

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, May 26, 2009**

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 26, 2009** 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, Jodi Martinez, Rick Mann, Earline King and Steven Duske.

The following staff members were present: Senior Planner Crystal Foust, Assistant Planner Karyn Islam, City Engineer David Martini, Public Works Supt. Doug Kammerer and Acting Administrator/City Clerk-Treasurer and Finance Director Steven Wallner.

Also present were: Andy Konst, Scott Koehnen, Amy Mandt, Steve Sarvi, Kelly Dohm.

2. ADOPT AGENDA

Wallner asked to have items 5B (Senior Health and Fitness Day) and 5C (Farmers Market) added to the agenda.

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 12, 2009 meeting
- B. Approval of 2008 audit
- C. Acceptance of resignation of Craig Anderstrom from Planning Commission
- D. Quote for crack sealing
- E. Pay request from MK Land Corp

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

4. OPEN FORUM

5. CELEBRATE WATERTOWN

- A. Girl Scout Activity

Kammerer updated the Council on the flower planting work that the Girl Scouts did around the pergola.

- B. Senior Health and Fitness Day

Foust updated the Council on the Senior Health and Fitness Day that will be Wednesday, June 3, starting with a ribbon-cutting ceremony at the pergola. Market Place will serve a free meal at noon and there will be presentations at the Community Center in the afternoon.

C. Farmers Market

Foust and Islam updated the Council on the Farmers Market that will begin Friday, June 12 in the parking lot in front of Watertown True Value.

6. **NEW/OLD BUSINESS**

A. Acceptance of resignation of City Administrator David Mandt

DUSKE MOVED, MARTINEZ SECONDED A MOTION TO ACCEPT THE VOLUNTARY RESIGNATION OF DAVID MANDT. MOTION CARRIED 5-0.

B. Disclosure of financial terms of severance agreement for David Mandt pursuant to Minn. Stat. Sec. 465.722. Severance payment is in the amount of \$28,575.68.

C. Approval of severance agreement for David Mandt.

DUSKE MOVED, MARTINEZ SECONDED A MOTION TO ADOPT RESOLUTION 2009-05-26-1 ACCEPTING THE VOLUNTARY RESIGNATION AND SEPARATION AGREEMENT AND RELEASE OF DAVID MANDT. MOTION CARRIED 5-0.

7. **COMMITTEE REPORT**

A. Planning Commission recommendation to deny text amendment request

In September 2008 resident Anthony Konst of 309 Monarda Way expanded his driveway beyond what is allowed by code. Konst decided to seek a text change amendment in the zoning chapter of municipal code that would allow for wider driveways. Code allows a maximum driveway width of 24 feet at the property line and 30 feet at the curb. Konst appeared before the Planning Commission in October and November 2008 and February and March 2009. The Planning Commission recommended denying the text change amendment application and extending the date by which Konst's driveway must be in compliance with municipal code by March 12, 2014.

Mann stated that streets have been designed for 28 feet wide with parking on only one side, eliminating parking spaces. He recommended that the issue be sent back to the Planning Commission to address the narrow road situation. Martinez stated that consideration should be given as to when the section in the municipal code was adopted and why. McDonald stated that codes/ordinances are meant to be amended or changed and agreed that the Planning Commission should look at an ordinance to change the code. There also was concern about how to enforce the code. Foust stated that the city has relied on neighbors and complaints in the past.

DUSKE MOVED, KING SECONDED A MOTION TO HAVE THE PLANNING COMMISSION DRAFT AN ORDINANCE TO ALLOW FOR 30 FOOT DRIVEWAYS AT THE PROPERTY LINE AND CURB FOR THREE-CAR GARAGES AND 24 FOOT DRIVEWAYS AT THE PROPERTY LINE AND CURB FOR TWO-CAR GARAGES. MOTION CARRIED 4-1 (MANN VOTED NAY).

- B. Pervious hard-surface text amendment Ordinance 336.

This item would have allowed for wider driveways if a pervious driveway was used. No action was taken.

- C. Permitting Lawn Irrigation Systems

Foust informed the Council that the city has received several request to install lawn irrigation systems. There has been some difficulty with irrigation systems being installed in the right-of-way with sidewalk/trail construction and roadway improvements. Foust stated that to save the city potential cost to repair damaged irrigation systems installed in the right-of-way, a permit should be required for piping installation. Staff is proposing two separate permits because the work is most likely completed by two persons—licensed plumber and irrigation workers. The first permit is for installation of a backflow prevention device which must be completed in accordance with the MN State Building and Plumbing Code. The second permit is for installation of the irrigation system which must be placed according to setbacks and easements. This permit would provide an opportunity for staff to assist in the design.

If a backflow preventer has been previously permitted, installed and inspected when the home was built, in anticipation of a lawn irrigation system, another plumbing permit would not be required. The fee for the permit to install the piping would be classified as a general zoning permit of \$50 which includes an inspection by staff.

The Planning Commission suggested adding language that the city is not liable for damage to sprinkler heads if the heads are in the right-of-way or easements. The homeowner would retain the responsibility. Staff and Planning Commission recommended approval of Ordinance 337, permitting irrigation systems.

Mann stated that the best way to sprinkle a lawn was to spray from perimeters all the way around instead of 360 degrees as shown in the agenda item. He stated that the city should not be involved with designing sprinkler systems for residents. The consensus of the Council was that the sprinkler systems should not be in the right-of-way or easements and the resident should assume the risk of damage to the system if it is in the right-of-way. This issue will come back to the Council at the next meeting.

8. CONSULTANTS' REPORTS

- A. City Engineer
 - 1. Highway 25 Project

Martini informed the Council that the Minnesota Department of Transportation has informed the city that its application for ARRA stimulus funding has been recommended for approval. He stated that final approval by the Metropolitan Council is scheduled for June 10, 2009. Estimated construction costs are \$880,000. AARA stimulus funding would cover 80% of the construction costs as bid. Estimated local contribution would be \$176,000 plus soft costs. Martini stated that it is anticipated that Carver County will participate in the project costs to fund the Co. Rd. 10 portions of the project. To receive funding, plans, specifications, environmental documentation and right-of-way certificates need to be submitted and approved by MnDOT no later than Nov. 13, 2009. MnDOT has requested a meeting Thursday, May 28, 2009 with city, county and state staffs to ensure all parties understand the requirements and deadlines. Martini recommended that the Council either approve or deny the funding at this meeting.

Duske asked if the city could put the costs of this project and the Co. Rd. 20 project into one bond. Wallner indicated that the city would probably receive more favorable financing if that were done. Martinez stated that she was concerned that doing both projects at the same time would create excessive traffic problems. Martini stated that he didn't see a problem with both projects at opposite sides of the city.

DUSKE MOVED, MANN SECONDED A MOTION TO AUTHORIZE THE CITY ENGINEER NOT TO EXCEED \$20,000 TO COMPLETE PRELIMINARY ENGINEERING TASKS AND COORDINATE MEETINGS WITH CARVER COUNTY AND MN/DOT TO BEGIN PRIOR TO THE JUNE 10, 2009 STIMULUS APPROVAL DATE. MOTION CARRIED 5-0.

2. Project Updates
3. Pay request

MARTINEZ MOVED, KING SECONDED A MOTION TO APPROVE THE PAY REQUEST FROM BOLTON & MENK, INC FOR \$30,148. MOTION CARRIED 5-0.

9. MAYOR'S REPORT

- A. McDonald stated that the Memorial Day service at Highland Park was well attended and the speakers were very good.

10. COUNCIL MEMBERS' REPORTS

- A. Martinez updated the Council on the collaborative meeting held with the City of Mayer, Watertown-Mayer School Board and Mayer Lutheran High School.
- B. King reported that the Watertown-Mayer Community Education Advisory Committee is looking to make the school buildings friendlier for kids' activities.

11. STAFF REPORTS

- A. City Administrator
- B. Senior Planner
- C. Public Works Superintendent

- 1. Kammerer stated that he had contacted two contractors about painting the wastewater treatment facility. Quotes were shown to the Public Works Committee April 16, 2009. The Committee recommended that specifications be put into a solicitation for quotes, which were received by May 12, 2009. The two quotes received were: Tom Mittelstaedt Painting, Inc. for \$3,880 and Hanson's Painting and Repairs, LLC for \$7,900. Public Works Committee and Staff recommended hiring Tom Mittelstaedt painting.

MARTINEZ MOVED, KING SECONDED A MOTION TO HIRE TOM MITTELSTAEDT PAINTING TO PAINT THE WASTEWATER TREATMENT PLANT FOR \$3,880. MOTION CARRIED 5-0.

- D. Finance Director

- 1. Request for approval of voucher list/claims roster

MARTINEZ MOVED, MANN SECONDED A MOTION TO APPROVE THE VOUCHER LIST/CLAIMS ROSTER. MOTION CARRIED 5-0.

- 2. 2009 budget update

Wallner updated the Council on the 2009 budget.

12. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:01 PM.

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor