

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, February 23, 2010**

1. CALL TO ORDER AND ROLL CALL

Pursuant to due call and notice thereof, the regular meeting of the Watertown City Council was called to order, on **Tuesday, February 23, 2010** by Mayor K. J. McDonald at 6:30 PM in the Watertown City Hall Council Chambers.

Upon roll call the following Council Members were present: McDonald, Steve Duske, Earline King and Dan Geiger. Council Member Rick Mann was absent.

The following staff members were present: City Engineer David Martini of Bolton & Menk, Inc., Senior Planner Crystal Foust, City Attorney Dave Hubert and Acting Administrator/City Clerk-Treasurer and Finance Director Steven Wallner.

Also present were: Michael Melchert, Gail Schuette, Michael Walters and Jason Telander.

2. ADOPT AGENDA

Wallner asked to have the closed session involving final cash offers for property owners associated with the County Road 20 project moved up in the meeting after the consent agenda.

DUSKE MOVED, GEIGER SECONDED A MOTION TO ADOPT THE AGENDA AS AMENDED. MOTION CARRIED 4-0.

3. REVIEW OF CONSENT AGENDA

- A. Council Minutes for February 9, 2010 meeting
- B. Park Commission minutes for October 8, 2009 meeting
- C. Planning Commission minutes for January 14, 2010 meeting
- D. Recommendation to appoint Adam Pawelk and Michael Walters to the Park Commission
- E. Pay request from City Attorney Melchert, Hubert, Sjodin, PLLP
- F. Pay request from City Building Official MNSPECT, Inc.
- G. Pay request from City Community Development Consultant MK Land Corp.
- H. Approval of temporary 3.2 malt liquor on-sale licenses for Watertown Lions Club

GEIGER MOVED, KING SECONDED A MOTION TO ADOPT THE CONSENT AGENDA. MOTION CARRIED 4-0.

THE COUNCIL WENT INTO CLOSED SESSION AT 6:35 P.M. FOR THE PURPOSE OF CONSIDERING FINAL CASH OFFERS TO PURCHASE PROPERTIES OR EASEMENTS FOR THE COUNTY STATE AID HIGHWAY NO. 20 IMPROVEMENT PROJECT. THE MEETING WAS CLOSED PURSUANT TO MINNESOTA STATUTES SECTION 13D.05, SUBD. (3)(c)(3).

The properties subject to the closed meeting were as follows: (1) John and Judith Vanderlinde property at 401 Territorial Street East, Watertown (PID 85-050-4270); (2) Edward and Lisa Chadwick property at 12390 County Road 20, Watertown (PID 10-004-

0600); (3) Independent School District No. 111 property at 500 Paul Avenue, Watertown (PID 85-010-0310); (4) Watertown Business Center, LLC, property at 915 Burr Oak Lane, Watertown (PID 85-225-0930) and at 600 Paul Avenue, Watertown (PID 85-228-0010); (5) Janet Gerken and Carolyn Bowman property at Paul Avenue and County Road 20 (PID 10-009-1300); (6) John and Analyne Hermann property at 12225 County Road 20, Watertown (PID 10-009-1800).

MCDONALD LEFT THE MEETING AFTER THE CLOSED SESSION WAS FINISHED.

ACTING MAYOR DUSKE REOPENED THE REGULAR COUNCIL MEETING AT 7:29 P.M.

8. CONSULTANTS' REPORTS

- A. Approval of final offers on permanent right-of-way and authorization to proceed with condemnation

DUSKE MOVED, GEIGER SECONDED A MOTION TO ADOPT RESOLUTION 2010-02-23-1 APPROVING ACQUISITION OF EASEMENTS AND FEE TITLE TO CERTAIN PROPERTIES FOR TRANSPORTATION PURPOSES, FINDING NECESSITY AND AUTHORIZING USE OF EMINENT DOMAIN PROCEEDINGS. MOTION CARRIED 3-0.

DUSKE MOVED, GEIGER SECONDED AN AMENDMENT TO THE ORIGINAL MOTION CHANGING ONE PARAGRAPH IN THE RESOLUTION FROM WHEREAS THE CONSTRUCTION OF THE CSAH 20 IMPROVEMENT PROJECT MUST BE COMMENCED IN 2010 TO HAS BEEN BUDGETED BY THE COUNTY FOR 2010. MOTION CARRIED 3-0.

4. OPEN FORUM

5. CELEBRATE WATERTOWN

6. NEW/OLD BUSINESS

- A. Amended Park Use Policy

Foust presented changes to the Park Use Policy for 2010. Duske had questions about the new fees that are being proposed as well as who would be responsible for cleanup.

KING MOVED, GEIGER SECONDED A MOTION TO TABLE THE TOPIC UNTIL THE NEXT MEETING. MOTION CARRIED 3-0.

- B. Site plan amendment for Kugler Eco-Site

Foust presented information on the site plan of the Kugler Eco-Site, which will be in the Industrial Park. The project is a collaborative effort between the Adult Training and Habilitation Center, Carver County Environmental Services, the Recycling Association of Minnesota, Carver County Social Services and the City of Watertown. The city's recycling operations next to Public Works will be relocated to the new Kugler Eco-Site. Duske stated he believed it was up to the builder to put in a sidewalk along with construction of the building. Geiger disagreed stating that the city has

easements for sidewalks and the properties can be assessed for construction of the sidewalks at a later date. He stated that if each property put in a sidewalk, they would be put in at different times and there would be no continuity to them. After hearing Geiger's explanation, Duske agreed.

Foust stated that the Planning Commission and staff recommended approval of the site plan with 11 conditions being accommodated in the final submittal of the site plan. Those conditions are as follows: (1) Proposed grading and drainage plan be approved by the city engineer prior to issuing a building permit and all items noted in the Engineering Review No. 1 dated January 29, 2010 (Site Location 2); (2) Items 1-8 in the letter dated January 29, 2010 from the city engineer be addressed; (3) The lots proposed in the site plan will need to be platted and can be approved administratively as a minor subdivision which shall be completed, approved and recorded at the county prior to issuing a building permit; (4) All parking spaces will need to be striped in accordance with the approved site plan; (5) More information will need to be provided as part of the sign permit for signage on the site; (6) Any modification to the site plan after final approval that does not constitute a minor modification as outlined in the city code, including the addition of outdoor storage, needs to go through the site plan process as outlined in the city code; (7) The site shall be monitored annually for adequate dust control and the effects on adjacent property; (8) An NPDES permit is required from the MPCA; the city will require a copy of the permit prior to beginning construction activities. A Carver County Water Rules permit may also be needed; (9) Preliminary fire code and building code comments written on the plan shall be incorporated. Final review of the plans to comply with state fire and building codes shall occur with building permit submittal; (10) Staff comments outlined in the letter dated January 29, 2010; (11) A minimum of 10% of the site shall be landscaped. Landscaping berm along CSAH 122 shall be planted. Additional landscaping shall be provided as indicated in the staff comment letter dated January 29, 2010.

GEIGER MOVED, KING SECONDED A MOTION TO APPROVE THE SITE PLAN AMENDMENT FOR THE KUGLER ECO-SITE WITH 11 CONDITIONS SET OUT BY THE PLANNING COMMISSION BEING ACCOMMODATED ON THE FINAL SUBMITTAL OF THE SITE PLAN. MOTION CARRIED 3-0.

C. Electric Franchise Fee Ordinance 348

Wallner stated that during the budget process the Council agreed to increase the Xcel Energy electric franchise fee \$1 per month. Xcel reviewed the proposed ordinance and approved it. Wallner stated that Xcel did say the \$1 increase was on the high side. The fee will also extend to city owned property except for those covered by enterprise funds. Geiger stated that Wallner had compared fees imposed by other cities and found Watertown's proposal to be reasonable. King agreed with Geiger on the proposed increase. Franchise fees are to be collected by Xcel and submitted to the city on a quarterly basis.

GEIGER MOVED, KING SECONDED A MOTION TO ADOPT ORDINANCE 348 IMPLEMENTING AN ELECTRIC SERVICE FRANCHISE FEE. MOTION CARRIED 3-0.

7. **COMMITTEE REPORT**

8. **CONSULTANTS' REPORTS**

9. **MAYOR'S REPORT**

10. **COUNCIL MEMBERS' REPORT**

- A. King stated that she had attended the joint workshop on Universal Design held Feb. 16.
- B. Geiger stated that there was good discussion and comments at the special council meeting February 18 on the County Road 20 project.

11. **STAFF REPORTS**

- A. City Administrator
 - 1. Wallner stated that the Personnel Committee would be talking to two firms interested in helping the city develop a search for a new city administrator.
- D. Finance Director
 - 1. Voucher list/claims roster

GEIGER MOVED, KING SECONDED A MOTION TO APPROVE THE VOUCHER LIST/CLAIMS ROSTER. MOTION CARRIED 3-0.

12. **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:20 PM.

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor