

**WATERVILLE CITY COUNCIL  
REGULAR MEETING  
April 4, 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 April 4, 2023.

**Present:** Mayor Daryl Bauer, Council members Tim Smith, and Jennifer Grobe

**Absent:** Dave Wollin and Sean McCaslin

**Also Present** Administrator/Clerk Hill, City Attorney Jason Moran and City Engineer Jason Femrite, Emergency Management Director Doug Spicer, Police Chief John Manning, Fire Chief Chris Meskan, and Le Sueur County Commissioner David Preisler.

**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 stated the names of the present council members.

**Approval of Agenda/Additional Items to Agenda.**

The request was made to add Item 5G Commissioner Preisler under new business. **Motion by Smith, Seconded by Grobe to approve the consent agenda with the addition of 5G. Motion Carried 3-0**

**Resolution 2023R-006 Accepting the Resignation of A Council Member and Declaring that Vacancy on the City Council Exists**

**Motion by Smith, Seconded by Grobe to approve the Resolution 2023R-006 Accepting the Resignation of A Council Member and Declaring that Vacancy, Motion Carried 3-0**

**Consent Agenda**

There was a notation by Administrator Hill that Item **B 4. Total Disbursements** are to be \$218,002.90 and not \$142,765.62. **Motion by Grobe, Seconded by Bauer to approve the Consent Agenda. Motion Carried 3-0 A. Approval of Minutes-** March 3, 2023, March 7, 2023, **B. Approval of Disbursements** 1. **Electronic Fund Transfers** (35346E- 35355E) \$28,546.88 2. **Payroll Check Numbers** (2023080-2023122) \$46,690.40 3. **Computer Generated Checks and Overtime** (37596-37676) \$142,765.62 4. **Total Disbursements** \$142,765.62 **C. Impress Cash Fund** – \$11.93 **D. Memorial Day Program Request** **E. Resolution 2023R-007 Approval of Waterville Lions Club Off-Site Gambling**

**Reports**

**A. Emergency Management, EMD Spicer** talked about the current water situation and how it is being monitored; also, there is minimal concern about flooding with the ice melt that is happening. **Council Member Smith** had asked if the cresting of the North Field is happening today and how will it have any effect on the Waterville area. **EMD Spicer** replied with everything is melting at a really good pace right now. The City is good to go, we are at our original state. **B. Police Department Police Chief Manning** informed the council that the department is still looking to hire Part-Time Officers and that the pool of applicants is almost null and void. This is still an issue with trying to obtain officers. Chief mentioned that all of the mandatory reporting has been accomplished. The ICR account is roughly about 848 reports. LETG stated that they had compliance issues and were in violation of a notice that was received on 2.15.23 with a deadline of 6.23.23 they are working with the BCA and LETG has not given an end-of-date life, which is being projected to be at least one year out. Chief Manning stated discussion with the parking regulations would be noted later in this meeting. Also reported on the current situation with the squad cars and the repair statuses. Chief had a final note stating that the budget seemed to be good. **Council Member Smith** had asked how many officers the department is down and **Police Chief replied** 2-3 part-time officers. With that being said, this is to accommodate for open availability. Most part-time officers carry a full-time position somewhere else. **C. Fire Department, Fire Chief Meskan** had mentioned that the department was very busy and on track to reach a total of 250 calls this year. Also, starting April 10<sup>th</sup> the North Ambulance is going to be housing their medics within the area during their day shifts, and they want to park at the Fire Station and be able to use the station for the use of restroom and downtime. **Council Member Smith** questioned whether there is a secure way for them to get in and out of the building without being in the way of the Fire Department? **Chief Meskan** replied, yes, all that data is stored in my office and is not accessible to anyone but me. Meskan mentioned that he was unsure of the duration of this and how long it will be going on,

but if they are seen it would be during the day; Waterville is a central hub for them. Meskan touched on the radio purchase that was allocated with the American Rescue Funds, and with that being said there is legislation happening right now for 250 million dollars for radio communications for Emergency Response and public safety. This would be something to think about as to where these monies can be allocated if this legislation passes. **Administrator Hill** followed up with, "This is set for 2024, and will know in May if this gets passed." **Chief Meskan** talked about the Fire Hall plan and the meetings with the Council the committee and the EDA. **Council Member Smith** inquired about how the bids were coming along. **Chief Meskan** stated that he was wanting to work with the Water/Waste-water Supervisor Mark Krenik to find the original plans for the current Fire Building so there can be a temporary fix. The Chief stated he had all the equipment needed to repair the current issues. **D. Attorney Report Attorney Moran** talked about the items he was currently working on for the city. 1. The parking ordinance 2. Sump Pump Ordinance, In a reduction of gray water 3. Planning and Zoning met to discuss the therapeutic massage ordinance to tailor that to next month 4. Still moving forward in the Alley clean up, the survey data has been received from Bolton & Menk and the proposal is about 98% and will be ready for our next city council meeting. 5. To talk with the property owners of Sunset Lane 6. Fire Hall is proceeding accordingly and will be talking about the financing appropriately. Orb Financial acts as a representative for the city to make sure the work is done to satisfaction. They withhold all claims if needed as a project representative. We may be asking the Council if they would look at something like this as a Financial Advisor. 7. The police department has also been very busy for the last 2-3 months and is projected to be on an upswing as well as the Fire Department. **E. Engineer's Report Engineer Femrite** reported 1. The pickleball court survey work is complete and working on the concept plans at the next meeting. 2. The schedule for Cedar Circle and Herbert Street drainage is done. The final plans will be given in May and open before the public in June for discussion on the assessment hearing in July. 3. Alley working on a legal description with attorney Moran. 4. It was noted to the Administrator, Street Supervisor, and himself met with MN DOT and is planning on working on HWY 13 in 2028, and it may be a good time right now to start communication on what the City would like to see. 5. In the final stages of moving forward with Sunset Lane. **Mayor Bauer** backed up Femrite's thinking process by planting the seed now of a possible box culvert and possible bridge concepts to put it back to its original state or a concept of restoration. It was mentioned that Bolton & Menk had performed a study with Mn DOT & the Cannon River study which will give recommendations on improvements. There was also discussion on how there should be light safety with trail crossing. **Administrator Hill** talked about Region 9 and they are looking to do a safe route study and an all-purpose trail that could also be used as a safe route. **Council Member Grobe**, regarding the pickleball court what is the estimate of the cost and concepts and is that being discussed at the next council meeting and seeding the location for a restroom? **Mayor Bauer** asked what Cedar Circle bids are looking like, seems like underground utilities are going up in cost. **Engineer Femrite**, replied these types of costs are going up but vary by location and type of project. **Motion by Grobe Seconded by Smith to close the regular meeting and open the public hearing portion of the meeting. Motion carried 3-0.**

#### **Public Hearings-7:00 p.m.**

**A. Ordinance 92.04-2023 Establishing Fees for Emergency Protection Fire/Medical Services 1. Public Hearing. Council Member Smith** stated that this fire charge is an adjunction to the charges that are already in place as of the standard \$750.00 for fire and motor vehicles, this ordinance is to place a charge of \$400.00 to privately owned facilities in a lift assist situation **2. Second Reading and Adoption of Ordinance 92.04-2023 Establishing Fees for Emergency Protection Fire/Medical Services, Motion by Smith Seconded by Grobe to accept the Second Reading for the Ordinance. Motion carried 3-0. Motion by Smith Seconded by Grobe to approve Ordinance 92.04-2023 Establishing Emergency Medical Services fees. Motion carried 3-0. B. Ordinance 51.045 Prohibiting Ground Water Connections to the City's Sewer System 1. Public Hearing 2. Second Reading and Adoption of Ordinance 51.045 Prohibiting Ground Water Connections to the City's Sewer System. Mayor Bauer**, this will help with the upcoming lead pipe inspection, and the sump pump ordinance will help with the reduction of tax on wastewater and bring this into compliance. **Motion by Smith Seconded by Grobe to accept the Ordinance 51.045 Prohibiting Ground Water Connections to the City's Sewer System. Attorney Moran** stated that there is a typographical error in the language; it was suggested to insert a penalty procession for a misdemeanor offense for those who do not comply, with Section B of the language of transfer by deed; requested that an insertion of; or in any other manner unless it's a transfer on death. **Motion by Smith to accept the suggested amendment. Motion carried 3-0. Motion by Grobe Seconded by**

Smith to close the public hearing portion of the meeting and reopen the regular meeting. Motion carried 3-0.

### Reports

**F. Administrator's Report**, Hill mentioned how the board of appeal is on the 12<sup>th</sup> at 5:30. Also mentioned a meeting took place with a company that provides a ceiling mount version with a cable cast for possible streaming. Also mentioned the city-wide clean-up will take place on May 20<sup>th</sup> from noon to two pm. The City will cover the costs of \$3,500.00 to expend for this and should cover the costs of the dumpsters. The brush chipping will be happening this year, the street supervisor will provide the dates. Also being held on May 20<sup>th</sup> is the Citywide Park clean up starting at the Senior Center and they are looking for volunteers. A newsletter with this information is going to be mailed out soon. Currently, City Hall is having the roof inspected and the findings state that 3 areas are leaking over the Senior Center portion of the building. This was not scheduled within the current budget session and would like for the council to keep this in mind for the next budget session. As for the Fire Department Financial Agent for the Financial options, we are looking at possible bond restructuring options. On the bond note, there will be a discussion on the loader and Mack at our next meeting. **G. Le Sueur County Commissioner David Preisler**, brought forth county information stating the County Environmental has moved to the Government Center downtown, and the HWY department is going to be in the Environmental Building. It was also noted that the County is currently taking bids for open road projects. The road projects that are currently happening are HWY 13 North and South starting in Montgomery and the first round will be going in north of Montgomery; this will be starting no later than 7/1/2023. It was also noted that the county paved roads are set to have striping done, right now only one company is putting in the bid, due to that company buying out all surrounding competition, putting their rates at an increase of about 40%. **Council Member Smith**, wondered if MN Dot does their own? **Commissioner Preisler**, yes. **Preisler** also brought up the 21<sup>st</sup> of May the legislature for a Radio Bill will be decided. **Preisler** finished his report with good news to the City by informing the council of monies that will be received in the amount of \$50,369.00 from the 2010 Small Cities Development Grant to rehab homes for low- and middle-class families that the County is no longer participating in. It was explained how these monies were distributed and how the monies have been recollected and are now being redispersed back to the city. **Council Member Grobe** inquired about this funding and what fund it will be going into; **Administrator Hill** replied we have a current small cities grant development, so yes we will have a pot of monies and it will help supplement MVAC to help with about 2 more projects within the City.

### Old Business

**A. Request to Purchase Community Patio-Jeff and Laura Hoffman.** **Mayor Bauer**, stated that he was in favor of the sale of the Community Patio to the Hoffmans; the Hoffmans have adopted this lot and have done maintenance on it. This is a Community lot, but other places could be used for the same purpose. **Mayor Bauer** asked if it is possible to get an appraisal to get a value on this property to offer it to the Hoffmans? This would have a third party involved for a no-best opinion. **Council Member Grobe** stated she was not in favor of the sale of the Community Patio, this is for the community and should stay that way. **Council Member Smith** stated he was in strong favor to see some upgrades done to the Community Patio and questioned if we had funds to possibly get some type of shading and upgraded seating for the Community Patio that would benefit the Community and the use of the area. **Hoffman replied**, they have been at this location for four years and they do not see much use of this area unless there is an event that is taking place at the time. There is an extreme lack of day use because the sun that shines makes it too hot without any shade in this area. It was suggested if the City did away with the grass and incorporated more seating it would make it more enticing for the company. There was a discussion between the Council and Staff of the possible improvement to make this space more useable for Citizens along with the history and size of the property and how this would benefit the Hoffmans. **Motion by Bauer**, to sell the property to the Hoffmans at a fair market value determined by 3<sup>rd</sup>. **Attorney Moran** asked for a point of information as to whom would be responsible for the cost of the appraisal on this property. **Mayor Bauer** replied it would be fair to have the buyers pay for the appraisal. With no second **the motion fails. Motion by Grobe, Seconded by Smith, to not sell that community property. Motion carried 2-1. B. Parking Ordinances 71.04-2023 and 71.05-2023** **Attorney Moran** talked about the cleanup of the language on Ordinances 71.04-2023 and 71.05-2023. There was a discussion between Council and staff on the matter and how they felt the best approach would be. The discussion covered the area considered to be downtown, the businesses that could be affected, the trade work that could be active, and possible striping at the boat launch and within the city. There was a discussion about the possible application of tradespeople performing in active construction to be able to apply for a permit

or just add a carve-out for this ordinance that would allow a longer parking duration. **Motion by Smith, Seconded by Grobe, to accept the first reading of 71.05-2023 Motion carried 3-0. Attorney Moran** then went through **Parking Ordinances 71.04-2023** with the Council and how he would suggest this cleanup. There was discussion between Council and Staff as to how they would like to proceed with this ordinance and how it is currently affecting the citizens. The Council decided to make the parking ordinance easy to follow for all parties and the ability for officer discretion. **Motion by Smith, Seconded by Bauer, to approve the first reading of 71.05-2023 and have Attorney Moran clean up the language as discussed, and to set up a public hearing date for May 2, 2023, at 7:00 p.m. Motion carried 3-0.**

#### **Citizen Time**

**Carl and Mellissa of 459 Kanne Cartway**, stated their concern about the current road conditions and its poor state from the construction that had been taking place nearby. They mentioned an incident where their daughter was almost involved in an accident due to passing by traffic swerving into her lane to avoid potholes. They stated they would like something to be done. The Council and Staff had concurred that action for this road was due for updates.

#### **New Business**

**A. Outdoor Fitness Center-Brenda Langerud and Patty Salmon**, reported that the MN DNR application was accepted and thanks of appreciation went out to the staff that assisted with this task. Also noted were Ashley the SHIP state health coordinator and our contact, who stated that the council could apply for a bike rack grant and receive up to \$5,000.00 will be approved. This will include a bike rack by the bike sculpture, a fix-it station and a possible charging station. There was a discussion on SHIP and the other projects that they were helping the WEM school with the Safe Route to School. And it was also stated that with a health survey that was completed in 2019 by the City and this being done, they had enough data to award the school \$18,000.00 for florescent paint for crosswalks, proper signage, and for DOT to bring in people to survey where they are crossing HWY 13. **Langerud** resurfaced the topic of the Safe Route to School and the possible update for the crossing on HWY 13 around 2028. With that there may be a laser light crossing that could be placed with that cost possibly being \$50,000.00 and SHIP would cover this cost. **Langerud** mentioned that Blue Cross Blue Shield Foundation was for supporting more outdoor fitness areas, one of those similar to outdoor fitness being in Mankato. They plan on doing up to 103 in different locations in Southern Minnesota. Areas being picked were the Le Center County seat and Waterville, in the gift amount of \$102,000.00 where there are some in-kind and the City will hold no responsibilities; and a final mention that on 4/10/2023 at 10:00 a.m., SHIP will be holding a Zoom meeting and if any of the Council or Park Board members would like to be present, an invitation can be sent out. There was discussion on the possibility of outdoor fitness and where the possible location of equipment be best placed for use by the community and to accommodate the current workable space. **Council Member Smith** made it noted that Langerud and Salmon work directly with the City's Park Board in this process. Administrator Hill suggested this possibly being located along those trails would be great. **B. Vehicle Accident Fee Reimbursement Request-David Schlaak. Attorney Moran** brought the scenario of the request and why the City charges for this type of call. The council asked for clarification from Deputy Clerk Melinda Grant. **Deputy Clerk responded** with Mr. Schlaak stating that the fire charge he received was irrelevant to the car accident that took place in the City. He felt as though because there was no fire or medical assistance that there was no need for the charge. Mr. Schlaak also stated his insurance was not going to cover this bill due to the lack of a real fire or actual physical emergency services. It was suggested to Mr. Schlaak when he was paying his invoice to provide the ordinance to his insurance company and at that time he stated that he had. **Council Member Smith** stated the Fire Department did exactly what they were supposed to do. The charge is in place to cover all costs for the calls that are made. **Motion by Bauer, Seconded by Smith, to deny Reimbursement Request-David Schlaak, Motion carried 3-0. C. Paquin Street Repair** Discussion was held on the quotes that were received and the recommendation that came from Alan Hiller the Street Supervisor. **Motion by Smith, Seconded by Grobe, to allow the Street Supervisor to move forward with M&W doing the mill overlay in front of the school on Paquin Street. Motion carried 3-0. D. Mosquito Control. Administrator Hill** mentioned that this would be the same application as the City has done in the past at the cost of \$7,045.00 **Motion by Smith, Seconded by Grobe, to approve the Clarke Environmental bid for \$7,045.00 for seven treatments. Motion carried 3-0. E. Authorization For Electronic Payment of City Utilities Expenses. Administrator Hill** asked the City Council to approve Electric Payment for City Utility Expenses, this way we are paying the bills in a timelier manner. **Motion by Smith, Seconded by Grobe, to allow them to move forward on paying the City Utilities Expenses, Motion carried 3-0. F. Process**

**to Fill Council Vacancy. Attorney Moran**, went over the options the Council has to fill the seat: 1. Holding a special election, which is timely and costly, 2. Take in applications and review and select. 3. Making an appointed opinion which is the fastest turnaround in filling the vacant position. Council discussed the past election of the Citizens that were on the ballot and had originally been interested in the position. After discussion a **Motion by Smith, Seconded by Grobe, to directly nominated Roy McIntyre for the position Motion carried 2-1 G. Appointment of Acting Mayor Motion by Bauer, Seconded by Grobe, to nominate Tim Smith as Acting Mayor in his absence. Motion carried 3-0. H. Curley Leaf Treatment Permit** City Council and Staff had a conversation on the current process that they wanted to take this year with the Curley Leaf, with the application deadline coming up it was suggested to start that application process and to look for bids for possible harvesting of the Bay and Lake to see what that will entail and that process is handled. **Motion by Bauer, Seconded by Smith, to move forward with the Curley Leaf Treatment Permit Application. Motion carried 3-0. I. Parliamentary Procedure for Meetings (Discussion on Robert's Rules Of Order Process) Mayor Bauer**, wanted to touch on the subject of Robert's Rules and the way he was currently running the City Council Meetings. A discussion was noted that Mayor Bauer was doing a great job at how he was running the meetings and that not everyone will run meetings the same. **J. Resolution 2023R-008 Approving Budget Revisions, Administrator Hill** noted that the clean-up in 2022 will move the line item but there will be no increase in motion. **Motion by Grobe, Seconded by Smith, to accept Resolution 2023R-008 effect December 31, 2022. Motion carried 3-0**

#### **Council Discussion**

**Council Member Smith** mentioned the street light that has been out for the last couple of years has been taken care of.

#### **Adjourn.**

**Motion by Grobe, Seconded by Smith to adjourn. Motion Carried 3-0. The meeting adjourned at 8:39 p.m.**

---

**Daryl Bauer, Mayor**

---

**Teresa Hill, Administrator-Clerk**