

**WATERVILLE CITY COUNCIL
REGULAR MEETING
February 7, 2023, 6:30 p.m.**

There was a meeting of the Waterville City Council held in the Council Chambers at 6:30 p.m. on February 7, 2023.

Present: Mayor Daryl Bauer, Council members Tim Smith, Dave Wollin, Jennifer Grobe and Sean McCaslin

Absent: None

Also Present: Administrator/Clerk Hill, City Attorney Jason Moran and City Engineer Jason Femrite, Police Chief Manning, Emergency Management Director Spicer and Fire chief Meskan

Also Absent: none

Call to Order / Roll Call/Pledge of Allegiance

Mayor Bauer called the meeting order at 6:30 p.m. Pledge of allegiance was recited. Mayor Bauer added that all Council members were present.

Approval of Agenda/Additional Items to Agenda.

Request was made to add Item 7 under new business for Pickle Ball Court Engineering.

Motion by Smith, Seconded by Wollin to approve the agenda with the addition of 7M under new business. Motion Carried 5-0.

Consent Agenda

A. Approval of Minutes- January 3, 2023. B. Approval of Disbursements: Electronic Fund Transfers (35312E- 35321) \$25,214.14, Payroll Check Numbers (2023001-2023038) \$45,739.68, Computer Generated Checks and Overtime (37420-37517) \$226,814.64, Total Disbursements \$297,768.46. C. Impress Cash Fund – \$99.00. D. Resolution 2023R-002 Accepting Donation. E. Delegation Agreement -Aquatic Invasive Species Prevention Related Equipment. F. New Hire Approval. Treasurer Valerie Jorgensen and Linda Nelson’s Contract will end when the full-time treasure starts. G. AWAIR Policy Review and Approval. H. 2023 Fee Schedule. I. Compulsory Refuse and Recycling List. J. Permission to Close Elysian Bank, 4M Fund and Invesco Bank Accounts. K. Resolution 23023R-003 Exempt Gambling Permit for Waterville Sportsman’s Club. **Motion by Wollin, Seconded by McCaslin to approve the consent agenda. Motion Carried 5-0.**

Reports

Attorney Report. Attorney Moran reported to Council that he worked on the Mack Truck billing from Neuss Equipment. Upon delivery Neuss equipment billed an additional \$7,000 for cost overruns. The contract or agreement that allowed Neuss to charge the additional \$7,000. Neuss wrote off the \$7,000 and the Title is on the way. Sunset Lane meeting was held with the Culhanes. Moran is hopeful that over the next month or 2 we can make something out of those discussions. Discussions were held on the amount of land needed to run utilities, street width and incentives. Moran requested the council keep their eye on the big picture. To get this matter taken care of there may need to have some incentives provided with the understanding that these properties are annexed in. There has been significant movement in the last 60 days. It is anticipated that there will be another meeting maybe next month. The alley clean-up, Precision Molding signed off on the deed and is being recorded. A Deed is needed for the portion just north of Paquin and survey data is under review. Over the next 30 to 60 days the alley will be completely cleaned up. After the alley is cleaned-up the plan is to convey the parking lot to the Nytes brothers. Nytes proposed to build two 4-plexes or an 8 plex. Discussion was held on off street parking.

Engineer's Report. City Engineer Jason Femrite reported that he has been working on Sunset Lane and legal descriptions for the alley. The Soil borings came back for the potential fire hall off Reed Street. The soils were challenging like the other site. They are looking at six to twelve feet of exaction within the building pad on this site as well.

Administrator's Report. Administrator Hill advised council that information was recently received on the FEMA map amendments. FEMA will be publishing the notice on the 7th and then there will be a 90-day review period. After the review period, the city will get final notification. The City will have 60 days to modify our zoning ordinance to comply, otherwise, FEMA can drop the availability of insurance for our residents. The plow truck is waiting to be outfitted and delivery is expected by the end of March. Reminder was provided for the February 27th meeting at the Waterville Event Center.

Police Department. Police Chief Manning reported that there is a shortage of part-time officers. We currently have no part-time applications. The Post Board has listing for 138 jobs currently listed. The pool of applicants is few and far between. The current problem is that we have three part-time officers with conflicting schedules because this is the job they make a living at. State and Federal reporting has been completed. Budget is good for now. The Squad accident damage was estimated at \$2,500- \$2,700. There is a cracked resonator on the other squad. There are currently 600 plus people on a waiting list for this part. In 2022 they were north of 3,000 reports and north of 340 reports so far in 2023. In the last 2 weeks they have start on the nuisance property on Sakatah Boulevard. LETG (Law Enforcement Technology Group) is the software that Le Sueur County is using since 2015. It has Cad for dispatch and hosts records management, warrants, Federal and state government reporting. We are in the Maintenance stage of the software. LETG will give final notice and a new system would need to be replaced. Chief Manning is hoping that the billing will be done on the county level then and spread out. There is no time frame for this. LETG crashed in the end of 2022 and it was down for 5-7 days. Bauer commented that Sherriff Mason spoke at the last officials meeting and sounded like it was at least a couple years down the road. As a city our size, we need to start squirreling some money aside because when it hits it is going to be a bid deal. Bauer inquired as to what the biggest needs for the police department is. Manning wanted more time to think about it. His gut feeling was LETG, Part-Time staffing and more help for the mental health issues calls that affect community members from their actions. Discussion was held on staffing issues and that it is not unique to Waterville. Grobe inquired if the new Radios were linked to LETG. Manning informed the council that the radios are not affected by LETG. Manning commented that he had a lot of tough cases in 2022 and wanted to say that he was impressed with Attorney Moran and everything he has done, he does a fantastic job and is available to the officers. Mr. Moran is the best attorney he has ever worked with. Manning also commented that Mr. Neidick has done a fantastic job on his last 3 terms.

Emergency Management. Emergency Management Director Spicer informed the Council they have not been deployed in the last few years. Water levels have decrease so we can take on some moisture. The last time they were called out was for the fire at the Funky Munky. He commended all the fire department for keeping the fire contained. Bauer inquired what his greatest need was. Spicer reported that staffing was good. They hold monthly meetings ICS training. They are well trained. Smith inquired about the need for vehicles. Spicer reported that they currently have the expedition and side by side.

Fire Department. Chief Meskan advised the Council that the current fire truck is a 1997 and will need to be replaced and the approximate cost today is 1-1.2 Million. He also advised the council that they need a new fire station. The current building was built in 1952 with additions in 1989 and 1996. The current structure has space issues, rest room facilities that do not meet ADA compliance, floor issues, no place to hook up gear washing equipment, mold issues, need for proper decontamination. Chief Meskan also presented a proposed building design and property layout. Discussion was held on a bid build lease option and debt that will be falling off. Wollin inquired about grant funding. Meskan commented that USDA had grants and loans. Hill informed council that USDA grants are usually based on household income. Consensus was to get the committee together to discuss options and report back to the March meeting of the Council.

Old Business

Herbert Street Drainage Ditch. Engineer Jason Femrite advised the council that there is a current ditch that drains about 12 acres and adjacent properties. The property owner wanted to fill in the ditch and install a pipe. That pipe needs to carry a certain capacity before it was installed. We wanted to make sure the pipe was sized properly to handle the draining that the city would bring through that. Femrite advised that the structure would need to handle 22 acres of water runoff and a 5 years storm. The pipe would need to be 24” to handle the draining. Two proposed drainage outlet exhibits were reviewed. One would run through the property in its current location and the other out letting from Lind Street. Permitting would be needed of a level 2 aquatic resources delineation would be needed and anticipated to cost approximately \$5,000 dollars. Smith inquired about cost estimates for outputting to Tetonka. Smith commented that he would like to see our infrastructure in our own right-of-way. Femrite advised that he could bring the cost estimate to the next meeting. **Motion by Wollin, Seconded by McCaslin to authorize Jason to look at a compare and contrast on the 2 plans. Motion carried 5-0.** Brad Connors questioned where the culvert on Lind Street would be diverted. Femrite advised that it would come down Lind Street then into Tetonka. Everything that currently goes through existing ditch would be diverted into a culvert.

Park Board Appointments. Park Board applications were reviewed by the Council. Discussion was held on the High school student appointment. It was recommended to leave the school position vacant and appoint 1 community member. **Grobe nominated Roy McIntyre. Nomination fails due to lack of second. McCaslin nominated Patty Salmon. Nomination fails due to lack of second. Smith nominated Brenda Novack. Nomination fails due to lack of second. Wollin nominated Margret Jacobson, seconded by Grobe. Nomination passes 5-0.**

Cedar Circle Improvements. Hill informed the Council that the bids were rejected and rebidding was to be revisited in January. Femrite put together a timeline for the project. The project includes water, sewer, and surface improvements in Cedar Circle. Historically bidding at this time of year is more favorable. Discussion has held on the bidding environment. Discussion was held on bidding the Lind Street project with this project. If Lind Street was added, it would be bid in a similar time as before. **Motion by Smith, Seconded by Wollin to table Cedar Circle project improvements until we get the Lind Street Project through the planning phase and ready to bid and bid the 2 together.** Mike Mooney addressed the Council about the delay that occur on his development if it was not bid. He also talked to property owners that were upset 6 months ago and everyone said that we need to do this, and it’s a good thing to do. What they were upset about was some of the changes in how many lots there were and how the cost got distributed. They were mad because someone took 4 lots down to 2 lots and got assessed less. No one said that they don’t like it. Every one of them said that we need to do this. We just need to do it fairly. It is a fairness distribution issue and not a we don’t want this project. Moran commented that if we go forward with the project, we can have that discussion. People combining lots to get out of an assessment is not fair to the others. We can have a discussion on how to make the equitable. Further discussion was held on the project delay. **Motion carried 5-0.**

Live Streaming Policy. Draft policy was not available.

Parking Regulations. The Council had requested to look at winter parking, and review parking regulations. Administration requested to also review a plan to try to obtain more parking spots on 2nd Street and Paquin Street. The cost to have Jason do a parking scheme would be between \$1,000 to \$1,500. **Motion by Smith, Seconded by Wollin to hold a work session. Motion Carried 5-0. Motion by Wollin, seconded by Smith to have Jason do the schematic for parking. Motion Carried 5-0.**

Flooring Installation Quote. A quote was received from T&T Flooring in the amount of \$1,550.00 plus additional cost \$50.00 per hour for leveling. **Motion by Wollin, Seconded by McCaslin to authorize TNT to do the flooring. Motion Carried 5-0.**

Citizen Time

Tom Neidick, 817 Reed Street North addressed the Council. Neidick commented that he has lived here for 21 years and on the Civil Service Commission for 6 years, he enjoys volunteer work as the commander of the American Legion Post. A town this size need volunteers and that is what he is here for. Wollin added that that he has done a good job on the commission from what he has heard. Smith commented that he has heard exactly the same and he has talked to Tom on several issues about the Police Civil Service Commission. He does a great job with that. Bauer thanked Tom for his service.

Commissioner David Preisler provided County update. The County has authorized a compensation study and should be completed this spring. They have had challenges hiring dispatchers and jailers, some with deputies but not to the degree that cities have. Preisler will share the study with the city when it comes out. There were some changes made with the starting wage and within the grid for the highway department and sheriff's department. Nothing further will be done until the comp study has been done.

The county is also spending a lot of time on ditches. Preisler advised the council that he is sensitive to the flooding. So, anytime they look at ditches, to try to do some retention of water. They are looking at the same things with the Cannon River Joint Powers.

Septic system assessment was completed for the last 2 lakes (Volney and Gorman) with a failing rate of close to 55%. Some are imminent health threats but not all. The County has a loan fund but if all those people came thought there would not be enough money in the fund. There was a work session to figure out some alternative funding. Water quality coming into this area will not get any better until we take care of water coming in.

He suggested some legislature to keep your eye on that have a price tag. The paid family leave has the employer paying half of the cost, renewable energy mandate. Cannabis that is not done yet but there are proposals that we cut local government out of it completely.

Smith inquired about the underfunded septic system. Would part of the Sunset Lane project fall under that funding or other assistance we could get from the County. Preisler did not believe but to talk with Aron at planning and zoning. There is not funding available from that fund at this time due to the way it was bonded. The loan repayments go back into the general fund. They will be looking harder at the agriculture BMP (Best Management Practices) loan program at 3% money. Smith commented that we would be interested in any input or ideas. Preisler offered to make a phone call or write a letter for USDA Programs.

New Business

Resolution 2023R-004 Conditional Use Request for Whats The Scoop. Motion by Wollin Seconded to McCaslin to pass that resolution. Motion Carried 5-0.

Fire Department Relief Association PERA Agreement. The Relief Association is looking for approval to apply to PERA for a cost analysis. **Motion by Smith Seconded by McCaslin that the fire department be allowed to move forward with their application for this PERA Agreement. Motion Carried 5-0.**

Fire Department Radio Grant Update and Request for ARP Funds. Hill updated the Council that the Fire department grant was not approved. The Council had originally included the purchase of fire department radio as an expenditure with American Rescue Plan Money. It was requested that American Rescue Plan allocations be reviewed at the next meeting with radio cost information provided by Meskan. The department currently has 24 handhelds, 9 truck units and 1 base unit. Discussion was held on the number of radios to be replaced, compatibility and funding from the County. Chief Meskan was asked to dig into that a little deeper.

Police Civil Service Commission. Bauer requested this item to be placed on the agenda to learn more about the Police Civil Service Commission and direct staff to provide an educational session next month. Moran advised that the purpose of the Police Civil service commission is a creature of statute, it has its own statutory

frame work, The statue sets for what the commission is, term of members, what their powers are. The commission is essentially a Chinese wall between the Council and the Police Department. The Police Department is much different that your other departments, they have arrest powers, power to bring people to court, issues citations, execute warrants. Some cities have established these commissions so the council can not necessarily tell the police department what to do and who to target and direct the police department in that sort of regard. What the commission does for the police department is essentially that they do hiring recommendations, in charge of the roster, complaints against the police department, they authorize investigations, empowered to take testimony regarding disciplinary proceedings. They are charged with the HR function of the police department as it regards to the hiring process, hiring recommendations, firing, demoting, and suspending. They don't control budgeting or anything like that. Discussion was held on City HR Committee doing those tasks. Moran advised that they could not unless the commission was disbanded. Disbandment of the commission would take a unanimous vote of the council or a ballot initiative that starts with a petition of the voters. If it meets the number of required signatures it gets placed on the ballot as an election question. The commissioners hold a 3-year term, appointed by council. The President is the person in their last term. According to statue, they set their own meeting times and dates. It is a commission of 3 and all must be citizens of the city. Discussion was held on the proper way to communicate an initiative to the Police department. Moran advised by department head reports or talking with the Police Chief. Moran provided an example of telling the Police department that they have to write 150 instead of 100 tickets per month. Moran advised that you cannot tell the police department what to do but you can provide advice on areas that need to be addressed. The council has no discipline power, that is through the police civil service commission. Bauer commented that if there was something that they did or didn't like they couldn't do a lick because it goes through the Commission. Moran confirmed that was correct. Smith added that we could recommend but could not make that change for them. Discussion was held on liability issues. Bauer request what the practical usefulness of the commission. Moran advised that in his opinion its usefulness is that you do not need to interview and vetting of applicants, discipline. It's drawbacks in that you don't have much management over the police department. The Council has managerial control over all other departments except the police department. Discussion was held on transparency and accountability and meeting schedule. Wollin brought up the time for the council to interview that the commission and it is helpful in that respect. Grobe advised the HR Committee does that for all the rest of the employees. Moran advised that he would get a copy to Ordinance and Statute disseminated to the Council. Bauer commented that he would like to see it go on old business for the next month.

Police Commission Appointment (3-year term). Bauer nominated Cathy Hoy. Wollin questioned if there was a list of people what want to be on. Hill informed the Council that an application was received by Tom and also Cathy Hoy and the City has not advertised the opening. **Nomination by Smith, Seconded by Wollin for Tom Neidick. McCaslin seconded the nomination for Cathy Hoy.** Bauer suggested a hand vote on the 2 different candidates. Smith moved that we move forward with what we have. **Vote was taken for nominee Tom Neidick. Voting for Smith and Wollin, voting Against, Bauer and McCaslin. Abstaining, Grobe. Tie vote. Motion Fails.** Discussion was held on putting out to the public that we are accepting applications for this position. **Motion by Smith seconded by McCaslin to table this until next month and put out application for the open position. Motion carried 5-0.**

Watercraft Inspection Program. Hill advised the Council about the difficulty in finding staffing to utilize the funds provided by the County. Hill recommended the Council turn the watercraft inspection program over to the County. **Motion by Smith, Seconded by McCaslin to move forward with Teresa's of contracting or allowing the county to oversee this. Motion Carried 5-0.**

Ordinance 30.01-2023 Amending Ordinance 30.01 Titled Meetings. Moran informed the Council that the amended ordinance allows the Council to meet at 6:30. Future time changes will be approved by resolution instead of Ordinance amendment. **Motion by Wollin, to accept the first reading and set up a public hearing to approve the first reading and set up a public hearing. Seconded by Smith with addition of setting the**

public hearing for our regular city council meeting on March 7th at 7:00 p.m. Wollin accepted the amendment. Motion Carried 5-0.

Board of Equalization April 12, 2023, 6:30 p.m. Motion by Smith Seconded by Wollin to approve the Board of Equalization meeting for April 12, 2023 at 6:30 p.m. Motion carried 5-0.

Water and Sewer Budget and Rate Work Session Date. Motion by Smith, Seconded by Grobe to set the work sessions for water and sewer budget and parking restrictions for Tuesday, the 28th of February at 6:30 p.m. Motion carried 5-0.

Sakatah Bay Work Session. Discussion was held on the image of Sakatah Bay and how to improve the Bay. Bauer requested a special work session. Smith advised that if this is going to produce a project it takes time to go through the DNR permit process and also bidding. Due to time sensitivity, it was suggested to complete the session by the end of April or early March. Bauer advised that there is a local company from Waterville that is environmentally friendly and chemical free and they take the harvesting route. They have opened an informal discussion with the DNR. The DNR is excited to hear about a chemically free possibility and they would give a lot more latitude since you are chemically free. Smith advised council that that is nothing new. The latitude that they are granting is by statute. Chemically created areas are smaller, that is in the design of their program. Cuttings and removal you do get a bigger area, that has always been the case. Bauer added that native species is there number 1 thing that they are worried about. Smith advised that a lot of the cutting entailed Curley leaf pond weed which is early spring/summer issue. The natives tend to bloom later. Grobe said that funding could be an issue. Bauer advised that primary number that are being tossed out are \$12,000 to \$15,000 per harvest. **Motion by McCaslin to set a work session to go a little more in depth with that. Motion was revised by McCaslin to read that we meet up at February 16th at 7:30 to discuss different routes we can do with weed control. Motion was seconded by Smith. Motion Carried 5-0.**

Approval To Start Hire Process for Cleaning Personnel and Nuisance Property Inspector. Hill advised Council had discussion on this during the budget work session. It was also requested by Hill to remove the nuisance property compliance out of the zoning inspectors job description and create a new position. Discussion was held on the need to hire a nuisance inspector, who currently deals with the complaints and inclusion of weed inspector into the nuisance property inspector position. **Motion by Smith, Seconded by Wollin to approve Teresa to start the research and hiring process for cleaning personnel and nuisance property inspector and what it would take to move the weed inspection appointment over to the nuisance property inspector. Motion Carried 5-0.**

Fire Call Ordinance Revision for Lift Assist Fees. Hill informed council that Chris came forward and wanted to know if there were any avenues to charge facilities that staff their own facilities that are using our fire department to do lift assists. Moran informed Council that MN State statute does allow for charging for fire and medical calls. Waterville has is charging \$750 for automobile accident and Fire call but do not charge for medical calls. Smith informed Council that it costs about \$350-\$400 per hour to staff a rig and run a rig out for a call like this. By the time it takes to page out, run the call and do paper work it is a full hour. Moran informed the council that it is a liability shifter to us. Meskan informed that if North comes, they take over the responsibility. Last year they went to 1 facility 30 times. They were not all lift assists. It was suggested to bill out at \$400. **Motion by Smith, Seconded by Wollin to allow Chris to move forward to change the Ordinance for lift assists only to licensed facilities and set the fee at \$750.00.** Discussion was held on the proposed fee. Nick Bongers address Council on the fee and the impracticality of asking a bunch of nurses to lift a 300-to-400-pound person. **Smith modified the motion to reflect \$400.00. Wollin agreed to the modification. Motion Carried 5-0.**

Pickle Ball Court Engineering. Hill advised that the park board would like permission to contract with Bolton and Menke to do the engineering and specifications for bidding. **Motion by Smith, Seconded by**

McCaslin to move forward with allowing Bolton & Menke to engineer for the Pickle Ball Courts for the parks. Motion Carried 5-0.

Council Discussion.

No Council discussion was brought forward.

Adjourn.

Motion by Smith, Seconded by Grobe to adjourn. Motion Carried 5-0. Meeting adjourned at 9:44 p.m.

Daryl Bauer, Mayor

Teresa Hill, Administrator-Clerk