

PUBLIC NOTICES

PUBLIC NOTICE WATERVILLE CITY COUNCIL REGULAR COUNCIL MEETING

September 4, 2018, 6:00 P.M.

There was a Public Hearing and regular Council meeting of the Waterville City Council held in Council Chambers at 6:00 p.m. on September 4, 2018. Present: McIntyre, Grobe, Smith, Wollin and Mayor Schmidtke; Absent: None; Also Present: Administrator/Clerk Teresa Hill, Jason Moran City Attorney and Jason Femrite of Bolton & Menk; Absent: None

1. Call to Order / Roll Call / Pledge of Allegiance. Mayor Schmidtke called the meeting to order at 6:00 p.m., noting that all Council members were present. Also present was Teresa Hill, Administrator/Clerk, Jason Moran City Attorney and Jason Femrite of Bolton & Menk. Pledge of Allegiance was recited.

2. Approval of Minutes - August 9, 2018 regular meeting and August 21, 2018 special meeting. Motion by McIntyre, seconded by Smith to approve the minutes of August 9, 2018 Regular meeting and August 21, 2018 Special Meeting. Unanimous vote. Motion carried.

3. Approval of Agenda/Additional Items to Agenda. Motion by Smith, seconded by McIntyre to approve the agenda with the addition of 8 E (3) setting the date for the Truth in Taxation public hearing. Unanimous vote. Motion carried.

4. Public Hearing.

A. Ordinance Revision 111.023-2018 (A) 2018 Fees. Sue Cutts asked what the fees were. Ms. Hill said the ordinance is adding a fee for the seasonal café liquor license at \$75.00. No Other comments

B. Ordinance Revision 111.028-2018 Restrictions on Purchase and Consumption. No comments.

C. Ordinance 116 Outdoor Café License. Mr. Moran described what the ordinance provides. No comments.

5. Written Petitions, Request etc.

A. Scare Crow Contest - Potential Unlimited. Motion by McIntyre, seconded by Smith to approve the scare crow contest for Potential Unlimited based on the same restrictions and program that they had for 2017. Unanimous vote. Motion carried.

6. Unfinished Business - None

7. Citizen Time (Comments, Information from those present).

A. Sue Cutts had concerns regarding trees that are leaning and could possibly fall into the lakes, waterways, and rivers. Discussion held regarding the DNR and who is responsible for diseased or dead trees.

8. New Business

A. Second Reading and Adoption of Ordinances:

1. Ordinance Revision 111.023 (A) - 2018 Fees;

2. Ordinance Revision 111.028-2018 Restrictions on Purchase and Consumption; and

3. Ordinance 116 Outdoor Café License.

Motion by Wollin seconded by Smith to approve the second reading and approve Ordinance Revision 111.023 (A) - 2018 Fees; Ordinance Revision 111.028 - 2018 Restrictions on Purchase and Consumption; and Ordinance 116 Outdoor Café License. Unanimous vote. Motion carried. Motion by McIntyre, seconded by Smith to have Mr. Moran do a summary publication of all three ordinances. Unanimous vote. Motion carried.

B. Resolution 2018R-032 Library Card Sign up Proclamation. Motion by Wollin, seconded by Smith to adopt Resolution 2018-032 Library Card Sign up Proclamation. Unanimous vote. Motion carried.

C. Hwy 13 Sewer Extension from Reed Street to 1280 Highway 13 North. Discussion regarding sewer and water extension on Highway 13. Motion by McIntyre, seconded by Smith to have Mr. Femrite do a feasibility study for Highway 13 project in putting sewer and water across Highway 13. Unanimous vote. Motion carried.

D. Pay Estimate #2 M & W Blacktopping. Motion by McIntyre, seconded by Wollin to approve pay estimate #2 in the amount of \$75,031.82 to M & W Blacktopping. Unanimous vote. Motion carried.

E. 2019 Proposed Budget and Levy. Discussion regarding the 2019 proposed budget and levy.

1. Resolution 2018R-033 Adopting 2019 Proposed Budget. Motion by Grobe, seconded by Wollin to adopt Resolution 2018R-033 adopting the 2019 proposed budget. Unanimous vote. Motion carried.

2. Resolution 2018R-034 Adopting 2019 Proposed Levy.

Motion by Grobe, seconded by Wollin to adopt Resolution 2018R-034 adopting the 2019 proposed levy in the amount of \$788,241. Unanimous vote. Motion carried.

3. Setting date for Truth in Taxation. Motion by McIntyre, seconded by Smith to set December 4th, 2018 at 6:00 p.m. for the Truth in Taxation public hearing date.

F. Active Living Plan Grant. Discussion regarding the active living plan grant and what type of grants would be available. Ms. Hill said this plan would help us in funding our trail systems and enhance our area. Motion by Smith, seconded by McIntyre to allow Ms. Hill to follow through with getting the active living plan grant going. Unanimous vote. Motion carried.

9. Engineer's Report. Mr. Femrite said that the Contractor did get all the pavement done. They are looking at turf establishment. They got it all done within the completion date. The substantial completion date was the first of September and they had it all substantially done. We will put together a punch list and get that closed out in the coming weeks. Mr. Femrite said the water was running into the catch basins and he thinks it is going to be a great improvement for that area. Mr. McIntyre said he went out and looked at it and they did a pretty job in pulling that together. Mr. Femrite said he agrees, it is a tight area down there and getting that trenchless pipe underneath there, they did that in one day and he did not get a call at his office. Everything seemed to go well. He has not looked at the outlet of it but we will make sure that is tidied up if there are any issues with it. Mr. McIntyre said there is one little spot down at the end where you go to Labs property on the right hand side where they finished the curb and gutter there seems to be a little something they didn't finish off to make that go right, if you could take a look at that. Mr. McIntyre said they did a nice job, those residents have to be happy with what was completed. Mr. Femrite said he hopes so. Mayor Schmidtke said they have a wider road and it looks good.

10. Attorney's Report. No Attorney report.

11. Administrator's Report. No Administrator's report.

12. Council Discussion.

A. Dave Wollin said he does not know if Council is aware but we have had some issues behind the library with some citizens in the middle of the night doing some damage. Knocking down a couple of branches, starting a fire, they brought one of the benches back there and apparently they have been using electricity to charge their phones. We are talking in the wee hours. He had a citizen call him and they had pictures and gave a police report. Mr. Wollin said it appears a lot of people are using the Wi-Fi from the library. Is there any way that we can cut that off after business hours. He thinks that might take care of that. Mr. Moran said you should be able to turn the modems off. Ms. Hill said she can check with the library but that is probably something that they could do but she thinks of the fact that maybe some of those high school kids, or kids may not have internet and maybe that is why they are utilizing it here because obviously they don't have it at home. It is a service that we offer to them at any time. Ms. Hill said she does not know if just cutting it off is going to be in her opinion a solution, but maybe monitoring it. Mr. McIntyre said can't we do a little more patrols down there at night. Ms. Hill said maybe we can just monitor it more and try to deter it. Mr. Wollin said how about at 10:00 p.m., we don't need people back there in the wee hours from what he understands it has been 1:00, 2:00 o'clock in the morning. Ms. Grobe said if they patrol it they might chase them out of there. Ms. Hill said as far as cutting off the internet it would have to be whatever hours the library is not in operation because we don't have access or control to do that. That is their system and their equipment. If it was here then we could probably figure out some way to lock it down where they can't have access. Ms. Hill said she does not think it is going to be really easy to just say at 10:00 o'clock you need to disconnect services because the librarian would have to come in and do that or they would have to have it only during operational hours. Mr. McIntyre said do we have outside outlets that we can cover up that they can't get to. Mr. Wollin said can we put a lockbox on the outlet back there? When he went back there to look the outlet was open and you can tell people were using it, and he also heard from one of the policemen that he has been back there and peo-

ple are plugging their phones in. Ms. Hill said we can look at securing those. Mr. Wollin said if you don't have internet, using it is not an issue, he just thinks it is a hazard and is not something we want in the wee hours in the morning back there. Mr. McIntyre said we have a few that wander around so the best thing to do is to try and cap it off or whatever, but it wouldn't hurt to increase patrol through there too.

B. Tim Smith said we have a tree that dropped on the shoreline down in the Lagoons Park along Virginia Street. It dropped half on the ground and half in the water. It is a willow tree that apparently broke off so he thinks we need to get down there and get that taken care of.

13. Approval of Disbursements. Motion by Smith, seconded by McIntyre to approve the disbursements in the amount of \$400,633.98. Unanimous vote. Motion carried.

14. Impress Cash Fund. Motion by McIntyre seconded by Smith to approve impress cash fund for \$46.95. Unanimous vote. Motion carried.

15. Closed Session for Attorney Client Privilege - Pending Litigation. Motion by McIntyre, seconded by Wollin to go into closed session for attorney client privilege - pending litigation. Unanimous vote. Motion carried.

16. Re-open Meeting Adjourn. Motion by Smith, seconded by McIntyre to close the closed attorney client privilege meeting and reopen the regular meeting. Unanimous vote. Motion carried. Meeting reopened at 7:57 p.m.

17. Adjourn. Motion by McIntyre, seconded by Smith to adjourn. Unanimous vote. Motion carried. Meeting adjourned 7:58 p.m.

*Alan Schmidtke, 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, September 13, 2018; No. W436-9-13)

PUBLIC NOTICE Public Hearing

Notice is hereby given that the Elysian Planning and Zoning Commission will hold a public hearing on Tuesday, October 2, 2018, at City Hall, 110 West Main Street, Elysian, Minnesota at 6:00 pm for the purpose of considering the request of Bill and Sally Davis, the property owners of a property located at 130 Willow Point Drive, Elysian, Le Sueur County, Minnesota, for a variance request to remove the existing structure and build a structure 34 feet from the OHW (within the required 75 foot setback from the OHW).

All written and 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, October 2, 2018 as indicated above.

Lorri Kopischke
City Administrator
(Published in The Elysian Enterprise, Thursday, September 13, 2018; No. E242-9-13)

PUBLIC NOTICE RESOLUTION NO. 2018R-032 PROCLAMATION LIBRARY CARD SIGN-UP MONTH

WHEREAS, A library card is the most important school supply of all; and

WHEREAS, Libraries play an important role in the education and development of children; and

WHEREAS, Library programs serve students of all ages, from early literacy to homework help to GED classes;

WHEREAS, Libraries empower all people to pursue their interest, discover their passions and achieve their highest potential as learners and citizens; and

WHEREAS, Libraries bring communities together, creating welcoming and inclusive spaces for students of all backgrounds to learn together; and

WHEREAS, Libraries are constantly transforming and expanding their services to meet the needs of the communities they serve; and

WHEREAS, Libraries promote equality, making digital technology and information equally accessible to all;

NOW THEREFORE BE IT RESOLVED THAT THE WATERVILLE CITY COUNCIL hereby proclaims September Library Card Sign-Up Month in Waterville and encourages everyone to sign up for their own library card today.

Adopted by the Waterville City Council this 4th day of September, 2018

Alan Schmidtke, Acting Mayor
Teresa Hill, Administrator-Clerk
(Published in the Waterville Lake Region Life, Thursday, September 13, 2018; No. W434-9-13)

PUBLIC NOTICE Summary Publication

The Waterville City Council met on September 4, 2018 at its regularly scheduled meeting and held a public hearing concerning an Amendment to Ordinance 111.023(A)-2018, an ordinance that sets fees for liquor licenses. The City Council discussed the same and unanimously passed the Amended Ordinance setting an annual fee for Seasonal Café Liquor Licenses at \$75.

The Council also discussed and unanimously passed Amended Ordinance 111.028-2018 which provides that liquor may be consumed on city owned property with a license issued by the city to do so pursuant to Chapter 116.

The Council also discussed and unanimously passed Ordinance Chapter 116 which allows the licensing and regulation of Outdoor Cafes. Outdoor Cafes will be allowed to operate in the City of Waterville if the business establishment has property that directly abuts city owned property, city owned right of way, or a city sidewalk. The establishment must be in good standing with the State and the City in regard to liquor liability insurance, governmental impositions, special assessments, taxes, and other fees and must hold the applicable liquor licenses. Outdoor Cafes will be specifically licensed as such. An application for an outdoor café license can be picked up at the offices of the City Administrator. The applicant must submit a detailed plan and must provide a drawing of the outdoor café. Alcoholic beverages are only allowed in the permitted area and permitted establishments must cease alcohol service at 9 PM with alcohol being removed from the permitted area by 10 PM. No tables, chairs or other parts of the business shall be attached or chained in any manner to any tree, sign, post, or other fixture. No tables or chairs shall be placed in any manner to cause injury to any person or damage to any public or private property. No tables or chairs shall be placed in such a way to cause or threaten to cause injury to persons or damage property. The applicant must at all times be fully compliant with the City's Municipal Code. Public nuisances are not allowed. Disorderly conduct is not allowed. The use of glass in the permitted area is prohibited. All tables, chairs, umbrellas, and other objects in the permitted area shall be maintained in a clean and attractive appearance and shall be kept in safe and good repair at all times. The applicant shall remain fully compliant with all Planning and Zoning Ordinances. The license is effective for 6 consecutive months from April 1 to September 30 of each year. The City Council may deny, suspend, or revoke the license at any time for violation of this ordinance, any violation of the City's Municipal Code, the City's Planning and Zoning Code, or failure to keep in good standing with the State or City on governmental impositions.

A violation of any of the ordinances referenced herein is a misdemeanor offense punishable by up to 90 days in the county jail and or a fine of up to \$1,000 or both.

This Summary is a Summary of Amended Ordinance 111.23(A)-2018, Amended ordinance 111.028-2018, and Ordinance Chapter 116. To obtain a full copy of the Ordinances, please contact Teresa Hill, City Administrator at (507) 362-8300. A copy can also be picked up at City Hall located at 200 Third Street South, Waterville, MN 56096.

(Published in the Waterville Lake Region Life, Thursday, September 13, 2018; No. W435-9-13)