

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, April 24, 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, April 24, 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 Finance Director Steven Wallner, City Engineer David Martini, City Public Works Supt. Doug Kammerer, City Planner Crystal Foust.

Others present were: Terry Hartman of Hartman Communities, Pam and Al Blacketter of Riverside, John Willman, Kati Kuhnau, Gary Harding of the Watertown Lions Club.

2. ADOPT AGENDA

Staff asked to have the following items added to the agenda: 7d – water connection fee policy and 7e – petition from residents on Reo Road. Duske asked to have dust control measures on 32nd Street put on the agenda as item 13a.

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

3. REVIEW OF CONSENT AGENDA

- A. Council minutes for April 10, 2007
- B. Pay request from city building official
- C. Recommendation to appoint Park and Recreation commissioner
- D. Pay request from city attorney
- E. Claims Roster

4. CONSENT AGENDA APPROVAL

GEIGER MOVED, MANN SECONDED A MOTION TO ADOPT THE CONSENT AGENDA. MOTION CARRIED 5-0.

5. OPEN FORUM

6. CELEBRATE WATERTOWN

- A. Mandt mentioned that two Comprehensive Plan meetings were recently held and that there were over 300 surveys returned.

- B. Mandt suggested that a letter be sent to the Watertown Lions thanking them for their pledge of \$4,000 for park signs.

7. NEW/OLD BUSINESS

- A. Discussion on Highland Park electrical items. Representatives from the Watertown Lions Club, Xcel Energy and Roy's Electric recently met to discuss the transformer issues that occurred at last year's Rails to Trails Festival. After discussion, it was decided Xcel would install an additional transformer with the city paying for the wiring. It also was suggested to install two 400 Watt high pressure sodium wall packs to improve the lighting on the plaza and twelve 20 Amp circuits. Mandt stated that city staff recommended that if the improvements were considered permanent, the city should pay for them out of the Park Fund and if the improvements were specifically for Rails to Trails, the Lions Club should pay. Mandt presented an estimate from Roy's Electric of Watertown for \$4,293.89 to cover the items previously mentioned. Harding stated that the Lions hope the Barbeque Cook Off turns into a national event which would increase the attendance each year at Rails to Trails. Harding stated that he was confident that he could propose to the Lions Club that they pay the entire bill from Roy's Electric, provided the Lions Club received acknowledgement for their offer.

GEIGER MOVED, DUSKE SECONDED A MOTION TO MOVE FORWARD WITH QUOTES FROM ROY'S ELECTRIC AND HAVE HIM DO THE WORK AT HIGHLAND PARK.

GEIGER MOVED, KING SECONDED AN AMENDMENT TO ACCEPT THE LIONS CLUB OFFER TO PAY FOR THE IMPROVEMENTS TO HIGHLAND PARK AT A COST OF \$4,293.89 AS ESTIMATED BY ROY'S ELECTRIC OF WATERTOWN. MOTION CARRIED 5-0.

THE ORIGINAL MOTION CARRIED 5-0.

- B. Tuscany Village North request for preliminary plat extension. The original preliminary plat is set to expire April 25, 2007. Preliminary plats are in effect for one year from the day of official approval by the City Council unless the developer has filed a complete application for approval of the final plat or has received an extension from the City Council. An extension shall not exceed 180 days from the date of the preliminary plat expiration. Foust stated that there are no standards in the ordinance to guide the Council's judgment with respect to whether to grant an extension. In a letter to the city, Tuscany Village North developer John Trebesch stated that due to the changes in new construction market, he will be placing the construction of Tuscany Village North on hold until the summer of 2008. Staff also has had discussions with Dave Haugen of Loucks Associates who represents Backes Companies, developer of Wildflower. Hagen is requesting the City to use the expiration of the preliminary plat as an opportunity to require access to the upland to the east. Foust stated that the Council may choose to deny the extension of the plat based on design considerations that need to be taken into account that would merit reexamination of the plat. Staff recommended that the plat be approved with the acknowledgement that the area east of Tuscany Village North is designated as Parks/Open Space in the 2020 Land Use Plan and should remain as that land use. Staff also recommended to

grant the extension of the Tuscany Village North preliminary plat until September 1, 2007. Duske stated that he opposes extending the preliminary plat and there should be a new design to help save the trees. Geiger also stated that he was opposed to extending the preliminary plat. He stated that the design of the development is not in the best interest of the city and shouldn't have been approved in the first place. Mann stated that he agrees with Geiger and that Trebesch should finish Tuscany Village before moving ahead with Tuscany North. Mann stated that he didn't vote for the preliminary plat the first time it was presented. Mandt stated that that downside of denying the request for extension would be the location of a park. He stated that when Wildflower was platted parkland in the south portion of Wildflower was held out with the knowledge that when Tuscany North lots were developed there would be a park. The city is currently holding park dedication money for the park. McDonald suggested offering an extension as a compromise to give the city time to work with the developer and encourage him to speed up the process. McDonald stated that denying the extension would not accomplish what the Council intended. Duske disagreed. Geiger stated that if the extension is denied, the original plat would no longer be in effect and would allow for redesigning the preliminary plat. He didn't see why the Council would extend the preliminary plat when construction will be on hold until the summer of 2008.

DUSKE MOVED, MANN SECONDED A MOTION TO DENY THE REQUEST FOR AN EXTENSION OF THE PRELIMINARY PLAT FOR TUSCANY VILLAGE NORTH. MOTION CARRIED 5-0.

- C. Comprehensive Plan Amendment for Woodfield subdivision. Woodfield, an 87-acre development south of Co. Rd. 20 and east of Paul Avenue, is designated as Mixed Use Residential/Commercial in the 2020 Comprehensive Plan. The easterly 42 acres is not included in the Land Use Plan and not included in the staging plan. The western portion of the site is in the staged development plan for 2010 and 2015. The land use designation mixed use is too generalized for the development. The City must submit a Comprehensive Plan amendment to the Metropolitan Council. Staff received no comments from Watertown-Mayer School District, Carver County, MnDOT and Watertown Township during the 60-day review period. Woodfield has been preliminary platted and approved by the City Council. The Planning Commission recommended approval of the application of the Comprehensive Plan amendment to the Metropolitan Council.

DUSKE MOVED, MANN SECONDED A MOTION TO ADOPT RESOLUTION 2007-04-24-01, ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE THE APPLICATION OF THE COMPREHENSIVE PLAN AMENDMENT CONTINGENT UPON APPROVAL OF THE METROPOLITAN COUNCIL. MOTION CARRIED 5-0.

- D. Water connection fee policy. Pam and Al Blacketter of Riverside Bar & Restaurant appeared before the Council to request a water hook up into the main in the alley behind their business. Mandt stated that city policy allows an existing business with a hook up to the main to put in a new hook up without a fee. Riverside currently has a water hook up to the main on Lewis Avenue. Hooking up to the main in the alley will negate having to dig up Lewis Avenue for a new water hook up.

DUSKE MOVED, GEIGER SECONDED A MOTION TO WAIVE THE HOOK UP FEES. MOTION CARRIED 5-0.

E. Petition from residents on Reo Road. A petition was submitted to the Council with 30 signatures of residents from Reo Road. They are requesting that the Council adopt a dangerous animal ordinance. Kati Kuhnau spoke for the petitioners by saying that a dog (pit bull mixed) in the neighborhood is charging people and endangering their lives. She related an experience she had with the dog, who charged her while she was in her own yard. A neighbor witnessed the incident and also spoke at the meeting about his concerns. Kuhnau said the dog has charged neighbors on at least three other occasions.

DUSKE MOVED, KING SECONDED A MOTION TO AUTHORIZE CITY STAFF TO DRAFT A DANGEROUS ANIMAL ORDINANCE. MOTION CARRIED 5-0.

8. CITY STAFF REPORTS

9. COMMITTEE REPORT

A. Recommendation from Personnel Committee to post planning position. The Personnel Committee has reviewed the Assistant Planner Intern position and recommended advertising the position, interviewing candidates and recommending a finalist. The person will be hired for a six-month period with the potential to develop into a full-time employee. The hourly wage range is \$10 to \$15 per hour.

GEIGER MOVED, KING SECONDED A MOTION TO ACCEPT THE RECOMMENDATION OF THE PERSONNEL COMMITTEE TO ADVERTISE THE POSITION, INTERVIEW CANDIDATES AND SELECT A FINALIST FOR THE POSITION. MOTION CARRIED 5-0.

B. Recommendation from Personnel Committee to hire Public Works seasonal employee. After interviewing candidates, the Personnel Committee recommended hiring Mike Loehrs at \$9 per hour as a seasonal worker. He will be limited to 20 to 40 hours per week. Kammerer presented a list of duties that the seasonal worker will be doing.

GEIGER MOVED, KING SECONDED A MOTION TO HIRE MIKE LOEHR'S AT \$9 PER HOUR AS A SEASONAL EMPLOYEE FOR PUBLIC WORKS. MOTION CARRIED 5-0.

C. Public Works updates. Kammerer presented the Council with updates on city projects. He also presented the Certificate of Commendation awarded to the city and its wastewater treatment facility staff for their exemplary effort in 2006 to comply with the Minnesota Pollution Control Agency's permit program. Kammerer stated that this is the 13th consecutive year that the city has received the award and he thanked the Public Works staff for their hard work.

10. ATTORNEY'S REPORT

11. ENGINEER'S REPORT

- A. Project update. Martini went over the list of ongoing projects within the city and updated the Council on their progress.
1. Sanitary Sewer River Crossing and Lift Station: Final costs have been calculated on sewer back up and invoice has been sent to Gridor Construction.
 2. Hwy. 25 Funding Application: Martini was told funding is not available for improvements to Hwy. 25 and Territorial Street intersection. Martini has requested a meeting on site with MnDOT.
 3. Trail Project: Letters have been sent to the Mullens and Zylmans requesting that they contact Martini regarding the easements needed along Co. Rd. 10 and between King's Meadows and Grove Avenue. Trails designed along Newton Avenue, Co. Rd. 10 and Grove Avenue have an estimated construction cost of \$275,000. Cost estimate for a trail along Mill Avenue between Territorial Street and Forest Hills is being developed. Letter will be sent out to the property owner along Mill Avenue requesting a meeting to discuss easement acquisition for the proposed trail.
 4. Miscellaneous Engineering: A meeting will be set up with Carver County to discuss funding options for study on proposed river crossing south of Watertown. A draft of the manual of standards has been completed. A Council workshop will be scheduled. Art Taylor has spent time discussing sanitary sewer connection options with the contractor working on the high school expansion. Taylor and Martini have spent time with resident in Wildflower to review cracking in their basement.
 5. Downtown Levee: Dave Poggi, Dennis Saari and Martini of Bolton & Menk obtained quotes from Braun Intertec and American Engineering Testing to inspect and certify the levee in the downtown area. Both quotes were in excess of \$20,000. In a letter to the city, FEMA has requested that a geotechnical engineer certify that the levee is in appropriate condition to serve its function of keeping the floodplain out of the downtown area. A meeting will be set up with the Corp of Engineers and DNR to determine who is responsible for maintaining the levee. Mandt stated that no one on staff is able to appropriately discuss wetlands and berms, which is why Bolton & Menk was asked to become involved. Duske asked if a letter could be sent to FEMA by city staff to inform them that their letter came after the city budget was approved and that the costs from the two geotechnical engineers is too high and would substantially cut into the city's budget for engineering. Mandt stated that this is the city's plan once it is established who is the responsible party. He stated that a letter was sent to Derson Tank to inform them of the progress so far. Mandt stated that when the levee was created there was no indication who owns the property or is responsible for maintaining it.
 6. Updates were given on the status of development projects.
- B. Martini presented the pay request from Bolton & Menk to the Council.

GEIGER MOVED, MANN SECONDED A MOTION TO APPROVE PAYMENT TO BOLTON & MENK FOR \$6,813.50. MOTION CARRIED 5-0.

12. MAYOR'S REPORT

- A. McDonald stated that there would be a special report on WCCO TV at 10 p.m. that evening about the Waconia Lions sponsoring a trip for Carver County World War II veterans to the memorial in Washington D.C. He stated that he would be going on the trip to film part of it for a documentary-type video.

- B. McDonald complimented the city staff for their work on the two Comprehensive Planning meetings held recently.

13. COUNCIL MEMBER'S REPORT

- A. Duske stated that he had been approached by a township resident about his concerns with dust problems on 32nd Street. Duske stated that the resident said much of the dust problem was caused by citizens of Watertown and truck traffic from nearby developments. Duske suggested that the City of Watertown offer \$1,000 to Watertown Township to pay for dust control on 32nd Street and that the city attempt to recover the money from the developers. Geiger stated that he would hate to see the city set a precedence of paying for dust control on township roads. Duske stated that the city did pay for dust control on Paul Avenue and 30th Street. Mandt stated that those roads were not applied with dust control until after they were annexed into the city. McDonald stated that it would be a good investment for the city to pay for dust control to continue good relationships with the township.

DUSKE MOVED, MCDONALD SECONDED A MOTION TO ALLOW UP TO \$1,000 FOR DUST CONTROL ON 32ND STREET IN WATERTOWN TOWNSHIP. MOTION CARRIED 5-0.

14. ADMINISTRATOR'S REPORT

- A. Mandt presented the Council with information about updating the city's website through its creator Bufflehead Web Design. Mandt stated that city staff had worked with the owner of Bufflehead on the layout of the improved website. The estimate for updating the website is \$3,860.

DUSKE MOVED, MCDONALD SECONDED A MOTION TO AUTHORIZE THE CITY TO PAY BUFFLEHEAD WEB DESIGN \$3,860 FOR UPDATING THE CITY'S WEBSITE. MOTION CARRIED 5-0.

15. FINANCE DIRECTOR REPORT

16. COMMUNITY DEVELOPMENT REPORT

17. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:39 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor