

WATERVILLE CITY COUNCIL
REGULAR COUNCIL MEETING
March 3, 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 March 3, 2016.

Present: Vail, Schmidtke, McIntyre and Mayor Mihalik

Absent: Wollin

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 Wollin. 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 – February 9, 2016 Regular Meeting. Motion by Schmidtke seconded by Vail to approve the minutes of the February 9, 2016 regular Meeting. Unanimous vote. Motion carried.

3. Approval of Agenda/Additional Items to Agenda. Mayor Mihalik said he has a couple of revisions to the agenda. One of those revisions is item number 2 remove the February 23, 2016 minutes, Add item 7K Police Commission Request to hire, Item 4C Bucs Night Out billing insert request and Item 7L 2016 Street Project Bidding. Also one adjustment to Item 7F3 it says non-union pay increases it should be non-contracted pay increases. Motion by McIntyre, seconded by Schmidtke to approve the agenda as amended. Unanimous vote. Motion carried.

4. Written Petitions, Requests, Etc.

A. Resolution 2016R-002 Granting Conditional Use Permit to Dana and Kathy Schnepf. Motion by Mihalik, seconded by McIntyre to adopt Resolution 2016R-002 granting a Conditional Use Permit to Dana and Kathy Schnepf. Unanimous vote. Motion carried.

B. Resolution 2016R-003 Granting Variance to the Dorothy Towne Estate. Motion by McIntyre, seconded by Vail to adopt Resolution 2016R-003 granting a variance to the Dorothy Towne Estate. Unanimous vote. Motion carried.

C. Bucs Night Out Billing Insert Request. Motion by Vail, seconded by Mihalik to approve the Bucs Night Out billing insert request. Unanimous vote. Motion carried.

5. Unfinished Business

A. Ordinance 95.01-2016 Amending Ordinance 95.01 Section A “Cutting and Removal of Grass”. This ordinance reduces the grass height from twelve inches to six inches. Motion by Mihalik, seconded by McIntyre to accept this as the first reading of Ordinance 95.01-2016 amending Ordinance 95.01 Section A “Cutting and Removal of Grass”. Unanimous vote. Motion carried. Council will hold a public hearing on this ordinance prior to the Regular meeting of April 5, 2016.

B. Animals and Fowl-Keeping, housing and Confinement.

1. Planning and Zoning Recommendation. Mayor Mihalik said Council has already reviewed the proposed ordinance. Council sent the ordinance to Planning and Zoning for consideration. Planning and Zoning has recommended that this not be a variance type of ordinance, this is something that should just be restricted within the City and the residential district.

2. Ordinance Establishing Chapter 98 titled “Animals and Fowl-Keeping, Housing and Confinement. Mayor Mihalik said this would have an effective date of June 1, 2016. Motion by Vail, seconded by McIntyre to accept Ordinance Establishing Chapter 98 titled “Animals and Fowl-Keeping, Housing and Confinement. Unanimous vote. Motion carried. Council will hold a public hearing on this ordinance prior to the Regular meeting of April 5, 2016.

3. Abolishment of the Police Civil Service Commission. Mayor Mihalik said this came as a recommendation from the HR Committee. Mayor Mihalik said he thinks it is important to say that the Police Civil Service Commission has done a great job. It is also important to note that Chief Manning as well as a few members of the Police Civil Service Commission are not in favor of abolishing this. This is not on the table because anything has gone wrong with this but only a matter of efficiency and duplicity within the City. The HR Committee does all of the functions of the Civil Service Commission. Mr. McIntyre said he thinks it is good to abolish it and bring everything under the HR Committee so that we do all of the proper hiring, recruiting and also anything that affects employees of the City we bring under the HR Committee before it comes to Council so that it can be properly investigated and dealt with properly. When you are dealing with two different factions it makes it tough. Mr. McIntyre said that the HR Committee has been involved with recruitment of part-time officers. We should bring it all under one umbrella in the City so that everybody is equal under that umbrella with the HR Committee. Ms. Vail said she would agree we need to have a consistency with each department. Mr. Schmidtke said he thinks they are doing a good job and they know what they are doing and we haven’t had any issues with the police officers they have hired. He does not see any reason for it to be abolished. Mayor Mihalik said he would agree on that they have done a great job, this is just a matter of is this something we want to make a change with. Motion by McIntyre, seconded by Vail that we abolish the Police Civil Service Commission and bring everybody under the umbrella of the HR Committee. Voting for: Vail, McIntyre; Voting against: Schmidtke, Mihalik. Motion failed.

6. Citizen Time (Comments, Information from those present) – No one addressed Council.

7. New Business.

A. Waterville Chamber Requests.

1. Bullhead Days Requests. Mayor Mihalik said the Chamber has requested blocking off street, garbage cans, carnival water, fireworks and also a budget request. They are requesting \$5,000 from Council. Council had budgeted \$3,000. Discussion held regarding the \$5,000 request and what has been budgeted for this year. Council requested Ms. Hill to look at the budget to see if she can find extra funds for the request. Motion by Schmidtke, seconded by Vail that we give the Chamber what was budgeted for \$3,000 and grant all the other requests for blocking off streets, garbage cans, carnival water, and fireworks. Unanimous vote. Motion carried.

2. Resolution 2016R-004 Granting Waterville Area Festival Organization Permission to Conduct an “Excluded Raffle”. Motion by Vail, seconded by McIntyre to adopt Resolution 2016R-004 granting Waterville Area Festival Organization permission to conduct an “Excluded Raffle”. Unanimous vote. Motion carried.

B. Resolution 2016R-005 Granting Waterville Lions Club Off-site Gambling License. Motion by McIntyre, seconded by Schmidtke to adopt Resolution 2016R-005 granting Waterville Lions Club Off-site Gambling License. Unanimous vote. Motion carried.

C. Liquor License Requests. Mayor Mihalik said that there are 5 liquor license requests i.e. William Patrick Conlin LLC DBA Corner Bar, Denny’s Bar Inc, DBA: Denny’s Bar, Hoy Enterprises LLC, DBA: Bullheads Bar & Grill, J & L Bottles Inc. DBA: J & L Bottles and Hoot Lanes. Motion by Mihalik, seconded by McIntyre to approve the five liquor license requests. Unanimous vote. Motion carried.

D. Board of Review – Monday April 11, 2016 5:30 p.m. Mayor Mihalik said he would like to set a time limit as to when the Board of Review will end versus wondering when we should leave. Discussion regarding how long to hold the Board of Review meeting. Mr. Moran suggested keeping the meeting open for 30 minutes if no one is present. Mayor Mihalik set the Board of Review meeting for April 11, 2016 at 5:30 p.m.

E. Virginia Street & Tetonka Bay Drive Improvements – Phase III Bid results. Mr. Femrite provided Council with the results of the bid tabulations and also the abstract of bids. Mr. Femrite said 5 bids were received which also included the alternate bid for the extra half inch of bituminous. The base bid was the 3 ½ inches which is the minimum that they recommend. The low bid was from Crane Creek Asphalt for \$83,539.20 with alternate Bid of \$9,378.90 for a total of \$92,918.10. Mr. McIntyre thought this is a reasonable bid. Mayor Mihalik said Council has to look at the debt service, and also we will have an audit report coming in. Mr. Schmidtke said he would like to see this tabled until June until we start working on next year’s budget to see what 2017 will look like. Council has 61 days to accept the bid. Mr. Schmidtke said he does not know where the money would come from. We had to cut a lot out of the budget last year. There are a lot of streets in town that need work before they go to total reconstruct. Ms. Vail said we do not have this budgeted and it is a huge amount. If we look at what streets that are going to be done this year and the confinement of what was budgeted. When the bids come in for the streets that are going to be done this year in April we can review the street thing at that point. We would still be within our time frame. Ms. Vail said she still does not know where we would come up with this full amount of money. We have to look at figures very closely. Mayor Mihalik said we have done a great job of improving that road and that has been appreciated but we also told them we would go out to bid and give this some serious consideration. Mr. McIntyre said that he agrees with Ms. Vail that we should take a look at what we have and bring it back for the next meeting. If our bids are coming in for the other streets at the next meeting he doesn’t see anything wrong in tabling it until the next meeting. Discussion regarding on whether to only do half of the road. Mr. Femrite said we could only reduce it by 20 to 30 percent under the contract. It would have to be rebid. Mr. Femrite said to do it effectively it should all be done in one shot. Ms. Vail suggested looking at all of the streets to see what our bottom dollar is so that everything is a whole package. Mayor Mihalik recommended doing this as a special meeting to go over all the street projects and look at how the dollars are spent. Motion by Schmidtke, seconded by McIntyre to table the Virginia Street & Tetonka Bay Drive improvements to an April meeting. Unanimous vote. Motion carried.

F. Personnel Committee Recommendations.

1. Fire Department Policy Approval. Motion by Mihalik, seconded by McIntyre to approve the Fire Department Policy. Unanimous vote. Motion carried.

2. Appointment of Fire Department Liaison to Personnel Committee. Motion by McIntyre, seconded by Vail to appoint Matt Duhme to the Personnel Committee. Unanimous vote. Motion carried.

3. Non-Contracted employee pay increases. Mayor Mihalik said that each department receptionist, Fire Department and Part-Time Police Officers will receive a twenty cent an hour increase for 2016. This is recommended by the HR Committee. Motion by Vail, seconded by McIntyre to approve the twenty cent pay increase for all non-contracted employees. Voting for: Vail, McIntyre, Mihalik; Abstain: Schmidtke; Motion carried.

4. Emergency Management. Mayor Mihalik said this contract has been reviewed and discussed in great detail with the HR Committee. This is for Officer Spicer. The hours he would spend conducting emergency management time he would be paid an additional \$1.50 per hour in addition to his regular wage rates. Motion by McIntyre, seconded by Schmidtke to accept the Emergency Management Contract. Unanimous vote. Motion carried.

G. State Building Code Work Session Special Meeting Date. Mr. Schmidtke had requested Council to meet with Mr. Dan Murphy on the State Building Code. Discussion held on date to schedule the meeting. Mayor Mihalik requested that Ms. Hill check with Mr. Murphy to see if April 21st, 2016 will work for him. Mayor Mihalik set the state building code work session for April 21st, 2016 at 6:00 p.m.

H. EDA/Chamber Thursday Night Activities. Mayor Mihalik said that the EDA is considering what can the EDA do or participate in or start to generate additional activities downtown, additional business downtown. Whether it is residents or our summer residents coming in to see the area. This discussion made many different turns. Right now this would be once a month starting in the month of June. This would be an opportunity where we would have a car show as an example. At that time we would encourage our businesses to open up and put something out on the sidewalk and encourage local vendors to have their own tables whether a Tupperware, Mary Kay or craft. If there are local food vendors they would have options as well. Although electricity would not be provided. The Village has offered to open up their building for a movie night that very same Thursday. Just creating a buzz on a Thursday night. There was also discussion on having a band or some sort of musical element to it. The EDA met with some of the community leaders to include the Chamber. The Chamber is considering taking on this event as being a Chamber event. Mayor Mihalik said he wanted to make Council aware of what is being considered. Mayor Mihalik said he thinks this would be a positive thing for the community. Ms. Vail discussed what the City of Henderson has done for the past seven years with the car and motorcycles coming in. Discussion regarding what other cities do for events. Discussion of ways to advertise the City's event.

I. Clean Up Days.

1. City Wide. Proposed dates for Clean Up days are May 7th and 21st. Mayor Mihalik said we have two options – having a dumpster and let people fill it up for two Saturdays. The other option is curbside pick-up which comes with a higher cost. Once we get the costs we can decide which option to do. Ms. Hill said if the curbside is done they will not do that on a Saturday, they would typically do it on a week day. Discussion regarding the curbside

pick-up. Ms. Vail suggested that we advertise regarding when the City wide clean up would be so that people are aware of it. Motion by Mihalik, seconded by McIntyre to schedule the City Wide clean-up dates for May 7th and May 21st. Unanimous vote. Motion carried.

2. Parks. Ms. Vail said that the parks clean-up is Saturday April 30th. They will get the word out to the girl scouts and boy scouts and the rest of the community. She requested that this be put in the April water bill. The back-up date is May 14th. They meet at 9:00 a.m. at the beach. Discussion regarding the clean-up and the volunteers.

J. Wapasha Construction Pay Estimate #7. Motion by McIntyre, seconded by Vail to pay Wapasha Construction pay estimate #7 in the amount of \$278,444.49. Unanimous vote. Motion carried.

K. Police Commission Request to Hire. Police Civil Service Commission requests the hire of Andrew Hallberg dependent on the successful completion of a background, physical and psychological examination. Mr. McIntyre said that the background check has been done it is just the psychological and physical. Motion by McIntyre, seconded by Mihalik that we hire Andrew Hallberg as a part-time Police Officer. Unanimous vote. Motion carried.

L. 2016 Street Project Bidding. Ms. Hill said that Mr. Peach had presented to Council to select the streets to be done. Mr. Peach estimated Rogers Road at \$108,000, North Buchannon \$119,000. Ms. Hill said anything over \$100,000 is required to be bid. Discussion on going out to bid on all of the street projects. Discussion regarding the streets that are to be done and how to bid them out. Motion by Mihalik, seconded by McIntyre to direct Jason Femrite of Bolton & Menk to draft the bid specifications for the road previously mentioned at the last meeting and to go out to bid. Unanimous vote. Motion carried.

8. Engineer's Report. Mr. Femrite said he will have to look at the calendar and we may be reviewing the streets in a special work session and not at the actual meeting because he thinks we will just miss the regular meeting for the appropriate amount of advertisement time. They will be reviewed at the work session. Mayor Mihalik said we will review them when they are available. We will set the meeting at that time.

9. Attorney's Report. Mr. Moran did not have anything to report.

10. Administrator's Report. Ms. Hill did not have anything to report.

11. Council Discussion.

A. Mr. Schmidtke said that the road postings went on last Monday; did Waste Management start with the small trucks yet? Ms. Hill said she will call and see.

B. Mayor Mihalik said he wants to again thank Chief Meskan and his team that was here last week. It was a phenomenal meeting. It was a great step forward. Mayor Mihalik said he spoke with the Chief earlier today and again complimented him on the progress that they have made and the report that they gave. He thinks it was an outstanding meeting. Mr. McIntyre said it is a big step forward for the Fire Department and he thinks it is great and it is going to work well having everything broke out and have a separate operating manual and training and bring all the other to the HR Committee for getting recruitment and retention and everything we need to do to start pulling a lot together. It will help the department tremendously. He did a good job. Ms. Vail said she would like to thank them also.

12. Approval of Disbursements. Motion by Schmidtke seconded by Vail to approve the disbursements in the amount of \$375,338.44. Unanimous vote. Motion carried.

13. Impress Cash Fund. Motion by McIntyre seconded by Mihalik to approve the impress cash fund in the amount of \$19.05. Unanimous vote. Motion carried.

14. Adjourn. Motion by Mihalik, seconded by McIntyre to adjourn. Unanimous vote. Motion carried. Meeting adjourned 7:50 p.m.

Stephen Mihalik, Mayor

Teresa Hill, Administrator/Clerk