

**WATERVILLE CITY COUNCIL
REGULAR MEETING
December 5, 2023, 6:00 p.m.**

There was a meeting of the Waterville City Council held in the Council Chambers at 6:00 p.m. on December 5, 2023.

Present: Mayor William Conlin, Council Members Tim Smith, Dave Wollin, Jennifer Grobe and Roy McIntyre

Absent: None

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

Also Absent: City Engineer Jason Femrite

Call to Order / Roll Call/Pledge of Allegiance

Mayor Conlin called the meeting order at 6:00 p.m. with members present. Also present Teres Hill and Jason Moran. Pledge of allegiance was recited.

Approval of Agenda/Additional Items to Agenda.

Motion by Wollin, Seconded by Smith to approve the agenda. Motion Carried 5-0.

Consent Agenda

A. Approval of Minutes- November 7, 2023, November 14, 2023 November 28, 2023. B. Approval of Disbursements: 1. Electronic Fund Transfers (35568E-35594E) \$43,194.88. 2. Payroll Check Numbers (2023415-2023460) \$ 51,466.86. 3. Computer Generated Checks and Overtime (38143-38216) \$249,892.82. 4. Total Disbursements \$ 344,554.56. C. Impress Cash Fund-\$46.40. D. Hwy 13 Road Construction Meeting Date (January 8, 2024 at 6:00 p.m.). E. Resolution 2023R-043 Granting Waterville Festival Organization exempt Gambling License. F. Resolution 2023R-044 Accepting Lions Club Donation. **Motion by McIntyre, Seconded by Grobe to approve the Consent Agenda. Motion Carried 5-0.**

Public Hearing

Motion by Smith Seconded by Wollin to open the Public Hearings for public comment. Motion Carried 5-0. Council opened the floor for public comment. No citizens addressed the Council. Motion by Smith, Seconded by McIntyre to close the public hearing. Motion Carried 5-0.

Resolution 2023R-040 Adopting Delinquent Utilities. Motion by Wollin, Seconded by Smith to adopt the resolution for delinquent utilities. Motion Carried 5-0.

Ordinance 51.125.2-2023 Water and Sewer Rates. Motion by McIntyre, Seconded by Wollin to open the public hearing for the water and sewer rates. Motion carried 5-0. Council opened the floor for public comment on the proposed water and sewer rates. No citizens addressed the Council. Motion by Smith, Seconded by Wollin to close the public hearing on the water and sewer rates. Motion carried 5-0. Motion by Smith, Seconded by McIntyre to accept the second reading of Ordinance 51.125.2-2023 Water and Sewer Rates. Motion Carried 5-0. Motion by Wollin, Seconded by McIntyre that we adopt resolution 51.125.2-2023 water and sewer rates. Motion carried 5-0.

Unfinished Business

Resolution 2023R-041 Designating Parking Limits in the Down Town Area. The map was reviewed showing the sections that would be opened for parking and those that would still be limited parking. **Motion by Smith Seconded by Wollin to approve Resolution 2023R-041 Designating Parking Limits in the Down Town Area. Motion carried 5-0.**

Police Civil Service Commission Disbandment.

Council Member Wollin addressed the Council with information pertaining to the Police Commission; the Commission covered under statue 419.6, it allows for citizen involvement, it gets away from the issue of an axe to grind, and is insulating in that case. Wollin advised the Council that Good Hue did not have a Police Civil Service Commission and by the many things he read, and people he talked to said that if they had one, they might not have the situation where the whole police department resigned. Good Hue Council seems to have an

axe to grind and did not approve pay raises and there was no insulating factor. A Police Civil service commission is more of a big city thing, we are one of the small ones. Wollin listed of some cities that have a Police Commission. Council member Wollin brought forth the ways to abolish the commission; a unanimous vote of the city council, a vote can also be done by a petition of 25% of the eligible voters, Council can also put it on the ballot next fall. If the Council thinks it is too divisive than he would like the council to put it on the ballot. There is no cost savings by getting rid of the Commission, they do not receive pay. The Police Civil service meetings are open to the public. He understands that there have not been too many visitors to the meetings and part of the issue is the meeting times. Council Member Wollin proposed that regular meeting times be posted. This is one of those things that we have to trust our citizens to do it. Council Member Grobe and Attorney Moran clarified that the 5 City Council members could not place this on the ballot. Council Member Grobe asked if this is needed since we have an HR Committee in place with a personnel attorney on call to cover complaints and investigations? There is still insulation from the council because of the HR Committee. Attorney Moran replied from a legal stand point it is up to the City Council to make that determination. The Commission acts like a wall between the Council and the Police Department and no retaliation by the Council could occur. Further discussion was held on the Humann Resources Committee acting as a buffer but the council still having the final say. The Council only sets the budget and wage for the Police Department, they do not hire or fire. Discussion was held on coverage of possible law suits. Council Member Grobe stated that she thought it would be better to have all departments under the control of the city. Mayor Conlin questioned if the council should add city administration to the Commission to help them and provide more resources. Discussion was held on development of the Police department budget, handling of personnel and clarification that the Chief manages the department. **Motion by Grobe to disband the Police Civil Service Commission. Motion died from a lack of second. Motion by Wollin Seconded by smith that we end discussion. Motion Carried 4-1. Voting For: Conlin, Wollin, Smith and McIntyre. Voting Against: Grobe.** The Police Civil Service Commission will not be disbanded by a vote of 4-1. Discussion was held on the number of votes for a Petion.

Police Commission Vacancy. Motion by Smith, Seconded by Wollin to post the vacancy of the Police Civil Service Commission. Motion Carried 4-1. Voting for: Conlin, Wollin, Smith and McIntyre. Voting Against: Grobe.

Citizen Time.

Kurtis Couch 120 6th Street: Mr. Couch addressed the council on a nuisance policy letter he received in November for the destruction of his home that was damaged by fire in the summer of 2021. Mr. Couch informed council that he is in a lawsuit against State Farm and it is crucial to keep the property for evidence. Mr. Couch also informed the Council of the improvements made to the property under his ownership along with upkeep of the yard, mortgage payments being made on time, taxes are paid in full and up to date. Mr. Couch informed the council on the alleged arson case; contrary to the initial allegations the BCA lab results revealed no trace of accelerants at the scene. Mr. Couch reviewed past city council meeting and his property is not being handled in the same manner as other nuisance properties. Mr. Couch received no notices, letters, or requests made by the city to repair any damage caused by the fire or mitigation of the fire. Mr. Couch also noted that there is no exterior damage to the property from the fire, only from mitigation efforts by the fire department. Mr. Couch requested reconsideration of the decision to have his home destroyed by January 1st and seek alternative resolutions the uphold the integrity of the legal proceedings while preserving essential evidence. He is willing to cooperate with the Council with exploring viable options the ensure the pursuit of justice without compromising any evidence or preventing the restoration of the property.

New Business

Resolution 2023R-042 Approving Conditional Use Permit. Administrator Hill advised Council that the Planning and Zoning Commission is recommending this be approved. The condition use is to construct two 4-plex units in a business district with no minimum lot dimension and the property could be split without the conditional use and construction would be permitted. **Motion by Wollin, Seconded by McIntyre to approve Resolution 2023R-042 approving conditional Use Permit. Motion carried 5-0.**

Safe and Sick Leave Policy. Council reviewed the proposed Earned Safe and Sick leave policy that follows State Statute. **Motion by Wollin, Seconded by Smith to approve the safe and Sick leave policy. Motion carried 5-0.**

Earned Safe and Sick Leave Memorandum of Understanding. Proposed memorandum of understanding was reviewed to amend the union contracts in accordance to the policy. **Motion by McIntyre, Seconded by Wollin to approve the Earned Safe and Sick Leave Memorandum of Understanding. Motion Carried 5-0.**

Law Enforcement Labor Services Memorandum of Understand for Longevity Correction. Proposed memorandum of understanding was reviewed correcting the LELS in accordance to negotiations. **Motion by Wollin, Seconded by Smith to approve the LELS longevity correction. Motion carried 5-0.**

Request for Police Department Wage Study. Chief Manning requested the council conduct a wage study. Administrator Hill informed the Council that a wage comparison for the Police Department was being conducted by the MN Valley Council of Governments.

Request to Suspend Compensatory Time and Vacation Time Maximum Accumulation Limits. Chief Manning requested that all Compensatory time and Vacation time caps be temporarily lifted due to staff shortages. **Motion by Smith, Seconded by Wollin to approve a short time suspension of compensatory and vacation time for the Police Chief and suspension of vacation time for the Police officers until June. Motin Carried 5-0.**

Department Expense Requests. **Motion by Wollin, Seconded by Smith to approve the Department expense requests. Motion Carried 5-0.**

Reports

Attorney Report. Attorney Moran reported that he has been working on ESST

Engineer's Report. No report.

Council Discussion

Council Member Grobe requested to be noticed when the Police Civil Service Commission meets. Discussion was held on being place on a notification list. Councilmember Wollin wanted to make sure that there are regularly scheduled meetings.

Adjourn

Motion by McIntyre, Seconded by Smith to adjourn. Motion carried 5-0. Meeting adjourned at 7:04 p.m.

William Conlin, Mayor

Teresa Hill, Administrator-Clerk