The resolution would put everyone on notice that if one of the neighbors buy the parcel the assessment doesn't kick in. If a private part buys that small parcel then it would be reassessed at the amount of \$7,360. Motion by McIntyre, seconded by Schmidtke to adopt Resolution 2016R-036 to potentially re-assess for special assessments. Unanimous vote. Motion carried.

**J. Resolution 2016R-037 Companion Resolution for Paquin Street.** Mr. Moran said this resolution mirrors what the County recently did. They took Paquin off of the County State Aid Highway system in return for the sealcoat in return for taking it off. This resolution finalizes that project. Motion by Vail, seconded by McIntyre to adopt Resolution 2016R-037 Companion Resolution for Paquin Street. Unanimous vote. Motion carried.

**L. Wapasha Construction Pay Estimate #14.** Motion by Mihalik, seconded by McIntyre to approve Wapasha Construction Pay Estimate #14 in the amount of \$532,841.56. Unanimous vote. Motion carried.

**7. Engineer's Report.** Mr. Femrite said that he has not received the contracts back on the Paquin Street improvement or any request for preconstruction meetings so he believes that at this point they are going to wait until spring. The project will still move forward. They had the option of whether they wanted to try and tackle it yet this fall. Due to the recent weather he assumes they are probably thinking in the spring. Mr. Schmidtke said he did talk to the contractor and he said that he will not be doing it until next year due to the water and getting a contractor in for curb and gutter.

**8. Attorney's Report.** Mr. Moran said he has a couple of things that he will address in closed session.

**9. Administrator's Report.**

**A.** Ms. Hill said that she did receive notification that the Fire Chief had applied for an AG Star Grant and he was awarded \$2,700 for structural fire fighting gloves and boots.

Mayor Mihalik said that is great, good news. Ms. Vail said it is. Mayor Mihalik told Ms. Hill to advise Chief Meskan he says thank you for doing that.

**10. Council Discussion.**

**A.** Mr. Schmidtke said Common and Sixth Street there is a bad wash out on the one driveway there and it has been happening for quite a while he thinks. He looked at it Sunday and it is actually undermining the City's road and it is breaking the blacktop off. He was wondering if we can get a hold of the contractor and see if that can be filled and put in fill with blacktop and put an edge on it like a curb or a lip on it to control the water. Mayor Mihalik said on that very same street on 6<sup>th</sup> Street on one of the exits of the Catholic Church has that very same problem. It looks like the City has been putting pea gravel or rock or something to try and fill in where that wash out is. Mr. Schmidtke said that is the same one he is talking about. Mayor Mihalik said it is caving in. Ms. Vail said a huge amount of water coming off of those lots. Mayor Mihalik said it was actually there even before the rains. Ms. Vail said she knows, it is the surface area.

**B.** Mayor Mihalik said he was asked about the speed limit on Hwy 13. It is 45 in town and picks up to 55 later the concerns he has heard is that you have neighborhoods and driveways coming out to a road that is 55 miles per hour. He knows it is a state highway, he knows it is not the City's, is there anything we can do to have the State take a look at that speed limit. Ms. Hill said she can tell you that is kind of a double edged sword because they recently reevaluated a County road hoping that they were going to get it reposted and they actually go off of the speed that the traffic is currently going as a gage so instead of getting what they wanted by lowering it, it technically went up so you could be running into that same situation for posting. Mayor Mihalik said he doesn't think the state would move it from 55 to 65. He is talking about the part out of town. Once you leave the 45 the area that is 55 and you have cars coming out of driveways trying to back out, you have a neighborhood coming out onto a freeway that is 55 mph, you have cars going in both directions. Ms. Vail said we have had this discussion years back, yes definitely it needs to be addressed. Mr. Moran said that is something we should talk with Lance Wetzel about. Mayor Mihalik said Lance or the State? Mr. Moran said he thinks we should start with the County. Ms. Vail said get the support of the County and move on up. Mr. Moran said yes. Mr. Schmidtke said Elysian got theirs extended back this way he believes several years ago to 45. It is 45 just past the public access. That was never 45 before. Mr. Moran said once they added Roemhildt subdivision they pushed that out and they started with the County first and there was a traffic study done. It took a long time to get that done. Ms. Hill said she thought he was referring to taking the 45 down. Mayor Mihalik said he was talking about the 55 down lower. He thinks for the safety of our residents who live out there, it is worth having the discussion with the County or the State. Ms. Hill said she can start that conversation.

**C.** Ms. Vail said she would like to thank the City of Kilkenny. She was invited up to the dinner for Mayor Patrick O'Neil from Kilkenny, Ireland. There were a lot of people there from Le Sueur County Governmental group, very informative. She believes this is the fourth year that we have had that so she thanks Kilkenny for that. That evening she happened to visit with Lisa from Explore Minnesota. We rediscussed the fishing opener and she gave her some ideas that she thinks Council should take a look at for the future whether they want it or not they do have an opening at that time they had no one apply for the 2018 fishing opener. She said our Council could discuss 19 or 20 or out further. She thought that if we are interested in it they would be willing to come down and just talk to Council. Just educate Council as to what it all entails. A direct meeting with the City so she thanks her for that. So if Council is interested in that she does have the information. She also gave her some information on Explore Minnesota

the bike guide that we can be in contact with this gentleman for his blog and maybe some further information she will bring this also up at EDA's next meeting.

**D.** Ms. Vail said that after the flood we will have to have some type of cleanup at the beach. The water went down considerably today but we do have quite a bit of a mess. The last time the lifeguards were on duty so we had them clean that up at that point but we will need to get volunteers to be raking and we have got some timbers on the shore and once the water level is down enough so we can reopen it, but at this time it is barricaded off. It just happened today that it went back somewhat normal, but hopefully we can get some volunteers there whether it is this weekend or next weekend for that. So if anyone is interested in helping clean that up please let her know. Mayor Mihalik said just let me know he will make himself available. Ms. Vail said thank you.

**E.** Mayor Mihalik said speaking of parks the Lions Park equipment have we received the replacement parts? Ms. Hill said yes, parts of the ship have been delivered; the monkey bars have been received so they just need to put those up but they were waiting on the one piece for the ship and she thinks that has arrived too. Mayor Mihalik said he knows the guys have been a little bit busy, he just wanted to check on the status. Thank you.

**F.** Mr. McIntyre said when are we going to take down all that orange fencing? Ms. Vail said she discussed that with the contractor and we will probably go through this winter. We still have some really sensitive areas. We are going to be mowing it as soon as it dries up. It was actually scheduled to be mowed before the rain came with the inner part because that was a seeded area and what we are doing is we are protecting it until they get well established. The ones that were the actual plants she thinks we will give them through the winter that would be good and the lower area, the huge flat bed area we know there are plants because it was seeded and we want to let that go through so hopefully by next spring or summer that we hope to get it mowed yet this year and trimmed up. It is mainly just to protect it. If we would have had snowmobilers or four wheelers or bikes even go through it we would have had a lot of destruction so that was the reason for that. Mr. McIntyre said he has seen a lot of four wheelers go through there lately. A lot of ATV's there and are really noisy along that strip.

**11. Approval of Disbursements.** Motion by Vail seconded by Wollin to approve the disbursements in the amount of \$155,121.80. Unanimous vote. Motion carried.

**12. Impress Cash Fund.** Motion by Mihalik seconded by McIntyre to approve the impress cash fund in the amount of \$95.16. Unanimous vote. Motion carried.

**13. Closed Meeting.** Motion by Mihalik, seconded by Schmidtke to close the meeting for attorney/client privilege pending litigation and union negotiations. Unanimous vote. Motion carried. Meeting closed 8:35 p.m.

**14. Re-open meeting and Adjourn.** Motion by Mihalik, seconded by McIntyre to adjourn. Unanimous vote. Motion carried. Meeting adjourned 9:30 p.m.

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Stephen Mihalik, Mayor

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Teresa Hill, Administrator/Clerk