

WATERVILLE CITY COUNCIL
REGULAR COUNCIL MEETING
AND PUBLIC HEARING
July 11, 2017, 5:30 P.M.

There was the regular Council meeting and Public Hearing regarding the Rental License Ordinance of the Waterville City Council held in Council Chambers at 5:30 p.m. on July 11, 2017.

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

Absent: None

Also Present: Administrator/Clerk Teresa Hill, Jason Moran City Attorney and Jason Femrite City Engineer (arrived 6:00 p.m.)

Also Absent: None

- 1. Call to Order / Roll Call / Pledge of Allegiance.** Mayor Schmidtke called the meeting to order at 5:30 p.m., noting that all Council members were present. Also present was Teresa Hill, Administrator/Clerk, and Jason Moran City Attorney. Pledge of Allegiance was recited.
- 2. Approval of Agenda/Additional Items to Agenda.** Mayor Schmidtke advised that there are two revisions to the Agenda, item 6B Utility Bill mailing request – Waterville Library and item 16 Closed Meeting for Attorney Client Privilege. Motion by McIntyre, seconded by Grobe to approve the agenda with the agenda changes. Unanimous vote. Motion carried.
- 3. Public Hearing on Rental License Ordinance.** Mayor Schmidtke advised that there have been several meeting on the rental license ordinance.

Jeff Skluzacek of Waterville Auto Center addressed Council regarding the licensing would increase the cost to his tenants. Mayor Schmidtke said that there was a committee set up to go over the rental license ordinance consisting of Roy McIntyre, Tim Smith, Jason Moran, Teresa Hill, and three individuals who own rental property that hashed the rental license ordinance all out. The revised ordinance is what they came up with.

Pat Mende addressed Council regarding the inspection standards. Ms. Mende discussed the fire code and the older units that would not meet the fire code. Mr. Smith said if you look at the state fire code it grandfather certain conditions in as of the age of the building. Mr. Moran said the fire code allows some grandfathering in certain areas and no grandfathering in other areas. Those are areas that you would have to work with Dan Murphy the inspector. Basic safety cannot be grandfathered in. If you have a specific question you will have to work that out with the inspector. Mr. Moran said the major thrust of the ordinance is basic safety, basic habitability, and eliminating blight and nuisance. That is what the rental ordinance attempts to accomplish.

Scott Mende asked how long Council would allow after the initial adoption when you will be doing inspections. How long will you allow the owners to do repairs? Mr. Moran said that the ordinance contemplates that all units will be registered by August 1st. In a perfect world everybody will be inspected by December 31st. We understand there will be an initial inspection and there may need to be some repairs done and then a re-inspection. We are going to work with the building inspector on a case by case basis on that. Notification of the new rental ordinance will be sent in the water bills and on the web site.

4. Adoption and 2nd Reading of Rental License Ordinance. Motion by Smith, seconded by Wollin to accept the 2nd reading of the Rental License Ordinance. Unanimous vote. Motion carried. Motion by McIntyre, seconded by Wollin to approve the Rental License Ordinance. Unanimous vote. Motion carried. Mayor Schmidtke gave a special thanks to Teresa Hill, Jason Moran, Roy McIntyre, Tim Smith, James Roemhildt, Kris Anderson and Chip Beadell for being on the committee and getting this organized.

5. Approval of Minutes – June 6, 2017 Regular Meeting. Motion by McIntyre, seconded by Grobe to approve the minutes June 6, 2017 regular Meeting. Unanimous vote. Motion carried.

6. Written Petitions, Request etc.

A. Hot Summer Nights date change from July 27 to July 20th

Motion by McIntyre, seconded by Schmidtke to change the date in July for Hot Summer Nights from July 27th to July 20th. Unanimous vote. Motion carried.

B. Utility Bill Mailing Request – Waterville Library. Motion by Smith, seconded by McIntyre to approve the utility bill mailing for the Friends of the Waterville Library. Unanimous vote. Motion carried.

7. Unfinished Business

A. 6th Street Parking Discussion and Public Hearing Date. Ms. Hill said she had some discussions with Mr. Whitehurst on the concerns about the parking. His thought is that even if we tried to regulate and say no parking on the other side it would come up with the same discussion that Ms. Grobe brought up earlier about people would still be pulling in there to drop off their kids and would still utilize that area. It would probably become a hassle to try to enforce. Mr. Whitehurst said whatever the Council decides he would stand by their decision. He did not think that would be a solution to totally eliminate it. Mr. Whitehurst did discuss some other parking situations on Paquin and on 5th Street. That discussion was on overall safety. Mr. Whitehurst would not want to lose the parking on 5th Street. Ms. Hill said on the 6th Street issue if you are looking at maybe not doing the no parking then maybe there is something we could do with shouldering to entice the fact that this is the parking area and you are not making that area narrower for the traffic coming and going. Ms. Hill said if you want to look at closing it you would have to have a public hearing on it. Discussion regarding the congestion that happens on 6th Street. Discussion on making it a one way street. Mr. Wollin said he thinks the school board and administration should look at that. They are concerned about the safety of the kids. Motion by Smith, seconded by Schmidtke to form a committee of Councilmembers Wollin and McIntyre to go to the School Board and get their input regarding 6th Street and 5th Street. Unanimous vote. Motion carried.

B. Sale of Water meters. Mr. Moran said that at the last City Council meeting the Council authorized the going out and bidding of the water meters that Tom Knish has from an old project he had approximately 850 meters. The idea was we would put these meters out for sale and solicit bids to see if we could get some money for them. Mr. Knish thought the City had abandoned the meters and sometime has past. He thought the City was not interested in them anymore and he took them apart in preparation for salvage. He spent a significant amount of time tearing the meters down to scrape. He has approximately 106 pails full of the different parts and has them broken down to be scrapped. His intent was to scrap them. Mr. Knish thinks he owns them and the City of course under contract we do own them. Mr. Moran said from a legal standpoint Mr. Knish does not have a whole lot to stand on, but Mr. Knish is a local contractor

here and he thinks by and large has done very good for the City and is a reputable contractor. In all fairness there was some communication lapse on both ends. The bottom line is we are not going to be able to send these meters out for bid and we will have to address this issue. Ms. Hill and Mr. Moran met with Mr. Knish for an hour the other evening and we have had some continued discussions. Our recommendation to Council is to rescind the motion to go out to bid and simply let Mr. Knish have those meters, let him take care of them and proceed to scrap them. Mr. Knish has indicated that he will donate \$800 back to the City. Mr. Moran said he thinks that is a good way to resolve it. It would preserve good feelings on both sides. Ms. Hill said that Mr. Knish was a subcontractor of the contract and he did contact the contractor and the contractor had told him to scrap them. Motion by Wollin, seconded by McIntyre to rescind the past motion to go out to bid and Mr. Knish gets to keep the meters and can salvage them with the understanding that he gives \$800 back as a donation to the City. Unanimous vote. Motion carried.

8. Citizen Time (Comments, Information from those present) - no one addressed Council.

9. New Business

A. WCCO Visit. Bill Byrne of the Chamber of Commerce said after years of lobbying we finally got WCCO on their airing of “Going to the Lakes” to select the Waterville area. They will be here filming on the 20th and the 21st. The 20th is background filming and the 21st with the anchors Amelia and Angela coming down here. They go into a town and find activities on the lakes to do to promote tourism and what is going on in the community. This will not be an advertisement for any business. Mr. Byrne requested that the City spruce up the business area. There are a lot of resorts surrounding the Waterville area. The 19th they will be doing background filming and on the 20th the anchors will be here on site. They will air on the 21st. Mr. Byrne said we have more campsites and resort locations in southern Minnesota.

B. Nuisance Discussion/Appeal – Deb and Gayle Hogan. Discussion regarding the nuisance property notification. Mr. Moran provided the chronological order that has taken place regarding the nuisance property and also provided photographs of the property for Council. They have 60 days to bring their property into compliance. Mr. Wollin advised they should contact City Hall to see if his FCA organization can help them handle the clean-up.

C. Waterville Relief Association Request. Jeremy Schwartz, President of the Waterville Fire Relief Association requested that Council go up \$100 from \$1,700 to \$1,800 for the annual retirement benefit level. The required contribution from the City would be \$560 in order for them to raise the annual retirement benefit level. Ms. Hill said that the City has only had to contribute two years to the Relief Association because of funding. That was when the economy bottomed out. Motion by McIntyre, seconded by Grobe to approve the \$560 contribution to the Relief Association and raise the annual retirement benefit level \$100.00. Voting for: Smith, McIntyre, Grobe, Wollin; Abstain: Schmidtke. Motion carried.

D. 2017 Municipal Maintenance Agreement. The contribution is slightly less because we acquired the one block of Paquin Street between 1st and 2nd Street. This amount is \$18,854.79. The funds will go to the capital improvement fund under the street improvement reserve. Motion by McIntyre, seconded by Smith to approve the 2017 Municipal Maintenance Agreement. Unanimous vote. Motion carried.

E. Resolution 2017R-018 Granting Gambling Request for Waterville Sportsman's Club. Motion by Smith, seconded by Grobe to approve Resolution 2017R-018 Granting Gambling Request for Waterville Sportsman's Club. Unanimous vote. Motion carried.

F. Resolution 2017R-019 Granting request of MN Dark House and Angling Association. Motion by McIntyre, seconded by Smith to approve Resolution 2017R-019 granting request of MN Dark House and Angling Association. Unanimous vote. Motion carried.

G. Street Light Installation – Paquin Street. Ms. Hill advised that they were approached by Traditions during the construction that they had some security lighting that was in place that would no longer be available to them with the construction. We got a hold of Xcel Energy to see if they could come up with a solution that would allow a solution for the City for Street Lighting and as an add on benefit some security lighting for Traditions. Xcel advised they could install a cobra style lighting and the City would pay the traditional per month fee of \$9.59 to add some light to the street. In the event that Traditions did not feel that was adequate for security they would in turn work with Xcel themselves to have a security light placed on that same pole to light the back side. That would be their bill of \$7.34 a month. Motion by Smith, seconded by Schmidtke to have a street light installed on Paquin Street by Traditions at the rate of \$9.59 a month as proposed by Xcel energy. Unanimous vote. Motion carried.

H. National Night Out Location Change. Mayor Schmidtke suggested that National Night Out be held August 1, 2017 at the Fire Hall that way people can see the equipment. The Fire Department has all the picnic tables, and there are bathrooms there and there would also be more parking. We would want to close the 1st Street from Main Street to Lake Street. Motion by McIntyre, seconded by Smith to hold National Night Out at the Waterville Fire Department and that we block one block of 1st Street from Main Street to Lake Street between the hours of 5:00 p.m. to 8:00 p.m. Unanimous vote. Motion carried.

I. Update on Seasonal Help and Hiring. Ms. Hill said we did some advertisement to do some seasonal hiring. Up until today she only had one applicant who was under the age of 18 so would not be able to operate equipment and it would not be real beneficial in this situation. She did received one application today. The HR committee could review that and decide if they want to do an interview with that particular person. Ms. Hill said she thinks part of the reason we don't get a lot of applications is because it is just a seasonal/part-time position. She has not had in depth discussions with the HR Committee but she would recommend to the HR Committee that they look at maybe doing a year round full-time employee. Ms. Hill said she was hoping to get a seasonal person in place so we could evaluate service needs as we move forward. Discussion regarding hiring a seasonal or full-time person for the Street Department. Staffing at the wastewater treatment plant would be approximately 6 hours a day. Motion by Wollin, seconded by Grobe to pursue this applicant and have HR do the interviews and call a special meeting if the applicant is recommended by the HR committee. Unanimous vote. Motion carried.

J. Letter of Resignation – Tom Besser. Mayor Schmidtke said Tom Besser is retiring after 31 years of service for the Waterville Fire Department. Mayor Schmidtke said that he has been a great guy, great individual, caring, worked hard and he wants to thank Tom for all the stuff he has done. Motion by Grobe, seconded by Smith to accept Tom Besser's resignation from the Waterville Fire Department. Unanimous vote. Motion carried.

K. Township Fire Contract Meeting Date suggestions. Ms. Hill said we are getting set to go over with the Township the budget again this year. She would like to give them a few days of availability. Dates given to Ms. Hill were August 9, 10, 16 or 22.

L. Ag Star Agreement Approval. Motion by Wollin, seconded by McIntyre to accept the Ag Star Agreement for a \$5,000 grant. Unanimous vote. Motion carried.

M. Waste Management Administrative fee – Jason Moran. Council had requested that Mr. Moran check into the Waste Management contract that the City had in reference to whether or not Waste Management was legally authorized to charge a \$5.00 administrative fee to commercial accounts. Mr. Moran checked the contract and they are not legally authorized to charge that fee. Mr. Moran said that we did reach out to Waste Management and they have agreed to pay it back. We will let everybody know that they should contact Waste Management to get their money refunded with the utility billing as soon as possible. They should contact Jay Neisen of Waste Management.

N. MNDOT Hydrology Study Update. Ms. Hill said that MNDOT did a study of the hydrology along the Cannon River and also the Whitewater Creek. They were looking for a smoking gun of why the water was retaining so long or what some of those flooding factors might be. They looked at the replacement of the Schmidtke Dam if that had any hydraulic impact or causing a bottle neck, the same thing with the Highway 13 Bridge. Along the Cannon River basically what was said was that there was really no smoking gun there. There was nothing that would drastically alter the flooding effects there. The Whitewater Creek that is a different story because you have every single bridge in town is a bottle neck and causes some backup and contribution to the flooding. They did make a few suggestions that we should keep in mind. If the culverts on the highway were to be replaced we should look at sizing them accordingly. The study was general at this point and she has not received the final report. The study was actually performed under the grant by Bolton & Menk and she would suggest that after the study is complete that maybe we sit down and request Bolton & Menk come in and do a presentation to the Council so that you can be aware of some of the information that was presented. Ms. Hill provided Council with a copy of the information she has received. Ms. Hill said that they said the smoking gun was the rain events. There were a lot more rain events of four inches or more that had occurred. Ms. Hill said it was very helpful in at least trying to identify some of those areas and it gives us some factual data to work off of. There has been a lot of talk about the Schmidtke Dam and the difference of the old Dam and pulling of the boards to try to regulate. One thing they brought out on the Schmidtke Dam was that if boards were pulled basically it would be a miniscule amount that it would affect the overall lake level. It does not have a huge impact on the flooding. Ms. Vail said she was at the meeting and this is really helpful. The one watershed plan that the Cannon River is a part of the DOT said that also could be given to that unit which would affect the Cannon River.

O. Wapasha Pay Estimate #23. Motion by McIntyre, seconded by Schmidtke to approve Pay estimate #23 in the amount of \$239,513.05. Unanimous vote. Motion carried.

P. M & W Final Pay Estimate. Motion by Schmidtke, seconded by McIntyre to approve the final pay estimate of M & W in the amount of \$43,888.21 contingent upon receipt of all the appropriate paperwork. Unanimous vote. Motion carried.

10. Engineer's Report. Mr. Femrite gave an update on the South Reed Street project. It is out for bids and they are set to open on July 24th. He anticipates construction after contracts are

developed to start around the middle part of August and a completion date into October. As that progresses and the schedules are understood he will continue to pass that along to the City. He believes we will have an inspector out there on behalf of the County when that project is happening so he can provide updates as it is going on. Mayor Schmidtke asked if the south part of the bridge going towards Hwy 60 how much dirt is going to be removed there. Mr. Femrite said a few feet. Mayor Schmidtke asked if they were going to change the slope of it. Mr. Femrite said a little bit, a couple of feet at the most. Mayor Schmidtke asked if they would dig it out and put a different base in there to get rid of the heaves. Mr. Femrite said it is all going to be excavated down and then a properly design 10 ton section will be installed. Mayor Schmidtke said he thought there would be drains on the side. Mr. Femrite said yes there will be. Mayor Schmidtke asked if they will overlay it this year. Mr. Femrite said both lifts will be put on this year. There is no underground work other than a few catch basins. Typically we wait when we do sanitary sewer for settling. Mayor Schmidtke was wondering on the south part if they should just do one lift to see if there will be any settling throughout. Mr. Femrite said typically settling is due to underground construction. We have very little in there. It is the base that has always been there. We are excavating down and then bringing it up with good material. They will have a compaction test that will be done on that subgrade before it is built up. If it looks suspect at that time we would make some decisions on whether or not that final lift gets installed. Right now it is planned on being installed this year. Mayor Schmidtke said if there are issues in the spring who is responsible. Mr. Femrite said there will be a two year warranty on this project, it would be on the contractor.

11. Attorney's Report. Mr. Moran said we discussed one nuisance property here earlier, he wants to update the Council on another nuisance property. The Tom Sherratt building here in town which has been a terrible eyesore for decades finally did come down today. Hopefully the contractor can have all of the debris hauled off within the next few days. That property has finally been brought to resolution. He really wants to thank the Waterville Police Department for assisting and getting that done. It is charged out as a nuisance property, he does have court on that next week but the bottom line is, it was not him that brought that to resolution it was actually Chief Manning. If it wouldn't have been for Chief Manning we would probably not be in the position that we are in now where that property was brought down. A very good result was achieved and we will keep hammering at some of the other nuisance properties. We have a couple in charge status right now. Our goal is to try to work with the property owner to bring it into compliance. Sometimes that can take a lengthy period of time, but the bottom line is that it is much cheaper and more efficient if the property owner does it as opposed to the City. Mr. Moran said that he wants to thank the Council for passing the rental ordinance. This is a big deal. Thank you for passing it.

12. Administrator's Report.

A. Ms. Hill said included in Council's packet was information about the Capital Grand Opening August 11th through the 13th. They are requesting that the Cities make a brief video and that we also pass a resolution encouraging the community to attend. There are some things in there that they are requesting cities to look at and try to help promote that celebration.

B. Ms. Hill said a reminder that the coalition is having a free training session to the Council so anybody who wishes to do that, let her know and she can get everything set up. There is one Council member that wished to attend

C. Ms. Hill said it was her intent to speak with the Council about an open house for the Wastewater Treatment Plant, she does not feel comfortable at this point in giving an exact

date that we can look at. There still seems to be a little bit more of a moving target than what she is comfortable with. You want it to be back intact and looking nice before we do. Hopefully after their meeting on Thursday she will get better data as to when maybe we can expect to look for doing that.

13. Council Discussion.

A. Tim Smith said that the Fire Station committee hasn't met or convened for quite some time. He knows that is an ongoing thing. He went to a conference much earlier this spring that also does Fire Station design. There is another conference on Fire Station design and funding for that kind of thing. If they want someone to go to this he would need to register pretty soon so he would have to get it on for Council approval, is that something we would be interested in. Mayor Schmidtke asked where it was at. Mr. Smith said it is in North Carolina. Mayor Schmidtke said we have Broughton Construction coming and they build a lot of fire halls. They did Morristown's and they did Kenyon's who just opened their new fire hall. We can see what happens after this, you could be part of that also. Ms. Hill said she has not established anything with them yet. That is part of the AG Star grant. Mayor Schmidtke said Chris can let you know when they are going to come and then try to work scheduling. Mr. Smith said that would be fine.

B. Mayor Schmidtke addressed a gentleman in the Council Chambers. Mr. Don Williamson of West Central said he was attending the meeting in case there were questions to the Council or their company for the seasonal customers. Mr. Wollin said there were a couple of problems but you took care of them right away. Mr. Williamson said that is why he was here, in case there were any problems and he is sorry that he was late to the meeting. Mr. McIntyre said that was a good letter to the editor.

14. Approval of Disbursements. Motion by Wollin seconded by Grobe to approve the disbursements in the amount of \$445,873.32. Unanimous vote. Motion carried.

15. Impress Cash Fund. Motion by McIntyre seconded by Grobe to approve the impress cash fund in the amount of \$96.41. Unanimous vote. Motion carried.

16. Closed Meeting – Attorney Client Privilege. Motion by Schmidtke, seconded by Wollin to go into closed session for attorney client privilege. Unanimous vote. Motion carried. Closed Session 7:05 p.m.

17. Adjourn. Motion by Smith, seconded by McIntyre to adjourn. Unanimous vote. Motion carried. Meeting adjourned 7:17 p.m.

Alan Schmidtke, Mayor

Teresa Hill, Administrator/Clerk