

WATERVILLE CITY COUNCIL

SPECIAL MEETING

MAY 3, 2022, 5:00 P.M.

There was a special meeting of the Waterville City Council held in the Council Chambers at 5:00 p.m. on May 3, 2022.

Present: Grobe, Smith, McIntyre and Mayor Schmidtke

Absent: Wollin

Also Present: Administrator/Clerk Hill, and City Attorney Jason Moran (Via Phone)

Call to Order/Roll Call/Pledge of Allegiance

Mayor Schmidtke Called the meeting to order at 5:00 p.m. noting that all Council members were present except Dave Wollin. Also present: Teresa Hill, City Administrator and Jason Moran by phone. Pledge of Allegiance was recited.

Approval of Agenda/Additional Items to Agenda.

A request was submitted to add 3 additional items to the agenda: Item 3E. Part-time public works pay increase to \$18.00, Item 5E. Street Vacation request for a portion of Common Street and 8F. Sunset Lane work session. **Motion by Smith, Seconded by McIntyre to approve the agenda with the 3 additions. Motion Carried 4-0.**

Consent Agenda

A. Approval of Minutes- April 5, 2022, April 13, 2022. B. Approval of Disbursements: 1. Electronic Fund Transfers (35151E-35161E) \$8,404.50. 2. Payroll Check Numbers (2022124-2022171) \$46,163.92. 3. Computer Generated Checks and Overtime (36673-36752) \$117,675.29. 4. Total Disbursements \$172,243.71. C. Impress Cash \$104.58. D. Resolution 2022R-016 Granting Waterville Lions Club Off-Site Gambling Request. E. Part-time Public Works pay increase to \$18.00. **Motion by McIntyre, Seconded by Grobe to approve the Consent Agenda. Motion carried 4-0.**

Written Petitions and Request

Metro Net Linear Video Programing Service Exclusion-John Jensen (via Electronic Meeting). Mr. Jensen explained that the video industry cost has continued to go up and there are not very many providers. Metro Net would need to charge what it costs and that would be about \$198.00 for all the channels. They also found that most people are streaming. They would prefer to no launch video and only provide high speed internet. Administrator Hill advised council that there are no current subscribers currently for the video and the agreement with Metro Net would need to be reviewed and possibly revised if the council chooses to not have them provide cable. Councilmember Grobe commented that it would not be beneficial if the costs were that high. Councilmember Smith inquired if it was their intention to provide coverage for the entire city because we have spotty coverage. Jensen advised that it was their intention to do the entire city limits of Waterville. **Motion by McIntyre, Seconded by Smith to allow Metro Net to leave video programming service off of our franchise and make sure that all of our residents have access to the rest of their internet. Motion Carried 4-0.**

Resolution 2022R-017 Conditional Use Request-Karl and Melissa Schumacher. Administrator Hill advised that the Planning and Zoning is recommending the denial of the Conditional Use request. They listed various factors that they did not believe were in the best interest of the community for both health and safety issues and it was a business within a Residential district. The dogs would cause issues/potential issues with noise. The Findings of Facts for the basis of the denial are included with the resolution. **Motion by Smith, Seconded by McIntyre that we follow the Planning and Zoning**

Commissions recommendation to deny the request and adopt Resolution 2022R-017. Motion Carried 4-0.

Resolution 2022R-018 Conditional Use Request-Henry Van Houdt. Administrator Hill advised Council that the Planning Commission has recommended the approval of this Conditional Use request. **Motion by McIntyre, Seconded by Grobe approving resolution 2022R-018 Conditional use request for Henry Van Houdt. Motion Carried 4-0.**

Street Vacation request for a portion of Common Street. Administrator Hill provided background on the request. There is an undeveloped street that runs about where the football field goalpost is located and all the way to the developed portion of Common Street. There was no documentation that shows it was vacated that we are aware of. We are asking the Council to consider vacating a portion of this and set a public hearing. **Motion by Smith, Seconded by Grobe to set the public hearing for that section of Common Street for June 7th meeting at 5:00 or to a special work session before then. Motion Carried 4-0.**

Ordinance No. 118 Short Term Rentals (5:15 p.m.)

Motion by McIntyre, Seconded by Grobe to open the Public Hearing. Motion Carried 4-0. Public Comment was taken related to the Ordinance. Minta Luebeckie, 525 Marian Street commented in regards to non-payment of wages by the owners of the Funky Munky. She also inquired about what resources were available to her. Daryl Bauer, 728 Tetonka View Drive spoke in favor of the short-term rental license. **Motion by McIntyre, Seconded by Smith to close the public hearing. Motion Carried 4-0. Motion by Smith, Seconded by McIntyre to approve the second reading and adoption of Ordinance No. 118 Short Term Rentals. Motion Carried 4-0.**

Planting Request-Barb Schulander. Ms. Schulander requested permission to plant Hosta on parcel ID 24.999.0770, 30 ft off Tetonka Bay Drive between the City Lift station and the driveway of Tim and Sarah Smith. Attorney Moran submitted a memo outlining liability issues, public nuisance cases, 2017 Harassment Restraining Order. Mr. Schulander in the past conducted planting on the requested spot and it was stolen. She informed council that she did not know at the time that ½ was city park. Alternate planting site of the Lagoon Park by the Dock was discussed where everyone could see it. Council member McIntyre commented that we will take care of city property to avoid a battle between residents as to what should be planted. Last year there was a motion to deny people from planting on city property. Ms. Schulander inquired how this right-of-way is different than other right of way by mail boxes that people maintain. Attorney Moran explained that she is proposing to plant within inches of the Smith property line. Discussion was held on Maintenance of Road-right-Of Way. The City will take care of planting grass in the location of the proposed planting on City property. Council member Grobe commented that bringing this to the Council is unfair and this is a civil matter and because it is City property, not right-of-way and it is part of a city lot. Ms. Schulander commented that she thought it was city right-of-way. Council member Grobe commented that we received a packet of information with all this harassment on both sides. There is a constant battle and like the saying "Love thy neighbor" if that could happen it would be a better situation. This has cost the City a lot of money from litigation to defend these causes and it is fair to all the taxpayers in the city having to do that. **Motion by McIntyre, Seconded by Grobe to deny the request. Voting For: Schmidtke, Grobe and McIntyre. Abstaining: Smith. Motion carried 3-0.**

Unfinished Businesses

Highway 13 Phase 1 Final Pay Request Rehnelt Excavating LLC. Item was tabled until the contractor submits formal request.

ATV Bids. Mayor Schmidtke opened 2 bids for the purchase of the Fire Department ATV: Mark Pittman for \$3,652.36 and Red Rock Fire for \$5,000.00 **Motion by McIntyre, Seconded by Grobe to accept the bid of Red Rock Fire in the amount of \$5,000.00 Motion Carried 4-0.**

Citizen Time.

No Citizens wished to address the Council.

New Business

July Council Meeting Date. Discussion was held on possible dates for the July Council Meeting. **Motion by Smith, Seconded by Grobe to change the July meeting date to July 12th at 5:00 p.m. Motion Carried 4-0.**

Lake Gauge Grant Agreement. The Grant Agreement was presented and reviewed by Council.
Motion by McIntyre, Seconded by Smith to approve the Lake Gauge Agreement. Motion Carried 4-0.

Resolution 2022R-019 Hazardous Building. A letter of intent was also presented between the Waterville EDA and the Waterville City Council. **Motion by Smith, Seconded by McIntyre to approve the letter of intent. Motion by Smith, Seconded by McIntyre to approve Resolution 2022R-019 Hazardous Building. Motion Carried 4-0.**

Request for Letter of Support for County EDA-Roy McIntyre. Council Member McIntyre requested a letter of support from the City for the County to establish an EDA Board. **Motion by Smith, Seconded by McIntyre that the City send a letter of Support. Motion Carried 4-0.**

Generator Donation From Le Sueur County Emergency Management. Motion by Smith, Seconded by Grobe to accept the generator donation from Le Sueur County Emergency Management. Motion carried 4-0.

Sunset Lane Work Session. Motion by Smith, Seconded by McIntyre to set a work session for Sunset lane work session and the Street vacation for May 31st at 5:00 p.m. Motion Carried 4-0.

Reports

Attorney Moran advised Council that the next couple weeks will be spent on the Funky Munky clean up. With Resolution approved today, it gives the city the power to clean it up if the property owners do not.

Council Discussion

Council Member Smith suggested that we think about requesting Hot Summer Nights and Bullhead days be moved 2 blocks down to keep people away from the building.

Adjourn

Motion by Smith, Seconded by Grobe to Adjourn. Motion Carried 4-0. Meeting adjourned at 6:01 p.m.

Alan Schmidtke, Mayor

Teresa Hill, Administrator-Clerk