

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, March 27, 2007**

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, March 27, 2007** 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, Dan Geiger, Steven Duske, Rick Mann and Earline King.

The following staff members were present: City Administrator David Mandt, City Attorney Dave Hubert, City Planner Crystal Foust, City Finance Director Steven Wallner, City Engineer David Martini, City Public Works Supt. Doug Kammerer.

Others present were: Wayne Jacobson of Jacobson Environmental, Fred Cufford, LaVerna Hedlund, Joanne Radde, Jerome Johnson, Jamie and Claudia Taylor, Rick Guetzkow, Pat Cline of Xcel Energy, Michelle Swanson of Xcel Energy, Alex Krengel, Mary Meuwissen, Neil Johnson, Judy Hoese, Tom Griffith, Neil Johnson.

2. ADOPT AGENDA

Staff asked that Item 9I be moved ahead of the other items under Committee Report.

GEIGER MOVED, KING SECONDED A MOTION TO ADOPT THE AGENDA AS AMENDED. MOTION CARRIED 5-0.

3. REVIEW OF CONSENT AGENDA

- A. Council minutes for March 13, 2007
- B. Pay request from City Engineer
- C. Recommendation to approve annual tub grinding for compost site
- D. Claims Roster

Duske asked that items 3B and 3D be pulled for discussion. Duske questioned the \$900 invoice from Waldron and Associates for February fire inspections. After discussion, he agreed that it should be paid but suggested that any future claims that included township property be discussed at the Fire Advisory Board meeting.

4. CONSENT AGENDA APPROVAL

DUSKE MOVED, GEIGER SECONDED A MOTION TO ADOPT THE CONSENT AGENDA. MOTION CARRIED 4-1 (MANN VOTED NAY).

5. OPEN FORUM

6. **CELEBRATE WATERTOWN**

7. **NEW/OLD BUSINESS**

A. Jacobson Environmental review of river clean-up project. Wayne Jacobson gave an explanation of the tree snag clearing project his company was involved with on the Crow River between Feb. 12 and Feb. 20 from Mayer to Watertown and in Watertown on Jan. 26. In a March 12 memo to the City Administrator, Jacobson stated that Tree Top Service of Delano assisted with the project in Watertown Jan. 26. Jacobson stated that Tree Top donated the use of much of their equipment and Jacobson donated his time to keep costs down. He stated his budget was \$6,945 with Jacobson Environmental donating an additional six hours on Jan. 26 and paying Carver County GIS \$275 for 12 detailed aerial maps of the South Fork of the Crow River between Mayer and Watertown. Jacobson stated that he had properly contacted the DNR before doing the project. He stated that over a year ago he contacted the Area Fisheries Manager who suggested that Wayne use the stream obstruction removal guidelines. Jacobson stated that he believed he followed those guidelines on the Crow River. He stated that at all times his crew was on the river ice clearing tree snags, within the bank-to-bank portion of a public watercourse which is not people's private property but under the jurisdiction of the Minnesota DNR. He stated that his only purpose was to make the stream safe for recreational canoeing. Jacobson stated that of the landowners he met while doing the project, three of the four invited him on their land.

McDonald stated that the City of Watertown did not give Jacobson permission to go beyond the city limits with this project.

Duske stated that this meeting should have been the starting block for the entire project. He stated that he was under the impression that this project was approved by Carver County.

Mann stated that he drove his snowmobile on the river and expected to see major devastation according to what he heard at the last Council when this issue was discussed. He stated that it didn't look any different to him. He told Jacobson that he didn't think he destroyed the environment of the Crow River. Mann said in his opinion there are plenty of places for habitat. He stated that maybe it wasn't right for Jacobson to misrepresent the city and maybe he could apologize to the people and let it go.

Guetzkow voiced his objection by pointing to the DNR river map Jacobson had brought which showed the words "Respect Private Property, Ask First." He questioned the necessity of the project when the river takes care of many of the branches on its own. He stated that the next step would be to address this issue with the township.

Griffith stated at the meeting that Watertown was misled as to what was done. He stated that Jacobson did the demonstration and then asked the Council to pay and also funnel money to him for other work in the township. He stated that the Council should have told Jacobson thank you for the demonstration and that they were not interested in his services.

Johnson stated that he believes the township residents are being treated disrespectful and that Jacobson misrepresented himself to the people as being associated with the DNR and city.

McDonald suggested that another meeting involving the residents, Jacobson, the township and county would better serve the parties involved. He suggested that city could serve as a facilitator for such a meeting.

- B. Informational hearing regarding recommendation to approve Xcel Energy franchise agreement ordinance. Mandt explained the background behind the agreement. He stated that the city began looking at renewing a franchise agreement with Xcel in 2004. After several months, the Council decided not to move ahead. In 2005, as part of the budget process, the Council directed staff and Councilmember Dan Geiger to work with Xcel on renewal of a franchise agreement ordinance and fee ordinance. The previous agreement had expired many years ago. The purpose of the agreement is to provide an understanding between the city and Xcel regarding power distribution.

Geiger moved and Duske seconded a motion to adopt the franchise agreement ordinance. McDonald moved and Geiger seconded an amendment to the original motion to delete “non-exclusive franchises” in the introduction of the ordinance and replace this with “a franchise”. Upon roll call, all five council members voted in favor of the amendment. Hubert suggested deleting “The parties have agreed that” from the beginning of the second sentence in Section 313.601 of the Fee Schedule and start the second sentence with “The franchise fee . . . “ and end with “shall not exceed five percent of the gross revenues.” Pat Cline of Xcel Energy suggested that the introduction be changed to read “An Ordinance Adopting Section 313 of the Watertown City Code authorizing a franchise to Northern States Power Co. dba Xcel Energy . . . “ Cline suggested this change because Xcel is not referenced in the franchise agreement ordinance. Geiger moved and Duske seconded a motion for an amendment to the original motion to approve the changes suggested by Hubert and Cline. McDonald and Geiger withdrew their first amendment. All five council members voted in favor of the amendment made by Geiger and Duske. Geiger asked if the ordinance should be contingent on review by the city attorney. After discussion, Geiger amended his first motion to adopt the ordinance contingent on approval of the city attorney. Cline asked that Xcel be added to the motion for review and approval. McDonald stated that if the ordinance is contingent on review and approval of the attorneys of both parties, it would be better to postpone any decision until the next Council meeting. Geiger and Duske agreed to withdraw their original motion to approve the ordinance.

- C. Recommendation to approve electric franchise agreement fee ordinance. Geiger moved to adopt the franchise agreement fee ordinance. Council agreed to postpone this item as they did Item 7b. Geiger withdrew his motion.
- D. Request for Council action to waive winter parking tickets.

MCDONALD MOVED, KING SECONDED A MOTION TO WAIVE THE WINTER PARKING TICKET FOR RESIDENT AT 305 FRANKLIN AVENUE SOUTHWEST. MOTION CARRIED 5-0.

GEIGER MOVED, MANN SECONDED A MOTION TO WAIVE THE WINTER PARKING TICKET FOR RESIDENT AT 300 FRANKLIN AVENUE SOUTHWEST. MOTION CARRIED 5-0.

- E. Public hearing regarding Paul Avenue Park DNR grant application.

McDonald recessed the Council meeting and opened the public hearing.

Mandt explained the application process, park concept, costs and revenue. No one spoke to the issue.

McDonald closed the public hearing and reconvened the Council meeting.

KING MOVED, DUSKE SECONDED A MOTION TO ADOPT RESOLUTION 2007-03-27-01 TO APPLY FOR THE PAUL AVENUE PARK DNR GRANT. MOTION CARRIED 5-0.

8. CITY STAFF REPORTS

9. COMMITTEE REPORT

- I. Finance Committee recommendations. The Finance Committee met March 12, 2007 and made the following six recommendations: (1) Rename the Five Mill Fund to General Reserve Fund. This fund will be maintained to provide potential short term financial flexibility in case of emergencies. (2) The \$260,000 loan from the Five Mill Fund for the Madison Street Parking Lot improvements will be forgiven. (3) The money budgeted for repayment of the Madison Street Parking Lot loan will continue to be budgeted each year and will be transferred into the Downtown Improvement Fund. (4) The final three years of TIF collections from TIF District 4, beginning in 2009, will be distributed to the General Reserve Fund in partial repayment of the Madison Street Parking Lot loan. (5) The interest from the General Reserve Fund will be retained to assist in the early retirement of the debt on the fire station bonds. (6) The Liquor Operations Fund will be renamed the Downtown Improvement Fund and the balance in the Liquor Operations Fund will be retained in the renamed fund. This fund will be maintained to assist in future downtown improvements.

MCDONALD MOVED, DUSKE SECONDED A MOTION TO SUPPORT THE SIX RECOMMENDATIONS OF THE FINANCE COMMITTEE. MOTION CARRIED 5-0.

McDonald called for a five-minute recess.

- A. Public Works Committee recommendation to approve low quote for utility trailer. Kammerer presented the Council with four quotes from vendors for an 18 ft. long by 83 inches wide utility trailer that will be pulled by a city truck. Quotes received were \$3449 from Lano, \$2425 from Ace Trailer Sales, \$2595 from Brinkman's Trailer Sales and \$2450 from H & H Trailers. Kammerer said he also was getting a quote from Glasser Repair. Kammerer stated that he was most impressed with the trailer from Brinkman's because of its strength. He said it was the only one left at last year's price. If the trailer is taken, another one would cost \$2808 plus tax and license of \$228. Even with the increase, Kammerer stated that the trailer is better than the others. Duske stated he thought the trailer being purchased would be pulled by the city-owned Kubota, not a truck. Kammerer stated that he had

talked to other cities who are using these trailers and that this would be more efficient in the long run. The Kubota would be used by the person spraying, pulling weeds, painting curbs, light hauling.

DUSKE MOVED, MANN SECONDED A MOTION TO PURCHASE A TRAILER FROM BRINKMAN'S TRAILER SALES OF DELANO AT A PRICE NOT TO EXCEED \$3,036. MOTION CARRIED 5-0.

- B. Public Works Committee recommendation to seal coat a test wall on the outside of the Water Treatment Plant. The Public Works Committee discussed this item at its March 7, 2007 meeting. Kammerer received a quote of \$8,426 from Tom Mittelstaedt Painting to treat and seal coat the building. The Public Works Committee recommended doing a test wall on the west side which Mittelstaedt said would cost \$2,325. McDonald asked why the city would do just one wall and what will it save the city if it doesn't work. Kammerer stated that there is no savings but doing one wall will determine if it works or not. Martini recommended sealing the entire building. Duske stated that the building should have had a warranty. He also brought up the Braun Intertec report on pin holes in the masonry. Martini said corrections were made and the building was ready for sealing. Mann asked about a second quote. Mandt stated that it was hard to find anyone else to submit a quote. He said the Council could ask for a not to exceed amount and if a second quote came in lower, the Council could accept the lower quote.

DUSKE MOVED, KING SECONDED A MOTION TO TREAT AND SEAL ALL OF THE OUTSIDE WALLS OF THE WATER TREATMENT PLANT AT A COST NOT TO EXCEED THE UNDERSTOOD AMOUNT. MOTION CARRIED 5-0.

- C. Planning Commission and EDA recommendation to approve site plan for 212 Lewis Ave. S. Foust presented the Council with information about Arvin Senne's plan to improve his building. The EDA reviewed the improvements and approved the funding as follows: \$8,250 grant, \$8,250 one percent loan and \$8,250 out-of-pocket match. The proposal is consistent with the intent of the downtown design standards and zoning ordinance.

MCDONALD MOVED, GEIGER SECONDED A MOTION TO APPROVE THE SITE PLAN FOR 212 LEWIS AVE. S. AS PRESENTED. MOTION CARRIED 5-0.

- D. Planning Commission and EDA recommendation to approve the site plan for 105-109 Lewis Ave. S. Foust presented the Council with information about Mike Neisen's plan to improve his building. The EDA reviewed the improvements and approved the funding as follows: \$8,250 grant, \$8,250 one percent loan and \$8,250 out-of-pocket match. Rental up to \$16,000 per unit if he matches 20% per unit (four units). The Planning Commission encouraged replacing the awning, utilizing the \$5,000 no interest loan. The proposal is consistent with the intent of the downtown design standards and zoning ordinance.

DUSKE MOVED, MANN SECONDED A MOTION TO APPROVE THE SITE PLAN FOR 105-109 LEWIS AVE. S. AS PRESENTED. MOTION CARRIED 5-0.

- E. Planning Commission and EDA recommendation to approve the site plan for 205 Lewis Ave. S. Foust presented the Council with information about Lowell Hertzog's plan to improve his building. The EDA reviewed the improvements and approved the funding as follows: \$8,250 grant, \$8,250 one percent loan and \$8,250 out-of-pocket match. Owner occupied up to \$11,300. Anything above and beyond is out of his pocket. The Planning Commission encouraged replacing the awning and utilizing a \$5,000 no interest loan. The proposal is consistent with the intent of the downtown design standards and zoning ordinance.

KING MOVED, DUSKE SECONDED A MOTION TO APPROVE THE SITE PLAN FOR 205 LEWIS AVE. S. AS PRESENTED. MOTION CARRIED 5-0.

- F. Planning Commission and EDA recommendation to approve site plan for 142 Lewis Ave. S. Foust presented the Council with information about Dave Gilbert's plan to improve his building. The EDA approved the funding as follows: \$8,250 grant, \$8,250 one percent loan and \$8,250 out-of-pocket match. The proposal is consistent with the intent of the downtown design standards and zoning ordinance.

GEIGER MOVED, MANN SECONDED A MOTION TO APPROVE THE SITE PLAN FOR 142 LEWIS AVE. S. AS PRESENTED. MOTION CARRIED 5-0.

- G. Planning Commission and EDA recommendation to approve site plan for 138 Lewis Ave. S. Foust presented the Council with information about Nels Tuvey's plan to improve his building. The EDA approved the funding as follows: \$8,250 grant, \$8,250 one percent loan and \$8,250 out-of-pocket match. The proposal is consistent with the intent of the downtown design standards and zoning ordinance.

KING MOVED, DUSKE SECONDED A MOTION TO APPROVE THE SITE PLAN FOR 138 LEWIS AVE. S. AS PRESENTED. MOTION CARRIED 5-0.

- H. Planning Commission and EDA recommendation to approve the site plan for 201-203 Lewis Ave. S. Foust presented the Council with information about Tom Reinardy's plan to improve his building. The EDA approved the funding as follows: \$8,250 grant, \$8,250 one percent loan and \$8,250 out-of-pocket match. The Planning Commission encouraged replacing the awning and utilizing the \$5,000 no interest loan. The proposal is consistent with the intent of the downtown design standards and zoning ordinance.

MCDONALD MOVED, KING SECONDED A MOTION TO APPROVE THE SITE PLAN FOR 201-203 LEWIS AVE. S. AS PRESENTED. MOTION CARRIED 5-0.

- J. Personnel Committee recommendation for seasonal employment. The Personnel Committee met March 12, 2007 and discussed the position of relief maintenance worker. Kammerer recommended hiring three additional summer employees instead of hiring a full-time person with benefits. Duske questioned why more help would be needed this summer. Kammerer stated that he would get some additional things done without having to borrow a Utility Operator weekly to help out. Kammerer also mentioned that Grant Barthel is interested in coming back for his third summer. That would bring the number of summer helpers to four.

GEIGER MOVED, MANN SECONDED A MOTION TO SUPPORT THE PERSONNEL COMMITTEE'S RECOMMENDATION TO REHIRE GRANT BARTHEL AT \$9.50 PER HOUR AND HIRE THREE ADDITIONAL SUMMER HELPERS AT \$8.50 PER HOUR. MOTION CARRIED 5-0.

10. ATTORNEY'S REPORT

11. ENGINEER'S REPORT

A. Project Updates by City Engineer Martini on Sanitary Sewer river crossing and lift station, Henschen Area street and utilities, Waste Water Treatment Plant expansion report, Hwy. 25 funding application, 2007 trail project, miscellaneous items and development projects.

12. MAYOR'S REPORT

A. McDonald mentioned that there would be League of Minnesota Cities Days at the State Capitol. He encouraged anyone who could to attend.

13. COUNCIL MEMBER'S REPORT

A. Geiger reported that he attended a collaboration meeting with the W-M School District and City of Mayer and a Personnel Committee meeting.

14. ADMINISTRATOR'S REPORT

A. Mandt reported that the goal setting workshop is set for 8 a.m. Saturday, March 31 at B's on the River. This is for the Council and all commission members.

15. FINANCE DIRECTOR REPORT

16. COMMUNITY DEVELOPMENT REPORT

A. Foust stated that the next Comprehensive Plan Task Force meetings would be at 3 p.m. Wednesday, April 18 and at 6:30 p.m. Monday, April 23.

17. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 9:28 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor