

WATERVILLE CITY COUNCIL
REGULAR COUNCIL MEETING
August 4, 2016, 7:00 P.M.

There was a regular meeting of the Waterville City Council held in Council Chambers at 7:00 p.m. on August 4, 2016.

Present: Vail, McIntyre, Schmidtke 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, Jason Moran, City Attorney, and Fire Chief Chris Meskan. Pledge of Allegiance was recited.
- 2. Approval of Minutes – July 5, 2016 and July 20, 2016.** Motion by McIntyre seconded by Schmidtke to approve the minutes of the July 5, 2016 regular meeting and July 20, 2016 special meeting. Unanimous vote. Motion carried.
- 3. Approval of Agenda/Additional Items to Agenda.** Mayor Mihalik said we will be adding item 4A Waterville Lakes Association banner request, 5D the Drug Task Force Contribution under unfinished business and also 7O full time officer police hire and 7P 2016 Paquin Street Project 1, 2, and 3. Motion by Vail, seconded by Mihalik to approve the agenda with the additional agenda items just mentioned. Unanimous vote. Motion carried.
- 4. Written Petitions, Requests, Etc.**

 - A. Waterville Lakes Association – Banner Request.** Mr. McIntyre requested to put a banner up at the City sign at Hwy 60 and 13 and also on North Hwy 13 advertising the Pontoberfest which is September 3rd at the Sportsman’s Club with a pontoon boat parade starting at 1:00 o’clock on Lake Tetonka. Mayor Mihalik said there may be a conflict with the Hot Summer Nights banner. Discussion held. Mr. McIntyre said it would not be that big of a banner. Motion by Schmidtke, seconded by Vail that we grant the Waterville Lakes Association their banner request. Unanimous vote. Motion carried.
- 5. Unfinished Business**

 - A. Pavement Request – Tim Smith.** Mayor Mihalik advised that the pavement request was \$3,120 for 2 ½ inch blacktop. When we last left the discussion the question was were the residents going to contribute to the cost of the pavement. Mayor Mihalik said one resident was willing to contribute but the other one is not. Discussion regarding where the funds would come from if the City paid for the pavement. Motion by Schmidtke seconded by Mihalik that we blacktop that portion of the street for \$3,120. Unanimous vote. Motion carried.
 - B. Waterville Lakes Association Lake Improvement District Request.** Mayor Mihalik advised that the last time we discussed this, the question was how many parcels the City has on the lake. There are 8 parcels. Mayor Mihalik said if we approve signing the petition it doesn’t mean that this would be an automatic expense that we would have. The Lakes Association needs 51% of the lakeshore property owners to sign the petition. Mr. McIntyre said it also has to be approved by the County Commissioners. Discussion held regarding whether or

not to sign the petition. Mr. McIntyre explained how the petition process will work and also the LID. Motion by Mihalik, seconded by Schmidtke that we not sign the Waterville Lakes Association Lake Improvement District request at this time. Unanimous vote. Motion carried.

C. Casey's Easement and Dedication of Service Line. Mr. Moran advised that in June he presented a proposed easement from Casey's that dealt with the new Casey's development. Casey's is wishing to obtain an easement for part of the City's property for the main and the connection point to their new building. There were some concerns with the language they had in the easement and he also had concerns about the legal description. Bolton & Menk took a look at the legal description. There is a new easement in front of Council it clears up the legal description and some of the language has been cleaned up. The new easement is acceptable to him. Mr. Moran said the easement only covers the 8" main. It does not cover anything from the connect point to their building which is commonly called the service line. Motion by McIntyre, seconded by Vail granting Casey's Easement and Dedication of Service Line. Unanimous vote. Motion carried.

D. Drug Task Force Contribution. Mayor Mihalik said when the Sheriff was here their request was for \$7,000. There was a letter in Council's packet indicating that only a few cities have not yet responded. All the other cities have responded in a positive manner for the Drug Task Force. Mayor Mihalik said that he received a concern from a Citizen this week about a potential drug problem in the City. It would be nice to have a task force dedicated to that. This would be an expense for 2017 and an expense we would be reassessed every year. Mr. Moran said he addressed some of the concerns that he raised and they have been resolved favorably to the City. Mr. Moran said he would urge the Council to consider adopting a contribution in some form to the Drug Task Force. Mr. Schmidtke said we need to do this to protect our citizens in town and schools and everybody. Motion by Mihalik, seconded by McIntyre to approve the \$7,000 requested for the Drug Task Force contribution. Unanimous vote. Motion carried.

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

7. New Business.

A. Ordinance Number 98 Allowing for the Keeping of Chickens – Revisions/Adoption. Mayor Mihalik said that there was some concerns about the coop being in the center of the back yard and being more of an eyesore than the concern a chicken coop could be. One consideration would be that the coop would have to abide by our setback conditions we already have in the City. The other concern that we had was could the coop be right next to a garage or a house. Ms. Hill said that language should be put into the ordinance that they would have to abide by all setbacks although it is not being noted as a structure for fire code setbacks. Then you would not have the ten foot setback from the garage that is normally required. It would still keep in line the setbacks from the property lines. Mr. Schmidtke asked Sarah Edwards if she would get the chickens in as chicks. Ms. Edwards said you can get them as chicks or adult chickens. Ms. Edwards said it would depend on the time of year, you would not want to have baby chicks in the middle of winter. Mr. Schmidtke said he was concerned about heating lamps. Ms. Edwards said some people choose to heat their coops which could be a fire hazard. Ms. Edwards said you don't have to heat a chicken coop, chickens can live -35 degrees as long as there are not drafts in the coop and that is why you would want it butted up to a garage. Discussion regarding the heat lamps. Mayor Mihalik asked Mr. Moran if we change the ordinance number 98 to restricting heat lamps and the setbacks requirements as set by the City would we need another public hearing. Mr. Moran said we would not need another public

hearing. Mayor Mihalik said he would like to give direction to Mr. Moran to amend Ordinance Number 98 to restricting heat lamps and setting the setbacks consistent with the City standards and present that to Council at the next regular Council meeting for potentially the second reading and approval. Motion by Mihalik, seconded by McIntyre to table Ordinance Number 98 until the next regular Council meeting. Unanimous vote. Motion carried.

B. Relief Association Request Increase in Pension. Jeremy Schwartz, president of the Waterville Fire Relief Association addressed Council. Mr. Schwartz requested that Council raise their annual benefit \$100.00 a year from the \$1,600 to \$1,700 per member. Their accountants prepared information on what the City's liability would be for the increase. The required contribution for 2017 would be Zero for the City for that increase. Discussion regarding the pension increase. Motion by Vail, seconded by Mihalik to increase the Relief Association pensions from \$1,600 to \$1,700 per member. Voting for: Mihalik, Vail, McIntyre; Abstain: Schmidtke. Motion carried.

C. Resolution 2016R-021 Waterville Relief Association Exempt Gambling Permit. Motion by McIntyre, seconded by Vail to approve Resolution 2016R-021 Waterville Relief Association Exempt Gambling Permit. Voting for: Mihalik, Vail, McIntyre; Abstain: Schmidtke. Motion carried.

D. Resolution 2016R-022 Accepting Fire Department Donation on behalf of Mike Flitsch. Mr. Schmidtke said that they had a call out there a couple of months ago and his wishes were to donate to the Fire Department. Motion by Mihalik, seconded by McIntyre accepting Resolutions 2016R-022 accepting Fire Department Donation request on behalf of Mike Flitsch. Unanimous vote. Motion carried.

E. Fire Hall Expansion Committee. Mr. Wollin had suggested a fire hall expansion Committee be formed. Mayor Mihalik recommended that a Committee be composed of two members of the Fire Department, two members of the City Council and Teresa Hill. Mr. Schmidtke suggested Mr. Wollin be on the Committee. Mr. McIntyre said he would like to be on the Committee. Motion by Mihalik, seconded by Schmidtke approving Mr. Wollin and Mr. McIntyre to represent the Council on the Fire Hall Expansion Committee and direct the Fire Department to assign two members of the Fire Department on that Committee as well and to work with Teresa Hill to head that Committee. If any Council member has a suggestion please let the Committee know. Unanimous vote. Motion carried.

F. Fire Ordinance Recommendation – Chief Meskan. Chief Meskan said that the Fire Marshall's office sent a letter prohibiting barbeque grills and open flames on balconies and patios. Chief Meskan said we do have some apartment buildings that have balconies. According to Mr. Moran you have to have this as an adopted ordinance in order to enforce it. Mr. Moran recommends that the City adopt an ordinance Appendix K – Fires or Barbecues on Balconies or Patios. Mr. Moran will draft a proposed ordinance. Mayor Mihalik said that he gives direction to Ms. Hill and Mr. Moran to have an ordinance drafted for City Council's review at the next meeting. Motion by Mihalik, seconded by McIntyre to table Fire Ordinance Recommendation to the next Council meeting. Unanimous vote. Motion carried.

G. Memorandum of Understanding for Paquin Street from First to Third. Mr. Moran said that the Mayor, Mr. Pettis, Ms. Hill and himself met and came to a successful resolution with the County. The County has agreed that in 2017 they will sealcoat Paquin from 2nd Street all the way to Highway 13 at the County's cost and in return we will take off the grid

for the County a small section of Paquin Street. The Paquin Street project will not have to be to the new specifications of the County and we can build according to specifications we already have, which is a \$10,000 savings as well. Motion by Mihalik, seconded by Vail to accept the Memorandum of Understand for Paquin Street from First to Third drafted by Mr. Moran. Unanimous vote. Motion carried.

H. Ordinance No. 150.24 an Ordinance Opting-Out of the Requirements of Minnesota Statutes Section 462.3593 allow for Temporary Family Care Dwellings. Ms. Hill advised that Le Sueur County has opted out. Mr. Moran said Le Center has opted out as has Madison Lake, Elysian, and Kilkenny will. St. Peter opted out a few days ago, Duluth has opted out, Minnetonka has opted out. The majority of the Cities of Minnesota have opted out.

1. 1st reading – Motion by Mihalik, seconded by McIntyre to accept the 1st reading of Ordinance No. 150.24. Unanimous vote. Motion carried.

2. Public Hearing Date 8/16/16 6:00 p.m. Mayor Mihalik set a public hearing date on August 16, 2016 at 6:00 p.m.

I. Election Judge Pay. The recommendation is to pay minimum wage at \$9.50 per hour to comply with both the State and Federal wages. Motion by Vail, seconded by McIntyre that the Election Judge pay be at the rate of \$9.50 per hour. Unanimous vote. Motion carried.

J. Beach House Attendant/Life Guard Hire & Wage. Recommendation made to retain Kelsey Stephenson as a Beach House Attendant at the rate of \$9.50 per hour effective July 25, 2016. Motion by McIntyre, seconded by Vail that we approve the Beach House Attendant/life guard hire and wage. Unanimous vote. Motion carried.

K. Planning and Zoning Comprehensive Plan land use and recommendations. Mayor Mihalik said that a few months ago we sent to Planning and Zoning to review the Comprehensive Plan as well as the zoning map. There have been a lot of really great discussions at the planning and zoning level and he appreciates their careful consideration. Their recommendation is to keep the current land use unchanged however they would like Council to consider changing the multi-family dwelling units over 4 units to be allowed as a permitted use where right now they are only allowed as a conditional use. Motion by Schmidtke, seconded by Vail accepting the Planning and Zoning Commissioners recommendation. Unanimous vote. Motion carried.

L. Sale of Bicycles & City Hall Garage Storage. Mayor Mihalik said there are a lot of bicycles. Approximately four years ago at the National Night Out we tried to sell them for \$1.00. We couldn't sell them for a \$1.00. We told people if they want a bicycle take one, and they weren't taken. Mayor Mihalik said he would recommend that we dispose of the bicycles. Mr. Femrite said there is a bike restore place in Mankato, they may take them. They refurbish bikes for kids and sell them cheap. Mayor Mihalik said if we donate them there is red tape that we have to go through. If you simply say we are disposing of them we are putting them next to the dumpster then if they become missing he is sure that will be fine. There are also two furnaces that need to be disposed of. Motion by Mihalik, seconded by Vail to dispose of the bicycles and the two furnaces in the City garage. Unanimous vote. Motion carried.

M. Waste Management Contract and Concerns. Mr. Schmidtke requested that this be placed on the agenda. Mr. Schmidtke said that he doesn't know how many times he has called Ms. Hill about the sloppiness of their dumpsters when they are done, laying on the street sideways and going up and down the streets so many times with their trucks especially in the

Spring. He is concerned with the weight limits. Mr. Schmidtke said that the other day the truck was picking up a garbage container and he heard a big bang and they were dropping the garbage container down. He has received several complaints on it. Mr. Schmidtke said he is paying for that service to Waste Management and if he is not happy why can't he go someplace else. It is tied up with the City. He knows a lot of people that are concerned about that. He had one person have a wheel broke off because they slammed the garbage container on the ground. Mayor Mihalik said he understands our neighboring cities are not necessarily thrilled with their service either. The contract will lapse May 31, 2017. Mayor Mihalik said it is time to go back out to bid and seeing who else out there is interested. He does not know that having multiple services in town makes any sense because then you would have all these trucks going up and down the road. It is our responsibility as the City to make sure that we are getting the best possible service for the best possible price. Ms. Vail said we can look at other options and gather more information. Mr. Moran discussed what the City of Elysian is doing for rebidding. Discussion regarding the Waste Management services and the complaints received. Motion by Schmidtke, seconded by McIntyre to take go out to bid for waste removal and for Ms. Hill provide bid specifications for the next regular meeting. Unanimous vote. Motion carried.

N. Wapasha Construction Pay Estimate #12. Motion by McIntyre, seconded by Vail to approve pay request no. 12 from Wapasha Construction Co. for \$885,394.84. Unanimous vote. Motion carried.

O. Full-Time Police Officer Hire. Mayor Mihalik advised that interviews were conducted yesterday. The recommendation from Police Chief Manning is to hire Robert Petrasek as the new full-time Police Officer taking place of the vacancy that we currently have. Motion by Mihalik, seconded by McIntyre to approve the full-time Police hire of Robert Petrasek. Unanimous vote. Motion carried.

P. 2016 Paquin Street Project.

1. Proposed Schedule. Mr. Femrite said he has the plans and specifications completed and we are ready to go out to bid for it. We will advertise, open bids, review those bids and then hold the final assessment hearing prior to awarding the contract. The reason for that is to put the City in the best position to make educated decisions based on if there are any appeals to the assessments. The month that we skipped due to our discussions with the County puts us up to holding the assessment hearing the 1st meeting in October, October 4th. To have construction happen and get completed this year and to require a contractor to do that would be challenging. To allow for the best bidding environment he would recommend that we have a completion date of June of next year. If they wanted to come in this year to get something completed they could but allowing them to do this next Spring just to promote the best prices, bidding environment possible. Mr. Schmidtke suggested that we bid it in January in February because everybody is busy at this time. Discussion regarding the bidding. Motion by Schmidtke, seconded by Mihalik accepting the proposed schedule for the 2016 Paquin Street project. Unanimous vote. Motion carried.

2. Plans and Specifications approval. Motion by McIntyre, seconded by Vail to approve the plans and specifications.

3. Authorization to bid. Motion by Schmidtke, seconded by McIntyre that we authorize to go out for bids. Unanimous vote. Motion carried.

8. Engineer's Report. Mr. Femrite said he has a proposal for the street lighting but provided it to Ms. Hill late. Ms. Hill said she submitted it with Council's information so that they can review it and know that you had completed the proposal. Mr. McIntyre said this should be brought up at the budget meeting as it will be something we will have to budget for. Mayor Mihalik requested that Ms. Hill put the proposal for street lighting at the next Council meeting. Mr. Schmidtke asked if Mr. Femrite happened to get out on Virginia Street. There was a washout on part of the road. Mr. Femrite said he drove it tonight to see if they did the subgrade repair and he did not see a washout. Mr. Schmidtke said it was right on the shoulder on the edge. It is bigger than it was with all the rain. Mr. Schmidtke described where the washout was located on the shoulder of the road. Mr. Femrite said we can take a look at it and address anything prior to them paving that. They are scheduled to pave the first week in September right now. Mr. Femrite said he will drive it on his way out of town. Hanks Construction has not been out there yet.

9. Attorney's Report. Mr. Moran said it was a real busy month this past month. There were a lot of Planning and Zoning issues that we will be dealing with over the next couple of months regarding accessory structures, a couple of conditional use permits are on their way. He attended several Planning and Zoning meeting. We were able to negotiate successfully with the County with regard to Paquin Street. We have dealt with the Casey's easement here tonight. Above and beyond that it was a busy month. He will let you know that we are dealing with quite a few nuisance properties in town. Some in litigation others outside of litigation. Hopefully we will be seeing some progress in some of the nuisance properties in town as well. Mr. Schmidtke said he said that some of the places are getting cleaned up. Mayor Mihalik said we have seen some really nice improvements from the nuisance committee in the last couple of years. Mr. Moran said there were a lot of nuisance properties that have been dealt with. We have the majority of them under control. It was a busy month.

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

11. Council Discussion.

A. Mr. Schmidtke said that Mr. Wollin brought up about vehicles on the streets, is it 48 hours they can be parked in one spot. Mr. Moran said that he believes it is 48 hours. Mr. Schmidtke said there are still some vehicles in town that have been sitting beyond that time. Mayor Mihalik said if you see vehicles parked more than the 48 hours let Ms. Hill know and she will advise the Police Department. Mr. Moran said it needs to be reported to the Police Department.

B. Mayor Mihalik said as far as National Night Out he would like to thank the Council members that were there, thank you very much. It was a good night. The weather was great, participation was awesome, people enjoyed the food and enjoyed their time together. He would also like to thank Mr. Moran who was also there. And of course Teresa Hill who assisted with the hot dogs. Ms. Vail said thanks to the Police Department and the Fire Department. Mayor Mihalik said absolutely there are some great pictures out there on Facebook with them all out there with the kids.

12. Approval of Disbursements. Motion by Vail seconded by McIntyre to approve the disbursements in the amount of \$1,229,251.03. Unanimous vote. Motion carried.

13. Impress Cash Fund. Motion by Schmidtke seconded by Mihalik to approve the impress cash fund in the amount of \$63.50. Unanimous vote. Motion carried.

14. Closed Meeting. Motion by Mihalik, seconded by Vail to close the meeting. Unanimous vote. Motion carried. Meeting closed 8:10 p.m.

15. Re-open meeting. Motion by Mihalik, seconded by Schmidtke to reopen the meeting. Unanimous vote. Motion carried. Meeting reopened 8:25 p.m.

16. Land Conveyance. Motion by Mihalik, seconded by McIntyre to table this agenda item to the special meeting scheduled on the 16th of August. Unanimous vote. Motion carried.

17. Adjourn. Motion by Mihalik, seconded by McIntyre to adjourn. Unanimous vote. Motion carried. Meeting adjourned 8:25 p.m.

Stephen Mihalik, Mayor

Teresa Hill, Administrator/Clerk