

WATERVILLE CITY COUNCIL
SPECIAL COUNCIL MEETING
March 30, 2017, 6:00 P.M.

There was special Council meeting of the Waterville City Council held in Council Chambers at 6:00 p.m. on March 30, 2017 to discuss 2017 Street improvements, Rental Ordinance, Blight Properties, and Letter of Resignation.

Present: McIntyre, Wollin, Grobe, Smith and Mayor Schmidtke

Absent: None

Also Present: Administrator/Clerk Teresa Hill, Jason Moran City Attorney and Jason Femrite City Engineer

Also 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. Also present was Teresa Hill, Administrator/Clerk, Jason Moran City Attorney and Jason Femrite City Engineer. Pledge of Allegiance was recited.

2. Agenda Approval. Motion by Wollin, seconded by McIntyre to approve the agenda. Unanimous vote. Motion carried.

3. Unfinished Business.

A. 2017 Street Improvements

1. Street Improvement list. Discussion regarding Mill and overlay with patch on North Buchannon Street, South Buchannon Street and the North 1st Street turn around. Discussion regarding the northern most portion of North and South Buchannon Street where there is a problem with rain water run-off. Mr. Femrite discussed possibly putting in storm sewers in that area as there is a drainage concern. Mr. Femrite said a long term drainage solution would be to put curb and gutter on both sides and get a couple of catch basins at the end and try to get that down to the River. Mr. McIntyre said that there are quite a few problems there that should be revisited as it is more than just an overlay project. Council felt that the northern most portion of North and South Buchannon Street where there is a rain water run-off problem will be revisited at a later date. Mr. Femrite should look into what would have to be done to take care of the water run-off problem. Council agreed that North Buchannon and South Buchannon Street will be milled and overlaid with patch. Discussion regarding the North 1st Street turn around on whether to eliminate the turn around and put in a hammer head for turning around. The cost to eliminate the turn around and the cost to mill and overlay with patch would be approximately the same amount. Discussion regarding the effectiveness of the storm sewer at the 1st Street turn around. The improvement is to patch the bad spot and adding a two inch overlay. Council decided to keep the turn around. Discussion regarding North Shore and Maple Drive. Mayor Schmidtke said that there are a couple of spots that may need some patching. Ms. Hill said that there is approximately \$165,000 in the budget less the City's portion of the Paquin Street improvements. Ms. Hill said North Shore Drive was just a mat that was installed it was never an engineered street and properties were not assessed for it. Le Sueur County is doing a septic inventory and depending on what the inventory may or may not show may give us the ability to apply for some water quality grant funding. We would have to address our assessment formulas. Ms. Hill said she would like to take a look at this next year after we get some data in from the County. She would not like to see putting something down and then turn around and tear it up. Mr. Moran said we may be able to apply for some grants depending on what the septic inventory shows. Mr. McIntyre discussed what the Waterville Lakes Association is doing regarding

getting sewer out to the properties on the lake. Council decided to take care of the patching and move the road repair to 2018.

2. Authorization to obtain quotes/bids for the 2017 street improvements.

Discussion regarding going out for quotes/bids for the 2017 street improvement. Ms. Hill said what is in street reserves after the City's portion of Paquin Street is \$102,000. Motion by McIntyre, seconded by Wollin to go out for bids to see what it will come back as to get North Buchannon Street, South Buchannon Street and the North First Street turn around done. Unanimous vote. Motion carried. City Engineer Femrite was asked to put the improvements into the specifications to go out for bid.

B. Rental Ordinance.

1. Language review. Mr. Moran presented Council with the rental ordinance that he has drafted for a first reading. Mr. Moran said the proposed rental ordinance is a bare bones type ordinance. He does not see anything in the ordinance that is overly restrictive. He has compared this ordinance to other ordinances in the state. Mr. Moran said the proposed ordinance when coupled with the nuisance ordinance should be sufficient to attack the issues that some of the rental properties are posing. He drafted in the ordinance that the inspections would occur every two years. There was discussion with Planning and Zoning on whether or not the inspections should take place annually or bi-annually or every two years. Mr. Moran said he would suggest an annual inspection starting out. The initial inspection is going to yield a lot of concerned areas that we will want to monitor. Let's get through the next two or three years and if the landlords are cooperating and there aren't that many issues then we can take a look at going to an every other year inspection. The registration license is transferable to a new owner. The owner would have to apply to have it transferred over. Mr. Moran set forth the fees for a single unit it would be \$30, two rental units \$45, three rental units \$60, four rental units \$75 and then for each rental unit over 4 it is \$75 plus \$10 per rental unit over 4 units. Mr. Moran said this rental ordinance is somewhat more restrictive in terms of the application process than other cities. He thinks it is important to have in a rental ordinance that all of the occupants of the rental units be identified, name and telephone number so that we know the number of people that are living in the unit and we have a way to reach somebody if there is an emergency. We can always take this provision out at a later date if we find we don't need that information. Mr. Moran said it is also important to have a good contact name and telephone number for the property manager. The rental ordinance requires that garbage be removed from the property weekly. If garbage is not appropriately removed that would constitute a nuisance and we could attack the issue from that area. The unlawful sale and possession of controlled substances is strictly outlawed. If someone is cited for drug use, drug possession, drug sale that would constitute a violation of this ordinance and the property manager and/or owner could be cited for that in the rental ordinance could be potentially suspended or revoked. There is a three strikes you are out rule in this ordinance. If there is a violation of the ordinance, an initial violation the property owner or property manager will be notified of the violation, they will be given sufficient time to correct it. If they don't have it corrected we will deal with that. Two violations in twelve months results in a sit down with the City Administrator where the property owner and/or the property manager will come up with a performance or action plan to remedy future violations and if there are three violations in a 24 month period the City Council could revoke the rental license. Any violation of the rental ordinance is a misdemeanor and is punishable by up to 90 days in jail and/or a \$1,000 fine or both. Mr. Mason said the ordinance prohibits the accumulation of garbage. It also requires that each rental unit comply with all provisions of the Minnesota State Fire Code. These are safety provisions put in place by the state to insure that the structure is habitable. It is not an excessive fire code. It does require smoke detectors, one

on each level and one inside of each bedroom and they have to be within ten feet of the door. It does require a fully operable and up to date fire extinguisher. There must be two exits from each sleeping area. There must be at least 7 feet of clearance from the ceiling. It does require a safe and fully operable stove, refrigerator, toilet, sink, fully operable hot and cold water and sleeping rooms of at least 8 ft x 8 ft. It has to have good plumbing, that is sound and operable and fit for the use intended. If the plumbing doesn't work it is a violation. Same thing with electrical services, there can be no exposed wiring, all outlets must be covered. It requires that the structure be structurally sound. There will be no holes in the foundation greater than a half an inch. All decks must be safe; all gutters have to be in good condition fit for their intended use. Fences have to be in good condition and protected against decay. Any paint, siding must be kept in good condition. It can't be any more than 10 percent of the exterior chipped. Handrails and bars on any stair wells where there are more than four risers has to be in good, safe condition fit for its use intended. All appliances must be in good condition fit for the intended use. The house has to be properly weather protected, appropriate drainage must be in place, and all locks on the exterior doors must be fully functioning as must the doors. The property has to be in full compliance with all existing zoning ordinances and all existing nuisance ordinances. Parking must be on gravel or impervious surface. For gravel there has got to be sufficient gravel in place to prevent grass and weeds from growing through the gravel. It has to have a good roof, it has to be tight with no holes in it and it cannot allow any water in it. There can be no broken windows. Screens have to be in good order, windows have to be fully operable and in good working order fit for their intended use. Same thing with the mechanicals, it has to be in good and operable condition as well does the water heater. This is a very basic ordinance. It does require an inspection. Mr. Moran suggested that the inspection occurs annually. Mr. Moran encouraged Council to get a building inspector who is very familiar with building codes and specifically the State Fire Code for liability purposes. Facilities that are inspected by the State are excluded from this rental ordinance. Mayor Schmidtke said this is protecting the people that own the buildings, the people that rent the buildings and it is protecting the City. It is something that needs to be done. Ms. Grobe asked what happens if they have a license and the license is revoked, what happens to the people that are living there. Mr. Moran said they would have to move. Mr. Moran said if they don't get out it could be a misdemeanor against the property owner or Management Company. They would have "x" number of days to get the issues fixed. If they don't then we could potentially charge the property management company or the owner with an offense if that occurs three times within one year and the Council chooses to revoke the license then that property manager has got to get those residents out if they don't the property manager would be charged for renting without a license. Mr. McIntyre said that if they are taking care of the property properly there should not be any problem with licensing or anything else. Discussion regarding the determination of the rental properties in the City of Waterville.

2. 1st Reading of Ordinance No. 117 Rental Housing Registration/Licensing.

Motion by Wollin, seconded by McIntyre to accept the first reading of Ordinance No. 117 Rental Housing Registration/Licensing. Unanimous vote. Motion carried. Motion by Wollin, seconded by Smith to go out for bids for an inspector for rental properties. Unanimous vote. Motion carried.

3. Public hearing date on Ordinance No. 117 Rental Housing Registration/Licensing. Discussion regarding setting a public hearing. Motion by McIntyre, seconded by Smith to send public notices out in the water bill mailing on April 14th that a public hearing will be held on Ordinance No. 117 Rental Housing Registration/Licensing on May 2, 2017 at 6:00 p.m. at which time the 2nd reading will be held. Unanimous vote. Motion carried.

4. Blight Properties

1. Process Review. Last year there was a nuisance committee that fielded nuisance properties. Ms. Hill said when the nuisance committee was established its function was to look at the process of how we enforce blight properties. They did reviews of abatement processes and the mechanics of it more so that doing full fledged inspections. Mr. Moran said in terms of enforcing it we can do the nuisance committee again and do it as his other cities do where it is on a complaint basis. Any nuisance complaints are confidential. The complaints are investigated and the property owner is given sufficient time to remedy it. If they don't remedy it then it goes to Court. Violation of the nuisance ordinance is a misdemeanor. Mr. Moran discussed some of the nuisance properties that were involved last year. Mayor Schmidtke asked if the Police Department can report on the nuisance properties. Police Chief Manning said that in the past we identify the properties that are a nuisance. We have an inspection form that we complete. The form includes the City Ordinance, photographs of the problems and what is in violation of the ordinance. The form will either be posted at the door, sent out certified mail or hand delivered. Then there is a second inspection time that comes up. We try to work with the property owner to take care of the issue. If they are not taken care of then it is put into a complaint form and sent off to the Attorney's office. Mr. Moran discussed some of the nuisance properties that took a long time to remedy, which could take up to six months to a year. Chief Manning said that 11 nuisance properties have been sent out notifications this year. Historically in 2014 there were 52, 2015 there were 57, 2016 there were 61. We historically wait for the City to have their clean up day to aid with some of these nuisance properties. Chief Manning said that foreclosure properties are a problem on trying to remedy the nuisance properties.

2. Enforcement. Mr. Moran said usually on a first time nuisance he will go relatively light he would put them on a period of probation where we will continue to check their property to make sure it doesn't go back to the way that it was. On a first nuisance there will be a fine and some probation, 2nd nuisance the fine goes up and if it gets bad enough it could require jail time. Mayor Schmidtke asked that the Police Department provide Council with the addresses that are sent nuisance property notifications so that they know which properties are being looked at. Discussion regarding setting up another Nuisance Property Committee. Mr. Smith and Mr. McIntyre volunteered to be on the committee. Motion by Smith, seconded by McIntyre to continue on with a Nuisance Property Committee for blight properties consisting of Ms. Hill, Jason Moran, Police Chief Manning, Tim Smith and Roy McIntyre. Unanimous vote. Motion carried.

5. Letter of Resignation

1. Acceptance of Letter of Resignation. Part-time Police Officer Chris Lee submitted his letter of resignation effective April 7, 2017. Motion by McIntyre, seconded by Smith to accept Chris Lee's resignation. Unanimous vote. Motion carried. Mayor Schmidtke said he would like to thank Officer Chris Lee for his three years of service and wish him the best in his new venture. Mr. McIntyre said he has done an excellent job for us. Mr. Moran said he is a very qualified officer.

2. Future Staffing. Police Chief Manning requested the hiring of a part-time police officer for the current vacant position. Chief Manning said there is an officer that will fill Officer Lee's position as SRO officer for the remainder of the year. We will need to establish a hire list. Mr. McIntyre said he has been involved in the hiring process for the past four years and the process is quite extensive and works very well in getting us qualified part-time officers who have an interest in being in Waterville. The Police Civil Service Commission is involved in the

process also. Motion by McIntyre, seconded by Schmidtke to authorize the Police Department to do a search for new candidates for part-time police officers. Unanimous vote. Motion carried.

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

Alan Schmidtke, Mayor

Teresa Hill, Administrator/Clerk