

WATERVILLE CITY COUNCIL  
REGULAR COUNCIL MEETING  
June 7, 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 June 7, 2016.

Present: Vail, Schmidtke, McIntyre, Wollin 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 – April 26, 2016, May 3, 2016, May 26, 2016.** Motion by McIntyre seconded by Vail to approve the minutes of the April 26, 2016 special meeting, May 3, 2016 regular meeting and May 26, 2016 special meeting. Unanimous vote. Motion carried.

**3. Approval of Agenda/Additional Items to Agenda.** Mayor Mihalik said there are a couple of changes on the agenda item 5C the Chamber request for hot summer nights, removal of 8D Resolution 2016R-013, letter 8K Police Commission Appointment we added one resignation, and letter 8U was life guard approval this was a duplicate so delete that. Motion by Schmidtke, seconded by Mihalik to approve the agenda with the amendments. Unanimous vote. Motion carried.

**4. Public Hearing on Paquin Street Improvements.** Jason Femrite said what we have tonight is the improvement hearing which is one of the steps of MN Chapter 429 process that we follow on all assessed projects in the City of Waterville. Mr. Femrite went through the description of the projects, anticipated costs, and preliminary assessment rolls. This will be a one block stretch of Paquin Street East from 2<sup>nd</sup> Street South to 1<sup>st</sup> Street South. The street has reached its useful life and is in the need of reconstruction. With the current construction prices they are anticipating a reconstruction of this street. The sanitary sewer is in good condition and would be subject to some lining potentially in the future when sanitary needs are realized. The street is 34 feet wide from curb fact to curb face and they are proposing a 7 ton seasonal axle loading of 3 ½ inches of bituminous, 8 inches of class 5 aggregate base and 6 inches of select granular borrow over biaxial Geogrid anticipating helping stabilize the sub-grade before they actually build the road. It will have regular B-618 curb and gutter for a majority of the project. The Traditions driveway access points they may entertain some drive over curb. Complete sidewalk replacement is not included in this project. There will be ADA improvements at the intersections. The estimated cost of the project is \$131,288.33. A review of the City's assessment policy was made and a proposed assessment roll was presented. Following the City's current policy that was adopted in 2011 they looked at the street improvements on a project unit basis. The assessment rate is applied at 50% of the improvements to the benefiting property owners on a per unit assessment. There are a number of corner lots. The corner lot assessments will be at one-half of the unit assessment for each side of the lot abutting the improvement. If Council so chooses Bolton & Menk will design the improvements, bid the improvements and at that point we will fully realize what those costs are and provide an updated final assessment roll that would be provided based on the actual bid numbers and the construction cost. When

Council does authorize moving forward with this we are looking at about a month and a half to two months for design, they have to do some topographic survey, follow the design guidelines for the City standards to design the road, and then they will go through a bidding process. Once the bids are received that is when the assessment roll will be updated and a second hearing will be held under the 429 process and that is the final assessment hearing. The project is anticipated to be completed between 6 and 8 weeks. Discussion regarding the preliminary assessment rolls. The roll which will be used is the preliminary assessment roll – option A (revised 5-4-16). Danny Fessel, 204 South 2<sup>nd</sup> Street, said the only concern he has is his driveway. When he backs out of there he is always afraid he is going to get whacked because people come over that hill fast. They don't see him. He was wondering if there is anything they can do about that when they do this street. Is there anything that can be done differently there? Mr. Femrite said he appreciates Mr. Fessel's comment and they did talk on the phone about that and he has made note of that. Mr. Femrite said he looked at it again and he is not making any guarantees but he is certainly taking that into account to see if we can potentially soften the grade of his driveway, not guaranteeing it, and possibly lowering the hill slightly so there is a little bit more visibility. They will see what they can do with the different constraints and driveway locations. Mr. Fessel's point is duly noted and they will look at that going through design. Brad Ferch, 207 South 1<sup>st</sup> Street, said that has been predetermined that not all the sidewalks are going to be changed, as that was done not too long ago. Mr. Femrite said the sidewalk in front of the property there is essentially staying. There will be some work by the alley and a new ADA ramp but the majority of that sidewalk is in really good condition. Mr. Ferch said he has lived there all his life but the maintenance on that road has been non-existent. That is a concern of his; once the road does get fixed up that it does get taken care of. It has not been taken care of in the last 40 years he has lived there. Mayor Mihalik said that last year Council had Bolton & Menk develop a five year maintenance program for all the roads in Waterville. That will be a living document that will continue to be added to so as roads start to need that next part of maintenance that will continue to be added to. That was non-existent prior to that. Mr. Schmidtke said #1's assessment will be \$13,128.83 and #2 is \$6,564.42 is this the assessment you are working with. Mr. Femrite said yes, on the per unit basis. Motion by Mihalik, seconded by Schmidtke to close the public hearing. Unanimous vote. Motion carried.

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

### **A. Speed bump request for Rogers Road and 1<sup>st</sup> Street by the Bowling Alley.**

Mayor Mihalik said the request is from Mrs. Sturdivant. Mayor Mihalik said that in the past when Council has talked about this the concern was in the winter months and the plows hitting these speed bumps. We have also discussed the potential of having a mobile speed bump that can be moved to other locations. Discussion held regarding the speed bump request. Council requested more patrolling in the area and possibly considering purchasing a mobile speed bump and move it to different locations. Motion by Mihalik, seconded by McIntyre to decline the request for a speed bump at Rogers Road and 1<sup>st</sup> Street by the bowling alley. Unanimous vote. Motion carried.

**B. Utility Bill Mailing Request – The Village.** Motion by Vail, seconded by Wollin to approve the Village utility bill mailing request. Unanimous vote. Motion carried.

**C. Chamber Request for Hot Summer Nights.** The Chamber of Commerce requested closing Main Street from 5:00 to 8:30 from Second Street to Third Street for the event on June 23<sup>rd</sup>. Mayor Mihalik said the request came in late and he has not had time to discuss the request with Chief Manning or any business owners and the impact this might have on them. Mayor Mihalik said he is in huge favor of the Hot Summer Nights event but we need to have

more information before we close Main Street. Mayor Mihalik said the EDA did discuss this with the Chamber a couple of months ago the discussion was not to close any roads. Discussion regarding closure of the road. Motion by McIntyre, seconded by Wollin denying the request to close Main Street on June 23<sup>rd</sup> from 5:00 to 8:30 p.m. Unanimous vote. Motion carried. The Chamber requested a utility bill insert for the event to be held June 23<sup>rd</sup>. Motion by Vail, seconded by Mihalik to approve the Chamber's utility bill request for Hot Summer Nights. Unanimous vote. Motion carried.

**6. Unfinished Business**

**A. State Building Code Ballot Question.** Mr. Moran provided the verbiage for the State Building Code Ballot question. Discussion regarding whether the state building code question should be on the ballot. Motion by Wollin, seconded by Schmidtke to put the State Building Code question on the ballot as presented with the yes or no option at the end of the verbiage. Voting for: Schmidtke, Vail, Mihalik, Wollin; Voting against: McIntyre; Motion carried.

**B. State Building Code Adoption.** Motion by Mihalik, seconded by Wollin to not adopt the State Building Code and allow this to go to ballot. Unanimous vote. Motion carried.

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

**A.** Jennifer Grobe, 409 Harmon Street West. Ms. Grobe said on the May 26<sup>th</sup> meeting when Council approved the resolution on the pavement and repair of Virginia Street you were not really explicit where these funds were going to come from to pay for that. You had different discussions on where it was going to come from but you didn't actually specify. She is wondering if Council can reiterate that now. Mayor Mihalik said the funds are going to come from the general fund, from the reserves, these are the undesignated reserves still leaving the required amount we have and then some left in that reserve. Ms. Grobe said okay.

**8. New Business.**

**A. Ordinance Number 98 Allowing for the Keeping of Chickens.**

**1. First Reading.** Motion by Mihalik, seconded by Schmidtke to accept this as the first reading of Ordinance Number 98 allowing for the keeping of Chickens. Unanimous vote. Motion carried.

**2. Setting public hearing for July 5, 2016 at 6:30 p.m.** Motion by McIntyre, seconded by Wollin setting the public hearing date of Ordinance Number 98 for July 5, 2016 at 6:30 p.m. Unanimous vote. Motion carried.

**B. Resolution 2016R-011 Granting Exempt Gambling Permit to Holy Trinity Catholic Church.** Motion by Schmidtke, seconded by Vail adopting Resolution 2016R-011 granting exempt gambling permit to Holy Trinity Catholic Church. Unanimous vote. Motion carried.

**C. Resolution 2016R-012 Granting Exempt Gambling Permit to Waterville Sportsmen's Club.** Motion by McIntyre, seconded by Mihalik adopting Resolution 2016R-012 granting exempt gambling permit to Waterville Sportsmen's Club. Unanimous vote. Motion carried.

**D. Resolution 2016R-013 Granting Exempt Gambling Permit to the Waterville Area Festival Organization.** Stricken from agenda.

**E. Resolution 2016R-014 Appointing Election Judges for the August 9<sup>th</sup> and November 8<sup>th</sup> election.** Motion by McIntyre, seconded by Schmidtke adopting Resolution 2016R-014 Appointing Election Judges for the August 9<sup>th</sup> Primary and November 8<sup>th</sup> Primary election. Unanimous vote. Motion carried.

**F. Resolution 2016R-015 Ordering the Abatement of Nuisance Conditions.** This is abatement for properties located at 407 East and 405 East Hoosac. Motion by Mihalik, seconded by Vail approving Resolution 2016R-015 ordering the abatement of nuisance conditions. Unanimous vote. Motion carried.

**G. Flood Grant Administrator Contract Approval.** Mr. Moran said he drafted the contract and it is an independent contractor agreement which requires Minnesota Valley Action Council to comply with all laws, statutes, and governmental regulations regarding the implementation of the grant. They will be paid \$40 per hour for their services with a maximum of \$15,000 in total. Motion by McIntyre, seconded by Schmidtke approving the flood grant administration contract. Unanimous vote. Motion carried.

**H. Resolution 2016R-016 Accepting Donation.** This is a donation to the Fire Department from the Janda family. Mr. Schmidtke thanked the Janda Family for donating to the Fire Department, it is really appreciated. Mayor Mihalik said on behalf of the Council it is extremely appreciated for recognizing the hard work and effort of the Fire Department and what they go through so thank you to the Fire Department. Motion by Mihalik, seconded by Vail to adopt Resolution 2016R-016 accepting the donation. Unanimous vote. Motion carried.

**I. Street Truck Sale Request for Bids.** Mr. Peach provided Council with a memo requesting to accept bids for a 1984 Ford L8000 and also to be put on Craig's List. Motion by Mihalik, seconded by McIntyre approving the street truck sale request for bids with a minimum bid of \$5,500. Unanimous vote. Motion carried.

**J. Outside Waste Disposal.** Bolton & Menk is not recommending that we accept or purchase the outside waste disposal. There are a lot of unknowns when it comes to septic sewage. Mr. Femrite said we have a new plant coming here and it is relatively small. It certainly meets the needs for everything we have talked about but when you are talking about septic discharge into that it can upset the apple cart. Some of the larger plants can accept that because of the dilution. Discussion regarding the outside waste disposal. Motion by Mihalik, seconded by Wollin to discontinue the discussion regarding outside waste disposal. Unanimous vote. Motion carried.

**K. Police Commission Appointment & Resignation.** Council received applications from Tom Neidick and Trina Waugh to be on the Police Civil Service Commission. Mr. Charles Dorenkemper provided a letter of resignation effective June 6, 2016. Mayor Mihalik thanked Mr. Dorenkemper for his service and time on the Police Commission. Motion by Vail, seconded by Schmidtke to accept the two appointments and the one resignation. Unanimous vote. Motion carried.

**L. Approval of Life Guards.** Lifeguards for 2016 season: Debora Sanborn at \$9.25 an hour, Luke Borneke at \$9.00 an hour and Kelsey Stephensen at \$9.50 an hour. Motion by Schmidtke, seconded by Mihalik approving the life guards. Unanimous vote. Motion carried.

**M. Drug Task Force Request.** Sheriff David Tietz addressed Council regarding the possibility of joining the Cannon River Drug and Violent Offender Task Force multi-jurisdictional drug task force. Sheriff Tietz advised that by joining a drug task force they come into Le Sueur County and into your city and have the resource and staff to complete drug deals, convict drug dealers and take the drugs off your city streets. Le Sueur County is asking that all jurisdictions help assist with the funding for the task force. The City of Waterville's proposed contribution would be \$7,000 a year. The County would fund half of the costs as well as providing the officer with equipment, vehicle, insurance, etc. The cost for an officer would be approximately \$80,000 a year. There is a possibility that by vehicle forfeitures and cash may be collected and disbursed to all the cities. City Attorney Moran asked how can we be assured that we are going to get the coverage from the task force for the \$7,000. Sheriff Tietz said that is why he wants to hire an officer for our County. When we would get a call from a City they will be there working for that City. A commitment to the drug task force would take effect in 2017. Ms. Vail said she is in favor of the task force but she would like to see for the money wise which she thinks would be a lot fairer in the County is if you go back to the Commissioners and the County would fund this. Otherwise if the County is funding a certain amount and we are also funding. All the cities would pay twice whereas if you live in the county outside of these cities you will only pay once. Sheriff Tietz said he did not think that the County would fund the whole task force. Mr. Schmidtke said he has talked to Chief Manning and Sheriff Tietz about the problems in Waterville. He does not want a police officer or a fireman shot going to one of these calls. For \$7,000 to save a police officer's life or one of our fireman's is pretty minimal. The problem has to be stopped now. Mayor Mihalik said he is also in favor of a drug task force the question of course is the funding. He understands the significance of fighting the drug crime. He would like to see it if you take a look at the population base, that is basically \$3.75 per person. If you use the same calculation with Le Center it is \$2.81, Le Sueur is \$1.73 per person. The rational of the \$7,000 isn't proportionate to the other cities. We also have some townships that should be looked at as well. Discussion held between Council and Sheriff Tietz regarding the funding. Sheriff Tietz said that the other cities are very supportive of the drug task force. Mr. Moran said we just want to make sure that we are getting good coverage for the money that we would be putting in. Motion by Mihalik, seconded by Wollin that we give verbal support for the drug task force. Unanimous vote. Motion carried. Ms. Vail suggested that Council approach our Commissioners and go forward from there. Mr. Moran said he would like to follow up with Sheriff Tietz on this. He wants to make sure that Waterville is getting good coverage. Chief Manning said that there will be a Chief's meeting on the 15<sup>th</sup> where they will be discussing some of these things. Everybody is in favor but the question is how much will it cost. Coming down to cost, percentage per person, finding a fair and equitable way. Motion by Mihalik, seconded by McIntyre to table the discussion on the financial contribution until the July meeting. Unanimous vote. Motion carried.

**N. Personnel Committee Recommendations.**

**A. Fire Fighter Job Description.** Mayor Mihalik said that the job description was done by the personnel committee which also included Matt Duhme who represented the fire department and is in agreement with the job description. Motion by Schmidtke, seconded by Wollin to approve the Fire Fighter job description. Unanimous vote. Motion carried.

**B. Job Posting.** Mayor Mihalik said that in job posting that there is a minimum qualification is an 8 minute drive to the fire station in Waterville as a condition of employment. This is what is currently in place. Consideration will also be given to fire fighters within the 9 to 13 minute drive to the fire station. They would be considered and not

immediately disqualified as they had been in the past. This also expands the radius for the search of good fire fighters. The job posting will be for four fire fighters. Motion by Mihalik, seconded by McIntyre to approve the job posting. Unanimous vote. Motion carried.

**C. Employee Retention.** Mayor Mihalik said this is specifically for Mr. Matt Duhme who is actually moving outside of that 8 minute radius, he is actually at the 9 minute radius of the City. The recommendation from the Fire Department Officers was to retain Mr. Matt Duhme on the Fire Department and Mr. Duhme's expertise, his experience and what he has been doing for the Fire Department; the recommendation of the personnel committee is to retain Mr. Duhme as a fire fighter. Motion by Wollin, seconded by Vail that we retain Matt Duhme as a fire firefighter. Unanimous vote. Motion carried.

**O. Post Compliance Report.** Chief Manning advised Council that the Minnesota Board of Peace Officers Standard and Training came down and inspected all of the police department verifications and checked to see if everything is up to date. The City of Waterville Police Department passed the inspection.

**P. 2015 Wastewater Treatment Facility Operational Award.** Mayor Mihalik advised that the Waterville Waste Water Treatment Plant has been awarded the 2015 Wastewater Treatment Facility Operational Award and has been a winner of 6 certificates of commendation since 1980. This is a great job done by the Waterville City staff.

**Q. Borneke Construction Final Pay Estimate and Additional work.** Motion by Wollin, seconded by McIntyre to approve the final pay estimate of Borenke Construction in the amount of \$22,649.49 and the additional work of \$8,507.20 to Conservation Landscapes. Unanimous vote. Motion carried.

**R. M & W Contract Amendment.** M & W is requesting an amendment to their contract because of a reduction in the amount of work. This would be an increase of \$2.00 per ton and an increase in milling unit by \$0.09 a square yard. The total impact that this adjustment would have would be approximately \$3,594.10. Motion by Wollin, seconded by Vail to give M & W the contract amendment they are asking. Unanimous vote. Motion carried.

**S. Wapasha Construction Pay Estimate #10.** Mr. Femrite said that everything is moving forward and they are approximately 25% completed. If Council wants to tour the wastewater treatment plant they can make arrangements with Mr. Femrite to do so. Motion by Mihalik, seconded by McIntyre to approve pay request No. 10 of Wapasha Construction Co. in the amount of \$570,446.29. Unanimous vote. Motion carried.

**T. Pavement Request – Tim Smith.** Mr. Smith addressed Council on his pavement request which is the small section of gravel that is left right now between the City's portion of the driveway that enters into his property, from the corner of South Tetonka Bay Drive where the pavement is there and the concrete driveway that access their property and his neighbors to the south at this point is gravel. Mr. Smith said it has been a very minimal maintenance project for the City. Mr. Smith said he does the majority of the snow plowing and the grading of that short section. Mr. Smith asked if there is a possibility when you pave Virginia Street and South Tetonka Bay Drive and improve that area could you also pave that short section between the pavement and their pavement. Discussion regarding Mr. Smith's request and the area that he is requesting to be paved and whether it would be assessed. Mayor Mihalik gave direction to Mr. Femrite to get an estimate and for Ms. Hill to check with M & W that if they would get this project if that would change the additional \$3,500 they have asked to pay. Motion by Mihalik,

seconded by Schmidtke to table the pavement request from Mr. Tim Smith until a future meeting. Unanimous vote. Motion carried.

**9. Engineer's Report.** Mr. Femrite gave an update on the City lot. They have done a significant amount of research on the deeds and they have a meeting between Mr. Moran, Ms. Hill and himself and they will take a look at what Bolton & Menk found. Potentially there are property lines that may go through a building out there based on all the information that we have. We will talk about what is in front of us so that they can make some recommendations on how to proceed forward. The Kamp Dels forcemain and lift station they are working on getting that up and running. They did a start up here this week and had some tweaking to do. We are out a week or two on that. We will get that finalized very soon. Mr. Schmidtke said he was looking on Virginia Street and on the north end of the west side of the road on the shoulder there is a wash out. He does not know if there is a culvert underneath there. Mr. Femrite asked if it was a washout on the road itself. Mr. Schmidtke said on the shoulder part of the road. Mr. Femrite said he can look at it on Thursday.

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

**11. Administrator's Report.**

**A.** Ms. Hill said that the senior center door by the kitchen service area they will be doing a replacement of that along with some changing of the brick work around it. The estimate came in at \$3,300. The water is washing in through there and flooding that area. We need to elevate that and replace the door.

**B.** Ms. Hill said that she and Mr. Femrite had a meeting with Mr. Pettis yesterday talking about County State Aid roads. Mr. Pettis supplied a map of County State Aid roads that the County wishes to relinquish back to the Cities. Part of this discussion would link into the one block of Paquin Street that we are looking at. Ms. Hill said she would like to request that the Council have a work session so that we can look at the plan that was approved by the County in 2007. The discussion was that the County would not be doing anything with any of those roads that they have cited as wanting to give back to the cities. She would like to have some open discussion and have the Commissioner Wetzel here to visit with us on our concerns of relinquishing those and what the impact would be so that we can look at things a little more than just a one block or two block project. Ms. Hill said she is letting Council know what is coming down the pike and what their plans are. Mr. Moran said they have been trying to do this to Kilkenny for years. Mr. Moran said they have not done any maintenance to those roads, but they still pay the City to maintain it and plow it. The crux of it is that the County is simply not going to do anything with these roads and let them fall apart and in reality they are off the system. Ms. Hill said that Mr. Pettis did bring up the Paquin Street project that she would like to discuss with Council before we move forward with getting our bids and specifications drawn up. Motion by Mihalik, seconded by Vail to schedule a work session on Monday June 27<sup>th</sup> at 7:00 p.m. Unanimous vote. Motion carried.

**12. Council Discussion.**

**A.** Mr. McIntyre said since we have Bullhead Days coming up he sees we have some property owners that have vacant property have taken care of weeds and everything, who is going to take care of Main Street Lounge property that is now owned by the bank. That is terrible out there with all the weeds and everything on that sidewalk. Ms. Vail said she thinks it was taken care of late this afternoon. Mr. McIntyre said it wasn't earlier. Ms. Vail said she thinks it was around 5:00 o'clock. We can double check that.

**B.** Mr. McIntyre said when are we going to develop the land we bought from the former Good Samaritan for the parking lot at the boat launch? Ms. Vail said that would be something that she would have to work with the DNR for a project and we would have to look at it at budget time. Mr. Wollin said he was actually wondering that very same thing. Ms. Vail said it is just one of the items that she hasn't gotten to yet.

**13. Approval of Disbursements.** Motion by Schmidtke seconded by Wollin to approve the disbursements in the amount of \$398,547.93. Unanimous vote. Motion carried.

**14. Impress Cash Fund.** Motion by McIntyre seconded by Vail to approve the impress cash fund in the amount of \$40.82. Unanimous vote. Motion carried.

**15. Closed Session – MN Statute 13D.05 Subdivision 3(C3).** Motion by Mihalik, seconded by Wollin to go into closed session to develop or consider offers or counteroffers for the purchase or sale of real or personal property. Unanimous vote. Motion carried. Closed Session 8:30 p.m.

**16. Adjourn.** Motion by Mihalik, seconded by Wollin to reopen the meeting. Unanimous vote. Motion carried. Meeting reopened 8:41 p.m. Motion by Mihalik seconded by Vail to adjourn. Unanimous vote. Motion carried. Meeting adjourned 8:41 p.m.

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Stephen Mihalik, Mayor

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Teresa Hill, Administrator/Clerk