

WATERVILLE CITY COUNCIL
REGULAR COUNCIL MEETING
March 7, 2017, 7:00 P.M.

There was the regular Council meeting of the Waterville City Council held in Council Chambers at 7:00 p.m. on March 7, 2017.

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

Absent: None

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

Also Absent: Jason Moran City Attorney

1. Call to Order / Roll Call / Pledge of Allegiance. Mayor Schmidtke called the meeting to order at 7:00 p.m., noting that all Council members were present. Also present was Teresa Hill, Administrator/Clerk, Jason Femrite City Engineer. Pledge of Allegiance was recited.

2. Approval of Minutes- February 7, 2017 Public Hearing and February 7, 2017 Regular Council Meeting. Motion by McIntyre, seconded by Grobe to approve the minutes of February 7, 2017 Public Hearing and February 7, 2017 Regular Council Meeting. Unanimous vote. Motion carried.

3. Approval of Agenda/Additional Items to Agenda. Motion by Smith, seconded by Wollin to approve the agenda with the addition of 7K Brunton Engineering for the Fire Hall Feasibility study. Unanimous vote. Motion carried.

4. Written Petitions, Request etc.

A. Resolution 2017R-008 Conditional Use Permit for Dan and Brenda Tonn. Mayor Schmidtke advised that the conditional use permit request for Dan and Brenda Tonn was approved by the Planning and Zoning Commission with the following conditions: 1. A six foot tree line screening on the left side of the property; 2. Operations of hours of 7:00 a.m. to 8:00 p.m.; 3. Outside storage of vehicles limited to 20; and 4. Stay compliant with the Nuisance Ordinance. Mr. Tonn advised that the exact footprint of the building is unknown at this time but he will follow the setbacks as required. Motion by Wollin, seconded by McIntyre to adopt Resolution 2017R-008 granting a Conditional Use Permit to Daniel and Brenda Tonn. Unanimous vote. Motion carried.

B. Split of Property Request – Brad Meister. Mayor Schmidtke advised that the Planning and Zoning Commission recommended the approval of the split of property request by Brad Meister on the condition of submission of final survey and legal description. Motion by McIntyre, seconded by Smith to approve the split of property for Brad Meister contingent upon a final survey and legal description. Unanimous vote. Motion carried.

C. Resolution 2017R-009 Variance Request – Brad Meister. Mayor Schmidtke advised that the variance request of Brad Meister was recommended for approval by the Planning and Zoning Commission. Motion by McIntyre, seconded Wollin to adopt Resolution 2017R-009 variance request of Brad Meister. Unanimous vote. Motion carried.

5. Unfinished Business

A. Rental Housing Registration/Licensing Ordinance Recommendation. Mayor Schmidtke advised that he would like to see this tabled until City Attorney Mr. Moran is present because he does have a couple of questions. Motion by McIntyre, seconded by Wollin to table

the Rental Housing Registration/Licensing Ordinance until the next meeting so that Attorney Jason Moran can be present. Unanimous vote. Motion carried.

6. Citizen Time (Comments, Information from those present)

A. Steve Mihalik, 802 North Shore Drive, Waterville. Mr. Mihalik said on the agenda tonight you have the 2017 seal coating, dust coating and overlay projects. One of those roads on the overlay projects is North Shore Drive. This street was slated to be done with the five year plan that was done by the City by Bolton & Menk a few years ago. It is time for that to get done before that becomes a reconstruct. If he remembers correctly during budgeting time last year when this dollar amount was put there Mr. Schmidtke at the time you had said we should really do this when we do water and sewer that is how the City has been operating. He would like to remind the City that getting water and sewer out to North Shore Drive has been a project that we have not yet been able to do through all of these years. He believes the last quote to have it done was nearing a million dollars and that wasn't down North Shore Drive that was just up to North Shore Drive. Last he checked he thinks there were 33 hook-ups not much more that would have to be connected to that. So if you do the math, even with a grant, a grant right now at best is only 50%. Last year Le Sueur County did work and tried to get to an 80% that is here and gone, there is a slight chance it might come back, but it is a chance at that. He did speak with Mr. Pettipiece and he also spoke with Lance Wetzel our Commissioner about the same project and about what they did on Jefferson. At that time residents had an opportunity to get their septic systems up to code or decide to go with water and sewer. That being said he is asking Council to still consider getting a quote to have North Shore Drive done this year and consider that in your plans for 2017.

B. Susan Boller, 126 1st Street South. Ms. Boller said she came here about the rental housing that you have on the agenda. I would like to speak on that. Ms. Boller said she is a tenant at 126 1st Street South. She has been having quite a few issues, it is across from Traditions. She is having a lot of issues with the landlord and that is one of the reasons she came here to speak about this proposal. She thinks it is very important that you put this in place. She has made several attempts to get a hold of someone through the County and through the State to get someone down to take a look at this property. She has 23 years of property management experience up in the Cities. The things that are going on at this property are absolutely outrageous. Under subdivision 15 that you have in the proposal not one unit to her knowledge in that property has working smoke detectors. She use to live in apartment D, she transferred down to apartment A. When she originally moved in there she had no refrigerator or when she was going to move in. She came down the second time to take a look at the property to make sure she had a refrigerator, they moved one in. The smoke detector was beeping at the time saying that it needed the battery replaced. It was not replaced. It did not have proper outlet covers and it does not have the correct type of windows. The windows are cracked. She tried to reglaze them. She could not reglaze them. She had to caulk them. Subdivision 2, the smoke detectors aren't even in the correct location in the building. Number 3 we have absolutely no fire extinguishers. Then it goes down to number 6, apartment B does not have a ceiling in the living room because apartment C up above kept overflowing their shower. Management came down in November and removed the shower. Told the people they had to move out. People are still living there and they have not had a shower or bathtub since November in that unit. In her unit apartment A she has no smoke detectors. Her bedroom ceiling has caved in three times on her. She has repeatedly text her, called her and she has not gotten any responses as to fixing this. It got to the point that because it is such an old building the lathe work and the stucco work actually started falling down. The last cave in was back at Christmas time. She said she was going to send out one of her workers to tear it down for her, she did not. She finally last week

tore it down herself. She has a couple of questions in regards to some of the things that you have proposed. One of the things under Subdivision 3 under B state law requires that the information be posted who management is. That is not posted there along with the contact number. Even if she tries to call the manager she doesn't even have a voice mail set up that you can leave a voice mail. You can text her but you are not going to hear back from her. And then as far as subdivision 3G it says that you are going to require that the tenant information be provided to the City correct? So her question on that is, is that information going to be kept private or can anyone come in and ask who is living in 126 Apartment A. Mr. Schmidtke said that he is guessing that would be private. Our City Attorney isn't here so that is kind of. Ms. Boller said that is why she wants to bring it up now, she doesn't know that she will be here, she can leave her notes she has made if you would like, and she will try to be here. Then it goes to Subdivision 3D you are asking for a fee for an inspection if a renter wants to have the unit that they are renting inspected, but the way it states the renter is going to have to pay for that. And that if they want to get their money back they have to do an abatement. Is that a City abatement or do they have to do a state abatement? Once you do an abatement a person has to go down and file a fee. Most people aren't going to have money to pay for a filing fee at the County and then you have to remember all their time and effort. She feels like this should go to the, basically assessed to the property owner or the management company, not to the renter. Why should I have to pay a fee to have the unit inspected when I know that there are so many state laws that are already broken? Subdivision 13 what is considered a dwelling? Is it the entire building or is it each unit that is in the building? My current building has a total of five units, we have one garbage can. Subdivision 17 it is talking about if there is violations of jail time, who is going to do the jail time, is it going to be the management or is it going to be the owner? Because the owner of the building that I reside in lives in Florida. Who is going to be overseeing the inspections? Is that going to be City? Are you going to call in a State inspector? How is that going to be handled? Mr. Schmidtke said that will be done by the City, we will just hire an inspector. These are some of the conditions that I am dealing with. Ms. Boller provided photographs. This is my ceiling that has three times collapsed, this is the picture of the slath work and the plaster that has fallen down, it was hanging down this far. The plaster, some of it is this thick in spots. It was above my head. This current furnace provides the heat for my unit. All of the electrical is on the outside and there are no covers. Since I transferred downstairs last year, I repeatedly requested that this be maintained because it is not running properly. That has not been done. There is a circuit bar that sits on the outside of it with dead lady bugs fried to the circuit bar. She does not see how this can even be legal state lighted. Mr. Schmidtke asked if there was anything else. Ms. Boller said that is all that she has at this time. Ms. Hill said she would like her documentation and photos for her. Ms. Boller said absolutely, sorry they are not the very best photos. Mr. Schmidtke said as long as the Fire Chief is here can we talk to that guy. Chief Meskan said the one he talked to on Saturday he forwarded it to Teresa. Just exactly what he said, he will have her get that to all of you. We met with the State Fire Marshall investigator on Saturday at the school. Mr. Wollin said about this or? Chief Meskan said in general. He can discuss what she brought up. Teresa will e-mail you all.

7. New Business

A. Emergency Management Secondary Activation Siren. Ms. Hill advised that the siren is a new install to allow us to activate the siren locally rather than depending on the County to activate. The quote for the Emergency Management secondary activation siren is \$4,523.95. Motion by Grobe, seconded by Wollin to approve the quote in the amount of \$4,523.95 for the Emergency Management secondary activation siren. Unanimous vote. Motion carried.

B. 2017 Seal Coating, Dust Coating and Overlay Projects. Mayor Schmidtke advised that he would like to table the 2017 seal coating, dust coating and overlay projects because there are a couple of streets he would like Council to look at and also he would like to discuss with Bolton & Menk some issues from last year and get their fee for what they would charge us for doing the bidding. Discussion regarding a date to hold a special meeting. Mr. Schmidtke would like to have Council look at Lake Street and 1st Street North by the house on the corner there is a bad spot there and it is holding water in there. Also North 1st Street at the turnaround, at the bottom there is no blacktop left. Also there is a drain there and he does not know if it is working. And then just follow the road it is spider cracking really bad. Motion by Smith, seconded by McIntyre to table the 2017 seal coating, dust coating and overlay projects until March 30, 2017 for a separate meeting. Unanimous vote. Motion carried.

C. Brush Chipping. Ms. Hill advised that the City has established set dates that residents need to call in. They are put on a list, the diameter is limited to two inches and it has to be curbside. And the stipulation that if you hire a tree service to come in they need to get rid of the brush. You can't have a tree service come in and take the tree down and leave the brush for the City. This service has been done twice a month and varied upon holidays and events. Motion by Schmidtke, seconded by Wollin to continue the brush chipping. Unanimous vote. Motion carried.

D. 2017 Mosquito Control. Discussion regarding the mosquito control in 2016. Ms. Grobe asked if we could do the 9 biweekly treatments instead of the 6 for the summer events like Hot Summer Nights or Bullhead Days. Discussion on the number of treatments the City should contract for. Motion by Smith, seconded by McIntyre to continue on with the six biweekly treatments with the option to pull in for an extra treatment if needed. Unanimous vote. Motion carried.

E. Liquor License Renewals. Off Sale, On Sale and Sunday Liquor: Denny's Bar Inc. and William Patrick Conlin LLC, DBA Corner Bar; On Sale and Sunday Liquor: Hoy Enterprises LLC, DBA Bullheads Bar and Grill; 3.2 On sale: Hoot Lanes – 3.2 on sale; Off Sale: J & L Bottles and Catch of the Day Liquor, Inc. Motion by McIntyre, seconded by Smith to renew the liquor license renewals for 2017. Unanimous vote. Motion carried.

F. Resolution 2017R-010 Granting Off Site Gambling for Waterville Lions Club. Motion by McIntyre, seconded by Smith to adopt Resolution 2017R-010 granting off site gambling for Waterville Lions Club. Unanimous vote. Motion carried.

G. Fire Department Extractor Washing Machine. Discussion regarding the washer-extractor and chemicals to use. Mr. Smith suggested getting a second set of gear so that when the gear is being washed they will have another set available. Ms. Hill advised that we have used the dividends from the League of Minnesota Cities insurance in a fund set aside for safety equipment. There are ample funds to cover this. Motion by Smith, seconded by McIntyre to approve the purchase of the Extractor Washing Machine in the amount of \$7,116.00. Unanimous vote. Motion carried. Discussion regarding having the Fire Department volunteers have annual physicals.

H. Accessory Structure Ordinance Recommendation. Ms. Hill advised that Planning and Zoning looked at this. Mr. Moran drafted some language to address accessory structures. Planning and Zoning is recommending that Council adopt the ordinance Chapter 150.03 Accessory Structures. If you have questions for Moran he would be available at the next

meeting. Motion by Schmidtke, seconded by McIntyre to table the accessory structure ordinance until the next regular meeting.

I. Large Lot Assessment Policy Review request. Ms. Hill is looking for direction for Council to give her permission to start researching the large Lot Assessment Policy. This would also take into account benefited law and Mr. Moran will review that. This is to distribute the assessment cost more adequately. Motion by McIntyre, seconded by Smith that we have Ms. Hill start the process in pulling together policy review for large lot assessments. Unanimous vote. Motion carried.

J. Wapasha Pay Estimate #19. Motion by McIntyre, seconded by Smith to approve payment of pay estimate #19 in the amount of \$612,389.50 to Wapasha Construction. Unanimous vote. Motion carried.

K. Feasibility Study Brunton Architect & Engineering. Mayor Schmidtke spoke with Brunton Engineering at the Fire Conference about coming to do a feasibility study on the fire hall. Discussion regarding the feasibility study. Ms. Hill suggested that Brunton Engineering do a proposal of what the cost would be and also what a grant would cover. Motion by Smith, seconded by McIntyre to request a proposal from Brunton Architect & Engineering to give us an estimate on their engineering feasibility study and looking into a grant to cover that cost. Unanimous vote. Motion carried.

8. Engineer's Report. Jason Femrite said on South Reed Street they have submitted those plans to MN DOT. Once they receive those comments they will actually have a schedule when construction will start. Once he has that schedule when the bids are going to come back, approximate start and completion date he will provide Council with that information. The City will be involved in the preconstruction meeting when that gets going. Mayor Schmidtke asked if they did borings south of the bridge. Mr. Femrite said yes we did do borings. We have those in the specifications. Mayor Schmidtke asked if they will have to dig out quite a ways. Mr. Femrite said no, we are going to be doing more of the geo-grid. They will bring down some of the grade as much as we can but there is the hill on the one side. We did reduce it some through there. There will be some material that will come out. How good the material is is another story. Mayor Schmidtke said would you take out a foot and bring a foot back in of materials. Mr. Femrite said we are taking out all the way down to where the subgrade would be then the geogrid would go down and we would cover the road just like we normally would with drainage layer, aggregate, and bituminous and curb and gutter all the way up to the last driveway to the south and still the rural section out to the highway. Mayor Schmidtke asked how thick is the asphalt that is going in there as it is a pretty well used truck route. Mr. Femrite said there will be five inches of bituminous, 12 inches of class V and 36 inches of sand underneath it. Mr. Smith asked about North Shore Drive and the possibility of mill and overlay. He had heard that the construction of that is what is called a mat, any opinions on working on that. Mr. Smith said he drove out there and there are spider cracked on the edges. With the possibility of upcoming improvements in the area do we want to look at the feasibility of trying to spend the money on an area like that or what do we want to do. Mr. Femrite said that could be a topic for that next work session. Mr. Femrite said he can look at the rating again. He will pull that out and drive it himself and review it. Mr. Smith said he is interested to know what we are getting into there. Mr. Wollin said we would have to look at what is the real possibility of putting sewer and water out there. Mr. Femrite said putting in money into a street and then a short period of time we want to do sewer and water he doesn't know if that makes all the sense in the world. Will it completely deteriorate and go to gravel in that amount of time. We should talk about sewer and

water out there so we can make some decisions. It is a significant financial commitment to overlay that road. If we feel there is likelihood that may change and want to reconstruct it we would hate for that to come up five years from now and we have just overlaid it and spent a significant amount of money. Mr. Smith asked Mr. Femrite to look at that prior to the work session. Mayor Schmidtke said if we could get some grants. Mr. McIntyre said we are looking at getting a sewer district so that we can tie into the City but that takes some time. That isn't going to happen in a year. Mr. Femrite said the Lakes Association is creating a sanitary sewer district. Mr. McIntyre said which then we get grant money and then it also helps you, but the thing is then with that is to taking it up there and going all along that way down to three quarters of the lake on each side. The thing is we are just getting ready to get into the process with that. Depending on the condition of this road now it may pay to do an overlay until all of that gets done and if you are looking at the City itself wants to go ahead and start with sewer and water up there you are looking at a couple of million dollars. That isn't feasible, it is better to repair the road and then when we get a sewer district and get that going up there which will save everybody money and if you have got to tear up some of the road you have to tear up some of the road. Mr. Femrite said a sewer extension up to this area would be included in that because that north side would come right through there. Mr. McIntyre said all the way down. Mr. Femrite said and then that over sizing of whatever that line is to handle North Shore Drive could be just incorporated into that lake project and then it is right there. That is a possibility. Just the process of going through PFA, he was involved in the Lake Jefferson one that they are doing right now that extension to Cleveland. It has been a long process how they were talking about all of the lakes going there. The County stopped that and now this particular group on West Lake Jefferson wanted to connect to Cleveland and looking at that specific project itself it has taken less than a year from initiation of it. It has to be submitted to the PFA, getting on a priority list, they had a lot of that work done up front because they had done a septic study and understanding that there were a lot of those that were non-compliant, that is the stuff on how you get grants. Is ranking high on that list because there is that need there that there are failing septic, don't have property to be able to put in other mound systems, this becomes a feasible option and you go through that whole process. Barring the review of all those septic systems it was relatively quickly and now the plans are just about completed and hopefully construction starts this year on that. It is about a year plus process to get things moving. Septic system review on North Shore Drive to be able to obtain a grant would be crucial in applying for those grants and seeing if there are those needs. If they are all in compliance it is not going to rank fairly high on that list, potential for grants may not be as great, but if there are those needs that is when those grants really kick in to help offset that and help clean up the lake. Mr. McIntyre said he has a DVD from a fly over on Tetonka and the septic systems there is a problem so he doesn't think we are going to have that much of a problem. Mr. Femrite said probably not. Mr. McIntyre said but we have to get the County to approve us to have the sanitary district. Once we have that we can move forward with all the rest. Mr. Femrite said they are getting more familiar with it with the West Jefferson one that they did right now so you would be kind of following that same type of process. Mr. McIntyre said he has been talking to the Commissioners about it. Mayor Schmidtke said so that is with the Lakes Association then right. Mr. McIntyre said yes. Mayor Schmidtke said keep us informed on that, that sounds like a good thing going. Mr. McIntyre asked Mr. Femrite if we are still on schedule with Paquin Street. Mr. Femrite said yes, it seems like we are ready to start construction but it is still early in the year. The preconstruction meeting will probably be in April and then he will give Council and update when he hears from the contractor on when they want to get going.

9. Attorney's Report. Mr. Moran was not present at the meeting.

10. Administrator's Report.

A. Ms. Hill said just a FYI if you have been following the news the Sunday liquor sales, off sale sales is approaching the Governor's signature so with that if it is signed we will have to do some amendments to our ordinance. Ms. Hill said she just wanted Council to know that it will probably be on the agenda for next month. Mr. McIntyre said he signed it today, so it will be effective July 2nd. Ms. Hill said so we will have some ordinance revisions on ours that will need to be done to take care of that situation also. Mr. Wollin said one of the questions on that is if it is a law then we do have to allow it right. So we have to have an ordinance to regulate how to do it. Mayor Schmidtke said he thinks they said the hours are from 11:00 to 6:00. Ms. Hill said that was just something she wanted Council to know was coming forward and you are going to be doing some acting on that.

B. Ms. Hill said the other item that she wanted to bring up was we had a request a few months back for the Council to look at doing a street light inventory and she does not know if they have had an opportunity to go and drive those areas or if you are new to the Council you probably don't know that was one of the requests. Rather than to have an engineer street light study done the Council decided that they were going to drive the areas, map them out, come back and then we would talk about what we would be looking at for enhancements. Ms. Hill said she just wanted to give Council a heads up she would like to get that on next month's agenda to talk about so between this meeting and the April meeting if you could drive those areas. If you need some type of map let her know and she can get those to you. Mr. Smith asked if she has the targeted areas laid out. Ms. Hill said it is throughout the whole City. The request specifically started with the Lagoon area, North Shore Drive area and sporadic ones throughout. She just wanted Council to know that it will probably be on the agenda for next month. Mayor Schmidtke asked Ms. Hill if she talked to Xcel Energy about helping with that doing some type of study. Ms. Hill said she will have to refresh her memory. Mr. Schmidtke said he called the woman from Xcel and will call her again. The money we spend every month for electricity you would think they would oblige us a little bit by giving us a study. Ms. Hill said she knows she called our representative that does our area but she will have to go back on her notes and memory bank to look at that too.

15. Council Discussion. No discussion.

16. Approval of Disbursements. Motion by Schmidtke seconded by Wollin to approve the disbursements in the amount of \$744,299.24. Unanimous vote. Motion carried.

17. Impress Cash Fund. Motion by McIntyre seconded by Grobe to approve the impress cash fund in the amount of \$59.56. Unanimous vote. Motion carried.

18. Adjourn. Motion by Wollin, seconded by Roy to adjourn. Unanimous vote. Motion carried. Meeting adjourned 8:00 p.m.

Alan Schmidtke, Mayor

Teresa Hill, Administrator/Clerk