

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, May 22, 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 22, 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, Earline King and Dan Geiger.

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

Others present were: Fire Chief Hubie Widmer, Terry Hartman of Hartman Communities, Rick Vredenburg of Knutson Construction Co., Mike Crom of the Watertown Lions Club, Beth Wentland, Michelle Swanson of Xcel Energy and W-M Elementary Principal Nick Guertin.

2. ADOPT AGENDA

Staff asked to have the following items added to the agenda: (3o) Utility shutoff list and (6a) Fire Dept. aerial truck maintenance. Staff asked that item 3f be moved to 9f. Staff asked to have the following items pulled from the agenda: (3h) Recommendation to approve ordinance for Water/Sewer ERU table, (3l) Recommendation to repeal Article II of Chapter 51 pertaining to the Right-of-Way regulations and (9c) Recommendation from Planning Commission to rezone Industrial Park. Staff also asked that item 11c – Pay request from Wm. Mueller and Sons - be tabled to discuss at a future workshop.

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 May 8, 2007.
- B. Pay request from city attorney.
- C. Recommendation to approve revision to ordinance establishing area charge for sanitary sewer.
- D. Recommendation to approve ordinance for proposed area charge for availability and use of waterworks and storm sewer systems.
- E. Recommendation to approve policy for advanced fees for building permits.
- G. Recommendation to approve Park and Recreation Commission vision statement.
- I. Watertown Lions contribution for river clean up costs: Pass through to Wayne Jacobson.
- J. Watertown Lions contribution for Highland Park electrical: Rails to Trails items
- K. Recommendation to approve City Purchasing Policy.
- M. Pay request from M K Land.

- N. Claims Roster.
- O. Utility shutoff list.

Geiger asked to pull items 3c, 3d and 3e for discussion.

4. **CONSENT AGENDA APPROVAL**

DUSKE MOVED, MANN SECONDED A MOTION TO ADOPT THE CONSENT AGENDA AS AMENDED, WHICH INCLUDED PULLING ITEM 3E. MOTION CARRIED 5-0.

5. **OPEN FORUM**

- A. Crom stated that the Watertown Lions are hosting a benefit Saturday, June 9 in the Community Center for Lenore Larson. The benefit includes music by several local musicians. Crom stated that they would like to have the musicians play outdoors in the City Hall parking lot. Crom stated that the Council had allowed for outdoor music at City Hall in the past for Rails to Trails. The music would be from 8 to 11 p.m.

DUSKE MOVED, MANN SECONDED A MOTION TO WAIVE THE NOISE ORDINANCE FOR THIS EVENT. MOTION CARRIED 5-0.

- B. Wentland asked the Council if there was a better way for people to become informed about criminal activity such as the 14 vehicles that were vandalized over the weekend of May 12. She said she saw a report on Channel 5 and in the Delano Herald Journal and wondered why it wasn't in the local newspaper. Todd Moen, interim editor for the Carver County News, stated that the news release from the Carver County Sheriff's Office did not arrive in time for the May 17 issue but that the story would be in the May 24 issue.

6. **CELEBRATE WATERTOWN**

- A. Watertown Fire Dept. aerial truck maintenance. Widmer provided the Council with a quote from Jerry's Transmission Service from Lester Prairie to paint the truck, install new LED lights and light bar, replace five roll-up doors and replace rear springs. The quote from Jerry's Transmission Service is \$35,086. This is approximately \$15,000 more than was originally estimated. Wallner stated that he could adjust the amount needed to bond for the purchase of the vehicle and maintenance. Duske stated that he would like the approval of the Fire Advisory Board due to the increase in the amount to refurbish the vehicle.

DUSKE MOVED, MANN SECONDED A MOTION TO ACCEPT THE QUOTE FROM JERRY'S TRANSMISSION SERVICE FOR \$35,086 TO PAINT THE TRUCK, INSTALL NEW LED LIGHTS AND LIGHT BAR, REPLACE FIVE ROLL-UP DOORS AND REPLACE THE REAR SPRINGS, CONTINGENT ON THE QUOTE BEING PRESENTED TO AND APPROVED BY THE FIRE ADVISORY BOARD. MOTION CARRIED 5-0.

7. **NEW/OLD BUSINESS**

- A. Discussion item: Noise Ordinance. This was covered in Item 5a.
- B. Recommendation to approve agreement for development of Sunset Ridge Park in Forest Hills. The city received a quote of \$48,217.25 from Doboszinski & Sons, Inc. of Loretto to provide grading, concrete work and restoration of the park. Foust stated that there is \$43,603.88 in neighborhood park fees from Phase I of Forest Hills and \$39,600 from Phase III. City staff recommended that \$50,000 be transferred from these two amounts to the Recreation Facilities and Equipment Fee. Duske stated that he would like the city to seek more bids for the project. Mann agreed. He stated that this was the first time he had seen the quote and that the information should have been contained in the agenda packet that was delivered to the council members Friday prior to the meeting. Mandt stated that Doboszinski was the only contractor contacted mainly because they are currently working in Forest Hills on curb and gutter and would likely have a better bid. Wallner stated that he had talked to the developer and he and his contractor were satisfied with the quote. Geiger said he was uncomfortable moving ahead with only one quote. King stated that she didn't see any reason to seek another quote. Vredenburg stated that by the time the city gets another quote from a contractor, Doboszinski could be done in Forest Hills and the city would lose their window of opportunity for a lower quote from them.

MCDONALD MOVED, KING SECONDED A MOTION TO ACCEPT THE CITY STAFF RECOMMENDATION TO TRANSFER \$50,000 FROM NEIGHBORHOOD PARK FEES FROM PHASE I AND III OF FOREST HILLS TO THE RECREATION FACILITIES AND EQUIPMENT FEE TO COVER THE COST OF GRADING, CONCRETE WORK AND RESTORATION OF SUNSET RIDGE PARK. MOTION CARRIED 5-0.

DUSKE MOVED, MANN SECONDED A MOTION TO OBTAIN A SECOND QUOTE FOR THE GRADING, CONCRETE WORK AND RESTORATION OF SUNSET RIDGE PARK. MOTION CARRIED 4-1. MCDONALD VOTED NAY.

THE COUNCIL AGREED TO PULL ITEM 9D.

- C. Paul Avenue development agreement. A development agreement by and between the City of Watertown, Watertown-Mayer School District and Hartman Communities, Inc. was in the agenda packet for the Council. A second agreement between the City of Watertown and Hartman Communities, Inc. was presented at the meeting. A number of issues were discussed concerning the agreements, including extending the preliminary plat for Woodfield subdivision until Dec. 31, 2008; extension of water main for hydrant; city cost of over sizing sanitary sewer and water main; and placement and improvements for Street A. Hartman requested the extension of the preliminary plat in return for signing both agreements. Hartman stated that Woodfield probably would not get started in 2007 due to a decline in the housing market. The W-M School District plans on opening the new elementary in the fall of 2007 but needs Street A in Woodfield to be constructed in order to connect with a fire lane that will service the school in the event of an emergency. Hartman suggested a 20 ft. wide road (Street A) with the required depth to support 75,000 pound emergency vehicles. He stated that this would be a temporary solution until his housing project comes on

line. Guertin stated the school district assumed that Hartman would pave Street A up to the entrance of the school's parking lot and continue paving or put down gravel up to the fire lane.

Duske and Geiger stated that neither of the agreements mention Street A or the extension of the preliminary plat. Duske stated that he would like Street A to be completely paved to the fire lane as was approved in the original plan. He stated that he would prefer this over paving the road part way and finishing it with a gravel surface. He stated that according to figures he received from City Engineer Martini it would cost an estimated \$95,000 to pave an additional 350 feet of Street A versus \$15,000 for gravel. Duske stated that it would be better to pave the road the entire way to the fire lane so it would not have to be torn up again when the development was being built out. He also stated that there would be disruption for the school when the road was being rebuilt. Vredenburg stated that the new elementary school will not be able to open this fall if the road is not complete. He stated that it is imperative that work begin by June 1.

Martini suggested that Sections 5.4 and 5.5 in the agreement with the school district, city and Hartman reference the most current plans (May 11, 2007) which includes paving Street A up to the entrance of the elementary parking lot and leaves it open for negotiations from that point on to the fire lane.

DUSKE MOVED, GEIGER SECONDED A MOTION TO HAVE A DOCUMENT DRAFTED TO INCLUDE THE PLACEMENT OF STREET A AND TYPE OF SURFACE, EXTENSION OF WATER MAIN FOR HYDRANT, AND EXTENSION OF THE PRELIMINARY PLAT UNTIL DECEMBER 31, 2008.

Hubert stated that if the Council agrees with the motion in theory and understands that there will be no additional costs for the city, the work could go on while the document is being drafted.

GEIGER MOVED, DUSKE SECONDED AN AMENDMENT TO THE ORIGINAL MOTION BASED ON THE CITY ATTORNEY'S SUGGESTION TO ALLOW WORK TO PROCEED WHILE THE DOCUMENT IS BEING DRAFTED TO INCLUDE COMPLETION OF PAUL AVENUE, PAVING STREET A TO THE ENTRANCE OF THE ELEMENTARY SCHOOL PARKING LOT WITH A GRAVEL ROAD TO THE FIRE LANE, WATER MAIN EXTENSION FOR A HYDRANT AT THE ELEMENTARY AND EXTENSION OF THE PRELIMINARY PLAT UNTIL DECEMBER 31, 2008. MOTION CARRIED 5-0.

ORIGINAL MOTION CARRIED 5-0.

8. CITY STAFF REPORTS

9. COMMITTEE REPORT

- A. Public Hearing for Right-of-Way Ordinance continued from May 8, 2007. The first reading was held May 8 and continued to May 22. The ordinance with changes was mailed to council members May 21. Staff required direction on Section 61-30 addressing abandoned facilities. Swanson stated that Xcel would rather have the provision for removing abandoned facilities be deleted from the ordinance. City

staff recommended that the hearing be continued to a special council meeting at 6:30 p.m. Tuesday, May 29, 2007.

MCDONALD DECLARED THE PUBLIC HEARING BE CONTINUED TO A SPECIAL MEETING AT 6:30 P.M. TUESDAY, MAY 29, 2007.

- B. Recommendation from Planning Commission to approve Tree Preservation Ordinance 305. This ordinance will tighten up the language in the City Code pertaining to tree preservation. The existing tree preservation ordinance does not address requirements for tree preservation for individual lots for builders or homeowners. In the proposed ordinance, the developer/homeowner would be required to prepare a tree inventory depicting the size, species, condition and location on the land of all significant trees. A developer shall replace live significant trees lost or reasonably anticipated to be lost as a result of grading, building or any other alteration of the land. The wetland protection text also was modified. No subdivision of land shall occur which creates a lot extending into a delineated wetland or floodway or flood fringe area. Planning Commission reviewed the ordinance at two meetings and held a public hearing April 19. Planning Commission had a discussion about the homeowner having to obtain a permit to take a tree down. There is no enforcement to require permits for homeowners, but the language would be in the ordinance if staff would receive a complaint regarding clear cutting or removing a number of significant trees. The ordinance would require replacement of those trees. There would be no charge for the permit. Duske voiced his objection to having to obtain a permit to remove a tree.

MANN MOVED, GEIGER SECONDED A MOTION TO ADOPT TREE PRESERVATION ORDINANCE NO. 305 AS PRESENTED AND RECOMMENDED BY THE PLANNING COMMISSION. MOTION CARRIED 5-0.

- E. Park and Recreation Commission recommendation to approve Grove Avenue hockey rink warming house. The Park and Recreation Commission reviewed three quotes for the warming house. The quotes were: \$34,840 from Metropolitan Construction Services, \$19,700 from Maetzold Homes, Inc. and \$19,650 from Changing Scenes Woodwork (electrical not included). A separate quote from Roy's Electric was \$973.69. The Park and Recreation Commission recommended Maetzold Homes, Inc. for the warming house at a price not to exceed \$19,700.

DUSKE MOVED, KING SECONDED A MOTION TO ACCEPT THE RECOMMENDATION OF THE PARK AND RECREATION COMMISSION TO ACCEPT MAETZOLD HOMES FOR CONSTRUCTION OF THE WARMING HOUSE AT A PRICE NOT TO EXCEED \$19,700.

Geiger stated that he didn't think the Council should move ahead with the warming house until the Council decides on a plan for the property. He stated that there are other options for the property that have been discussed including bathrooms and a paved surface on the hockey rink to allow for basketball and skateboarding. Geiger stated that he would rather see the money proposed for a new warming house be spent on fixing the hockey rink

DUSKE WITHDREW HIS MOTION AND KING WITHDREW THE SECOND. CITY STAFF WILL EXPLORE MORE USES FOR THE PROPERTY AND PRESENT A PLAN TO THE COUNCIL.

- F. Park and Recreation Commission recommendation for 2007 trail projects. The Park and Recreation Commission discussed the trail plan at their May 10 meeting. The Commission had a consensus that they would like more emphasis on pedestrian safety on major highways. Park and Recreation Commission recommended trails along Newton Avenue, Co Rd. 10 and 24 as first priority for 2007. Geiger stated that a subcommittee of the Council would like to discuss trail priorities with the Park and Recreation Commission before making a decision.

GEIGER MOVED, MANN SECONDED A MOTION TO TABLE THE ITEM. MOTION CARRIED 5-0.

10. ATTORNEY'S REPORT

11. ENGINEER'S REPORT

- A. Project updates. Martini presented the Council with updates on several projects including sanitary sewer river crossing and lift station, Hwy. 25 improvements, 2007 trail project, Forest Hills development, Mill Avenue, Kings Highland, Luce Line Village, Rosewood and Woodfield.
- B. Pay Request from engineer.

12. MAYOR'S REPORT

- A. McDonald stated that the Carver County Sheriff's Office is working on some leads in solving the rash of vandalism to vehicles in Watertown recently.
- B. McDonald mentioned that the American Legion Memorial Day service would be held at 9:30 a.m. Monday, May 28 at Highland Park.

13. COUNCIL MEMBER'S REPORT

14. ADMINISTRATOR'S REPORT

15. FINANCE DIRECTOR REPORT

- A. Wallner stated that a 2006 audit workshop would be held prior to the June 12 council meeting. Members will be notified of the time.

16. CITY PLANNER REPORT

- A. Foust updated the Council on past meetings she had attended.

17. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:54 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor