

# PUBLIC NOTICES

## PUBLIC NOTICE WATERVILLE CITY COUNCIL REGULAR MEETING

December 3, 2019, 5:00 p.m.

There was a regular meeting of the Waterville City Council held in Council Chambers at 5:00 p.m. on December 3, 2019. Present: McIntyre, Grobe, Smith, Wollin, and Mayor Schmidtk

Absent: None; Also Present: Administrator / Clerk Teresa Hill, City Attorney Jason Moran and Jason Femrite of Bolton & Menk; Also Absent: None

**1. Call to Order / Roll Call/Pledge of Allegiance.** Mayor Alan Schmidtk called the meeting to order noting that all Council was present. Also present Administrator / Clerk Teresa Hill, City Attorney Jason Moran and Jason Femrite of Bolton & Menk. Pledge of Allegiance was recited.

**2. Approval of Agenda/Additional Items to Agenda.** Motion by McIntyre, seconded by Grobe to approve the agenda with the addition of Amanda Lengsfeld's resignation. Unanimous vote. Motion carried

**3. Consent Agenda.** A. Approval of Minutes - October 29, 2019, November 1, 2019, November 7, 2019 and November 19, 2019; B. Approval of Disbursements; 1. Payroll Check Numbers (5726-5774) - \$38,500.98; 2. Computer Generated Check Numbers (34373-34437) - \$49,227.49; 3. Electronic Fund Transfers (1276E-1286E) - \$22,009.03; 4. Over-time Payroll Checks (34438-34442) - \$1,911.37; 5. Total Disbursements - \$111,862.31; C. Impress Cash Fund - \$15.81. Motion by McIntyre, seconded by Smith to approve the consent agenda items A-C. Unanimous vote. Motion carried.

**4. Unfinished Business** - no unfinished business

**5. Citizen Time (Comments, Information from Those Present)** - no one addressed Council.

### 6. New Business

**A. Rental Re-inspection fee.** Motion by McIntyre, seconded by Smith to reduce the re-inspection fee at \$50.00 per hour. Unanimous vote. Motion carried.

**B. Hwy 13 Project Change Order #1.** Mr. Femrite discussed the reasons behind the Hwy 13 Project Change Order #1 such as the unforeseen adverse weather conditions and de-watering system used. This amount will not be assessed, this will be a City cost. Mr. Femrite said they will be doing the testing next year. There will be a two year warranty upon completion of the project. Mr. Femrite will present the change order #1 at the next meeting.

**C. Rehelt Excavating Pay Request #1 - Hwy 13 North Water and Sewer Project.** Motion by McIntyre, seconded by Smith to approve pay request #2 to Rehelt Excavating in the amount of \$80,418.43. Unanimous vote. Motion carried.

**D. Letters of Resignation - Timothy Kinniry of the Waterville Fire Department and Amanda Lengsfeld, Deputy Clerk.** Motion by Smith, seconded by McIntyre to approve the letters of resignation of Timothy Kinniry and Amanda Lengsfeld. Unanimous vote. Motion carried.

### E. Inter Fund Loans.

**1. Resolution 2019R-053 Hwy 13 Sewer Loan.** Motion by Smith, seconded by Grobe to adopt Resolution 2019R-053 Hwy 13 Sewer Loan. Unanimous vote. Motion carried.

**2. Resolution 2019R-054 Sewer Cash Flow Loan.** Motion by McIntyre, seconded by Wollin to adopt Resolution 2019R-054 Sewer Cash Flow Loan. Unanimous vote. Motion carried.

**F. Police Commission Appointment.** Motion by McIntyre, seconded by Smith to reappoint Trina Waugh to the Police Commission. Voting for: Schmidtk, Smith, McIntyre, Wollin; Voting against: Grobe 4-1 vote. Motion carried.

**G. January 2020 Meeting Time.** Motion by McIntyre, seconded by Smith to keep the Council meetings at 5:00 p.m. Unanimous vote. Motion carried.

**H. Special Meeting for Pending Litigation.** Consensus was to try to schedule a special meeting for pending litigation for January 21st or 30th at 1:30 p.m. Matter was tabled to the January meeting.

**I. Contract for Deed Purchase Agreement for Fire Hall.** Motion by Smith, seconded by McIntyre to enter into the Contract for Deed with Le Sueur County for the purchase of the land for the proposed new Fire Hall. Unanimous vote. Motion carried.

**J. Fire Hall Building Special Meeting.** Mayor Schmidtk requested that a special meeting be

set up to have the Morton Building representative discuss the proposed Fire Hall Building. Discussion regarding all parties present their proposals apples to apples. Mr. McIntyre said the committee has not met and agreed on what we should be doing moving forward. Discussion regarding the proposed building. Council will schedule a date in February 2020. Mr. Smith said that he forwarded a list of questions that he thinks would help the Fire Station Committee to plan this better and forwarded it to Teresa for distribution to the Committee. This matter tabled to the January meeting.

**K. AFSCME Contract Ratification.** Motion by McIntyre, seconded by Smith to approve the AFSCME contract. Unanimous vote. Motion carried.

**L. Fire Alarm Fee.** Motion by Smith, seconded by McIntyre to adjust the false alarm fee for fire calls to \$200.00 as a flat rate and leave the standard fire calls at \$750.00. Unanimous vote. Motion carried.

**M. Sewer Rate.** Motion by McIntyre, seconded by Smith to increase the sewer base rate to \$27.51 and the per 1,000 gallon usage to \$10.11. Unanimous vote. Motion carried.

**7. Engineer's Report.** Mr. Femrite had nothing to report. Ms. Grobe asked if they put the service lines in they would not be using them yet, they would have to be tested before they could be used. Mr. Femrite said it will be ready to go for them to connect in the spring. Mr. McIntyre said that is a good job done, it was tough with all that high water and everything else. We are lucky we didn't have a cave in because of all that sand. Mr. Femrite said safety was their baby and they were tending to their business. Mayor Schmidtk asked if OSHA ever visited them. Mr. Femrite said not that he was made aware of but that doesn't mean that they didn't. Mr. Femrite said there were plenty of people driving by.

**8. Attorney's Report** - Mr. Moran said he did not have anything to report. Mayor Schmidtk asked Mr. Moran to explain Citizen's Time. Mr. Moran said you want Citizen Time explained in what way? Mayor Schmidtk said there was a letter to the editor that we can't do that. Mr. Moran said he did read that letter to the editor. Mr. Moran said basically Citizen Time is the chance where Citizens can talk. Many cities do limit Citizens Time so what Waterville was looking at doing was is nothing unheard of. Certainly if anyone wants to speak above and beyond the time allotted they can request to be put on the agenda and they will be given as much time as they want. He thinks that Waterville is pretty good at running their meetings. He does not think it is a hard and fast three minute rule. He does not think he has ever seen the situation where anyone has ever been cut off. It is just a way to properly and effectively manage a meeting. There was something in the letter to the editor about it being unconstitutional or taking away constitutional rights. He does not see that at all. Other Cities have done it, it is a fairly routine practice. As a matter of fact all the Cities that he is City Attorney for Waterville was the only one that did not have a time limit. If the Citizen wants to go over three minutes he thinks we would more than likely allow that and certainly if somebody wants to be put on the agenda nobody is going to restrict that. Ms. Grobe said if they want to take any type of action on their comments they can't at Citizen Time correct? Mr. Moran said Citizen Time is basically their opportunity to address whatever concerns they may have. He typically tells his Councils don't even interact or as minimal as possible. It is more of an opportunity for them to explain something to you for you guys to digest it and then come up with an action plan. It certainly is not a situation where a Citizen talks and then you come up with an action plan without it being put on the agenda. It certainly is not something that you would make a motion on or take any action on. Mr. Wollin said whenever you see a reaction like that you wonder if people realize we have an attorney present, we asked you if this was legal. Mr. McIntyre said he didn't have any Citizens come up and yell at me for having a three minute rule on Citizen's Time on the Council. Mr. Moran said no one has asked him questions about it either in Waterville or any other City. Mayor Schmidtk asked what it varies from town to town. Mr. Moran said it is across the board, he wants to say Elysian might be three or five minutes. He would have to check with each individual City. Mayor Schmidtk said he just wanted an explanation.

Mr. Moran said it is a guide to help move the agenda along. We were having some issues especially on the nuisance property situation. We had some people come and take extensive amounts of time. It is an effective way to move things along. He does not think it is a hard and fast rule, if somebody is talking for three minutes and 30 seconds he doesn't think they are going to be cut off. Mayor Schmidtk said we are not going to be sitting here with an alarm and set it at three minutes and when it dings then they are done. Mr. Moran said there are some Cities that do that. He does not sense that Waterville will do that and we don't have an egg timer. If you go to Elysian, they have an egg timer. They are very strict about the three or five minute rule. It is just a way to effectively manage the meetings. We were having an issue, we haven't had an issue in quite a while, it is nothing that we have recreated. Ms. Hill said when Mr. Moran was talked about the timer it was talked at the League of MN Cities at some conferences she has attended that you do have a timer available because then everybody does what their limitations are and it cannot be said that you gave this person more floor time than what you gave this floor person. It was also discussed that it is not a requirement of a Council meeting to have that available. Ms. Hill said in the aspects of you are taking away rights and so on she thinks we had a lengthy discussion regarding the pros and cons of doing that. We also brought forward the League of MN Cities memo that talked about how meetings are to be ran and what is to be expected during open mike time. People she thinks were under the impression that there could be dialogue or action taken during that time and to do it properly they come to the mike, they make their statement and then they sit back down, no discussion at all or interaction between. Ms. Mariska asked about where it is in the agenda. Everyone it was item 5 on the agenda. Ms. Mariska said she understands that but for example tonight going through the actual new business that raises questions, at least it does for her, so is there any problem with having Citizen's Time later in the agenda so that if we have questions about certain items on the agenda that we can ask them or not. Mr. Wollin said he thinks the reason we have it in the beginning is it is like you are bringing something to the meeting that you don't know about. So if a question comes from the meeting today, bring it to the next one. Mayor Schmidtk said when people are done talking at Citizen Time a lot of them like to leave. If we put Citizen Time at the end you will be sitting here throughout the whole meeting and a lot of people don't want to sit for the whole meeting. Ms. Hill said also there were discussions about where Citizen's Time should be, that is up for debate. The majority of it is that Citizen Time is at the beginning of the meeting so that they can make comment on the agenda items that may also be coming up. So if you have a question or concern about a particular item you can bring that to the Council's discretion prior to them actually entertaining that discussion on the Council level. Mr. Moran said that is exactly when most cities are doing it the way you guys are doing it. So that you are not necessarily on the agenda, maybe you just found out about an agenda item today for instance and you didn't have time to get on the agenda, you can talk about it before they act on it. Ms. Mariska said so at Citizens Time we can ask questions about this before it is even explained. Mr. Moran said you shouldn't ask questions, what you can do is you can address the Council and say that you have concerns or thoughts or feelings about this or this is how I would encourage you to think about this issue. There shouldn't be a debate or a discussion or a question/answer. It should be done like that and he knows a lot of times it is not done like that. Ms. Mariska said so you just bring it up at the next meeting if there are questions. Mr. Moran said yes if something comes to your mind while we are progressing through the agenda.

**Mayor Schmidtk said it is 6:00 p.m. and we will open the public hearing on the 2020 budget.**

**N. Public Hearing on 2020 Budget and Levy.** Ms. Mariska asked if it is a 10% increase then that you are looking at. Mayor Schmidtk said he thinks so, yes. Ms. Hill said she doesn't always like talking in terms of percent's

because it is misleading. A 2% increase on a big metropolitan levy would be pennies on our dollar. She usually likes to look at it as in how much additional revenue we are requesting. Ms. Hill said we are requesting an additional \$78,823 from our taxpayers this year. It does equate to a 10% increase from our previous levy which has not increased since 2016 which was the last increase. Ms. Hill asked Ms. Mariska if that answers her question. Ms. Mariska said yes, thank you. No additional comments were made. Mayor Schmidtk closed the public hearing.

**O. Resolution 2019R-055 Adopting 2020 Final Budget.** Motion by McIntyre, seconded by Schmidtk to adopt Resolution 2019R-055 Adopting 2020 Final Budget. Unanimous vote. Motion carried.

**P. Resolution 2019R-056 Adopting 2020 Final Levy.** Motion by Smith, seconded by McIntyre to adopt Resolution 2019R-056 adopting 2020 Final Levy as discussed. Unanimous vote. Motion carried.

### 9. Administrator's Report

**A) Ms. Hill** said the DNR sent her out a memo and she does not know if Council has had a chance to read it, but they are hoping to be able to use the hydrology study that was done in 2017 to try and do some modeling for dam safety for the Schmidtk Dam. She does not know at this point if it is going to be feasible but they are looking at alternatives to try to figure out something to get a plan in place. Mr. Smith said it will help get at least hopefully keeps some of the study costs down he would assume. Ms. Hill said she is not sure what information they will be able to use but she was just made aware that they are working on that and trying to make some progress towards that.

### 10. Council Discussion.

**A) Mr. McIntyre** asked if the EDA is holding a public hearing on the sale of our property here on 3rd Street or does that come through us. Mr. Moran said it goes through the EDA. Ms. Hill said it is a property that is owned by the EDA so the EDA conducted the public hearing last night on the sale of the property and approved the sale of the property. Mr. McIntyre said okay, so when does that come to the Council? Ms. Hill said it will not come to the Council because it is held by the EDA. Mr. Moran said it is in the EDA's name. He would anticipate that the closing will be done within the next three or four weeks. Mr. Wollin asked if we can ask any questions about it. Mr. Moran said sure. Mr. Wollin asked if it was going to be torn down. Mr. Moran said he thinks the idea is that it is going to be refurbished according to the purchase agreement. There are some improvements that are supposed to be made to it. Mr. Wollin asked if there was going to be a business moving in there. Mr. Moran said he does not know if there is going to be a business moving in. He thinks the plan is for some apartments upstairs with potentially a business downstairs or some additional apartments. Mr. Moran said Ms. Hill should give Dave a copy of the purchase agreement so that he has a copy of that and those restrictions are spelled out in the purchase agreement. Mr. Moran said he finalized with the purchaser's attorney today Allison Jones, that they have agreed to the reversion language. There are some deadlines that he has to meet. If he is substantially complete by the end of the two years it is not going to automatically revert to us, he can come back and ask for some more time and then if the EDA doesn't allow it then the reversion will kick in and the property will go back to the EDA. It is pretty much ironed out. We should get Dave a copy of the purchase agreement so he can see it. Mr. McIntyre said he thinks that was a good move by the EDA to do that. Mayor Schmidtk said that he figures probably 18 months, he wanted two years just to be safe. Ms. Hill said his goal was to get a business in the downstairs but he didn't want to get locked into that and have to revert back if he couldn't find a business that wanted to go in there. Mr. Wollin said it looks like a positive for us then. Mr. McIntyre said yes, it puts it back on the tax rolls, he thinks he will do a good job. Mr. Moran said it is much better than what we have had in five years. Mayor Schmidtk said he owns a lot more rental properties and they are reputable and have not had any problems with his clients throughout the years.

**B) Ms. Grobe** said on the Police Civil Service commission paperwork are you making progress on that? Mr. Moran said he is past his ten hours and he is donating his time on it. Ms. Grobe asked how much longer

it will take. Mr. Moran said it will take at least another 20 hours. Mr. Moran said the best guess estimate would be probably February. It is an archaic document, to be quite blunt it is a mess. Ms. Grobe said do you think it is going to make any difference to the thing if you do get it done? Are these people still going to be able to do what they want to do? She has problems, we only have control of money, we cannot say what they spend it on, how they spend it, anything, and we have no control over that. The other departments in the City we do. We do their budget. You have no control over anything, just these other people they are not doing the budget, they don't seem to be enforcing anything. I am just wondering why, it doesn't seem beneficial to the City to her is her point. Mr. Moran said the answer to the why is because it was created according to a statute long, long ago before any of us were here. In order to change that he thinks we talked about that. Ms. Grobe said and if you can't get a unanimous vote here, is that something that can be put on a ballot question. Mr. Moran said yes it is. Ms. Grobe asked how long? Mr. Moran said it takes a number of steps to get it on the ballot. Ms. Grobe said that is what she was curious, what is the time frame for something like that, would we still have time in this election period? Mr. Moran said yes you certainly would and if you want to discuss those parameters we can certainly do that.

**C) Mayor Schmidtk** said he wants to thank Dave, Jennifer, Roy, Tim, Teresa, Maria, Jason, Jason Femrite for the hard work we have done this year. We have a great group of people here. We can have our arguments here during the meetings but we can walk away and still talk to each other and he really respects that for you guys.

**D) Mayor Schmidtk** said a special thank you to Tim Kinniry for his 28 years of service. Mayor Schmidtk said he was the only person on the Fire Department that actually took a leave of absence to have his children grow up through school and everything that shows what type of person Tim is, he is very well liked throughout the whole area. And last but not least Maria Storing he wants to thank her for all her service she has done for the City. She is something that is going to be really hard to replace and he wants to thank her very much. He has known Maria for a lot of years and so he wants to thank her for all that she has done for the City. Council gave Maria a hand.

**E) Ms. Grobe** asked how fast will you be able to get another replacement. Ms. Hill said it will be a while. We will probably talk about some stop gaps or the way things are going to be. People are just going to have to be understanding and patient. There is a lot to both of our jobs and it is going to be a priority. Ms. Grobe said does Maria still get to leave on the 31st? Ms. Hill said she told her that she still gets to leave because she won't let me lock her to her chair. Ms. Hill said we have been exploring some ideas on getting some internship help. We are going to get the job posting posted right away with probably a two week turnaround time. Two to six weeks and then it just depends on what the applicant pool comes in at.

**11. Adjourn.** Motion by McIntyre, seconded by Smith to adjourn. Unanimous vote. Motion carried. Meeting adjourned at 6:10 p.m.

**Alan Schmidtk, Mayor  
Teresa Hill,  
Administrator / Clerk  
Published Without Formal  
Council Approval.**

*The full text of this summary is available for public inspection at City Hall. A full version of the Council meeting minutes is available on the City's website. Audio of the Council meeting is available on the City's website cityofwaterville.com.*

(Published in the Waterville Lake Region Life, Thursday, January 2, 2020; No. W641-1-2)

**PUBLIC NOTICE  
LE SUEUR COUNTY  
PLANNING AND ZONING  
BOARD OF ADJUSTMENT  
88 SOUTH PARK AVE.  
LE CENTER, MN 56057  
(507) 357-8538**

**www.co.le.sueur.mn.us  
TO WHOM IT MAY CONCERN: NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD  
DATE: JANUARY 16, 2020  
TIME: 3:00 PM  
PLACE: Le Sueur County Environmental Services, 515 South Maple Ave, Le Center, MN.**

**PURPOSE:** To hear testimony from interested parties and consider Variance and Appeal

Applications, as provided by the Zoning Ordinance of Le Sueur County, as described below.

Applications are available for review at the Environmental Services Building during normal business hours and on the website on or after **JANUARY 7, 2020.**

**ITEM #1: STEVE & KAREN THEISSEN, WATERVILLE, MN, (APPLICANT / OWNER):** Request that the County grant an After-The-Fact Variance from the Le Sueur County Zoning Ordinance to allow a total of 27.3 % impervious surface coverage, and creating impervious surface within the bluff in a Recreational Residential "RR" District and a Flood Fringe "FF" Floodplain Overlay District on Lake Tetonka, a Recreational Development "RD" lake. Property is located at Lot 2, Block 1, Warner's Tetonka Addition, Section 19, Waterville Township. **VARIANCE IS FOR IMPERVIOUS SURFACE.**

**ITEM #2: RANDALL JOHNSON, CLEVELAND, MN, (APPLICANT / OWNER):** Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow the applicant to replace a dwelling on an existing basement within the bluff and bluff impact zone in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lots 9 & 10, Jefferson Highlands, Section 2, Cleveland Township. **VARIANCE IS FOR BLUFF SETBACK.**

**ITEM #3: LINDA GOOD, CLEVELAND, MN, (APPLICANT / OWNER):** Requests that the County grant a Variance from the Le Sueur County Zoning Ordinance to allow a total of 37.3% impervious surface coverage in a Recreational Residential "RR" District, on Lake Jefferson, a Recreational Development "RD" lake. Property is located at Lots 17 & 18, Cape Horn Subdivision, Section 1, Cleveland Township. **VARIANCE IS FOR IMPERVIOUS SURFACE.**

**APPLICANT OR REPRESENTATIVE MUST BE PRESENT IN ORDER FOR THE APPLICATION TO BE HEARD.**

**ONSITE VISIT WILL BE MADE BY THE BOARD OF ADJUSTMENT**

**JANUARY 16, 2020.**  
JOSHUA MANKOWSKI,  
LE SUEUR COUNTY  
PLANNING & ZONING  
ADMINISTRATOR  
MICHELLE R. METTLER,  
ASSISTANT PLANNING & ZONING ADMINISTRATOR  
(Published in The Elysian Enterprise, Thursday, January 2, 2020; No. E337-1-2)

## PUBLIC NOTICE Public Hearing

Notice is hereby given that the Elysian Planning and Zoning Commission will hold a public hearing on Tuesday, January 21, 2020, at City Hall, 110 West Main Street, Elysian, Minnesota at 6:00 pm for the purpose of considering a change in zoning designation from R1 General Residential Zone to R2 Multi-Family Residential Zone for Hidden Meadows Subdivision Block 1, Lots 2-10 and Hidden Meadows Subdivision Block 2, Lots 1 and 2.

All written or oral comment will be heard. Written comments may be dropped off at City Hall or mailed to Elysian City Hall, P.O. Box 246, Elysian, MN 56028. Oral comments can be presented at the public hearing on Tuesday, January 21, 2020 as indicated above.

Lorri Kopschke  
City Administrator  
(Published in The Elysian Enterprise, Thursday, January 2, 2020; No. E338-1-2)

## PUBLIC NOTICE NOTICE!

The citizens of Waterville Township who are qualified voters are hereby notified that the filing period for candidates is from Tuesday, December 31, 2019 until Tuesday, January 14, 2020, at the home of Traci Murphy, 46684 State Hwy 13, Kilkenny, MN 56052. The Clerk's office will be open from 1:00 p.m. till 5:00 p.m. on January 14th at her home. The filing fee is \$2.00.

The offices to be filed for are: One Supervisor for a 3 year term and one Clerk for a 2 year term.

Traci Murphy, Clerk  
Posted December 30, 2019  
(Published in the Waterville Lake Region Life, Thursday, January 2, 2020; No. W642-1-2)