

WATERVILLE CITY COUNCIL  
REGULAR COUNCIL MEETING  
November 1, 2016, 6:50 P.M.

There was a regular meeting of the Waterville City Council held in Council Chambers at 6:50 p.m. on November 1, 2016.

Present: McIntyre, Schmidtke, Wollin and Mayor Mihalik

Absent: Vail (arrived 6:51 p.m.)

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, except Vail (arrived 6:51 p.m.). 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 6, 2016, September 22, 2016, September 26, 2016 and October 4, 2016.** Motion by McIntyre, seconded by Schmidtke to approve the minutes of September 6, 2016, September 22, 2016, September 26, 2016 and October 4, 2016. Unanimous vote. Motion carried.

**3. Approval of Agenda/Additional Items to Agenda.** Mayor Mihalik said that the only change he has is for the closed meeting. We will only be closing for union negotiations. We will not be closing for attorney/client privilege. Motion by Schmidtke, seconded by Mihalik to approve the agenda with the changes. Unanimous vote. Motion carried.

**4. Chicken Ordinance Revisions.**

**A. Ordinance Revision 93.12-2016 1<sup>st</sup> Reading and Waiving of the 2<sup>nd</sup> Reading.** This is the first reading and the waiving of the 2<sup>nd</sup> reading. We had a small change allowing the chicken coop to be within two feet of the structure. Motion by Mihalik, seconded by McIntyre to accept Ordinance Revision 93.12-2016 accepting this as our first reading and waiving the 2<sup>nd</sup> reading. Unanimous vote. Motion carried.

**B. Public Hearing.** Annette Haberman, 435 Cedar Circle, Waterville MN asked if the chickens have to be fenced in or are they allowed to run free. Mayor Mihalik said they have to be in a coop. There were no other questions from the public. Motion by Mihalik, seconded by Wollin to close the public hearing. Unanimous vote. Motion carried.

**C. Adoption.** Motion by McIntyre, seconded by Schmidtke to adopt the Ordinance. Unanimous vote. Motion carried.

**5. Written Petitions, Requests, Etc.**

**A. 2016R-038 Granting Conditional Use Permit for Arnold Krautkremer.** Mr. Moran said the Planning and Zoning Commission had a lengthy discussion with Mr. Krautkremer and they were able to negotiate the conditions with Mr. Krautkremer and he did indicate he agreed with the conditions that the Planning and Zoning Commission recommended to Council. Motion by Wollin, seconded by McIntyre to adopt resolution 2016R-038 granting the Conditional Use Permit to Arnold Krautkremer. Unanimous vote. Motion carried.

**B. Private sewer service request – Jeremiah Johnson.** Mr. Johnson was present at the Council meeting and requested that he be able to tie into City sewer if it is available rather

than putting in a mound that might be out of compliance in the next five years. Discussion held regarding the private sewer service line. All costs for the connection would be paid by Mr. Johnson. Motion by McIntyre, seconded by Wollin that we approve the private sewer service requested by Jeremiah Johnson. Unanimous vote. Motion carried. Ms. Hill asked if this would be by a user agreement or just by the motion. Mr. Moran requested that a user agreement be used as we would want to put some language in there concerning potential annexation when that becomes available.

**C. Permanent No parking signage request – Jacob Jenó.** Mr. Jenó has three curb cut outs and they do not go to a driveway or any type of impervious surface nor do they go to a structure. Mr. Jenó is asking for some sort of signage or no parking so that people don't park in front of those cut outs. Ms. Hill advised that currently on the Main Street side of that property it is already painted yellow through the section that is required for a crosswalk and it is painted yellow approximately 10 feet going to the north side which should be 20 feet anyway to comply with crosswalks. There is no parking within 20 feet of a crosswalk. Council discussion. Motion by McIntyre, seconded by Wollin denying the request to put no parking signage at the three curb cut outs. Unanimous vote. Motion carried.

**D. Chamber Utility Billing Insert Request.** Mayor Mihalik said that the Chamber is looking for a place to hold the vendor fair. They would possibly hold it at the Senior Center. That would be one edit that could go into the insert. Motion by Mihalik seconded by Schmidtke to approve the Chamber utility billing insert on the understanding that there could be an edit regarding the vendor fair. Unanimous vote. Motion carried.

**E. Chamber Bingo request – Resolution 2016R-042 Waterville Area Festival Organization Gambling Permit.** Motion by Schmidtke, seconded by Mihalik adopting Resolution 2016R-042 granting Waterville Area Festival Organization Gambling permit. Unanimous vote. Motion carried.

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

**A.** Dave Arnold, 604 Tetonka View Drive addressed Council. Mr. Arnold asked Council where we were at with street lights out in their area. Mayor Mihalik said a street light was already approved by Council out there. A couple of other street light requests have come in. At that time Council looked at doing a City wide survey of where street lights are needed. That survey would cost \$5,000 and we were going to hold off on any street lights at that point until that survey was in. During the budgeting and that will be finalized next month and that \$5,000 was stricken from the budget, it was a little too expensive for this year. He believes we are going to be back to plan A and that is what we have already approved. Ms. Hill said the Council also wanted her to check with Xcel Energy to see if they would perform that service. She did check with our representative and she is doing some checking to see if that is a service that they could do and at what that cost might be. The other option that was brought up at the meeting was that the Council would do a drive around and look at it themselves independently also. So it is still in the works. Mayor Mihalik said to answer your question we are still committed to what the Council has already approved. We are just looking at the bigger picture for the City. Mr. Arnold asked what kind of lights are they, the mercury ones or are they LED's. Mayor Mihalik said he doesn't have an answer on that one. Mayor Mihalik asked Ms. Hill what do we usually do in the residential areas. Ms. Hill said most of the companies are changing over to the LED's and she believes the estimate that was given to us for the installation was not LED she does not believe. We will verify to see whether or not that is going to be LED but most of them are in the process of changing over.

**7. New Business.**

**A. Request to Re-open Senior Center.** Ms. Anita O'Dell provided an e-mail requesting that the Senior Center be re-opened. Ms. O'Dell said she believes it would be an excellent idea to re-open the Senior Center. For a City of this size she cannot believe that they do not have the Senior Center open. Ms. O'Dell addressed Council regarding her request to re-open the Senior Center. She use to run a Senior Center in Harrison, Arkansas and she advised Council how things that she did at the Senior Center. Mr. Wollin said it was not the Council's idea to close the Senior Center. Discussion regarding how the previous Senior Center was ran. Discussion on whether the Senior Center would have to be incorporated and their own insurance. Ms. Hill will research how the agreement with the Senior Center and the City was worked out. Mayor Mihalik said the Council is in favor of re-opening it as a Senior Center. He would like to have Ms. Hill pull together the agreement that we have with TOPS who currently uses the facility and the agreement that we had with the Senior Center. Motion by Mihalik, seconded by McIntyre to table the request to re-open the Senior Center until next month and we have some additional information. Unanimous vote. Motion carried.

**B. Motion to Rescind Resolution 2016R-031 Adoption of Final Assessment Roll for the 2016 Paquin Street Project.** Mayor Mihalik said we were going to try to do the improvements this year and they are not going to get done this year. Motion by Wollin, seconded by McIntyre to rescind Resolution 2016R-031 Adoption of Final Assessment Roll. Unanimous vote. Motion carried.

**C. Resolution 2016R-039 Adoption of Final Assessment Roll for the 2016 Paquin Street Project.** Motion by Schmidtke, seconded by Vail to adopt Resolution 2016R-039 Adoption of Final Assessment Roll for the 2016 Paquin Street Project. Unanimous vote. Motion carried.

**D. Proposed Ordinance Revisions for inclusion of Boat, Trailer, and RV Parking.** Our current parking ordinance does not include boats, trailers and RV's. This revision would now add items such as a boat, trailer and RV parking. This also goes with vehicles left unattended for more than 48 hours on item D2.

**1. Ordinance 71.04-2016 Parking Limits.** Motion by Wollin, seconded by McIntyre to accept the 1<sup>st</sup> reading of Ordinance 71.04-2016. Unanimous vote. Motion carried.

**2. Ordinance 71.05-2016 Vehicle left unattended.** Motion by Mihalik, seconded by Wollin to accept the 1<sup>st</sup> reading of Ordinance 71.05-2016 Vehicle left unattended. Unanimous vote. Motion carried. Council will set a public hearing date at the December meeting.

**E. Public Hearing on Delinquent Utilities, Lawn Mowing, Sidewalk Improvements and Snow Removal.** Mayor Mihalik opened the public hearing. No one addressed Council. Motion by Mihalik, seconded by Vail to close the public hearing on delinquent utilities, lawn mowing, sidewalk improvements and snow removal. Unanimous vote. Motion carried.

**F. Resolution 2016R-040 Adoption of 2016 Delinquent Utilities Assessment Roll.** Motion by Vail, seconded by McIntyre to adopt Resolution 2016R-040 adoption of 2016 Delinquent Utilities Assessment Roll. Unanimous vote. Motion carried.

**G. Resolution 2016R-041 Adoption of 2016 Lawn Mowing, Grass Cutting and Sidewalk improvement assessments.** Motion by Wollin, seconded by McIntyre to adopt Resolution 2016R-041 Adoption of 2016 Lawn Mowing, Grass Cutting and Sidewalk improvement assessments. Unanimous vote. Motion carried.

**H. Fire Hall Water Run Off issue Quotes to repair.** Options were received to divert the water from the alley. Motion by McIntyre, seconded by Mihalik to approve the estimated cost of \$550 to divert the water from the alley. Unanimous vote. Motion carried.

**I. LELS Contract Ratification.** Mayor Mihalik said the HR Committee as well as the Police Civil Service Commission had a chance to have the contract negotiations. Everything that Council approved was accepted. It was agreed upon that the contract would expire June 30, 2019. This would allow Council to do budgeting knowing what the contract costs are going to be. Motion by McIntyre, seconded by Vail to accept the LELS contract ratification. Unanimous vote. Motion carried.

**J. Kamp Dels Update.** Kamp Dels had made a request to purchase more of the plant. When the committee met there was a discussion of what impact to the City would be. We provided a letter to Kamp Dels stating where that position was. Kamp Dels did respond and basically said thank you but no thank you it was beyond what they were expecting to pay for more plant. All discussions with Kamp Dels on this item has been stopped. They were thankful that the City considered it.

**K. Santa Project Update.** Ms. Hill said she received some concerns that were voiced about the Santa project about the daylight hours operation. We looked at trying to do something that was a little more feasible. What we are looking at doing would now be Sunday December 4<sup>th</sup> from 1:00 to 4:00 and Saturday December 17<sup>th</sup> from 9:00 to noon. Still staying with the 15 minute time slots. Mayor Mihalik said people have showed interest in this and he understands the Fire Department was on board with this.

**L. Highway 13 speed study.** Last month we brought up some concerns we had from residents on Highway 13 about speed wondering if the State could do an assessment to lower the speed limit since they have residences coming out on that road. The State is actually working on all two lane rural roads on changing the speed limits. This road was already assessed and the average speed limit is 63 miles per hour, however because of the width of the lanes and shoulders as well as the lack of rumble strips they will not be raising the speed limit but they will not be lowering it either. It will be staying at 55. Discussion on how Elysian was able to lower their speed limit. Ms. Vail discussed the crossing at the school and the state trail crossing and the crossing by Lakeview and Kamp Dels because of the traffic flows. Ms. Vail said the state has to keep the weeds down by Sakatah Blvd. Ms. Vail said at the trail crossing at Highway 13, the DNR said that is the most dangerous crossing they have in the state. Discussion regarding the pedestrian traffic by the school on Highway 13. Mayor Mihalik said this discussion will continue in January when we have the new Council.

**M. I & I Contract help.** Ms. Hill advised that we have received one quote in so far, but we are moving forward on trying to map out the plan in order to take care of that. We have established different districts in which we are going to target and our first mailing will hopefully go out by the end of the month. The first process of that is finding out who actually has sewer cleanout access because those are ones that our City Staff can possibly do on their own. Where we get into the problem is if we have to remove the toilet stools and that kind of thing that is

where we need the plumbing services. There should be communications coming out probably by the end of the month which will start gearing toward that inspection.

**N. Final Pay Estimate No 3 – Kamp Dels FMN & Lift Station.** The final pay estimate is \$84,496.83. Mr. Femrite said he would like to make the payment contingent on the contractor supplying all appropriate paperwork. We do have one final walk through with them and start up on Thursday. Mr. Femrite said they have to provide their IC-134 forms and we will be doing a sampler startup. Motion by Wollin, seconded by McIntyre to approve final pay estimate No. 3 to GM Contracting, Inc. contingent upon receipt of the appropriate paperwork and final walk through. Unanimous vote. Motion carried.

**O. Final Pay Estimate No. 1 – Virginia & Tetonka Bay Phase III.** Mr. Femrite said this should also be contingent on receipt of the IC-134 forms. Motion by McIntyre, seconded by Mihalik to approve Final Pay Estimate No. 1 in the amount of \$95,381.73 for Virginia & Tetonka Bay Phase III contingent upon final paperwork with our Engineer Mr. Femrite. Unanimous vote. Motion carried.

**P. Wapasha Construction Pay Estimate #15.** Motion by Wollin, seconded by McIntyre to approve Pay Estimate #15 in the amount of \$750,849.01 to Wapasha Construction. Unanimous vote. Motion carried.

**8. Engineer’s Report.** Mr. Femrite said the South Reed Street project with Le Sueur County they are in the process of doing the topographic survey work on that and design will start immediately after that. That is a project that they are looking to construct the spring of 2017. The completion date for the Paquin Street project is June 1<sup>st</sup>, 2017.

**9. Attorney’s Report.** Mr. Moran said he does not have anything.

**10. Administrator’s Report.**

**A.** Ms. Hill said that they were contacted Friday from Le Sueur County and they are requesting that we try to collect data on any households that sustained or had more than 18 inches of water in their basement or if that happens to be their lowest floor. We are requesting that people contact us. They are trying to validate whether or not they will be able to give individual assistance for the property owners. It is important that they call us and let us know that they have sustained damage. If they do indeed get individual assistance then that is something that the property owners will do on their own. They will go onto the FEMA website and do their application and go through that process. We as a City would not be involved in that process. We are just collecting the data to see whether or not there are enough homes that are impacted. Mr. Wollin asked how people are being contacted. Ms. Hill said it is on our City website right now. It is on the Facebook page. There is an article coming out in the newspaper that Mr. Schneider did for her that will be out this week. We have already contacted our caller list, the people who said that they had contacted us and said that they had water in their basements. It is a short window, they called her on Friday and they wanted the information by the end of this week. If someone misses the deadline of Monday they can still get a hold of us and let us know then we can keep them in the know. If they do it is not just limited to those particular properties they will go out and take a look at others also.

**B.** Ms. Hill said the City Council allowed for the Trick or Treat for Food shelf to be included in the utility bills. She wanted Council to know that was a big success and thanked Council for that. There was about 60 to 80 kids plus adults that participated. They collected

1,735 food items and \$1,673. The food shelf was in need of that. Just so you know that flier and letting the residents know really helps out that drive for our local food shelf. Ms. Vail said a lot of people were ready, they had the checks made out, and the food was just sitting there waiting. Ms. Hill said there were some houses that they went up to that there was just a sign please take for food shelf.

C. Ms. Hill said that she doesn't know when she gave an update for the wastewater treatment plant, she did include the schedules in Council's packet. The startup date is now in March vs. February so it is about a month behind.

## **11. Council Discussion.**

A. Mr. Wollin asked how we are doing on picking up sandbags that are at the end of driveways. Ms. Hill said the ones that have notified us they have been around and starting to pick those up. If there are some that you see let her know. Ms. Hill said she knows they picked up a lot of the locations already and there wasn't a whole lot that requested. A lot of the residents are seeing the same as we are that the spring could be an issue so they would rather keep them and be prepared. Mr. McIntyre said he talked to a number of them and they said they are not going to have theirs picked up because they don't know what is going to happen in the spring.

B. Mayor Mihalik said he was wondering about the sign at Hwy 13 and Main Street, the Waterville Chamber sign that updates with upcoming events. Who maintains the weeds in that area? He knows the past few years ago the First Baptist Church went out and planted some flowers and did some work there. He doesn't know if they volunteered or if that is the Chamber volunteers or whether that is the City's. Mr. Schmidtke said he thought he saw the City person who mows lawns trimming weeds. Ms. Vail said she knows she and some Chamber members have been out there. Mayor Mihalik said this year it is hard because it is really wet. Ms. Vail said it would be something that we would want to coordinate with the Chamber she believes or look for volunteers. Mayor Mihalik said this spring he thinks it would be great if we could get another church volunteer organization to adopt it and plant flowers or whatever we can to beautify that.

C. Ms. Vail said that she and Teresa went to the Le Sueur County Officials meeting last week. This was started in February of 2012 so we have been going there since then and she knows some other Council members have gone to that. Ms. Vail said we will be doing the brochure again next year and that is not cost to the County or the Cities. That is all paid for by advertising. We are trying to promote Le Sueur County for tourism. They thought that was very successful. There were over 5,000 out this year. There is also a link to go to on the internet for that.

D. Ms. Vail said she has been in contact with Allison Gamble with the DNR. They did an inspection on Sakatah and Tetonka and they have found Eurasian milfoil out at the boat landing by the Hatchery. It is a small area just south of the landing. They had hired the Waterville Lakes Association in payment from the County had hired to have a manual harvest. You do not want to go in there and treat with chemicals at this time of year. There are quite a few natives around it. If you kill the natives that will grow further. Also with some floating on the top it is most likely it came from the boat landing. They have not seen it in other areas of Tetonka. It has not been seen in Sakatah at this time. Ms. Vail said also Waterville Lakes Association will be out there with Steve Nokomis in the spring that will be doing a look throughout the lake. Especially where the Cannon comes in on the north side. Mr. McIntyre

said they had the dive crew come in and do it. They were going to try to do it today with the water clarity to go down and take that weed right out, take all the roots, take everything because that is better than spraying. This dive crew has been doing it all over the state. They are very good at it and very professional. They are prepared to come back again and help the Lakes Association and also help Allison from the DNR and go in there and see what happens. A lot of their boat inspections brought this on. Hopefully they get it all and if they get it all come spring we shouldn't have any more milfoil. Mayor Mihalik asked if they will re-inspect it in the spring. Mr. McIntyre said yes. Ms. Vail said they look at Tetonka Bay right now, she gave her an update on what they are looking like for curly leaf next year. The count is very low, it is usually in the same path that we did this year in the middle. We always have one really bad spot on the west side right where the river comes in south of where the river comes in just south of that it is always a difficult spot we think the currents coming down from Tetonka on that so her guess is that is where the grant will go for next year. It will probably be in the middle, we are not seeing curly leaf in any other parts of the bay, it is all native plants. We have been part of a pilot project from the late 2006/2007, one of the first in the state when we first started that. There were only 20 lakes at that time and now it is open to whatever grant monies are available. It is kind of first come first serve for treatment of invasives. She would suggest Council continue with that. A lot of times it looks like we have a lot of curly leaf in the bay but it is natives. Natives are taking over which is a good thing but there is so much phosphorous in there that they are growing. It is a hard combination, it will take many, many years to correct on that. Mr. McIntyre said Josh the environmental specialist for Le Sueur County is making arrangements to make sure we have funding in the spring to have those divers and have other people in there to make sure we've got a handle on that milfoil and get it out of Lake Tetonka. Ms. Vail said that is the money that comes down from the State to the Counties to be used for projects like this and boat inspections. Mr. Schmidtke asked if it was out at the DNR access. Ms. Vail said out at the Hatchery just to the south of it between there and the dock at the Hatchery.

**E.** Mr. Schmidtke asked when they were supposed to clean the water tower. Ms. Hill said Clinton gave her dates on that, but she does not remember when they are. Mr. Schmidtke said he wants to make sure that they will be cleaning it.

**12. Approval of Disbursements.** Motion by Schmidtke seconded by McIntyre to approve the disbursements in the amount of \$1,218,627.02. Unanimous vote. Motion carried.

**13. Impress Cash Fund.** Motion by McIntyre seconded by Mihalik to approve the impress cash fund in the amount of \$30.23. Unanimous vote. Motion carried.

**14. Closed Meeting.** Motion by Mihalik, seconded by Schmidtke to close the meeting for union negotiations. Unanimous vote. Motion carried. Meeting closed 7:50 p.m.

**15. Re-open meeting and Adjourn.** Motion by Mihalik, seconded by McIntyre to adjourn. Unanimous vote. Motion carried. Meeting adjourned 8:05 p.m.

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Stephen Mihalik, Mayor

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Teresa Hill, Administrator/Clerk