

WATERVILLE CITY COUNCIL
PUBLIC HEARING AND REGULAR COUNCIL MEETING
March 6, 2018, 6:00 P.M.

There was a public hearing and the regular Council meeting of the Waterville City Council held in Council Chambers at 6:00 p.m. on March 6, 2018.

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

Absent: None

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

2. Approval of Minutes- February 8, 2018. Motion by McIntyre, seconded by Grobe to approve the minutes of February 8, 2018. Unanimous vote. Motion carried.

3. Approval of Agenda/Additional Items to Agenda. Mayor Schmidtke advised item 8. J. 2. Fire Department Officers be removed from the agenda. Motion by Smith, seconded by Wollin to approve the Agenda as amended. Unanimous vote. Motion carried.

4. Public Hearings.

1. Proposed Ordinance 510-2018 Franchise Ordinance. No one addressed Council. Public Hearing Closed.

2. Proposed Ordinance 153 Right-of-Way. No one addressed Council. Public Hearing Closed.

3. Improvement Hearing on 2018 Buchannon Street Drainage and Street improvements. Jason Femrite said this improvement hearing is one of the steps for development of a project in Waterville that we are looking to levy special assessments on the benefited properties. We have looked at this area the north end of Buchannon Street over the years for drainage concerns standpoint. We have tried to alleviate some of the drainage concerns and none of those have proven to bear a lot of fruit. What we are looking at now is to design a storm sewer outlet, collect water at the very north end of Buchannon Street and then bore a new storm sewer outlet along the property line and tie into the ditch that would flow ultimately to the Cannon River. This would also be improving the street within that segment. We have a 28 foot wide face to face urban section with curb and gutter on both sides along a new bituminous surface along with catch basins at this very north end to collect the drainage as it comes down the hill. Then we would be boring storm sewer pipe along that property line and out letting. We have gone through a feasibility report and he has presented that to the Council. They authorized the improvement hearing. Mr. Femrite went through the schedule of the proposed improvements. The Council will authorize ordering the plans and specifications, authorize bidding at the first meeting in April. We will advertise in the newspaper and the opening bids would be targeted for the end of April. After that the Council would review those bids and we would move into the 2nd of our hearings which would be the assessment hearings. We will re-run the assessment under the actual bid number themselves and that is what will be presented at

the assessment hearing. If the Council continues to move forward we will adopt the final assessment roll and then they can authorize the project for construction. Construction would start about the end of June and having a completion date of September 1, 2018.

A. Tim Labs, 236 Buchannon Street North, addressed Council. Mr. Labs said he sees the storm sewer line would be between us and the neighbors. Mr. Femrite said we would be asking for an easement for that. We are working through the paperwork of that with the final plans. Mr. Labs asked if the assessment was just for the blacktopping of the road. Mr. Femrite said the assessments are on a per unit basis. 50% of the cost for the street improvement themselves are divided amongst the properties that are identified here with 100% of the storm sewer improvements being paid by the storm sewer district itself. It is just the street improvements that would be assessed. Mr. Labs said another concern with that pipe that is going to dump into that existing storm sewer pipe along the old railroad right-of-way. Mr. Femrite said no it would tie into the ditch there and over land flow. Mr. Labs said right now there is certainly a problem where that storm sewer dumps into the river already. There is one heck of a sediment plume out there and they are constantly fishing pop bottles and stuff that come out of that storm sewer. It is a real issue down there people are wanting to improve that river, there is a big sediment plume out there and there needs to be some sort of a rain garden put in there like on the other side of the old rail-road track to address that. Mr. Femrite said there was a rain garden and a storm sewer that was put in just off-line with that to collect a portion of the area that drains into that 42 inch. There have been some steps the City has been making to try and help clean up some of that. This is a separate project that we are not really getting into that 42 inch. Mr. Labs said he just wanted Council to hear that, there is a concern. The old railroad abutments are washing the heck away, they are all dumping into the river, and it is all sediment out in front of that storm sewer pipe. Mayor Schmidtke said that is something that we can look at in the spring. Mr. Labs said it would certainly help the river. Ms. Labs said the existing ditch that is there right now which a lot of it is on their property because they are right on the river, it is just stagnant water and just sits there already all summer long breeding insects and everything else, so that is going to be even fuller now? Mr. Femrite said essentially this water that we are collecting all got to this point at some point. Mr. Labs said not as directly as is going to now. Mr. Femrite said this water would get through there a little bit more efficiently than it ever did before. Mr. Labs said there definitely needs to be some cleaning done through there. That could really be improved with a rain garden. Mr. Femrite said this water is going to move through there a lot more efficiently than it was, it was going all over land and sitting there. We are not anticipating improving that ditch through there but just making it more of a promoted connection point. Mr. Labs said right now the water isn't running through there all that well, it ponds in there in places. Mr. Femrite said it is flat, there is not a lot of elevation through that lower area there. Mr. Wollin asked if we want to put that on the agenda to examine that. Mayor Schmidtke said can we watch it and see how it flows, if we go through the project how everything goes there. Mr. Labs said sometime in the future he would like the Council to look at that storm sewer where it dumps into the river. Ms. Labs said the bank where the old railroad was is washing totally away which is kind of dangerous. Kids are playing up there all the time, it is just loose dirt falling into the river. Mr. Wollin asked if there would be another agency that would be involved on that. Mr. Femrite said certainly if we are working within the Cannon River itself we would have to pull in the DNR for that to get a permit and/or work with them on some of those improvements. Mayor Schmidtke said we will note all that and we can look at that. Are there any other questions on this project? Ms. Labs said the property that was called a Cartway between Volks and the top of the hill, is that still City property. Ms. Hill said it is. Ms. Hill said it is an undeveloped street of property. Ms. Labs asked if an undeveloped street is assessed anything? Ms. Hill said it is City owned property. Mr. Labs asked if the City would be assessed part of the street cost. Ms. Hill said the City is already paying for a portion of that. The Citizens as a whole are paying 50% of

the cost of your improvement of the street and they are also paying 100% of the storm sewer improvement. Ms. Labs said she has never seen anything done with that. Mr. Labs said that would be a great little trail going into the other trail.

B. Jim Hiller, 310 Buchannon, addressed Council. Mr. Hiller asked if they were going to put it right on the property line and go between his property and Mr. Lab's property right at the end of the driveway. Mr. Hiller asked if it was going to come down the curb. Mr. Labs said the storm sewer is going right down the property line and the catch basins would be close to our mail boxes. Mr. Femrite said they would be before your driveway, picking up all the water before it gets to that point. The south side of your driveway so it doesn't all slide right down your driveway. We are trying to collect it all before that. Mr. Femrite said we have double catch basins there and there is a fair amount of water there to try and pick up. If we get two inches in a half an hour those catch basins aren't going to be able to handle that but it is definitely the majority of the storms it is going to collect that water. Mr. Femrite said it would go past the driveway to a structure and then we are going to run that straight behind your garage along the line. Mr. Femrite said we will put together the easement documents and will be in touch with both of you that clearly illustrates where that is going to be.

C. Mr. Labs said so the disturbed ground will all get reseeded and everything. Mr. Femrite said yes. This is going to be all trenchless along your property line, so they will pull the pipe in. Mr. Hiller said it will go right on the property line all the way down to the creek. Mr. Femrite said where it is going to be discharging is part of the City property. It will be discharging just outside of your property. Public hearing closed.

5. Written Petitions, Request etc.

1. **Resolution 2018R-012 Variance request – Walter Swanson.** Mayor Schmidtke said the recommendations are that you obtain a survey to insure that the setbacks are correct for the 8 foot setback. Mayor Schmidtke asked Mr. Swanson if they were going to have a survey done. Mr. Swanson said yes they will. Motion by Wollin, seconded by Grobe to adopt Resolution 2018R-012 Variance request on the condition that a survey be obtained prior to construction to insure that the 8 foot setback is correct. Unanimous vote. Motion carried.

2. **Resolution 2018R-013 Allowing for the Split of Parcel \$24.581.0050 – William and Joyce Oliver, David and Barbara Arnold.** Ms. Hill said when they split the vacant parcel they will have to come up with a legal description of that parcel and make sure that it is incorporated with their existing home lots so it will expand the width of their lots and also in the Findings of Fact it says it cannot be split apart later. Motion by Smith, seconded by Wollin to adopt Resolution 2018R-013 allowing for the split of Parcel 24.581.0050. Unanimous vote. Motion carried.

6. Unfinished Business

A. **Land Purchase Request Darrell Knish.** Darrell and Donna Knish would like to purchase the property from the City that is bordering to the east of Oak Hollow Resort approximately 50 feet wide on the south and 120 feet on the north 435 feet long. Mr. Knish asked how soon the City would think about expanding the treatment plant. How many houses will the treatment plant take on now? Mayor Schmidtke asked Mr. Femrite how many more homes the new treatment plant could take on. Mr. Femrite said that would be a moving target. Right now it is sized to handle some expansion in Waterville, the exact number he does not want to be nailed down to. If we were to collect all of the area lakes and have that water treated here the plant is not sized to handle that. If that is the direction in the future that ever ends up having

fruit then expansion of the plant would probably be necessary into that current area. Mr. Knish asked if the expansion would have to go to their direction. Mayor Schmidtke said it could go either way he is guessing. Mr. Femrite said he thinks the plant is set up, as far as where the expansion would go, a lot of it would come to the west. That is how the infrastructure is set up on site and is going to be the most cost effective to be right in that area right adjacent to them. Discussion regarding a lease of the property and what Mr. Knish's plans are for the property. Mayor Schmidtke asked if Mr. Knish would be willing to continue on with a lease. Mr. McIntyre said he has no problem with leasing the property out. Mr. McIntyre said the property is valuable to the City as he sees in the future we will be utilizing it. Discussion on how Mr. Knish can use his own property for his boat storage and docks. Discussion regarding a long term lease. Mr. Knish questioned a utility easement that was never dealt with. Mr. Moran will look into the utility easement that Mr. Knish is questioning. Motion by Smith, seconded by McIntyre to table the land purchase request for Mr. Knish until such time as the attorney can come back with a recommendation and the possibility of a long term lease. Unanimous vote. Motion carried.

B. Sale of Generators. Ms. Hill said Mr. Hiller is going to try to find out what the value is for the generators. He has not had a chance to find the value at this time.

C. Street Striping quotes. Ms. Hill said the striping would be on Main Street from 1st to 4th, 1st Street from Main to Lake, 2nd Street from Paquin to Lake and 3rd Street from Paquin to Lake. Two quotes were received. Motion by McIntyre, seconded by Smith to award the quote for Street Striping to Seykora Striping in the amount of \$4,750 for grinding and striping (inlay). Unanimous vote. Motion carried.

D. Squad Car Purchase. The squad car purchase to Nelsons was for \$27,484 and the safety equipment from Northern Safety Technologies in the amount of \$5,898.05. Motion by Smith, seconded by McIntyre to approve the purchase of the squad car including the safety equipment from Northern Safety Technologies. Unanimous vote. Motion carried.

E. Solar Energy Requests for Proposals. Motion by Smith, seconded by McIntyre to not do request for proposals for solar energy. Unanimous vote. Motion carried.

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

A. Sue Cutts, 450 Cedar Circle, addressed Council regarding the squad car purchase. Ms. Cutts said when you purchase a squad car it does not include all the lights and extra stuff? Ms. Hill said it does not. You purchase the squad on the state bid for the vehicle itself and then all of the extra equipment has to be installed on that. Ms. Cutts said the reason she asked is a while back there was a company up in the Cities area that was selling these cars that were supposed to include that stuff but they didn't and they ended up charging the Cities more. Mr. Smith said that has actually been resolved through the state bidding process this year.

8. New Business

A. Ordinance No. 510.2018 Franchise Ordinance. Motion by McIntyre, seconded by Smith to approve the 2nd reading and adoption of Ordinance 510.2018 Franchise Ordinance. Unanimous vote. Motion carried.

B. Ordinance 153 Right-of-Way. Motion by Wollin, seconded by Smith to approve the 2nd reading and adoption of Ordinance 153 Right-of-Way. Unanimous vote. Motion carried.

C. Chamber Hot Summer Nights Request. Mayor Schmidtke advised that the Chamber has made requests for Hot Summer Nights for June 28, July 26th, August 23rd and September 27th. Motion by Smith, seconded by Grobe to approve the Chamber's Hot Summer Nights request as written. Unanimous vote. Motion carried.

D. Resolution 2018R-014 Ordering Improvement and Preparation of Plans and Specifications for the 2018 Buchannon Street Drainage and Street Improvement. Motion by Wollin, seconded by Grobe to adopt Resolution 2018R-014 Ordering Improvement and Preparation of Plans and Specifications for the 2018 Buchannon Street Drainage and Street Improvement. Unanimous vote. Motion carried.

E. Resolution 2018R-015 Gambling Request – Lions Club. Motion McIntyre, seconded by Wollin to approve Resolution 2018R-015 Gambling Request for the Lions Club. Unanimous vote. Motion carried.

F. 2018 Mosquito Spraying. Motion by Smith, seconded by McIntyre to go out for quotes for Mosquito Spraying in 2018 for the months of June, July and August. Unanimous vote. Motion carried.

G. 2018 Dust Control. The dust control is on most of the graveled roads. Motion by McIntyre, seconded by Schmidtke to get quotes for dust control for 2018. Unanimous vote. Motion carried. Ms. Cutts questioned if the dust control could be done in May. They need it sooner in the year rather than later. Ms. Hill said she wanted to bring this up earlier so they could get things done earlier.

H. 2018 Crack Filling and Seal Coating. Ms. Hill said the main purpose of this item is to get Council thinking about the crack filling and seal coating for 2018. On the list was the areas that were slated for the crack filling and seal coating. She would like Council to go out and take a look at the streets on the list and also look at other areas that they may think need some help. It is hard to evaluate it at this time of the year, but so that you know which ones are actually slated and can be more familiar with the areas when we come back to discuss it again and go out for quotes. Council will review the streets and look at the streets that need to be crack filled and seal coated.

I. Clean-Up Day – May 12, 2018. Ms. Hill said our normal clean-up day would have been on Memorial Day Weekend, it is not a good time to do a clean-up because a lot of people are gone and would not be able to utilize it. She spoke with the garbage company and they are available May 12, 2018. This would be at the old City Shop and people could bring their items in. Mr. Wollin said we could have school groups to help people have things hauled.

J. Employment Recommendation.

1. Full-time Police Officer. Motion by Smith, seconded by McIntyre to approve the hiring of Andrew Hallberg with two and one-half years of lateral entry experience for full-time Police Officer. Unanimous vote. Motion carried.

2. Fire Department Officers (Removed from Agenda)

3. Part-time Seasonal Public Works. Ms. Hill said we are having a little bit of a change over. Our former employee who did all the lawn mowing and watering of the

plants will not be returning this year. Ms. Hill said rather than advertising a position for lawn mowing she would rather have it as a seasonal public works so that we can utilize that person with more versatility. Discussion regarding the number of hours per week this person would work. Ms. Hill will look at the budget to see how many hours it would allow. Mr. Smith said he would like to see if we would combine the part-time seasonal workers as a full-time position.

K. Kanne Cartway Feasibility Study Request – Waterville EDA. Mayor Schmidtke advised that the EDA met with 8 or 10 Citizens regarding extending the sewer and water on Kanne Cartway. The EDA is recommending to Council that they do a feasibility study for street, water and sewer improvements on Kanne Cartway. Mr. Femrite presented an update on the Kanne Cartway water and sewer extension. A number of years ago there were exhibits presented in the Twin Lakes Development feasibility report on how to get sewer and water to that area. Mr. Femrite said that Ms. Hill asked him to review the opportunities for bringing sewer and water to that area and update some of the costs. Mr. Femrite presented the update to the EDA and residents the pros and cons of both extensions. The Kanne Cartway option we have sewer and water that exist on Reed Street. We would bring gravity sewer all the way to the top of the hill on Kanne Cartway and would be able to service all of the properties off of that. We would lose gravity sewer at the top of the hill. The properties at the top of the hill could do individual grinder pumps until such a time that we could get a lift station and pump that to this gravity. The EDA thought this would provide more benefit to this area. The other location that we have sanitary sewer that was looked at was on Herbert Street. Anything done in the Twin Lakes Development would have to go through a lift station and tie into Herbert Street. The EDA said going the Kanne Cartway extension would benefit the properties that would see an immediate need. The extension would be a dead end line that is fed off of a six inch watermain. Mr. Femrite said his ultimate recommendation if Twin Lakes Development were to happen is to make a connection on Herbert to loop the watermain. Mr. Smith said that he would not see why it should not be looped other than the cost. Discussion regarding the properties on Kanne Cartway. Mayor Schmidtke said we would have to improve the road on Kanne Cartway. Mr. Femrite recommended a 24 foot wide road which would require more right-of-way. The preliminary design would be a residential urban bituminous street with concrete curb & gutter. This street is estimated between 24'-28' wide, storm sewer improvements, and sanitary sewer improvements – gravity portion. Future lift station to serve the Twin Lakes property will also be included as future cost. Watermain improvements – 10 inch extension from Reed Street. Discussion regarding the assessment policy and the looping of the watermain. Discussion regarding the road width on Kanne Cartway. Mr. Femrite gave a feasibility report estimate of \$5,500. We would review the existing right-of-way on Kanne Cartway and what exists, this would necessitate the need for title work search on the properties there so we can fully understand what we have. There is some prescriptive easements for this road that has been used. We would give recommendations on what right-of-way would be needed to house sewer and water along with the roadway itself, do preliminary design for the roadway, some minor storm sewer, curb and gutter and the sanitary and water. Motion by Smith, seconded by McIntyre to approve a feasibility study on the Kanne Cartway water, sewer, street improvements including the option of looping the water system. Unanimous vote. Motion carried.

L. Emergency Management Action Approval. Motion by McIntyre, seconded by Smith to approve the Emergency Management Action Plan. Unanimous vote. Motion carried.

M. 2018 Sakatah Bay Lake Treatment. Discussion on the treatment of Sakatah Bay. The DNR will regulate what we can treat. Ms. Hill will fill out an application for the

treatment of Sakatah Bay. Motion by McIntyre, seconded by Smith to get quotes in and find out from the DNR how many acres we would treat for weeds for 2018 for Sakatah Bay.

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

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

11. Administrator's Report. Ms. Hill said she did not have anything to report.

12. Council Discussion.

A. Mr. McIntyre said we were to survey across the street the parking lot and the other building that is owned. Where are we at with that? Ms. Hill said the survey was completed. We were working with the property owner to do an exchange of property. That has not been completed. The existing property owner has not been returning our calls to meet with us. There is not a lot of additional footage on the side of their building so they were wanting to acquire some footage in exchange for the alley and then we would take a portion in the back. Part of the goal in doing that was to try to obtain the alley as being public instead of private. There is part public and private ownership in the alleyway that goes behind there. It has been a dead end because they have not pursued the matter. Mr. Moran has tried to contact them and they have not been answering. We can get back on that and maybe we can get their attention this time. Mr. McIntyre asked if their building was on a part of our property. Mr. Moran said he thinks there is a part that may be encroaching into ours. Ms. Hill said the survey was completed. Mr. McIntyre said we need to venture that, we have Bullhead Days, Hot Summer Nights, we need to get that settled as to what it should be. Mr. Moran said we can reignite those discussions. Mr. McIntyre said we are not going to give him a ton of property just because he wants to give the alleyway away. Ms. Hill said that was where the discussion was before, he wanted a lot more property in exchange for the alleyway. It wasn't an even swap by any means. Mr. McIntyre said if it is a possibility, if not then fine. We will work around it.

B. Tim Smith asked if we have worked any further along with parking issues on the apartments on 1st Street and Lake Street. People are parking on the south side of that building. Ms. Hill said the last correspondence that she had with her, we gave her some options, the DNR furnished some information on impervious parking that she could put in and allow vehicles to park on, however she does not think she has done anything further with it. We supplied her the information and contacts. Todd Piepho from the DNR also had a conversation with her on how she might be able to help out her parking situation but still keep the impervious surface. Mr. Smith said he would like to see that followed through with when we get more into the building season so that gets taken care of. Right now it is really muddy in there and it is going to be an obvious problem and he wants to make sure that it gets taken care of reasonably.

C. Mayor Schmidtke said Saturday is the time change so just to remind everybody, Citizens of Waterville that get the minutes to change your batteries in your smoke detectors. Last year there was 63 fire deaths in the State of Minnesota, up about 20 from the year before. If you don't have smoke detectors make sure you get them.

13. Approval of Disbursements. Motion by Smith, seconded by McIntyre to approve the disbursements in the amount of \$171,218.35. Unanimous vote. Motion carried.

14. Impress Cash Fund. Motion by McIntyre, seconded by Schmidtke to approve impress cash fund for \$55.47. Unanimous vote. Motion carried.

15. Closed Session – Pending Litigation/Attorney Client privilege. Motion by Wollin, seconded by Schmidtke to go into closed session for pending litigation/Attorney Client privilege. Unanimous vote. Motion carried. – Closed session 7:21 p.m.

16. Re-open Meeting. Motion by Smith, seconded by McIntyre to reopen the meeting. Unanimous vote. Motion carried. Meeting reopened 7:48 p.m.

15. Adjourn. Motion by Wollin, seconded by Smith to adjourn. Unanimous vote. Motion carried. Meeting adjourned at 7:52 p.m.

Alan Schmidtke, Mayor

Teresa Hill, Administrator/Clerk