

**WATERVILLE CITY COUNCIL**  
**REGULAR MEETING**  
**February 4, 2025, 6:00 p.m.**

There was a regular meeting that the Waterville City Council held in the Council Chambers at 6:00 p.m. on February 4, 2025.

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

**Present:** Council members: Tim Smith, Dave Wollin, Sarah Edwards, Scott Potter, and Mayor Bill Conlin

**Also Present:** Administrator Teresa Hill, City Attorney Jason Moran, and City Engineer Jason Femrite

Mayor Conlin called the meeting to order at 6:00 p.m. Announced all members of the Council were present and then led the Pledge of Allegiance.

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

**Motion by Smith Seconded by Edwards** to approve the Agenda as amended with the removal of 9.3. **Motion Carried 5-0.**

**Consent Agenda**

A. Approval of Minutes- January 7, 2025, and January 13, 2025 B. Approval of Disbursements 1. Electronic Fund Transfers (35973E- 36000E) \$71,710.90 2. Payroll Check Numbers (2025546- 2025588) \$48,994.28 3. Computer Generated Checks and Overtime (39173-39246) \$198,412.12 4. Total Disbursements \$319,118.07 C. Impress Cash-\$31.40 D. Blue Earth, Nicollet, and Le Sueur County Mutual aid Agreement E. Fire Department Report F. Resignation-Chief John Manning G. Appointing Ann Traxler as Interim Emergency Management Director H. Ratification of Bob Petrasek as Interim Police Chief/CLEO. I. Personnel Committee Pay Recommendations J. Aware, Right to know and Blood Born Pathogens Policy K. Board of Adjustment Meeting- Wednesday, April 9th at 6:00 p.m. **Motion by Wollin Seconded by Potter** to approve the Consent Agenda **Motion Carried 5-0.**

**Police Commission Call to Order**

**Melissa Jasperson** called the Police Civil Service Commission to order at 6:01 p.m.

**Roll Call**

**Present:** Melissa Jasperson, and Trina Waugh

**Special Guest:** Jana Sullivan Employment Attorney

**Absent:** Tom Neidick

**Discussion & potential action on continuing forward with or ending an investigation regarding a former City employee.**

**Attorney Moran** conveyed that there is a quorum of the Police Civil Service Commission and City Council. This joint meeting is to discuss if there is any further action that you see fit to take with a pending investigation regarding a former City employee. The resignation from this employee has been accepted as of earlier today. **Council Wollin** asked for legal advice. **Attorney Moran** relayed that ultimately Attorney Sullivan can give you that recommendation, but from a Council perspective you ultimately make the choice, is it worth the time to investigate, is it worth the funding, what is the Council going to get from this investigation? **Attorney Sullivan** agreed with Attorney Moran to keep this discussion discreet and be conscious of the open meeting law and data practice obligations. As for a recommendation, generally, when the subject of a complaint resigns before the investigation typically begins, this would normally conclude at that point. Sullivan described to the Council other practices of Cities on a larger scale. Noting the different steps of disciplinary action that could happen if an employee had not resigned. Sullivan felt that it would be appropriate to discontinue the investigation at this point. **Council Edwards** asked Attorney Sullivan if she felt if this investigation wasn't being pursued, would it leave the City open for a possible lawsuit. **Attorney Sullivan** relayed that required by law is typically the Employer to comply with Best Practice; and to take appropriate steps of action to render the situation. When the employee resigns, it is looked at as if the issue has resolved itself with this course of action. An Employer can reach out to the individuals who made the allegations and speak to them about the course of actions that took place. To make sure they are satisfied and see if there are any other courses of action that they would like to see to be able to move forward. **Council Edwards** asked Attorney Sullivan if she felt that not investigating this could lead to low morale or thoughts that these allegations were not taken seriously. The feeling of condoning the possible behavior that was being complained? **Attorney Sullivan** relayed that she could not specifically speak for any persons who give complaints. As for the typical practice, the cost and time are looked at initially, furthering with the interviews with individuals which can lead to its pros and cons. The law requires that the Employer responds to the legally recognized claim. That the Employer is taking immediate and appropriate action.

Appropriate action can happen spontaneously when the individual removes themselves. As for workplace morale and team-building skills, these are beneficial for all workplace settings. Council noted that they felt appropriate action was taken with this employee and them no longer being an employee there is no further need for the investigation. Also noting that the recommended team building skills would be a great suggestion. **Motion by Smith Seconded by Wollin** to discontinue the investigation for that person. **Motion Carried 4-1. Council Wollin, Smith, Potter and Conlin are for the motion. Council Edwards** opposed.

#### **Police Commission Adjourns**

**Motion by Jasperson Seconded by Waugh to Adjourn the meeting at 6:14 PM. Motion Carried 2-0**

#### **Old Business**

##### **Bullhead Day Committee Requests**

**Bullhead Days Street Closures: Bullhead Days President Lizzy Bybee** stated to Council that she had conversations with the Fire Chief and the Festival Committee, they were in agreement to close down Paquin Street with the intersection of Paquin and 3<sup>rd</sup> left open for Emergency Response if needed. For the scheduled Event of the Car Roll-in on Friday and the Vendor Fair on Saturday from 7:00 am to 6:00 pm. **Motion by Smith Seconded by Edwards to approve the Bullhead Day Committees request for street closures. Motion Carried 5-0**

**Electrical Update at Old Shop: Administrator Hill** relayed to Council that she had received a proposal from the Bullhead Day Committee of a cost share of 50/50 with an estimated cost of \$5,315.00. **Motion by Smith Seconded by Potter to approve the electric bid cost share for the Old Shop. Motion Carried 5-0**

##### **Tree Abatement**

**Attorney Moran** relayed to the Council that nothing had happened yet. There has been correspondence with Mrs. Burns and the contracted Arborist. The Arborist did state that the removal of the limbs overhanging the roof would compromise the integrity of the tree. Mrs. Burns has yet to send any correspondence today. Moran explained that this scenario has been ongoing since last spring and the light trimming isn't what we need to see happen. Removal of all overhang that has caused damage previously and will foreseeably have damage again. **Council Edwards** asked if it could be that the funding is not available to have the removal of the tree or she does not want to remove the tree. **Attorney Moran** replied he could not speak on behalf of the owner of the want or financial aspect to the removal of the tree. I can compose a letter to convey that if the reason for noncompliance is financial, that she could work something out with the City in the form of a special assessment of 5 years at a 5% interest rate. This work will include the removal of all the trees. If this is not agreed upon the City can step in and move forward with the enforcement action. **Council Edwards** stated she would like to see a letter sent with financial options and specifics of the removal of the trees be mailed. **Motion by Smith Seconded by Potter to have Attorney Moran follow through with the comprised letter that was discussed within 30 days. Motion Carried 5-0.** **Mayor Conlin** noted that he wanted to make sure that the letter is clear with the intent of only removal of the trees not to stump grind and replant grass or flowers.

##### **Fire Reserves Policy Amendments**

**Attorney Moran** conveyed that after discussions, there have been some revisions to this proposed policy on raised concerns from Council. It is bullet pointed in the benefit portion that reserve firefighters would be covered by Workman's Comp which is a standard. If they are enrolled with PERA as a form of retirement, there will need to be a clear 30-day separation period from the City to obtain PERA. They would not receive any City benefits, besides the pay that is paid out at year-end. An application would need to be submitted to protect the makeup of the Reserve, applications will be vetted by the City Council to be placed on the roster. **Motion by Wollin Seconded by Potter to approve the Fire Reserve Policy Amendments. Motion Carried 5-0.**

##### **Citizen Time**

**Commissioner David Preisler** approached the Council to give an update of what is happening at the County level. **1.** The County has been working with Senator Draheim on flood mitigation. There are two bills that will be proposed to the Senate: to carve out dollars from the DNR flood mitigation program, and second to carve out dollars from the Governor's 5-million-dollar proposal for flood mitigation. We are looking for approximately 2 million dollars as a match for funding. These are still being revised. There is a flood project taking place with Bolton and Menk. This is pertaining to the Cannon River Water Shed. The hydrology study should be completed this spring which will keep the process moving forward. Hopefully, the result will give us the best placement for water storage. When considering these types of projects were are looking to work with land owners that want to work with us. **2.** The comprehensive land use plan had an open forum meeting last week. This is in relation the survey that was dropped off last month. If you would like to participate and have not yet; tomorrow is

the deadline. Follow up focus meetings will be held at the end of the month; these will be geared towards meeting with local farmers, business communities, and outreaches to townships and cities. **3.** There are times when the County has received Federal Grants. There are two grants the County has been approved for; one is a half million dollars to upgrade the Sheriff's Department for technology. The Second was a million dollars to work on rural broadband. **4.** Something that could impact the City of Waterville is the Governor did release the budget this has yet to be approved by the Legislature. With in the budget there is a pot of money to: control invasive aquatic species, and funding for inspections for misused feed lots. There may be a shift of Funding for Counties on the expense side especially for disabled people. This is hundreds of thousands of dollars per year. If this does shift to the Counties this will be reflected in future tax levies. **Citizen Steve Tates** approached the Council stating his family cabin was affected by the flooding last spring. This was primarily due to the bypass pumps running. If for any reason in the same scenario of future events; can these homes and the elderly community be considered by the City before using bypass pumps, to help with getting volunteer assistance or an immediate notification to start the sandbagging process? **Council Smith** replied that it would be taken into consideration if or when this could happen again. **Citizen Jennifer Grobe** approached the Council and relayed she participated in the presentation of the Carnegie Medal of Honor to Dalton Gross on Sunday which was held by Mayor Conlin. This was an amazing event for a Citizen from Waterville. She thanked Mayor Conlin for hosting the event.

### **New Business**

**Home-Based Cannabis Micro Business Amendment Request-Travis Perry:** **Travis Perry 529 N. Mallory St. Waterville MN** approached the Council requesting a home base Micro Cannabis Business. Perry read the request and business model to the Council for the reasonings he felt applicable for change in zoning to allow his homebase business permissible. **Council Potter** asked how many plants were going to be cultivated at one time. **Perry** replied up to 50 plants per growing cycle. **Council Potter** asked for clarification of the mention of online sales aspects. **Perry** replied this would be for wholesale pick up or deliveries. I am not wanting additional foot traffic out of my home. **Attorney Moran** stated that this would need to be proposed to the Planning and Zoning Commission. They will probably look at what type of activity will be taking place. They will take into consideration such as: is it going to affect your surrounding neighbors, or will your neighbors appreciate this type of business, what kind of precedent does this set for future comings as a possible microbrewery etc. Council decided to let the Planning and Zoning Commission start the process for the requests.

### **Personnel Committee Appointment or Revision of Number of Committee Members**

**Administrator Hill** relayed to Council that in previous practices, two Council Members have been on the Personnel Committee. There have been conversations that this may seem unfavorable. So, I am requesting a discussion on whether you would like to go to a three-member and go with one Council Member or stick with the four-member and appoint an additional Council Member. **Council Edwards** asked who made up the current members of the Personnel Committee.

**Administrator Hill** replied there is a Fire Department Member, a Police Civil Service Commission, and two Council Members. The Council held a discussion in agreeance that a three-member committee seemed best. **Motion by Smith Seconded by Edwards that we direct Administrator Hill to work with Attorney Moran to redraft the Policy to reflect the changes and bring it forward to the next City Council Meeting. Motion Carried 5-0.**

**EDA Vacancy:** **Mayor Conlin** spoke to the Council looking for possible recommendations for the Vacant EDA position. The EDA's current members: are Sue Meyers, Richard Davis, Scott Potter, and William Conlin. **Mayor Conlin** requested to appoint Jennifer Grobe for the vacant EDA position. Jennifer has been a valuable asset in past years on the City Council to look at all financial aspects of projects and has asked great questions. **Council Edwards** enquired if going out for an application was a typical process that was held. **Administrator Hill** relayed that she would have to investigate the last time this happened due to a typical EDA term being 6 years. **Council Wollin** stated he would like to see it be open for applications. **Council Smith** made note of possibly changing the commitment term to a shorter duration. **Attorney Moran** relayed that a State statute reads that an EDA term must be for 6 years. **Motion by Wollin Seconded by Edwards to go out for application for the EDA vacancy. Council Potter, and Mayor Conlin Voting against Council Wollin, Smith and Edwards Voting for. Motion Carried 3-2. Motion by Wollin Seconded by Edwards to apply a deadline for applicants being the Thursday before the next Council Meeting. Motion Carried 5-0.**

**Fire Hall Open House February 23, 2025:** **Administrator Hill** relayed that Fire Chief Meskan relayed that he would be able to start hosting Fire Hall open houses starting on February 23, 2025. **Motion by Smith Seconded by Edwards to approve the Fire Hall Open House request for February 23, 2025. With the time frame to be determined by Chief Meskan. Motion Carried 5-0.**

### **Reports**

**Attorney Report:** Moran relayed that he had nothing else to report and would work on the tree issue and report back in March.

**Engineer's Report:** Femrite relayed that he had two items that he was working on. One being the designs on the new fire hall working with BKV. Then the Pickleball to get the ball rolling we will be working on the geotechnical aspects of things.

**Council Smith** asked if there were concerns with the soil borings that had taken place at the New Fire Hall location. **Femrite** replied that they were fully aware and putting together the specs and plans for the site. There were no major concerns that were raised in this area besides having to bring fill to level out the footprint of the project. **Council Edwards** mentioned that she had heard concerns from citizens about possible contaminants at this chosen site. **Femrite** replied that when work is happening and if contaminated soil is found this will have to be remedied at this time. Noting that Petroleum byproducts were not specifically tested for. If something along the lines of Petro comes into play we can apply to receive state funding for a source of reimbursement.

#### **Council Discussion**

No Council discussion was held at this time.

#### **Adjourn**

**Motion by Smith Seconded by Wollin to Adjourn the meeting. Motion Carried 5-0. Meeting was adjourned at 7:26 PM.**

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**William Conlin, Mayor**

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**Teresa Hill, Administrator-Clerk**