

WATERVILLE CITY COUNCIL
REGULAR COUNCIL MEETING
September 6, 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 September 6, 2016.

Present: Vail, McIntyre, Schmidtke, Wollin and Mayor Mihalik

Absent:

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 – August 4, 2016, August 16, 2016 and August 29, 2016. Motion by Schmidtke seconded by Vail to approve the minutes of the August 4, 2016, August 16, 2016 and August 29, 2016. Unanimous vote. Motion carried.

3. Approval of Agenda/Additional Items to Agenda. Motion by Mihalik, seconded by McIntyre to approve the agenda. Unanimous vote. Motion carried.

4. Written Petitions, Requests, Etc.

A. LCDS Scarecrow Festival request. LCDS requested an insert be put into the utility bills, approval of downtown scarecrows in front of their businesses and to decorate a few light posts. Ms. Vail was concerned about loose items on the scarecrows. Motion by Vail, seconded by Schmidtke that we accept the LCDS request with a limitation on the number of loose items on the scarecrows and to make periodic checks. Unanimous vote. Motion carried.

B. Waterville Library Utility Billing request. Motion by Mihalik, seconded by McIntyre to approve the Waterville Library utility billing request. Unanimous vote. Motion carried.

C. Resolution 2016R-023 Bruce and Carol Jones Conditional Use and Variance request. Mayor Mihalik said there is recommendation from the Planning and Zoning Commission with a few restrictions to approve the request. Motion by Schmidtke, seconded by Mihalik to adopt Resolution 2016R-023 Bruce and Carol Jones Conditional Use and Variance request. Unanimous vote. Motion carried.

D. Resolution 2016R-024 Moving Forward Foundation Gambling Request. Motion by McIntyre, seconded by Vail to adopt Resolution 2016R-024 Moving Forward Foundation Gambling request. Unanimous vote. Motion carried.

5. Unfinished Business

A. Revisions to Ordinance Number 98 Allowing for the Keeping of Chickens. City Attorney Moran stated that he did make the normal setbacks in Section D and also added Mr. Schmidtke's section regarding the prohibition on the use of heat lamps which appears in Section E7. Those are the only revisions to the ordinance. Motion by Mihalik, seconded by

Wollin accepting the second reading and adoption of Ordinance Number 98 allowing for the keeping of Chickens. Unanimous vote. Motion carried.

B. Proposed Ordinance Number 92.04 an Ordinance Prohibiting Fires, Open Flame and Fuel Storage on balconies and patios of multi-dwelling units. Mr. Moran provided two ordinances for Council to consider. Mr. Moran said the first option is almost verbatim from the Minnesota State Fire Code appendix K. The second option is a little more restrictive than appendix K in the State Fire Code inasmuch as his second option would prohibit any and all barbeques from balconies of multi-family dwellings. Mr. Moran urged Council to adopt the second option that he drafted that would eliminate any and all barbeques from patios. The reason he is urging that is because even under the state fire code the City would have some potential liability here. Under appendix K of the State Fire Code it does allow certain approved barbeques. Those approved barbeques would be inspected by either the City's building inspector or the Fire Chief. If we eliminate that potential from happening as he has done in option B that would eliminate any inspection and would eliminate any liability. Motion by McIntyre, seconded by Schmidtke that we adopt Mr. Moran's option B for Ordinance Number 92.04. And do the first reading of Option B for Ordinance Number 92.04. Unanimous vote. Motion carried. 2nd reading of Ordinance Number 92.04 and adoption was set for September 26, 2016 at 6:50 p.m.

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

7. New Business.

A. Joseph Manders change of Conditional Use restrictions request. Mayor Mihalik advised that this is to correct a drainage issue. Motion by Mihalik, seconded by McIntyre to approve Joseph Manders change of Conditional Use restrictions request. Unanimous vote. Motion carried.

B. Tree Trimming Ordinance and Boulevard Trees and Tree Board. Discussion regarding Ordinance Chapter 97: Trees. Council would have to have a Tree Board. Mayor Mihalik recommended Council to drive around town and take a look at the boulevard trees that would be a concern and get a chance to talk to somebody who has expertise and their thoughts and at the next meeting we can discuss what makes sense, going back to have a tree board or to revise the ordinance to something that is more relevant to today. Discussion regarding the current Tree ordinance. Motion by Mihalik seconded by Schmidtke to table the tree trimming ordinance to the next regular Council meeting. Unanimous vote. Motion carried.

C. I and I Reduction Request for contracted services. Mr. Peach requested hiring someone with plumbing expertise to assist with house by house inspections of sump pump compliance and televising sewer lines. Mr. Peach showed Council graphs of infiltrations of water into the sewer plant when there are significant rain falls. Mr. Peach advised that we have 825 homes and it would take approximately 2 hours per inspection. Ms. Hill requested that we obtain a couple of quotes. Mr. Peach said we are treating water that does not need to be treated. Discussion on how the inspections would be handled. Motion by Schmidtke, seconded by Vail that we get two to four quotes for a person to assist with a City worker for the sump pump compliance and televising sewer lines. Unanimous vote. Motion carried.

D. Resolution 2016R-025 Approving Hardship Deferred Assessment. Motion by Vail, seconded by McIntyre to adopt Resolution 2016R-025 approving Hardship Deferred Assessment. Unanimous vote. Motion carried.

E. Resolution 2016R-026 a Resolution Authorizing an Agreement with Le Sueur County (Paquin Street between 3rd Street and 1st Street). Mayor Mihalik said this resolution is ratifying a motion made at a previous meeting. Motion by Mihalik, seconded by McIntyre to approve Resolution 2016R-026 a resolution authorizing an agreement with Le Sueur County (Paquin Street between 3rd Street and 1st Street). Unanimous vote. Motion carried.

F. Refuse and Recycling Bid Specifications. Mayor Mihalik said this agenda item is on the bid specifications and not a discussion on whether or not we can or will be terminating a contract. Council was provided a copy of bid specifications. Ms. Hill requested Council review the bid specifications and provide any comments or suggestions they may have. Motion by Mihalik, seconded by McIntyre to table the refuse and recycling bid specifications to next month and Council is to bring any suggestions, ideas or any changes to the bid specifications at the next meeting. Unanimous vote. Motion carried.

G. Cleaning Services Direct Hire Proposal – Potential Unlimited. Ms. Hill recommended that we transition Ms. Anderson onto our payroll so that she would be covered under workmen’s compensation. Motion by Wollin seconded by Mihalik that we hire Victoria Anderson for the facilities cleaning services as a City employee at minimum wage. Unanimous vote. Motion carried.

H. Delinquent Property Assessment Forgiveness. Mayor Mihalik advised that the County would like to sell this parcel of land to one of the adjoining parcels. There are assessments for City improvement against the property. The County asked if the City would forgive the assessment in order to get it back on the tax rolls. Discussion held. Motion by McIntyre, seconded by Schmidtke to approve the delinquent property assessment forgiveness. Unanimous vote. Motion carried.

I. Emergency Management Team Member Job Description. The HR committee has had a chance to review the Emergency Management Team member job description. Motion by McIntyre, seconded by Mihalik that we approve the Emergency Management Team Member job description. Unanimous vote. Motion carried.

J. 2016 Paquin Street Project.

A. Bid Results. M & W Blacktopping came in as the low bidder at \$89,563.05.

B. Resolution 2016R-027 Declaring cost to be assessed and ordering Preparation of proposed Assessment in connection with the 2016 Paquin Street improvements. Ms. Hill advised that the amount that will be assessed is \$40,580.07. Motion by Wollin, seconded by McIntyre to adopt Resolution 2016R-027 declaring cost to be assessed and ordering preparation of proposed assessment in connection with the 2016 Paquin Street improvements. Unanimous vote. Motion carried.

C. Resolution 2016R-028 setting Assessment Hearing Date. Motion by Mihalik, seconded by Schmidtke adopting resolution 2016R-028 setting the Assessment Hearing date for September 22, 2016 at 7:00 p.m. Unanimous vote. Motion carried.

K. Resolution 2016R-029 Proposed Budget Approval. Motion by Vail, seconded by McIntyre to adopt Resolution 2016R-029 proposed Budget approval. Unanimous vote. Motion carried.

L. Resolution 2016R-030 Proposed Levy. Motion by McIntyre, seconded by Mihalik to adopt Resolution 2016R-030 proposed Levy. Unanimous vote. Motion carried.

M. Wapasha Construction Pay Estimate #13. Motion by Vail seconded by Schmidtke to approve pay request no. 13 from Wapasha Construction Co. for \$1,100,124.86. Unanimous vote. Motion carried.

8. Engineer's Report. Jason Femrite said that the Tetonka Bay Project the paving of that he met with the contractor last week. They looked at the adjacent water levels and the condition of the base that was out there. Don Hanks Construction had finished up that subgrade work and also fixed that one spot where a muskrat was causing some havoc. The muskrat was burrowing underneath the road. With the high water that is something that we are going to potentially deal with from time to time when the water comes down. They are just not going to be up in the road bed. They knocked that down and put in some larger rock in that area. On Friday the Contractor came in with some trucks and started shaping that up and weather dependent will be paving that this week. We will get that accomplished if the weather holds. Mayor Mihalik said with the rain that we had today and what is expected tomorrow will you be meeting with the Contractor again before they start the work? Mr. Femrite said we will have our inspector out there. If it appears soft in any way we will hold off on it. He met Clinton out there and when they were there it was extremely hard. The road is in great shape. In between the monsoons we will get some time to be able to get it paved.

9. Attorney's Report. Mr. Moran said that he had nothing to add.

10. Administrator's Report.

A. Ms. Hill said she wants Council to know that we have a requirement to develop a language access plan. Anytime you get any federal funding now we have to accommodate low English speaking clientele. She has all the background research done and a draft pulled together. Hopefully at the next meeting she will have something for Council to look at. Ms. Hill said also during the time between this meeting and the next if you think of any areas that we should be addressing, our population is less than 5% so we are not required to do written materials, those kinds of scenario's but in some situations it is still helpful to have those on hand. She has included some of those suggestions as written materials for translation. We also talked to the school in Elysian and they have interpreters available and would be able to work with some individuals to do some additional work if we have clientele that need special assistance in communication. We have some tools that are available. A lot of the stuff is not highly required because of our population. Just so you know we are addressing that.

B. Ms. Hill said she took a complaint on the Fire Hall drainage for the water that it is coming across the road and into the neighboring properties. We are taking a quick look to see if we can come up with some solution for that so that we are not shedding all that water onto the neighboring properties. We will probably come back with some type of estimates or solution for Council to look at in the future.

11. Council Discussion.

A. Mayor Mihalik said he would like to thank Mr. Moran who had our rates lowered from \$90.00 down to \$75.00 which was effective last month. He appreciates that, it was not asked for but was a benefit to the City. He does appreciate him doing that. Mr. Schmidtke said thank you also. Mr. Moran said you are welcome Mr. Mayor.

B. Mr. Wollin asked if there is anything that we can do to push the paving of the bike trail from here west. Ms. Vail said it is called the bonding bill. Mr. Wollin said so that is part of the extra session. Mr. Wollin said he doesn't know if it would help if we could send a letter, he doesn't know if that does any good or not. But if we could send something. Mr. Wollin said he doesn't know if Council knows what a big impact that has. Because they are now advising no travel on that bike trail west. Mr. Wollin said he knows a lot of bikers that wanted to come. Ms. Vail said for a couple of years she has been in contact with the DNR on that and it was part of the bonding bill. If we go back to special session so maybe that is a good point to bring out that we should somehow get a letter of support to our representatives, to the Governor, it is a huge impact. Mr. Schmidtke said it was done from Faribault to Waterville. Mr. Wollin said which is fantastic. Ms. Vail said this is from here to Madison Lake. She doesn't have that with her but she does the last letter she received from the DNR on that. Mr. Wollin said the Lions are doing their big bike-a-thon thing and we had to change it. It was supposed to be a 100 mile trip and we can't go west because of the volume. Mr. Wollin said he does bike it a little bit but you have to avoid all the holes and stuff on the trail. Ms. Vail said she believes all the bridges are done. So it is ready to go. We can double check with Randy to see any other, obviously if they don't go back to special session it will not happen. Ms. Hill said we did do a letter of support for it. We specified the economic impact that it has, so we did do a formal letter requesting and supporting that work to be done. That was when it was being considered. Mayor Mihalik asked when the letter was sent. Ms. Hill could not recall what the date was, it was after we met with the DNR, and it has been probably a year. Mr. Wollin said with this kind of thing the more they get bombarded with things the better it is. He doesn't know if we could have our Chamber do it. He could ask the Lions Club too; ask as many groups as we can. Ms. Vail said and Citizens. Ms. Hill said we did form letters so to speak that assisted in that and they went to the businesses downtown. The Chamber did do a letter also, so we did do kind of a local campaign to try to encourage that. Mr. Wollin said it has to be affecting Elysian too, like the ice cream shop and all that stuff. Ms. Vail said she has talked to some businesses in Elysian about that, which is a huge impact. We are lucky at least they come from Faribault this far, but major from here on. Mayor Mihalik said Mr. Moran he knows he works a lot with our legislatures, your thoughts? Mr. Moran said he thinks he should reach out and make some contacts there and see if he can't get something going. He thinks he will also bring this up at the Official's meeting which is going to happen in a couple of weeks and he will also discuss it at the City Council's in Elysian and Madison Lake and see if we can't get a group of people like Councilman Wollin just suggested and put some pressure on some of the representatives that we have got to see if we can't spark some movement here. Mr. Schmidtke said wasn't that scheduled to be done? Ms. Vail said there wasn't the money, they've known about it for a long time, but the DNR doesn't have the money so it was put in the bonding bill as a project. Mr. Schmidtke said okay, so from Mankato to Madison Lake was redone. Ms. Vail said maybe we can be back in contact with the gentleman with the DNR besides Randy that we were in discussion with. Mr. Moran said he will definitely start making some calls to see if he can't shake something up. Mayor Mihalik said that will be great Mr. Moran. Ms. Vail said Jay from the paper or whatever else the Citizens could do if we could get the word out actually quite quickly that this is a need. Mayor Mihalik said typically these types of things if there was a sample letter that residents could just grab, sign and send or cut and paste and send that would be a great help, so maybe the letter that we currently

have or work with Mr. Moran if we could quickly put something together and put something in the paper saying there are letters at City Hall or City Hall has letters that show support of this, he would even say let City Hall mail the letters. Mr. Schmidtke said give the phone numbers of the representatives and stuff. Ms. Vail said put it on our website and face book. Mayor Mihalik said Madison Lake and Elysian should be doing the same thing because they are impacted just as much as we are. Mr. Moran said absolutely.

C. Mr. McIntyre asked where are we at with our empty lot over here. Mr. Moran said we are waiting on the legal descriptions; there was some title work that needed to be done. He has the deeds drafted and the agreement is in place he just needs the legal descriptions. They should be coming from Bolton & Menk hopefully in the next 30 days. Mr. Femrite asked if they had the title work. Mr. Moran said Janelle started on the title work three or four weeks ago. He knows that there were quite a few title issues and whether or not those title issues have been sorted out he doesn't know. Mr. Femrite said he will check into it to see if we can get an update. Mayor Mihalik said he hears so many mixed opinions of that lot, he hears some people saying we need a downtown parking lot and it is one of the best things we have right now. And other people saying no, it is plumbed and ready for a building. That will be another discussion at another Council meeting. Mr. Wollin said he thinks it is a win/win thing because we need the lot but on the tax rolls is probably better. Mr. McIntyre said regardless it is better to get the property lines drawn so we know what we have got. Whether we sell it or not it doesn't matter. But it needs to be straightened out. Mr. Moran said we definitely need those lines marked.

12. Approval of Disbursements. Motion by Schmidtke seconded by Mihalik to approve the disbursements in the amount of \$2,256,852.76. Unanimous vote. Motion carried.

13. Impress Cash Fund. Motion by McIntyre seconded by Vail to approve the impress cash fund in the amount of \$76.93. Unanimous vote. Motion carried.

14. Closed Meeting. Motion by Mihalik, seconded by Vail to close the meeting for attorney/client privilege pending litigation. Unanimous vote. Motion carried. Meeting closed 7:50 p.m.

15. Re-open meeting. Motion by Mihalik, seconded by Vail to reopen the meeting. Unanimous vote. Motion carried. Meeting reopened 8:30 p.m.

16. Adjourn. Motion by Mihalik, seconded by McIntyre to adjourn. Unanimous vote. Motion carried. Meeting adjourned 8:30 p.m.

Stephen Mihalik, Mayor

Teresa Hill, Administrator/Clerk