

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

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

**Present:** William Conlin, Council members Tim Smith, Dave Wollin, Jennifer Grobe, and Roy McIntyre

**Absent:** Doug Spicer Emergency Manager

**Also Present:** Administrator/Clerk Teresa Hill, City Attorney Jason Moran, City Engineer Jason Femrite, Street Supervisor Allan Hiller, Park Board Valerie Vail, County Commissioner Preisler, and Police Chief Manning

**Call to Order / Roll Call/Pledge of Allegiance**

Mayor Conlin called the meeting to order at 6:30 p.m. Pledge of allegiance was recited.

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

**Motion by Smith, Seconded by Grobe Approval of Agenda with the addition of I, J, and K Motion Carried 5-0**

**Consent Agenda**

**A.** Approval of Minutes- May 2, 2023, and May 15, 2023, **B.** Approval of Disbursements **1.** Electronic Fund Transfers (35381E- 35409E) \$42,470.43 **2.** Payroll Check Numbers (2023165-2023205) \$46,450.49 **3.** Computer Generated Checks and Overtime (37741-37810) \$124,314.06 **Total Disbursements** \$213,234.98 **C.** Impress Cash Fund – \$77.32 **D.** Resolution 2023R-019 Donation-Sean McCaslin **E.** Resolution 2023R-020 Donation Jeanne Kerr **F.** Permission to Build in an Unsewered Lot-Cheryl Winegar Parcel ID 24.034.3000 **G.** Use of Beach House for Fishing Contests on July 22 and September 17. **H.** Park Board Reappointment-(2023-2026)-Val Vail **Motion by Wollin, Seconded by McIntyre approves the consent agenda. Motion Carried 5-0**

**Reports**

**A. Fire Chief Meskan, 1.** Mentioned the annual fishing tournament that was being held on Saturday the 10<sup>th</sup> of June, and the expected turnout of this event. **2.** The department will be hosting a hiring event on June 27, 2023. This event will allow applicants and families to see the firehouse, equipment, and teammates, and will have the opportunity to ask any questions they may have. **3.** Radio estimates for 6 radios with funding will cost about \$6,800.00 each. **4.** Anticipates setting up a joint meeting with the council, EDA, and Fire Committee to proceed with the process and discussions of the new fire hall. **Council Member Smith** asked Chief Meskan how the repairs had been going on the floor in the bay of the hall. **Chief replied** that nothing was happening due to the inability to obtain the floor plans and the lack of interest in contractors for the work to be outsourced. **Council Member Smith** stated he would look around to find a contractor to obtain an estimate to fulfill the work that is needed to be completed. **B. Police Chief Manning, 1.** The department has yet to receive any applications for the Part-Time Officers position that is posted. The Chief stated to the council how little the pool of actual applicants is for this career path. **2.** Mentioned to Council that all of the State and Federal reporting had been completed and is in good standing. The department is on the upside with 350 reports already filled since January 1, 2023. **3.** The department is working with the administration to overcome nuisance properties within the city. This will be continuous throughout the year. **4.** There has been work done in preparation for Bullhead Days, our great City Celebration. **5.** The white squad car is back out with a water pump issue that may cost around \$140.00 with additional cost for labor. **6.** The black squad car has brake issues and those have been fixed and repaired. **Council Member Smith** asked the Chief if he had the exhaust fixed on the black squad, and **Chief Manning** replied yes and that a cost-effective process. **7.** Final comment by the Police Chief was a mention of the LETG/Central Square and how the compatibility for the current platform being used will eventually become incompatible more or less obsolete. They are running into issues with compliance. They may look at a different software program in the future. **C. Emergency Management Teresa Hill stated on behalf of Doug Spicer,** there are no current concerns and that the water levels have gone down. **D. Commissioner Preisler 1.** The County has passed a Resolution regarding flood mitigation, and we have requested monies from the state with a bond. This is a long process yet with a narrow window to apply. The County is trying to obtain \$1.2 million primarily for this area, and also along the Cannon River. The County is going to be focused on matching programs that are already established with land retirement and our existing drainage as water storage. This is looked at to hold water back from flooding and

to filter the sediments out of the water as well. This process has started and this can be acted upon at next year's legislative session. **Commissioner Preisler** talked to the council about the hypothetical of this type of bonding and the different outcomes that could take effect. **Council Member Grobe**, asked if this had an association with the funding from the flood study the City did and did any of the rest of that money get approved? **Administrator Hill** replied that no it did not. This is why we are looking at other sources to complete this project. **Commissioner Preisler**, to be successful there will have to be other entities to throw monies into a kitty to get as close as we can to complete this project for that study to be started. **Administrator Hill** mentioned she had a conversation with Holly and Mike and they are also working on contacting all of the local government and parties of interest to what we can get to finish up the study. Also noted that a meeting would be happening within a month or two. This is a whole study of the Watershed as a whole and from that part there was a gauge that was purchased to be monitored and this would give supporting data to give recommendations for the monies that they are looking to do for bonding. **Council Member McIntyre** asked if they could ask to get money from the One Watershed One Plan. **Commissioner Preisler**, gave an example of the County had a hard time in the past getting landowners to participate without a monies match for the project. So, with this 1.2 million we would now have the match to participate with some of that funding. This doesn't pay for everything; this would also be asking the landowners in enrolling into CRP/Wetland with that match of funds. **Council Member Wollin** asked for clarification on this type of bonding. **Commissioner Preisler**, this money would be coming from the State. This would not involve taxpayers, City, or Township. There will be limited time for applying, to the time frame of acceptance. **Council Member Grobe** asked if this information is even obtainable within this short time frame. **Commissioner Preisler** replied, Holly is leading this and she feels as though this can be done. **2.** The HWY department has been officially moved over to the environmental services building and this is going well. **3.** The County will have additional funds that came back from the legislator. In the amount of \$390,000 per year of additional monies county aid starting after July 2024. **4.** There will also be substantial monies \$650,000 for a one-time public safety. An idea for the use of funds would be to wait to see what turns out for this whole radio legislation. This is going to cities too but this cannot be spent on the payment of new officers. So, there are strings attached to how it can be spent but it also has some flexibility. **5.** Transit for social services in the area is still being discussed. **Motion by Smith, Seconded by Wollin to open the Public Hearing. Motion Carried 5-0**

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

**A.** Ordinance No. §118 Regulating and Providing for the Licensing of Therapeutic Massage Business in the City of Waterville. **Attorney Moran**, summarized the Ordinance No. §118 for the council and public **1. Approval of 2<sup>nd</sup> Reading Council Member Smith** asked about the licensing and inspections and how often these would be happening. **Attorney Moran**, replied, this wouldn't necessarily be an ongoing inspection more so of the notification from citizens after passing the initial inspection and payment of a fee. **Council Member Grobe** asked what is it that is supposed to be inspected. **Attorney Moran** replied the building itself along with a basic fire code inspection. It was asked if it was similar to a rental inspection and could the current inspector perform this inspection. With the response of yes the current inspector could handle this and a rental inspection would be more in-depth than this type of inspection. **2. Public Comment** No Citizens made comments at this time. **3. Close Public Comment Motion by McIntyre, Seconded by Smith to close the Public Hearing and reenter the closed portion of the meeting. Motion Carried 5-0 Motion by Smith, Seconded by McIntyre to enter closed session to discuss amended ordinance No. §150.22-2023. Motion Carried 5-0 B.** Ordinance No. §150.22-2023 An Ordinance Amending Section 150.22 Subd (M)-Adult Establishments Eliminating Reference to Therapeutic Massage Enterprise **Attorney Moran**, summarized the amendment of Ordinance No. §150.22-2023. **1. Approval of 2<sup>nd</sup> Reading 2. Public Comment** No Citizens commented at this time. **3. Close Public Comment C.** Adoption of Ordinance No, §118 and Ordinance NO. §150.22-2023 **Motion by McIntyre Seconded by Wollin to close the public session and reopen regular session. Motion Carried 5-0 0 Motion by Wollin, Seconded by Smith to approve both ordinances along with the second reading. Motion Carried 5-0** Comment was made by Council Member Smith on the question of setting a fee for the licenses in comparison to what the inspector is paid. Administrator Hill stated the cost of the application is \$35.00 for one unit. Mayor Conlin asked if this covered the fee for the amount that is paid to the inspector. Administrator Hill replied yes it does. **Motion by Wollin to set the fee for the application for licensing of therapeutic Massage at \$35.00 Seconded by Smith. Motion Carried 5-0 D.** Hearing on Rental Property Suspension. It was noted that 501 6<sup>th</sup> Street South violated

nuisance. This has been a nuisance property for quite some time. Letters were mailed to property owners and residents of this ongoing nuisance. There were three options for the council to choose from, to issue a fine, to suspend the rental license, and/or to completely revoke the ability to obtain a rental license with the City of Waterville. There was a discussion between the council and staff on the ongoing issues of this property and how the council felt was the best approach. It was suggested by the City Attorney to give the full fine amount of \$1,000.00 with the ability to a reduction of the fine once the nuisance issue is resolved within 30 days and if it is not upheld the full fine will be applied and further action will take place. **Motion by McIntyre, Seconded by Wollin to apply the \$1,000.00 fine with the suspension of \$500.00 with the completion of getting this cleaned up and if it is not cleaned up the full fine will be put into effect and this will be rediscussed. Motion Carried 5-0**

### **Reports**

**E. Attorney Report 1.** The alley cleanup is final. **2.** Nytes property signed the deeds with hopes they will be recorded with the county this week or the following week. **Council Member Grobe**, are they closing the parking lot for Bullhead Days? **Attorney Moran** replied, no it would still be open for public use over Bullhead Days. They are in a building purchase agreement with the City and if they build within 3 years, they will receive that money back. **3.** Marijuana Ordinance, did pass and was signed by the Governor. This will be in full effect as of August 1, 2023. The Department of Cannabis will be issuing any licensing for this. The city will not have much control over this substance. You may be able to limit the number of establishments you will allow for sales within the city with a high recommendation that there is a cap. If the City would like a municipal store with the sales of marijuana this is an available option. A suggestion of pumping the breaks and withhold the moratorium until January of 2025 to figure out what it is the City of Waterville would like to see and control of this substance. **Council Member Grobe** asked for clarification, this is for people selling the substance, not the people who can possess it? **Attorney Moran** replied, correct. **Council Member Grobe** made mentioned that Mankato already has a moratorium in place, and it seems as though we should do the same to come up with proper zoning ordinances and such. Additional discussion was had on the moratorium between the council and staff on how to proceed. **Council Member Smith** Where are we at with the house fire? **Attorney Moran** replied it is scheduled for trial in August. **Council Member Smith** Where are we at with Sunset Lane? **Administrator Hill** stated the owner of the road had work done and was not sure if they have completed this or not. So, contact will be made to see when they would like to get together. **F. Engineer's Report** stated that he did not have anything extra to report that was not already being discussed within the agenda. **G. Administrator's Report 1.** Schmidt Grant Funded \$5,000.00 for Oak Park playground equipment. **2.** A student was recruited and will be on the Park Board. They are in the process of completing the application that will be presented to Council at the July meeting for approval. **3.** Public Safety Aid will increase by \$76,753.00. At the July meeting we should look at what we would like to use these monies for, with a recommendation to use this for the LETG. There will be some restrictions on this money. **4.** The LGA increase will be about \$37,638.00 with looking for small cities assistance that will be going towards our roads of \$43,299.00. **5.** Been in contact with a park supplier along with a local business here in town for the community patio to provide some form of shade. **6.** Jeff Lafrance has requested that the City Council limits the amount of Package Stores Liquor Licenses within the City. If you would be looking to do something like that, then an ordinance revision would need to take effect. **7.** Hill mentioned that she was looking into purchasing a smart TV for the Council Chambers. This would in turn help out with showing PowerPoints to the Council and Citizens. **8.** The Terry King (Previous City Life Guard) memorial bench donation for the City Beach has been ordered and will be delivered soon. **9.** The pavilion should be completed by the end of June to the first weekend in July. **10.** Mentioned there should be a meeting set up for the Fire Hall Committee, EDA, and Council to get time together to move forward with the development of the Fire Hall hopefully at the beginning of July. **11.** July 11<sup>th</sup> will be the next Council Meeting.

### **Citizen Time**

**Brenda Langerud 503 Marian Street 1.** Mentioned that the Waterville Arts and Rec Council are now noticed by the IRS and the state of MN as a non-profit organization. **2.** A Grant was applied for Bullhead Days for entertainment **3.** Noted that Commissioner Preisler mentioned the Bonding for matching is difficult. The MN Arts Board has moved to require no matching in most cases. This opens up some mural possibilities that are being discussed with some local businesses. **4.** The Schmidt Foundation did generate some dollars for Oak Park, this

was also mentioned by the Administrator. Also, by the July meeting you should know if the DNR has funded the Oak Park Playground. **5.** Discussion on the park equipment at the City Beach has been happening. The Arts and Rec Council would be interested in writing for this grant. **6.** SHIP Grant discussion with the decision of placement for the bike racks along with the proceedings of the Bike Sculpture. **7.** Submitted WEM system and Adolf Dehn foundation with submitting to the MN Arts Board for two local artists for the students to create art on aluminum canvas boards to recreate an Adolf Dehn original. This would not require a match and no copywrite fees. **Jeff Lafrance 437 Main Street East 1.** Liquor licenses in the community in 1996 were only 1 package license available. Now there are currently three establishments with a package off-sale license. It was noted by Lafrance that the surrounding communities only have 1 package license establishment. With the size of our community, in LaFrance's opinion, 3 package liquor sales are enough. This process will give this type of business more value knowing that there will be little to no competition. Lafrance thanked Council for the time and efforts they give.

### **New Business**

**A. 2023 Crack Filling Street Supervisor Hiller,** talked to the council about the quotes that were received for crack filling. The three quotes received were one from South Central Seal Coating at \$5,400.00 of 3,800 linear ft, the second quote received from Seal King at \$6,216.00 of 3,885 linear ft. and the third was from Bargin Inc. at \$7,550.00 with unknown linear ft measured. **Council Member Grobe** asked if there was a report built with any of these companies. **Hiller,** replied yes. **Council Member Smith** asked if Supervisor Hiller had any specific recommendations and if the difference in the linear feet is this going to be an issue. **Hiller** replied there is not that much difference between South Central and Seal King in the footage. That is just a matter of different ways of measurement. They would be using the same material and they both do good work; Seal King would be my recommendation. Seal King may be doing masting and this would benefit the City next year when this type of work will need to be completed. **Motion by Smith to approve the bid for Seal King for \$6,216.00. Seconded by Wollin. Motion Carried 5-0** **B. Street Light Repair Approval Supervisor Hiller,** stated that the street light pole base on Main Street in front of the Event Center is giving out at the bottom and requires repair. Xcel Energy suggested the company Cedar Lake Electric. Contact was made with Cedar Lake and issues were discussed and a quote was given of \$8,500.00 to have this maintained. **Council Member Grobe** asked if the maintenance of the electric pole was the responsibility of the City. **Supervisor Hiller,** replied yes, the pole, wiring, and the base of the light are all the city's responsibility the only thing that Xcel maintains is the light itself. **Motion by McIntyre to approve repair light in front of Event Center Seconded by Wollin. Motion Carried 5-0** **C. PERA Volunteer Firefighter Plan 1.** Fire Department Pension Level Increase **2.** Resolution 2023R-021 Opting to Join the Statewide Volunteer Firefighter Plan **Jeremy Schwartz from the Relief Association** spoke to the council on the related cost analysis received by PERA and how it would benefit the department with the reduction in Audit fees, and the responsibility of investing the funds will be done by the state, and will be audited by the state. The financial obligation max from the City would be dependent on the package that is selected, and the amount of money that is put into the account from the benefits from the market. The maximum amount of \$19,913.00 is due by 12/31/2024. Finally noted that the money saved during the Fire Department Audit would be at \$6,500.00 savings per year. The council inquired if the department was comfortable making the change and the response from the Chief and Schwartz was yes, this was voted on, and also mentioned this is a great recruitment and retention tool to keep and attract new members to the department. **Administrator Hill** said this would also benefit the City with cost savings on the Audit. PERA will obtain the cost of performing the actuarial that takes place with the Fire Department. Currently, the City is having an actuarial done every other year. **Administrator Hill** also mentioned that she had heard from the League of MN Cities that there are incentives for joining PERA. It was suggested that Relief reach out to them to see if this is still what incentives they may be. Also, the vesting schedule is different than what you would be currently doing. **Jeremy Schwartz** replied to the Administrator that they did not have one for the 10-year plan, so 10 years would be at 60% and a 4% increase until the 20 years is reached at 100%. **Administrator Hill** also mentioned that when reviewing this analysis, the vesting schedule is different than what the department is currently on. **Jeremy Schwartz** replied to the Administrator they don't currently have one to match up with the 10 years to 20-year plan. **Administrator Hill** stated that the resolution that was given to the City reads the vesting schedule beginning at 40% after 5 years of service, increasing by 4% each year until 100% is reached after 20 years. So, if there is a change we will have to work through that at that time. It was also to the understanding that part of the reason for asking for this increase with this dollar amount,

once you're in the system, it is harder to adjust that benefit. This \$3,000.00 choice will put you where you would want to be in the future. **Motion by Smith to approve Resolution 2023R-021 including the vesting schedule at the \$3,000.00 level Seconded by McIntyre. Motion Carried 5-0 D. Cedar Circle and Herbert Street Improvements 1. Bid Results 2. Special Meeting to review Assessment Formula 3. Resolution 2023-022 Calling for Hearing on Assessments Engineer Femrite**, was prompt with the Council reiterating that Cedar Circle a potential 2022 project was now combined with Herbert Street drainage reopened for bids on May 31<sup>st</sup> at 10:00 AM. At this time 5 bids were received. There was a small amount of discussion on the differences between the lowest bidder and the engineer's estimate. It was also noted the increase in the price for the Cedar Circle portion of the project and how that price saw an increase of about \$75,000.00. Femrite suggested that there will be a work session to figure out the assessment roll and how that was going to take place before the awards. There is a 60-day deadline to award this project. At this time a public hearing would be suggested to inform the property owners of what these assessments entail. If this moves forward this year, we are looking to put in city water and sewer and put down the pavement in 2024. **Administrator Hill**, suggested a special meeting on the 29<sup>th</sup> of June to talk about the assessment formula, after this process look at approving the roll, then send notices out to the public for the public hearing. **Motion by Smith to hold the special council meeting to discuss improvements for Cedar Circle on June 29<sup>th</sup>, 2023 at 5:30 pm in the Sr. Center Waterville Seconded by Grobe Motion Carried 5-0 Motion by Wollin to table Resolution 2023R-022 Seconded by Smith Motion Carried 5-0 E. Allowing or Prohibiting Dogs at Beach** There was a discussion between the Council on what should and should not be accepted at the City Beach. After the discussion of the safety of swimmers at the beach, it was noted that no pets were allowed on the City Beach and all animals should be on a leash within the City limits at all times on public property. **Motion by Grobe to remove the sign that says Clean up after your dog and to leave the sign stating no animals allowed on the beach. Seconded by McIntyre Motion Carried 5-0 F. Juneteenth for 2023 Administrator Hill**, shared with the council about the legislation that had passed in making Juneteenth this new legal holiday now effective. It was asked that this be accepted as a paid holiday in 2023 and come back with revisions of memorandums of understanding along with personnel policy provisions for the following years. **Motion by Wollin to adopt the same policy as recommended. Seconded by Smith Motion Carried 5-0 G. Sale of Aerators Administrator Hill**, asked the council to have permission to publicly post the aerators for sale with acceptance of open bids. There is a person that is interested in these items already. **Motion by Wollin that we authorize that. Seconded by McIntyre Motion Carried 5-0 H. Continuation of Department Head Reports** There was a conversation between staff and council on the current report to council by department leads and if this was still a process that they felt was necessary. It also discussed a format for leads to follow, along with deadlines for turning in the monthly report. It was also noted by Council if reports were not satisfactory with detail or turning them in within the requested time frame, then the lead would be requested to be present at meetings to deliver their monthly report. **Motion by Smith to our department head reports to a written format submitted monthly on time to come out with the council packets effective immediately. Seconded by Wollin Motion Carried 5-0 I. Request to close the parking lane on 1<sup>st</sup> Street North to the boat landing entrance Sunday, June 11<sup>th</sup>.** Council discussed the request for the Free Food Service that is put on by The Village on Sundays. Noted that signs could be established by the owner for the parking request, the planning for this next year should be better with either a time change or day change so it would not interfere with a City Function. **Motion by Smith to approve this request this year only with the request that there is a better plan next year for this. Seconded by Wollin Motion Carried 5-0 J. Employee resignation and posting of a Planning and Zoning vacancy. Administrator Hill** told the council that she had received the resignation from Dan Guerrero an EM team member and a Planning and Zoning Commissioner effective June 6<sup>th</sup>. It was requested that the council accept the resignation and grant permission to post the vacancy for the Planning and Zoning Commissioner seat. It was noted that contact would be made with EM Manager Spicer about the vacancy. **Motion by Wollin to accept the resignation and post the planning and zoning vacancy. Seconded by Smith Motion Carried 5-0 K. Resolution 2023R-023 Providing for the issuance and sale of \$391,000.00 General Obligation Equipment Certificate of Indebtedness, Series 2023A and Levying a Tax for the payment thereof. Administrator Hill**, relayed to the council this bond gives the funds needed to finance the Loader and the Mack Truck. This did take a local placement with Frandsen Bank. With closing scheduled to be June 9<sup>th</sup>, 2023 if this resolution is adopted. **Council Member Grobe** asked if this would be levied this year or next year. **Administrator Hill** replied that there were funds already set aside for this year with anticipation some of this would have already been in, but in

doubt, it was delayed. The City had already set aside some of this money in the capital fund so the debt service would levy in 2023-2024. **Motion by McIntyre to accept Resolution 2023R-023 Providing for the issuance and sale of \$391,000.00 General Obligation Equipment Certificate Seconded by Grobe Motion Carried 5-0**

### **Council Discussion**

**Council Member Wollin** had brought up the Off Sale and Packaged Liquor Store Licensee and what the City Attorney would suggest for a City our size. It was suggested that there be an amendment to the current ordinance establishing a cap on these types of establishments. **Attorney Moran** stated he would draft an amendment up for the council to preview at the July meeting and official language take place in August of 2023 with a public hearing. There was also discussion on the ropes and buoys at the City Beach and how safety was a concern for Council and the Park Board. The Fire Chief donated his time with the event of training tied in with the putting out and bringing back in the ropes and buoys. **Council Member McIntyre** suggested that the meeting times be held earlier than 6:30 PM; with minor discussion, it was resolved that meetings should now start at 6:00 pm.

### **Adjourn**

Motion by Wollin, Seconded by McIntyre to adjourn. Motion Carried 5-0. The meeting adjourned at 9:00 p.m.

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William Conlin, Mayor

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Teresa Hill, Administrator-Clerk