

WATERVILLE CITY COUNCIL
PUBLIC HEARINGS AND REGULAR COUNCIL MEETING
December 5, 2017, 6:00 P.M.

There were public hearings and the regular Council meeting of the Waterville City Council held in Council Chambers at 6:00 p.m. on December 5, 2017.

Present: McIntyre, Grobe, Smith, and Mayor Schmidtke

Absent: Dave Wollin (arrived 6:02 p.m.)

Also Present: Administrator/Clerk Teresa Hill, Jason Moran City Attorney, and Jason Femrite of Bolton & Menk

Absent: None

1. Call to Order / Roll Call / Pledge of Allegiance. Mayor Schmidtke called the meeting to order at 6:00 p.m., noting that all Council members were present, except Mr. Wollin (arrived 6:02 p.m.). Also present was Teresa Hill, Administrator/Clerk, Jason Moran City Attorney and Jason Femrite of Bolton & Menk. Pledge of Allegiance was recited.

2. Certificates of Appreciation. Mayor Schmidtke presented Stephen Mihalik a certificate of recognition for his service as Mayor and Chairman of the Economic Development Commissioner for the years 2013 through 2016. Mayor Schmidtke presented Valerie Vail a certification of recognition for her service as Council member, Economic Development Commissioner and Chairman of the Park Board for the years 2002 through 2016. Mayor Schmidtke presented Thomas Besser a certificate of appreciation for 31 years of service on the City of Waterville Fire Department. Mayor Schmidtke presented Mark Pittman a certificate of appreciation for 31 years of service on the City of Waterville Fire Department. Council member McIntyre presented Mayor Schmidtke a certificate of appreciation to Alan Schmidtke for 37 years of service to the City of Waterville Fire Department.

3. Public Hearings

A. Delinquent Refuse and Recycling Assessments. Jerry Bulie, 937 Reed Street North. Mr. Bulie said he is only here three days a week. He thinks it is not fair to have a complete refuse bill every month. When Waste Management had it they did not bill him for their services. In Mankato where he lives he has West Central so the garbage goes to the same company. Mr. Bulie said on the ordinance 50.04 part D (1) Fees as provided herein for collection, transportation and disposal services shall be billed and collected by the City of Waterville as a part of the city water billings. Mr. Bulie said it is wrong to have the refuse company to bill people direct. It is the City's duty to do that, it makes you in violation of your own ordinance. Mr. Moran, City Attorney, said the City can delegate that authority at any point in time. The City has historically delegated that authority just like the City delegates a lot of different things. Mr. Bulie said he is just reading the ordinance. Mr. Moran said the ordinance does say that but the City has delegated that authority. Mr. Bulie said and that is legal for them to do that. Mr. Moran said it is. Mr. Bulie said when you are only here a couple of days and he can take the garbage back to Mankato, it is not like it is getting stored. He said he is speaking for other cabin owners too. We don't live here full time anymore, we did for 15 or 20 years. Mayor Schmidtke said he believes that Waste Management just missed all of them. Mr. Moran said it is, there were a lot of things that Waste Management was not doing that they were supposed to do and some things that they were doing that they weren't supposed to be doing. Mr. Bulie spoke of the owner of Waste Management who built it up to what it is today.

Ms. Hill advised that there was one written objection. Mayor Schmidtke read Samantha Brouwer's, 313 Mill Street South, letter. "I, Samantha Brouwer, living at 313 Mill Street South, Waterville would like to contend my certification notice under Chapter 50.08 B (2) of the garbage and refuse ordinance." Ms. Hill said she had Mr. Moran look at that ahead of time. Mr. Moran said the ordinance requires service in town. All the residents have to have it. That is the way it is. Ms. Hill said part of her objection was that she felt that she was already disposing her refuse in another location. She was taking it to a landfill. Mr. Moran said the ordinance requires and the County Contract requires that it be disposed of in certain fashions. That is the way it is. If we allow one person to escape the ordinance before you know it you have got 50 people doing the same thing, before you know it then you have 400 people doing it. Mr. Wollin said then your costs are going to go up. Mr. Moran said that is exactly right, that is the cost of doing business.

B. Reassessment of Special Assessments. Mayor Schmidtke said this item will be removed from the agenda.

C. Truth in Taxation. No one addressed Council.

4. Approval of Agenda/Additional Items to Agenda. Mayor Schmidtke deleted item 3B Reassessment of Special Assessments and under New Business deleted item G Resolution 2017R-037 Adoption of Reassessed Assessments and under New Business item O will be added Hiring Public Works Supervisor. Motion by Smith, seconded by McIntyre to approve the agenda as it was changed by Mayor Schmidtke. Unanimous vote. Motion carried.

5. Approval of Minutes – November 6, 2017 Regular meeting and November 14, 2017 Special meeting. Motion by McIntyre seconded by Grobe to approve the minutes of November 6, 2017 and November 14, 2017 meetings. Unanimous vote. Motion carried.

Written Petitions, Request etc.

A. Utility Bill Insert Request – Chilly Open Fund raiser for the Waterville Lions. Waterville Lions requested a utility bill insert for the Waterville Lions "Chilly" Open Ice Golf Tourney to be held January 13, 2018. Motion by Wollin, seconded by McIntyre to allow the utility bill insert for the Waterville Lions. Unanimous vote. Motion carried.

6. Unfinished Business.

A. 5th and 6th Street Parking. Ms. Hill said at the October meeting City Council requested that the 6th Street be surveyed to find out what is road right-of-way in that area to see if it is feasible to do any parking in that area. Attached is a copy of the survey along with a sketch from Mr. Femrite laying out how the parking could be accommodated by using the right-of-way. Mr. Femrite said he looked at the available right-of-way and wanted to focus on the two through lanes. He thinks we wanted to make sure that there is still adequate access through there. What he laid out within the right-of-way is 90 degree head-in parking and we were able to achieve about 13 stalls and still allowing a 13 and a 14 foot driving lanes through there which is slightly more than a minimum standard of 12 foot. He feels that being adjacent to the school and the traffic that we do see that is a good appropriate lane widths and still can achieve those parking stalls within our right-of-way. Mr. Schmidtke asked if that would be just a one-way street there. Mr. Femrite said no, it is two-way traffic. Mr. Femrite said he looked at everything south of the bridge. Mr. McIntyre asked if there is anything that we have to do grade that or anything to have that much parking. Mr. Femrite said there would have to be some improvements whether we do it in gravel or bituminous to try and get those stalls achieved. Realistically the real estate is there to be able to get that accomplished but we would have to improve it to be able to get those type

of stalls in there. Right now there is some parallel parking there and we had that estimated at approximately 9 cars can park there. You would be gaining about six stalls with some improvements to that area within your right-of-way. Mr. Schmidtke said would that be the same time frame for parking? Mr. Femrite said that would be entirely up to Council and what you would want to allow for parking times and restrictions through there. Mr. Schmidtke said that is not restricted on that side. Mr. McIntyre said no, it is no parking on the other side. Mr. Schmidtke asked if a public hearing would have to be held on this. Mr. Moran said we should do a public hearing just to be safe. In order for the Police Department to issue tickets we probably should. Ms. Hill said if you are looking at that it would be her opinion that you would do a blacktop surface and actually paint the lines so people know what is parking and what is not parking. She would not want to see them using up the driveway of the private property. That way it would be well defined as to where they can park. Mr. McIntyre said we should still have that as a one-way street to control the traffic going. We are going to go to the County and request that Paquin Street be shut down between 6th and 5th Street for two hours in the morning and two hours in the afternoon. If we shut that down you can't get out. Discussion on whether there will be a one way street on 5th Street. Mr. McIntyre said if we get approval from the County to block the street off we can put a plan together on how that will all work. If we don't get that from the County there is no sense in doing anything. Ms. Hill said currently you have people on the opposite side of the road stopping and stalling and waiting for kids pick-up and drop off there. Maybe in that parking scheme maybe using one side as loading and unloading and the other side 15 minute parking and using the other side for permanent parking. Mr. Wollin asked if Mr. McIntyre talked to the other school Board members or just Mr. Whitehurst. Mr. McIntyre said he only spoke to Joel Whitehurst. He has not seen the new parking scheme because we didn't have it before. We were going to eliminate parking on 6th Street altogether. If we adjust 6th Street there is parking drop-off where there is a crosswalk that you could do on 6th Street. You would have to do a right hand turn and go up if we were going to block this area off during school drop-off and pick-up in the mornings and afternoon. We are going to have to change how the traffic runs on there. Mr. Wollin said we are all interested in safety, which is number one, on something like this we should have a hearing and let people voice their opinions. Mr. McIntyre said it wouldn't start until the next school year so we have time to work with this. Mr. Smith said he would like to see a complete comprehensive plan of that area around the school not just bits and pieces. He thinks it all needs to be tied together. Mr. Curtis Couch addressed Council. Mr. Couch lives on the property where the parking is being suggested. He looked at the plan and looked up other things. For one all those parking spots are going to be facing right at his house. Having a 4x4 foot picture window everyone parking there would be looking in his house and looking in his bedrooms. All the parking there would kill the resale value. You are essentially putting a parking lot in front of his house. Mr. Couch said he had a few visuals too that he would like to present. Mayor Schmidtke said he can have a few comments. Mr. Couch said for the parking plan not one City or Government agency supports that. Department of Defense will not allow something like that because of how many additional accidents it causes. He has all those numbers which he was going to show Council. Also think about how a car pulls in, so they will pull in. If you are expecting them to pull in and somebody else is parked in the other spots they can't. They would have to swing into the oncoming traffic lane to go in there. Same thing with backing out, how many times do you see fender benders in parking lots, people back out all the time and they do not look behind them. So you are going to have kids all throughout this area, people backing out into an intersection having to cross both lanes of traffic. The plan is ridiculous. Where it says there could be five spots other than one, if you legally have the 30 feet between the crosswalk like you are supposed to one car can fit there. The other side if you are going to give a little area for the bridge because the road narrows you can fit three cars there so that is four spots. A better solution is to improve the parking lot where

the buses are. Put angled parking there and you are gaining a lot more than six spots not to mention to boosts how it looks for the school rather than having a gravel parking lot. If you have a paved parking lot it would make it easier and more options for parents. It is a lot better than trying to redo road directions and affect the homeowners in the area.

B. Daryl Knish Purchase of Property Request. Mr. Knish was not present at the meeting. Matter tabled.

C. Buchannon Street Water issue. Mr. Femrite provided a preliminary engineering report for the Buchannon Street Drainage Improvements. Mr. Femrite provided two options for some storm sewer extensions within the area. One would outlet to the East towards the water tower. We would have catch basins before the last driveway. There would be a double set of catch basins in there. They would drill in a 15 inch storm sewer and out letting it to the area adjacent to the 42 inch storm sewer. Total estimate construction cost of Option 1 is \$78,229. The second option was to install the same type of catch basin system within North Buchannon Street and having the outlet go to the west. It drains over land to the river however that is on some private property. We would have to do some research and he is not sure if any easements exist through that area. If not we would have to secure some. The total estimated construction cost of Option 2 is approximately \$70,794. Discussion regarding Options 1 and 2. Mayor Schmidtke asked if this would be something that we could add with the Lake Street overlay. Ms. Hill said if we decide to do this we can take a look at our budget and see how it all falls and she will also check into the assessable portion a little more. Some streets are assessable and some are just considered a redo. She will look at that before the next meeting. Mr. Moran said in certain situations you can assess drainage issues as well. We could look at the idea of a consent assessment of the particular parcel that is most benefiting. Mr. McIntyre said he believes Option 1 is the best option for us to do. The less problem for us and it does the job and we don't have to worry about something coming back later saying you didn't get this done right. Mr. Femrite said he would want to survey this and look at potentially tying into the 42 inch storm sewer. Mayor Schmidtke said we can discuss whether this would be assessable at the next meeting. We would then go out for quotes for overlays in March and put this all together.

D. Solar Garden. Motion by McIntyre, seconded by Wollin to table the solar garden until March, 2018. Unanimous vote. Motion carried.

E. Sale of Generators. These generators were taken from the sewer lift stations. Mr. Clinton Peach provided a letter stating that the generators are 3 phase. Ms. Hill asked if there was an estimated sale value on the generators. Matter tabled until the next meeting.

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

A. Taylor Williamson of West Central Sanitation. Mr. Williamson said he is here with Mr. Jeff Bertram and James Hand who is the supervisor of the drivers that service you, and they were here for the assessment public hearing in case they were needed and also to check base with you and make sure everything is okay with your services since we started in June. He wanted Council to know that the City Staff, Teresa and Maria have been wonderful to work with. Mr. Williamson asked if Council had any questions of them. Mr. Wollin said he thinks it has gone pretty smooth. The few issues were taken care of. Mr. Smith said he thinks James has done a good job of being responsive to Citizen issues.

B. Dennis Hubbard, 106 Sakatah Blvd. Mr. Hubbard addressed Council regarding their plans for raising their property located at 106 Sakatah Blvd.

8. New Business

A. Land Purchase/Lease Renewal – Ann and Dick Madden. Ms. Hill said the Maddens have leased the section of property behind the community patio for parking for their renters. In talking with Ann they would like to either purchase the property from where the community patio goes past to the North or renew the lease. Mr. Madden is present to talk about his request. Mr. Madden asked what Council would think about selling the land to them. Mr. Madden said if the property has to be surveyed he would pay for that. Ms. Hill said they are looking at leaving the community patio as City property, so that would break that into two different parcels. Mr. Moran said the County would charge a \$500 split fee for that. Mr. Madden said there are people who take advantage of the spot and then their renters don't have a place to park. Mr. Moran said we would have to sell it at market value. Ms. Hill said the price Mr. Madden offered is under market value. Mr. Madden said if he bought the whole thing it would be \$7,500. We are getting the back half. We are not getting the front. If you had the front you could use the street, if you built a building or something and have a retail. Owning the back he should pay less than half price for it. Mr. Madden offered \$1,600 thinking he would have to pay closing costs and the surveying. Mr. Moran went through the possible closing cost, survey close and purchase price. Ms. Hill said if Council is considering selling it she would like to see a stipulation that it has to be incorporated with the existing parcel. She would not want that to be able to be sold off as an independent one because it is for the purpose of providing parking. Mr. Moran asked Mr. Madden if they could insert the provision to provide parking. Mr. Madden said yes. Motion by Smith, seconded by Wollin to have Ms. Hill and Mr. Moran negotiate with Mr. Madden regarding a sale and come back to the Council with a proposal at the next Council meeting. Unanimous vote. Motion carried.

B. Liquor License Request – The Waterville Event Center. Liquor license request for William Patrick Conlin LLC DBA the Waterville Event Center for off sale, on sale and Sunday liquor, 2:00 a.m. closing. Motion by McIntyre, seconded by Smith to approve the liquor license request of the Waterville Event Center for their liquor license and off sale. Unanimous vote. Motion carried.

C. Resolution 2017R-034 School Choice Proclamation. Motion by Smith, seconded by Schmidtke to adopt Resolution 2017R-034 School Choice Proclamation. Unanimous vote. Motion carried.

D. Resolution 2017R-035 Granting Conditional Use Permit to Dennis and Judy Hubbard. Motion by McIntyre, seconded by Smith to adopt Resolution 2017R-035 Granting Conditional Use Permit to Dennis and Judy Hubbard. Unanimous vote. Motion carried.

E. Down Town Parking and Street Painting. Mr. McIntyre said you could have dimensions for parallel parking and we would stripe the street all the way down and we should do the same on 2nd Street and 3rd Street. Discussion on where to do the street painting. Three quotes would need to be obtained. Discussion on whether the paint should be white or yellow. Ms. Hill suggested running it by the County also because Main Street is a County State Aid road. Motion by McIntyre, seconded by Smith that come spring we send out for quotes and set up to do parallel parking striping on Main Street from First Street to Third Street and then also 2nd Street and Third Street from Main Street to Paquin. Unanimous vote. Motion carried. Ms. Hill said when we talked earlier we said 4th Street and now you are saying 3rd Street. Mr. McIntyre said Ms. Hill is right, it should be 4th Street and not 3rd Street. Ms. Hill asked if they wanted anything from Main to Lake Street. Discussion regarding the portion from Main to Lake on 2nd

and 3rd Street. Motion by Wollin, seconded by Grobe to rescind the first motion. Unanimous vote. Motion carried. Motion by McIntyre, seconded by Smith to move forward with parallel stripe parking from 1st Street down Main Street to Fourth Street and from Main Street over to Lake on 1st, 2nd and 3rd Street, and from Main Street down to Paquin on 2nd Street and Third Street. Unanimous vote. Motion carried.

F. Resolution 2017R-036 Adoption of Delinquent Refuse and Recycling Assessments. Motion by McIntyre, seconded by Smith to adopt Resolution 2017R-036 Adoption of Delinquent Refuse and Recycling assessments. Unanimous vote. Motion carried.

G. Resolution 2017R-037 Adoption of Reassessed Assessments. Stricken from agenda.

H. Resolution 2017R-038 Adoption of the 2018 Budget. Motion by McIntyre, seconded by Wollin to approve Resolution 2017R-038 adoption of the 2018 budget. Unanimous vote. Motion carried.

I. Resolution 2017R-039 Adoption of the 2018 Levy. Motion by McIntyre, seconded Smith to adopt resolution 2017R-039 adoption of the 2018 levy. Unanimous vote. Motion carried.

J. Letters of Resignation.

1. Police Department

a. Matthew Irlbeck – Effective 10/30/17. Motion by McIntyre, seconded by Smith to accept the resignation of Matthew Irlbeck effective October 30, 2017.

2. Fire Department.

a. Mark W. Pittman – Effective 11/30/17. Motion by Smith, seconded by Wollin to accept the retirement of Mark W. Pittman effective November 30, 2017.

b. Alan Schmidtke – Effective 11/30/17. Motion by McIntyre, seconded by Wollin to accept Alan Schmidtke's retirement from the Fire Department effective November 30, 2017. Voting for: Smith, McIntyre, Grobe, Wollin; Abstain: Schmidtke. Motion carried.

K. Cable Franchise Agreement. Mr. Moran said the franchise agreement is for video and cable that expires January 22, 2018. He will be contacting the company MidContinent and renegotiating this. There is some language that he wants to see inserted into it. You are only getting a 3% franchise fee and you should be getting a 5% franchise fee. 5% is standard and very customary. He also wants them to provide more notice to the City when they are going to be coming to town to do work and more notice to the residents. He also wants to bullet up their restoration work. Anytime they come into town they should be restoring the premises back to a better condition than what it was prior to it. We are also going to insert some language in there calling for a performance bond in the event that they don't do it then we can do it and we can assess that bond. Mr. Moran will have a draft of the agreement for January's meeting.

L. Additional Relief Contribution Request. Motion by Smith, seconded by McIntyre to approve the additional relief contribution request. Voting for: Smith, McIntyre, Grobe, Wollin; Abstain: Schmidtke. Motion carried.

M. Satisfaction of Probation Period. Justin Wenker, Nick Sammon and Corey Gedicke-Johnson have satisfied their probation period and requirements of the Waterville Fire Department. Motion by McIntyre, seconded by Smith to approve the satisfaction of the probationary period of Justin Wenker, Nick Sammon and Corey Gedicke-Johnson. Unanimous vote. Motion carried.

N. Park Land Purchase. Ms. Hill said the Lions Club and the City Park Board are working together on trying to acquire the section of the Matz property which is right next to Xcel. That is part of the trail plan that we would like to try to develop also. The Lions Club would like to donate \$5,000 towards the purchase. The City would have \$4,600 in cost. That is the appraised market value of the property. They did have some improvements that were done that they did pay assessments on, approximately \$3,600 that the Matzs had paid previously. Ms. Hill said she thinks the cost for the City's share of the \$4,600 is a good price to acquire it. We are looking for approval to go ahead and complete the transaction and the purchase. Motion by McIntyre, seconded by Smith that we approve to move forward with the purchase transaction for the park land purchase. Unanimous vote. Motion carried.

O. Hiring Public Works Supervisor. Ms. Hill said the HR Committee met and interviewed the gentleman in question. The recommendation is in accordance to what the HR Committee allowed for negotiation. The potential employee is requesting a step increase for vacation to 110 hours due to the fact that he has a good amount of service. Mr. McIntyre said he is an excellent candidate. Motion by McIntyre, seconded by Smith that we approve the HR Committee's recommendation in hiring Mark Krenik for our public works supervisor position to be effective upon completion of a background check and drug test. Unanimous vote. Motion carried.

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

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

11. Administrator's Report.

A. Ms. Hill said she furnished Council an update on the lighting request that was given. As you can see from the information that she received this afternoon Xcel is willing to install the lighting and street poles at no cost and the City would burden the monthly charge. Ms. Hill said she will bring that forward to Council at the next meeting.

B. Ms. Hill said Mr. McIntyre will be presenting to the Le Sueur County Board on December 19th regarding the street closure on Paquin Street for the school.

12. Council Discussion.

A. Mr. Smith said he would like to publicly thank the Fire Department members that recently retired for their years of service, they have done a great job. Also to mention that the Fire Department made a fantastic stop on the fire at Ron's Hardware Hank. That could have been catastrophic within the City had they not gotten that stopped where it was. Very well done. Mayor Schmidtke said they did a fantastic job there. If that would have been two or three o'clock in the morning ... Mr. McIntyre said it would have been gone.

B. Mayor Schmidtke said he wants to thank Tim, Roy Jennifer, Dave, Teresa, Maria, Darlene, and both Jasons for a great job you guys did this year and for picking him up when he is

stumbling and stuff like that, he really appreciates it. Also a Merry Christmas to everybody here and to all the Citizens of the great City of Waterville.

C. Mayor Schmidtke said a special thank you to Clinton Peach for his years of service. Mr. Peach will be moving on the end of December. He wants to thank Clinton for all the service he did.

13. Approval of Disbursements. Motion by Smith seconded by McIntyre to approve the disbursements in the amount of \$149,126.91. Unanimous vote. Motion carried.

14. Impress Cash Fund. Motion by McIntyre seconded by Schmidtke to approve the impress cash fund in the amount of \$16.57. Unanimous vote. Motion carried.

15. Adjourn. Motion by McIntyre seconded by Smith to adjourn. Unanimous vote. Motion carried. Meeting adjourned 7:10 p.m.

Alan Schmidtke, Mayor

Teresa Hill, Administrator/Clerk