

**MINUTES OF THE  
WATERTOWN CITY COUNCIL  
Regular Meeting Tuesday, May 13, 2008**

**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 13, 2008** 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, Steve Duske, Earline King and Rick Mann.

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

Also present were: Randy Masica, Mike Crom, Gary Harding and Dave Kind.

**2. ADOPT AGENDA**

Staff asked to have Items 3L (Future county road alignment) and 14A (Trail update) added to the agenda. McDonald asked to have Item 7C moved up to 5A.

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

**3. REVIEW OF CONSENT AGENDA**

- A. Minutes for April 22, 2008 meeting
- B. Pay request from Hoff, Barry and Kozar
- C. Recommendation to approve Manual of Standards
- D. Pay request from city building official
- E. Resolution 2008-5-13-1 Verizon Wireless conditional use permit
- F. Ordinance 319 Right-of-Way Unauthorized Work Permit
- G. Briggs and Morgan waiver recommendation
- H. Pay request for Watertown Industrial Park utility extension
- I. Pay request from MK Land Corporation
- J. Pay request from city attorney
- K. Claims roster
- L. Future county road alignment

Duske asked to have Item 3E pulled for discussion.

**4. CONSENT AGENDA APPROVAL**

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

**5. OPEN FORUM**

- A. Kind asked the Council to waive the \$150 disconnect and \$150 reconnect fees in connection with his water being shutoff. He claimed that he did not receive any notification of a shutoff. McDonald and Wallner went through the process involving water shutoffs. Wallner stated that the city did not hear from Kind during the process. There were two other residents who had their water shutoff. Kind stated that he understands that the city needs a policy, but he said he didn't get a letter. He stated that he was at City Hall at 8:01 a.m. the day after the water was shut off. He said that this is the first time his water has ever been shut off. Duske stated that if the city were to make an exception for him, the other two residents who had their water shut off would be asking for the disconnect and reconnect fee returned to them. Duske advised Kind that if he falls behind in his utility payment again, he should call City Hall. Geiger agreed with Duske and stated to Kind that he does get a water bill and should know if he is getting behind in his payments. Geiger stated that the city has to have some recourse for those who are delinquent. King stated that in 2006 Kind had his overdue utility bill certified to his taxes. McDonald recommended that city staff take the matter under advisement and look at other two cases as well.
  
- B. Masica stated to the Council that he had submitted a letter to Carver County Public Works Director Roger Gustafson regarding the county's 2030 Comprehensive Plan for extending Co. Rd. 122. He stated that he wanted to express his displeasure with the county's plan early enough for an alternate route to be considered. Foust stated that there is nothing the city can do for now until a study has taken place. Duske stated that this road extension has been in the planning stages for years. Mandt stated that there are many steps to go before the extension is final. He stated that several alternates have already been eliminated with discussions with the county, city and township. Every step so far has come back to this road extension. McDonald encouraged Masica to be involved and make his concerns known as the process continues.

**6. CELEBRATE WATERTOWN**

- A. Crom updated the Council on the Rails to Trails Festival scheduled for July 18-19. He listed all of the events for the weekend including a \$2000 grocery give-away sponsored by Market Place Foods.

**7. NEW/OLD BUSINESS**

- A. Draft first reading of vagrancy ordinance. Mandt stated that the intent is to have the ordinance adopted after the second reading at the next council meeting. Duske stated that he didn't agree with the wording of Section 4: Offensive Conduct. He stated that a fine was too strong a language for such an offense. He stated that it may not be some people's intent to be offensive, rude or abusive to city employees, but they are human and speak inappropriately at times due to circumstances. Hubert stated that any offense does not automatically result in a fine because someone has to file a complaint against the offensive person. McDonald stated there is never an excuse for abusive or violent language. He stated that if people cannot speak properly, they deserve consequences. Geiger stated that the ordinance does go too far in some respects. He stated that he did not agree with Section 3e. He stated that people should be able to walk home from a bar and not be arrested if they are not bothering anyone. He stated that

the Rails to Trails Festival would be in violation of this section if taken to its fullest extent. Mandt stated that Section 3e could be struck from the ordinance.

- B. Request from Luce Line Lodge to close part of Lewis Avenue South on Saturday, July 5, 2008 for a street dance. The street would be blocked off from the intersection of Madison Street to the front of the library from 4 p.m. to midnight. The hours of the band would be from 8 to 11 p.m. or 9 p.m. until midnight. The band would be located on a trailer on Lewis Avenue. Duske stated that he would like to see Luce Line Lodge hire its own security officer instead of having the city's town deputy do the policing. Luce Line Lodge ownership stated to staff that the service and consumption of alcoholic beverages would be contained to the inside of the building, the patio area between City Hall and Luce Line Lodge and in front of the building which will have a temporary fence.

**MCDONALD MOVED, MANN SECONDED A MOTION TO APPROVE LUCE LINE LODGE REQUEST TO BLOCK OFF LEWIS AVENUE FROM MADISON STREET INTERSECTION TO FRONT OF LIBRARY FROM 4 P.M. TO MIDNIGHT SATURDAY, JULY 5, 2008 FOR A STREET DANCE.**

**DUSKE MOVED, GEIGER SECONDED A MOTION TO AMEND THE ORIGINAL MOTION TO REQUIRE LUCE LINE LODGE TO HIRE A LICENSED SECURITY OFFICER FOR THE EVENT.**

**THE AMENDMENT MOTION CARRIED 4-1 (MANN VOTED NAY).**

**THE ORIGINAL MOTION CARRIED 5-0.**

**8. CITY STAFF REPORTS**

**9. COMMITTEE REPORT**

- A. Personnel Committee recommendation to hire Public Works employee. The City received 29 applicants for the position of Utility Maintenance Worker. Staff met with the Personnel Committee April 7, 2008 to discuss the scoring system. The top seven candidates were given a tour of the water and wastewater facilities and staff narrowed the seven down to three. The Personnel Committee met April 28, 2008 to interview the top three candidates. Following the interviews, the Personnel Committee recommended hiring Brent Mickolichek.

**KING MOVED, GEIGER SECONDED A MOTION TO HIRE BRENT MICKOLICHEK FOR THE POSITION OF UTILITY MAINTENANCE WORKER AT A STARTING SALARY OF \$30,479 (Grade 5, Step 2). MOTION CARRIED 5-0.**

- B. Call for public hearing for vacation of utility and drainage easements for Forest Hills. Rolling Green Inc. of Forest Hills requested a lot line adjustment to expand Lots 5, Block 2 and Lot 12, Block 1 a replat to remove one lot in Block 3 to allow seven larger lots instead of eight. In order to make the legal paperwork cleaner, the side and rear drainage and utility easements for Lot 5, Block 2 and Lot 12, Block 1 and Lots 1-8, Block 3 would need to be vacated and would be replatted on each lot once the final plat is complete and recorded.

**GEIGER MOVED, KING SECONDED A MOTION TO ADOPT RESOLUTION 2008-5-13-2 ACCEPTING PETITION TO VACATE CERTAIN DRAINAGE AND UTILITY EASEMENTS AS DEDICATED IN THE PLAT OF FOREST HILLS AND SETTING A PUBLIC HEARING ON THE PROPOSED VACATION FOR TUESDAY, MAY 27, 2008 AT 6:30 P.M. MOTION CARRIED 5-0.**

**10. ATTORNEY'S REPORT**

**11. ENGINEER'S REPORT**

- A. Martini addressed the Council on the as-built condition of the proposed drainage and utility easement across the new elementary school property. He proposed four alterations and conditions: (1) The north edge of the easement should be adjusted to run parallel to the south edge of the ball field dugouts; (2) Existing school owned facilities within the easement are to be maintained and operated by the School District; (3) The City acknowledges that certain facilities have been constructed in the easement including curb and gutter, parking lot, gate post, sidewalk, soccer field, utility crossings, and a geothermal vault. In the event that maintenance or construction work is performed on the City's water and sewer facilities within the easement, the City shall be responsible for protecting and or restoring all existing facilities and reestablishing turf as necessary; (4) The School District acknowledges the existence of the easement and agrees that no additional encroachments will be made in the future. In addition the school agrees to remove six existing trees from the easement.

Geiger stated that the city should not have the responsibility of repairing facilities that the city does not own. He stated that the city does not benefit from an easement for the school. Martini stated that if the city has to repair the city's water or sewer facilities in the easement area, it is no more significant than digging into a city street. Duske stated that before he would approve an easement, he would need to see the paperwork showing how the change was made for the sewer and the original site plan. Mandt stated that the school did not put together the easement until the construction was completed. He stated that if the easement had been in place prior to construction, the school would not have allowed the facilities to be built in the easement area. McDonald asked to postpone any action until city staff can negotiate with the school district about liability for repairs (future costs).

**12. MAYOR'S REPORT**

- A. McDonald informed the Council that the Legion would be hosting the annual Memorial Day program at Highland Park Monday, May 26. He encouraged everyone to attend.

**13. COUNCIL MEMBER'S REPORT**

**14. ADMINISTRATOR'S REPORT**

- A. Trails update. Mandt pointed out two projects proposed by the Trails Committee for the Council to consider. One is an extension of the city's trail system along

Mill Avenue and Lewis Avenue north of Territorial Street. The trail along Lewis Avenue would include additional parking stalls by the canoe launch and paved parking area. The trail along the river on Lewis Avenue would extend to the Lions shelter in Rick Johnson Memorial Park. The trail along the river on Mill Avenue would end at the area by the dam on the Crow River. The city has been awarded a \$100,000 matching grant for the project. A second project is an extension of the sidewalk system in the Landings which will tie into Riverpointe and Rohs Way.

**DUSKE MOVED, GEIGER SECONDED A MOTION TO ACCEPT THE TWO PROJECTS AND SEEK QUOTES OR BIDS FOR CONSTRUCTION. MOTION CARRIED 5-0.**

**15. FINANCE DIRECTOR REPORT**

**16. PLANNER REPORT**

- A. Quote solicitation for Grove Street hockey rink warming house. Last fall the City solicited quotes for the construction of a warming house. The city received only one quote and due to the timing of the project, it was determined to postpone the project until this spring. Staff worked on a more detailed scope for the project which includes these elements: (1) Building bid as a split face concrete block building; (2) Foundation consist of a frost free footing rather than floating slab; (3) Roof will be a gable end roof rather than a hip roof and will use existing red metal sheeting left over from the Highland Park grandstand. Due to unknown condition of the metal, an alternate quote is being sought for a shingle roof; (4) Building will include an accessible bathroom; (5) Storage area will be included in building with an overhead door; (6) Building will be heated in-floor hot water tubing with an electric boiler.

**MANN MOVED, KING SECONDED A MOTION TO ACCEPT THE SCOPE OF THE HOCKEY RINK PROJECT AND AUTHORIZE STAFF TO SOLICIT QUOTES FOR CONSTRUCTION OF A WARMING HOUSE FOR THE GROVE STREET HOCKEY RINK. MOTION CARRIED 5-0.**

**17. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:35 PM.**

Respectfully Submitted,

**ATTEST:**

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Steven Wallner  
Clerk-Treasurer

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K.J. McDonald  
Mayor