

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, May 8, 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, May 8, 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, Steven Duske, Rick Mann and Earline King. Dan Geiger was absent.

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: Jamie Taylor, Beth Wentland, Steve Washburn, Mike and Joanne Radde, Scott Qualle of Waldron and Associates.

2. ADOPT AGENDA

Staff asked to have the following items added to the agenda: (7d) Luce Line Lodge request; (8a) Update on Tuscany Village. Staff asked that the following items be pulled from the agenda: (9b2) Recommendation to approve 2007 seal coating project; (14a) Review of quotes on Community Center cleaning.

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

3. REVIEW OF CONSENT AGENDA

- A. Council minutes for April 24, 2007
- B. Pay request from city building official
- C. Request for approval of final report for goal setting workshop
- D. Claims roster
- E. Tuscany Village North Resolution 2007-05-08-01

4. CONSENT AGENDA APPROVAL

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

5. OPEN FORUM

- A. Citizen request to consider action regarding trapping within the city limits. Beth Wentland of 829 Dutchman's Way appeared before the Council to inform them that her cat accidentally got loose on April 24, 2007 and came home with a steel trap attached to its left front paw. She required help from her son-in-law to get the cat's

paw out of the trap. The cat had to have two of its toes removed. She is worried that the next time it may be a child who gets caught in a trap. Wentland asked the Council to forbid this type of trap in the city limits. McDonald stated that this is a legitimate issue and the Council will take the issue under advisement. City staff will review ordinances from other cities.

6. CELEBRATE WATERTOWN

- A. Mandt stated that the city had a successful city-wide clean up Saturday, April 28. Duske stated that he would like to see the hours extended one hour to allow more time for people to make second trips.
- B. Mandt mentioned to the Council that the recycling center is being used as a dumping area for commercial material. He reminded people that this is a recycling center only. The city will put a message on the Channel 12 cable network.

7. NEW/OLD BUSINESS

- A. Update from town deputy. Derek Sanderson reported to the Council about recent activity in town dealing with thefts and destructive juvenile behavior. A meeting was held May 7 with parents and juveniles with members of city staff, Council and Sheriff's Office. Sanderson stated that the meeting was positive. McDonald stated that it was a good idea to impress upon the juveniles that if they do not adhere to the rules now, it could lead to bigger crimes down the road.
- B. McDonald recessed the Council meeting and opened the public hearing for the first reading of the proposed Right-of-Way Ordinance.

City staff presented the Right-of-Way Ordinance to the Council at a workshop. Council gave direction to meet with the utility companies. City staff has incorporated comments from the companies with legal advice from Kim Kozar of Hoff Barry and Kozar PA. The proposed ordinance is based on a model which has been implemented in other metro communities. Staff is seeking direction to address abandoned facilities. There was no public comment.

McDonald recessed the public hearing until the next Council meeting, Tuesday, May 22, 2007.

McDonald reopened the Council meeting.

- C. Discussion item: Kings Highland – (1) 549 Raleigh Circle and (2) Kings Highlands flood fringe.

The preliminary plat for Kings Highland was approved January 2004 and the final plat approved August 2005. Property owner at 549 Raleigh Circle brought in 321 cubic yards of fill in the backyard. A note attached to the grading plan stated that backyards from house pads are to be graded at a minimum of 4:1 slope. Homeowners/builders are not to fill below proposed 938.0 contour. Retaining walls may be needed on some lots in order to establish a flatter patio area. Twenty-seven out of 60 lots in Kings Highland are within the flood fringe. The survey for 549 Raleigh Circle does not have the 938.0 contour designated as the flood fringe or 100-year flood elevation nor does it have a corresponding note as stated on the

grading plan. The homeowner (Steve Washburn) has indicated that he was not notified by the developer when the lot was purchased that the lot was in the flood fringe. The surveyor is not required to put this on the survey unless the city requires it or it is a legal document that is recorded. The area hydrologist stated that most communities prohibit filling in the flood fringe and city staff assumes that is why the note was put on the grading construction plans. County ordinance states that floodplain filling shall not cause a net decrease in flood storage capacity below the projected 100-year flood elevation (938.0) unless it is shown that the proposed filling, together with the filling of all other properties will not cause high water or aggravate flooding on other properties and will not restrict flood flows. The problem is that each homeowner would be able to do a survey but there are increased margins for miscalculations because different engineers would be accessing each individual lot. Staff looked at two options: (1) Require from this point forward there shall be no fill beyond the 938 contour or (2) Change the ordinance to reflect additional requirements such as a conditional use permit with any filling in the flood fringe. Staff recommended that homeowners/builders are not to fill below the proposed 938.0 contour and require that this elevation be labeled on the survey accompanied with new building permits. Meanwhile, the homeowner was asked to hold off on any improvements.

Duske suggested that this issue be redirected back to the Planning Commission. He stated that the city should be more diligent when looking at final plats so that this does not happen again. Martini stated that surveys done on a lot-by-lot basis will not be adequate and that the city needs to consider looking at the entire development. He stated that there was an effort to identify the flood fringe level. McDonald stated that possibly the city could be flexible and maybe it would be okay as long as a hydrologist determined where the homeowner/builder could displace the water. Martini stated that if the city were to allow the fill to remain, the city should require an as built survey. He stated that it is important to maintain lot line swales to keep water in place. Mann stated that he was worried about having meetings for each individual homeowner with over one-third in the flood fringe. He stated that he had talked to county officials who said they could not determine if the city can overrule the county's floodplain ordinance. Mann stated that the city needs to decide what is allowable for everyone.

Washburn stated that when he was in the process of filling in his property to make it useable for his family, five agencies reviewed the plans and no restrictions were identified. The contractor for Washburn stated that it would have been nice to have the restrictions on the survey of the property.

Mandt stated that during negotiations with the developer city staff told him that there would not be useable lots in some of the backyards. Mandt stated that the developer told them the property owners could put items in the flood fringe. Duske stated that he would like to talk to the developer to determine how he is going to address issues so the city does not become liable if there is flooding.

McDonald made a motion and King seconded the motion to not require the homeowners at 549 Raleigh Circle to remove the fill they have brought in. After further discussion, McDonald and King agreed to withdraw the motion.

MCDONALD MOVED, MANN SECONDED A MOTION TO TABLE THE ISSUE UNTIL THE NEXT COUNCIL MEETING TO ALLOW MORE TIME TO STUDY THE ISSUE. MOTION CARRIED 4-0.

Duske asked if the developer could be at the next meeting and Mann wanted to know if the city could be more restrictive than the county.

- D. Luce Line Lodge request to place a small storage shed behind the Public Library to store temporary stage, chairs, etc. on a temporary basis until they decide what to do with the area west of the Lodge. The proposal calls for a storage container that could be moved whenever the city deems it necessary. Duske suggested that the issue go through the Planning Commission to see the plans and exact site. Mandt stated that the shed is less than 120 sq. ft. and would only require a zoning permit. Duske stated that he is not happy with the proposed location and would like it to be placed behind their building. Mann and McDonald stated that the shed could be moved if the city objects. Qualle stated that there may be an egress issue in the patio area. He wants to check to see if there must be a second egress in the back area.

MCDONALD MOVED, MANN SECONDED A MOTION TO APPROVE PLACING THE PROPOSED SHED ON THE WEST SIDE OF THE PUBLIC LIBRARY FOR TEMPORARY PURPOSES. MOTION CARRIED 3-1. DUSKE VOTED NAY.

8. CITY STAFF REPORTS

- A. Tuscany Village update. Mandt asked Council for direction on a number of issues involving Tuscany Village. Mandt stated that city staff has had a number of meetings with the developer and he assured the city that everything would be completed by June. Hubert stated that the city staff should list everything that needs to be completed and if they are not, the city should draw on the letter of credit (escrow) and have the items completed. Tuscany Village has been issued two temporary certificates of occupancy. Qualle stated that if the city allows him to revoke the certificates of occupancy it may help to put pressure on the developer. One certificate of occupancy expired in April and the other expires in June.

DUSKE MOVED, MANN SECONDED A MOTION TO DIRECT CITY STAFF TO ISSUE A NOTICE OF DEFAULT UNDER THE DEVELOPER'S AGREEMENT AND GIVE THE DEVELOPER 15 DAYS TO COMPLY. IF NOT, THE CITY WILL DRAW ON THE LETTER OF CREDIT TO HAVE THE ITEMS COMPLETED. MOTION CARRIED 4-0.

DUSKE MOVED, MANN SECONDED A MOTION TO AUTHORIZE THE CITY BUILDING INSPECTOR TO REVOKE THE TEMPORARY CERTIFICATES OF OCCUPANY FOR TUSCANY VILLAGE. MOTION CARRIED 4-0.

9. COMMITTEE REPORT

- A. Recommendation from Park and Recreation Commission to hire Aqua Pro for park sprinkling improvements following tour on May 2, 2007. Park Commission agreed that the city should place sprinklers at the following sites: water tower and

beds, water treatment facility, hanging baskets on new bridge, Well No. 2 and lights along the boardwalk.

MANN MOVED, KING SECONDED A MOTION TO APPROVE THE RECOMMENDATION OF THE STAFF AND PARK COMMISSION TO HIRE AQUA PRO TO INSTALL SPRINKLER SYSTEMS TO THE FOLLOWING AREAS: WATER TOWER, WELL No. 2, WATER TREATMENT PLANT, NEW BRIDGE AND LIGHTS ALONG THE BOARDWALK. MOTION CARRIED 4-0.

- B. 1. Recommendation to approve banners. City staff presented a quote from Banner Creations for 47 banners to replace existing banners downtown and add banners to the bridge and boardwalk lights. The price per banner is \$59. There also is an art work charge and file prep charge. The total price is \$3,323.85. The Public Works Committee recommended purchasing the banners. Duske stated that the Council should allow only \$2500 as budgeted for the banners. If the city purchases more banners within a year they will pay a \$25 setup charge. The setup charge after one year is \$40.

DUSKE MOVED, MANN SECONDED A MOTION TO ALLOW \$2,500 FOR PURCHASE OF BANNERS FROM BANNER CREATIONS. MOTION CARRIED 4-0.

- B. 3. Kammerer gave the Council an update on Water Plant planting project by Watertown-Mayer FFA organization. This project was approved in April by the Council.

- C. Recommendation from Planning Commission to rezone Industrial Park. The City Council approved a final plat for the Industrial Park in August 2006. The property was annexed in February 2002 and rezoned I-1. The PUD was approved in February 2007. The Planning Commission held a public hearing April 18, 2007 with proposed sub-zones: (A) Commercial Retail/Highway Commercial/Office (B) Commercial/Light Industrial (C) Industrial. Sub-zones were developed for a multitude of businesses. There were concerns expressed at the public hearing about Taylor Meats as an existing business and the nature of the business. Neal Slate objected to the rezoning and would like the property to remain as I-1.

KING MOVED, MANN SECONDED A MOTION TO ADOPT ORDINANCE 299, REZONING THE INDUSTRIAL PARK FROM I-1 TO PLANNED UNIT DEVELOPMENT-BUSINESS PARK (PUD-BP) CONTINGENT ON DEVELOPER'S AGREEMENT BEING SIGNED AND FINAL PLAT BEING FILED. MOTION CARRIED 3-1. DUSKE VOTED NAY.

10. **ATTORNEY'S REPORT**

11. **ENGINEER'S REPORT**

12. **MAYOR'S REPORT**

13. **COUNCIL MEMBER'S REPORT**

- A. Discussion on photographs for Community Center.

DUSKE MOVED, KING SECONDED A MOTION TO AUTHORIZE UP TO \$1,500 TO HAVE THE WATERTOWN AREA HISTORICAL SOCIETY DECIDE ON WHICH PHOTOS TO HANG IN THE HALLS OF THE COMMUNITY CENTER. PHOTOS ARE TO BE DISPLAYED BY RAILS TO TRAILS. MOTION CARRIED 4-0.

14. ADMINISTRATOR'S REPORT

15. FINANCE DIRECTOR REPORT

16. COMMUNITY DEVELOPMENT REPORT

A. Foust reminded Council about an orderly annexation workshop at 5 p.m. Wednesday, May 16.

17. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:43 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor