

WATERVILLE CITY COUNCIL
REGULAR COUNCIL MEETING
July 5, 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 July 5, 2016.

Present: Vail, McIntyre, Wollin and Mayor Mihalik

Absent: Schmidtke

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 Schmidtke. 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 – June 7, 2016. Motion by McIntyre seconded by Vail to approve the minutes of the June 7, 2016 regular meeting Unanimous vote. Motion carried.

3. Approval of Agenda/Additional Items to Agenda. Mayor Mihalik said there are a couple of changes to the agenda. The first one would be an addition of a written petitions, requests 5B Chamber of Commerce billing insert; New Business F3 Acceptance of Full-Time to Part-Time Employment Status for Officer Troy Stransky; F4 Approval to post for a full-time Officer Position; O 2010 USDA Refunding Proposal – Monte Eastvold will be tabled; S we will be adding Resolution 2016R-021 Exempt Gambling permit for St. Andrews Catholic Church. Motion by Mihalik, seconded by McIntyre to approve the agenda with the changes just mentioned. Unanimous vote. Motion carried.

4. Public Hearing on Ordinance Number 98 Allowing for the Keeping of Chickens. Sarah Edwards, 209 Lake Street West. Ms. Edwards said looking over the proposed ordinance there were some questions she had and some concerns. The first is the confinement place. In the proposed ordinance it says any chicken coop and chicken run shall be at least twenty-five (25) feet from any structure, setback or property line. Ms. Edwards said a proposed change would be due to the way that the ordinance is phrased it is virtually for any resident within City limits to place a chicken coop on their property. Properties in the City of Waterville are not large and this excludes a lot of residents from the opportunity. For the residents who have a large enough lot the way that they would need to place a chicken coop would virtually be in the middle of their lot. You don't want a chicken coop to be an eyesore that is not the plan of the ordinance. Chicken coops should really be placed next to a non-dwelling structure such as a garage or a storage shed. You want the chicken coop to blend in with your property not stick out. It is also important for the health of the chicken to be next to a structure to provide them protection from the elements that Minnesota has. The ordinance clearly has an investment in the health and safety of chickens which also includes keeping our coop draft free to avoid disease and death of the chickens. Ms. Edwards said she proposes that a chicken coop be at least 10 feet from any dwelling and be allowed next to a garage or shed. According to the Waterville Zoning Ordinance Section 150.03 General Provisions under D(1) it states that accessory structures such as private garages, either attached or detached, shall be comparable in design, material, general character and be architecturally harmonious to the principal structure. Ms. Edwards said she would gather that we would want the same for a chicken coop as well so that it looks like a part

of the property. Ms. Edwards said the permit piece she just had some e-mail correspondence with Teresa Hill and she communicated that the permit application would be the City Zoning permit. With this type of permit it is inappropriate and may be taxing on City resources to have a zoning permit filled out, completed, and reviewed for approval so she just proposes that there just be a permit just for the keeping of chickens that would still have the elements of the size of the coop, the location, and depends whatever else seems important. This process doesn't have to be taxing. Ms. Edwards said that since our last meeting she has gained support from 65 people in Waterville and she has some comments from them off of a petition that she had signed. People are really just expressing that they want people to come into this community and they don't want people to leave the community so essentially if we allow people to have chickens some people want to live in the country but they just don't have the means to be able to that but in the City they would be able to. Ms. Edwards said she has all the comments from the petition if Council would like a copy. Mayor Mihalik asked if that is the online petition that he saw online? Ms. Edwards said it is an online petition. Mayor Mihalik said because it is online and is available to anybody even outside of Waterville how do we know the 65 are from Waterville. Ms. Edwards said she deleted people that were not from Waterville and she also asked people that if they had a connection to Waterville, if they had family members that lived here or if they were from Waterville that they leave a comment. One of the specific comments was I may not live in Waterville anymore but many friends and family do. Some have chickens, they love having them, they have fresh eggs with no growth hormones added and a way to make some small profit by selling the eggs. In all honesty we all could use a way of doing that. Their children love the animals and love them as pets. Ms. Edwards said the 65 are true to Waterville. There were some bogus signatures from Switzerland. Mayor Mihalik said that is why he asked. Ms. Edwards said we want to bring people to our community and not turn them away. As a rural community this seems like a concept that should be given to the residents. The keeping of chickens can be compared to having a garden. Ms. Edwards said recently she wrote a grant for a community garden for the Village and on June 24th the grant was approved for \$3,000 so we will be building that this summer and planting next summer. Ms. Edwards said a chicken coop could be a part of that garden if we choose to do that. So if you are going through the process of building a chicken coop, getting your chickens, providing the proper care the likelihood that you are going to mistreat and not care for them it is not going to happen. It is too much of an investment. Ms. Edwards said the ordinance is thorough and it is great. Somebody sent her an image from 1918 "Uncle Sam expects you to have chickens" she thought it was interesting. It talks about people having chickens that you only need a few to have eggs for your family. Mayor Mihalik said thank you, you had some great comments and he appreciates her input on that. Mr. Moran is taking notes. Mr. Moran said he did, points very well taken.

David Stenger, 921 Lillian Street, asked what would the cost of it be for the homeowner. Ms. Hill said the permit fee would be set but the normal zoning permit fee would be \$30 that is if you are going to build a deck, storage shed or something like that. Mr. Stenger would that be a one-time \$30 fee. It is not an outrageous fee. Ms. Hill said basically \$25 goes to the inspector to go out and verify the location of whatever is being constructed. Mr. Stenger asked if there is a headcount on the maximum birds that they can have on a property. Mr. Moran said 5 hens, no roosters.

Mayor Mihalik asked if anyone else wanted to address Council. No one else wanted to address Council. Mayor Mihalik closed the public hearing.

5. Written Petitions, Requests, Etc.

A. Street Light Request. Mayor Mihalik said we have had a couple of street light requests this year. We have had one out in the Lagoon Area and North Shore Drive and now we have another one. Mayor Mihalik said we can all talk about the safety aspect of it and the need for it. Mayor Mihalik said he would like to look at this globally for the City and have a survey done of where lights are needed and what are the darker streets, what are the most dangerous corners and then come up with a comprehensive plan over the next few years of getting street lights throughout the City. Mayor Mihalik asked Mr. Femrite if Bolton & Menk could do the survey. Mr. Femrite said he could put together a proposal and bring it back to the next meeting on what the cost would be. Mr. Femrite said he would like them to look at the community so we can best estimate and see if that is something Council wants to do. Ms. Vail suggested Council and the Police can put in their input also. Motion by Mihalik, seconded by Wollin to table the street light request to the next meeting. Unanimous vote. Motion carried.

B. Chamber of Commerce billing insert. Motion by Wollin, seconded by Vail to approve of the Chamber of Commerce billing insert. Unanimous vote. Motion carried.

6. Unfinished Business

A. Pavement Request – Tim Smith Mayor Mihalik said this is the public road that goes to the lift station of which is utilized by two homeowners. The request was to pave the portion that goes to the home. It is a City public road. The estimate came in at \$3,120. Mayor Mihalik said that Mr. Smith did volunteer to potentially help pay for this. Mr. Mihalik would like to see if Mr. Smith would be willing to pay for half of the \$3,120. Mayor Mihalik requested Ms. Hill contact Mr. Smith. Motion by Mihalik, seconded McIntyre to table the pavement request for Tim Smith until the next regular Council meeting. Unanimous vote. Motion carried.

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

A. Sarah Edwards, 209 Lake Street West. Ms. Edwards said Sheriff Tietz was here at the last meeting talking about the Drug Task Force and she just wants to make sure that we don't forget about that. She knows we want to make sure we are getting our bang for our buck if we are going to contribute money but if someone is being arrested in LeCenter they are likely dealing in Waterville. Ms. Edwards said drugs are an issue here in Town. She is afraid for her son to go to school at some point in the future. He is two but we still have time to think about that. She thinks it is really important especially if the State is wanting matched funds to be able to provide that officer. She doesn't want people to be really discouraged that if we don't have four arrests in Waterville. Drugs are here. It is everywhere. It is a problem, it is just something that she doesn't want us all to forget about. Mayor Mihalik said he doesn't think the Council disagrees with you. Sheriff Tietz did a great presentation and likely so we have to ask questions because we are accountable to 1,800 people. Mr. Wollin said when would we review this again. Mayor Mihalik said this would be at a future meeting. Ms. Edwards said there was an article in the Le Sueur paper naming the towns that have already said they would contribute. Ms. Edwards said she thinks Mr. Moran represents a few of them. Mr. Moran said Le Center approved it, Elysian approved it and Kilkenny approved it. Mayor Mihalik said we were waiting for some additional information from Mr. Moran and Chief Manning.

B. David Stenger, 921 Lillian Street. Mr. Stenger said the gravel road that goes back to the park that is on the Lagoons would it be possible to get that sprayed with a chloride to cut down on the amount of dust. Mayor Mihalik said that was a consideration earlier however we are going to be paving that road. So rather than spending money to spray it only to pave it didn't make any sense. That is scheduled to get paved this year.

C. Dave Arnold, 604 Tetonka View Drive. Mr. Arnold asked when would the road be paved. Mr. Femrite advised that the completion date is August 31st. We have not scheduled a time for them to come in yet but as they do he will let Council know in his updates.

8. New Business.

A. **Truck Sale Bids.** Mayor Mihalik said that we do have one truck bid that came in. This bid came in from James Vogel for the Stately Township Board for \$6,325. Motion by McIntyre, seconded by Mihalik to accept the bid for the sale of our used truck. Unanimous vote. Motion carried.

B. **Conditional Use Amendment Request - Gary Myers/Sue Olson.** Mayor Mihalik asked Mr. Moran if this request should go to Planning and Zoning first. Mr. Moran said it does not have to go in front of Planning and Zoning, they are just an advisory board so you could take this up tonight or you could kick it back for their recommendation. Mayor Mihalik said he does not believe the homeowner has much of a choice but this one change. Motion by McIntyre, seconded by Wollin that we approve the Conditional Use Permit amendment request for Gary Myers/Sue Olson. Unanimous vote. Motion carried.

C. **Resolution 2016R-018 Approving Dark House Association – Application for Exempt Gambling Permit.** Motion by Wollin, seconded by Vail to adopt Resolution 2016R-018 Approving Dark House Association application for exempt gambling permit. Unanimous vote. Motion carried.

D. **Off Sale Liquor License Request – Catch of the Day Liquors, Inc.** Motion by Wollin, seconded by McIntyre to grant the off sale liquor license request of Catch of the Day Liquors, Inc. Unanimous vote. Motion carried.

E. **Supply Purchase.** Motion by Mihalik, seconded by McIntyre to approve the supply request. Unanimous vote. Motion carried.

F. Letter of Resignation

1. **Acceptance of resignation letter from Randy Mediger.** Mr. Mediger submitted a letter of resignation. Mayor Mihalik thanked Mr. Mediger for his years of service and he appreciates everything Mr. Mediger has contributed to that committee. Motion by McIntyre, seconded by Vail to accept the letter of resignation of Randy Mediger. Unanimous vote. Motion carried.

2. **Approval to Post Planning and Zoning Commissioner Vacancy.** Motion by Mihalik, seconded by Wollin approving to post the Planning and Zoning Commissioner vacancy. Unanimous vote. Motion carried.

3. **Acceptance of Full-Time to Part-Time employment status for Officer Troy Stransky.** Officer Stransky requested his employment status be from full-time to part-time as he is relocating. Motion by McIntyre, seconded by Mihalik to accept Troy Stransky's letter to go from full-time to part-time for the City of Waterville Police Department. Unanimous vote. Motion carried.

4. **Approval to Post Full-Time Police Officer Position.** Motion by Vail, seconded by McIntyre to approve posting for a full-time Police Officer position. Unanimous vote. Motion carried.

G. Municipal Maintenance Agreement. Motion by Vail, seconded by Wollin to accept the Municipal Maintenance Agreement. Unanimous vote. Motion carried.

H. Waterville Lakes Association Lake Improvement District Request. Mayor said that the Waterville Lakes Association has made a request and were not able to be here this evening. Obviously the City has property along the lake and would fall into one that could sign the petition of the Lake Improvement District. Currently there is a max of what that would cost \$75.00 a year. Mr. McIntyre said per parcel. Discussion held on how many parcels of property the City has on lakeshore. Discussion held on the estimated assessment. Ms. Grobe asked what the LID is. Mr. McIntyre said a Lake Improvement District is a district set up that becomes a governing body where all property owners become members of and the \$75 is an assessment to their taxes based on the property that they have. This generates from about \$30,000 to \$40,000 a year to continue to work on better water quality for our lakes and our river. To continue with the watercraft inspections and keep invasive species of zebra mussels and milfoil and everything out of our waters. Also it is there to help with projects where people living on the water such as the Lagoons where they have a real weed problem. We would then have funds to work on a project over a period of time to help them to eliminate a lot of their weed problem. It would have a governing board and they are accountable for reports to the County Commissioners. They have to have a budget and it has to be approved. Any changes has to be approved by the property owners. Ms. Grobe asked if it is just the property owners that abut the lakes. Mr. McIntyre said it is only if you own lakeshore property or river property. Discussion regarding the levy amount. Motion by Mihalik, seconded by McIntyre to table the Waterville Lakes Association Lake Improvement District request to sign the petition until the next Council meeting. Unanimous vote. Motion carried.

I. Resolution 2016R-019 Renewal of Assessments Deferred Pursuant to MS §435.193. Mr. Moran reviewed the applications. Motion by Mihalik, seconded by McIntyre to accept Resolution 2016R-019 Renewal of Assessments Deferred Pursuant to MS §435.193. Unanimous vote. Motion carried.

J. Resolution 2016R-020 Tax Forfeited Property. Motion by Vail, seconded by McIntyre to adopt Resolution 2016R-020 Tax Forfeited Property. Unanimous vote. Motion carried.

K. Wapasha Construction Pay Estimate #11. Motion by McIntyre, seconded by Mihalik to pay the pay estimate #11 to Wapasha Construction in the amount of \$824,210.60. Unanimous vote. Motion carried.

L. Budget Work Session Date. Mayor Mihalik proposed that Council do the budget work session on July 20th the same day as the public hearing with the Chamber request. The meeting starts at 6:00 p.m. so we will add that to the agenda.

M. Personnel Committee Recommendation for Hire of Beach House Attendant. The committee had a chance to meet with the candidate. Motion by McIntyre, seconded by Vail to approve the hiring of Payton Anderson as a beach house attendant. Unanimous vote. Motion carried. Motion by Mihalik, seconded by Wollin to set the wage at \$8.75 per hour. Unanimous vote. Motion carried.

N. Sidewalk Repair. City received two estimates. Motion by Mihalik, seconded by Vail to accept the low bid of Lenway Masonry of \$6,220.19. Unanimous vote. Motion carried.

O. 2010 USDA Refunding Proposal – Monte Eastvold – Motion by Mihalik, seconded by Vail to table the 2010 USDA refunding proposal to the July 20th special meeting. Unanimous vote. Motion carried.

P. National Night Out. Mayor Mihalik said we have a couple of options to look at this year. National Night Out is August 2nd when all Cities do this. There has been discussion with the EDA stating should we move that to the last Thursday of the month and do that in combination with the Hot Summer Nights or should we keep the National Night Out on the National Night Out. Discussion held by Council on which option to do for National Night Out. Council decided to keep National Night Out as it is on August 2, 2016.

Q. August Council Meeting Date. Motion by Mihalik, seconded by McIntyre to move the August Council meeting to Thursday August 4th at the regular meeting time. Unanimous vote. Motion carried.

R. Casey’s Easement and Dedication of Service Line. Mr. Moran said Casey’s recently sent us a proposed easement and dedication of service line agreement that they want us to consider. There were a number of issues with regard to the easement. He did get his concerns clarified with Casey’s. Mr. Moran said that he is asking that Council not take any action with regard to this as he wants to check with Bolton and Menk with regard to some survey data. We can address this at the next meeting. There are no time parameters that would necessitate passing this tonight. The general crux is we are not going to take on any ownership or liability of anything outside of the main. The way the easement language is drafted Casey’s would be responsible for their service connection up to the main just as any other homeowner in town. He wants to check with Bolton & Menk and make sure that the easement first of all is absolutely necessary and secondly to check the survey data to make sure that is correct. Discussion regarding the easement and dedication of service line. Motion by McIntyre, seconded by Mihalik to table the Casey’s Easement and Dedication of service line to the August meeting. Unanimous vote. Motion carried.

S. Resolution 2016R-021 Exempt Gambling Permit for St. Andrews Catholic Church. Motion by Mihalik, seconded by McIntyre to adopt Resolution 2016R-021 exempt gambling permit for St. Andrews Catholic Church. Unanimous vote. Motion carried.

9. Engineer’s Report. Mr. Femrite did not have anything to report

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

11. Administrator’s Report. Ms. Hill did not have anything to report

12. Council Discussion.

A. Mr. Wollin asked how long can a vehicle be parked on the street if it is a construction vehicle? Is that anywhere as an ordinance. There is one on his street that has been parked for 15 days now. It hasn’t moved. They did a remodel of a house. Mr. Moran said he knows that we have a very specific parking ordinance and it is very detailed without consulting that ordinance he wouldn’t want to give him an improper answer. Mr. Wollin said it is a really big truck and is blocking a driveway. Mr. Moran said he will look into that. Ms. Hill said the Police Department can look into it.

B. Mayor Mihalik said we have received a concern regarding the condition of the Lagoons and the amount of weeds in the Lagoons. Mayor Mihalik said we are seeing what our options are. Ms. Vail said she spoke with them. Ms. Vail said there are two avenues that you can look at because of permits. This all has to go through the DNR on what is allowed. She did go through that with the person that sent the e-mail and gave them some options to look at. Ms. Vail said a lot of it she believes are native plants that are there because the curly leaf has died off at this point. Ms. Vail said she explained when you do curly leaf you can ask for it but if there isn't any at the time you cannot treat. When you treat out from your personal shoreline you have to get the permit and see if it comes within the acres allowed by the DNR. She also recommended they contact the Lakes Associations.

C. Mr. McIntyre said because over the weekend with all the traffic jams on 1st Street with boats and trailers and everything when are we going to start developing the property that we bought. Ms. Vail said we will have to look at that as we go into budget time because of the amount of dollars it will cost and DNR regulations. She will have to work on a plan. Council could consider setting aside money for it. There are very strict regulations. Ms. Vail said she thought it went quite well this weekend going through there. She went through there quite a few times during the weekend. It was good to see it busy. Mayor Mihalik said maybe it is something that we could look at grants for.

13. Approval of Disbursements. Motion by Mihalik seconded by Vail to approve the disbursements in the amount of \$787,414.49. Unanimous vote. Motion carried.

14. Impress Cash Fund. Motion by McIntyre seconded by Vail to approve the impress cash fund in the amount of \$67.06. Unanimous vote. Motion carried.

15. Adjourn. Motion by Mihalik, seconded by McIntyre to adjourn. Unanimous vote. Motion carried. Meeting adjourned 7:45 p.m.

Stephen Mihalik, Mayor

Teresa Hill, Administrator/Clerk