

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, May 27, 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 27, 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 Attorney David Hubert, City Administrator David Mandt, City Finance Director Steven Wallner, City Planner Crystal Foust, and Public Works Supt. Doug Kammerer.

Also present were: Arnie Esterbrooks, Dan Stigsell, Allen Russo, Mike Neisen, Paul Glasser.

2. ADOPT AGENDA

Staff asked to have items 3D (Hockey Rink final payment) and 3E (Additional firefighter) added to the consent agenda and item 7B (Neisen update) added to the agenda. Staff asked to have items 6A (Celebrate Watertown Lions Rails to Trails update) and 7C (Draft second reading of Vagrancy Ordinance) pulled from the agenda.

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

3. REVIEW OF CONSENT AGENDA

- A. Minutes for May 13, 2008 meeting
- B. Recommendation to approve increasing the bid threshold in the Purchasing Policy per State Legislature amendment
- C. Claims Roster
- D. Hockey Rink final payment
- E. Hire of firefighter

4. CONSENT AGENDA APPROVAL

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

5. OPEN FORUM

- A. Paul Glasser stated that the fire hydrant that the city is requiring him to purchase is too costly. McDonald stated that city staff and fire department representatives visit the site to see if the hydrant is really needed.

- B. Allen Russo addressed the vagrancy ordinance by stating that there are existing laws which will protect city employees in the event they are harassed by the public. He stated that it was a waste of time for the Council to produce an ordinance when there are laws already in place. McDonald stated that the Council is responding to a request from citizens and the Council is looking at ordinances from other cities. Mandt stated that the staff would be checking with other existing laws to see that the city would not be overlapping them.
- C. Dan Stigsell asked about trees on the boulevard and the city's policy about maintaining these trees.

6. CELEBRATE WATERTOWN

- A. Kammerer presented the winning landscape design that was chosen for the area around the city sign along Co. Rd. 20. The Watertown-Mayer horticulture class presented designs that were judged by the city staff. Twenty-five students participated in the project. They also will be involved in projects at City Center Park and City Hall. Duske directed city staff to write a letter of thanks to the students and advisor.

7. NEW/OLD BUSINESS

- A. Public Hearing: Vacation of utility and drainage easement for Forest Hills.

McDonald recessed the Council meeting and opened the public hearing.

There was no comment at the public hearing.

McDonald closed the public hearing and reopened the Council meeting.

Rolling Green, Inc (developer) has requested a boundary adjustment to expand Lot 5, Block 2 and Lot 12, Block 1 and a replat to remove one lot in Block 3 to allow seven larger lots instead of the existing eight lots. In order to do this, 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 designated again on each lot once the final plat is complete and recorded.

Duske stated that he was concerned about curb boxes in the driveways. Esterbrooks stated that this is not encouraged but if one does end up in a driveway, a protective cover will be placed over it.

DUSKE MOVED, MANN SECONDED A MOTION TO APPROVE RESOLUTION 2008-05-27-1 CONTINGENT ON FOREST HILLS FIFTH ADDITION BEING APPROVED WITH EASEMENTS REPLATTED INCLUDING THE STORM SEWER REALIGNMENT TO AVOID ENCROACHMENT INTO THE NEW LOT 1, BLOCK 1. ALL DRAINAGE AND UTILITY EASEMENTS ON LOT 5, BLOCK 2 AND LOT 12, BLOCK 1 AS DEDICATED ON THE RECORDED PLAT OF FOREST HILLS, CARVER COUNTY, MINNESOTA, EXEPT THE 10.00 FOOT DRAINAGE AND UTILITY EASEMENTS ADJACENT TO FOREST HILLS LANE ON SAID LOTS. MOTION CARRIED 5-0.

DUSKE MOVED, MANN SECONDED A MOTION TO APPROVE RESOLUTION 2008-05-27-2 CONTINGENT ON FOREST HILLS SIXTH ADDITION RECEIVING

APPROVAL BY THE CITY COUNCIL WHICH IS BLOCK 3, LOTS 1-8. ALL DRAINAGE AND UTILITY EASEMENTS ON LOTS 1-8, BLOCK 3 AS DEDICATED ON THE RECORDED PLAT OF OREST HILLS, CARVER COUNTY, MINNESOTA, EXCEPT THE 10.00 FOOT DRAINAGE AND UTILITY EASEMENTS ADJACENT TO FOREST HILLS LANE AND BUR OAK LANE ON SAID LOTS. MOTION CARRIED 5-0.

- B. Mike Neisen building 105-109 Lewis Avenue South. At the Feb. 26, 2008 City Council meeting, a report was given as to what progress Neisen had made on seven items he was to complete within one month of Jan. 22, 2008. He had completed three of the items. Other incomplete items were to be reviewed this spring. A structural report received Feb. 27, 2008 for the building from J. R. King Engineering stated that the building meets all the structural concerns of the Minnesota Building Code. Fire code violations were resolved in February and March, 2008. Neisen requested building permit extensions in March, 2008. Building official Randy Kelzenberg submitted a letter to Neisen March 26, 2008 stating that extensions would be considered if Neisen provided a date of resolution for the sewer work and a date for revised architectural drawings signed by a licensed professional. Dean Mau of MnSpect sent letter April 14, 2008 to Paul D. Jaunich regarding drawing for apartments submitted March 30, 2008. Neisen applied for building permit May 6, 2008 to fix stucco. City issued permit May 21, 2008. Scott Qualle of MnSpect sent a letter to Neisen May 19, 2008 informing him that the Council wanted him to attend the May 27, 2008 meeting to address five outstanding items: (1) Upstairs apartment renovation; (2) Painting front of the building; (3) Consignment shop status; (4) Plumbing issue regarding hook-up, obstruction and destination; and (5) Awning installation.

At the May 27, 2008 council meeting, Neisen stated that he had ordered the awning and it would be up in 30 days. He also stated that other work would be done in 90 days. When asked by McDonald why he had waited so long to complete the required work, Neisen stated that he had a lot to do but the outdoor façade would be done in 30 days. Neisen stated he did not know what plans Dick Lee had for the consignment shop and he had not talked recently with Jaunich. Foust stated that she would like Neisen to uphold the 90-day completion on the upstairs apartment.

- C. Underground Imaging Site Agreement. Request for six-month extension of temporary use agreement. The Council approved April 25, 2006 the construction of a temporary eight-foot high chain link fence enclosing an area 50 x 70 feet with a trailer and steel beam 28 feet high. The Council authorized a two-year period after which the fence and equipment would need to be removed. Gerald Hendricks, property owner, agreed to a removal date of May 1, 2008. Hendricks asked for a six-month extension due to apparent legal issue involving Hendricks and Underground owner Jerry Grewe. Hendricks' attorney has informed him he cannot take the fence or steel beam down until the litigation procedure has been completed. Hendricks has made a verbal comment that he will be mowing and cleaning up the site after Memorial Day. Duske stated that the issue appears to be between Hendricks and Grewe and the fence and equipment should be taken down. Geiger suggested that the extension be shortened to 90 days.

GEIGER MOVED, DUSKE SECONDED A MOTION TO APPROVE A 90-DAY EXTENSION OF THE TEMPORARY USE AGREEMENT WITH THE STIPULATION

THAT IF THE FENCE AND EQUIPMENT IS NOT REMOVED BY THE END OF THE 90 DAYS, THE FENCE AND EQUIPMENT WILL BE REMOVED BY THE CITY. MOTION CARRIED 5-0.

8. CITY STAFF REPORTS

9. COMMITTEE REPORT

- A. Recommendation to hire Public Works seasonal employees. Kammerer stated that there were 16 applicants for the position. The Personnel Committee directed staff to interview and make a recommendation for hiring. Staff reviewed the applications and chose five to interview May 20-21. After interviews, staff recommended hiring Garret Genereux and Kyle Jones.

GEIGER MOVED, KING SECONDED A MOTION TO HIRE GARRET GENEREUX AND KYLE JONES FOR THE POSITIONS OF SEASONAL SUMMER PUBLIC WORKS EMPLOYEES AT \$9 PER HOUR. MOTION CARRIED 5-0.

- B. Public Works projects update by Kammerer.

10. ATTORNEY'S REPORT

11. ENGINEER'S REPORT

- A. Projects update from Bolton & Menk, Inc.
B. Pay request from Bolton & Menk, Inc.

GEIGER MOVED, MANN SECONDED A MOTION TO APPROVE PAYMENT TO BOLTON & MENK, INC. FOR ENGINEERING SERVICES AMOUNTING TO 19,569.50. MOTION CARRIED 5-0.

12. MAYOR'S REPORT

- A. McDonald stated that he had called Senator Norm Coleman's office to encourage him to support drilling off shore and elsewhere to help increase the supply of oil and reduce cost of gasoline.

13. COUNCIL MEMBER'S REPORT

- A. King recommended to city staff that they reward the high school students who did landscape work within the city. She gave an example of another city that did this with an award called the "High Five Award."

KING MOVED, MCDONALD SECONDED A MOTION TO AUTHORIZE CITY STAFF TO DEVELOP AN AWARD TO PRESENT TO THE HIGH SCHOOL STUDENTS AND ADVISOR WHO DID LANDSCAPE WORK AROUND THE CITY. MOTION CARRIED 5-0.

14. ADMINISTRATOR'S REPORT

- A. Mandt stated that the Personnel Committee will be discussing and recommending hours for City Hall and Public Works.
- B. Mandt stated that city staff will be meeting with school district officials about the easement at the elementary school.

15. **FINANCE DIRECTOR REPORT**

16. **PLANNER REPORT**

- A. Members of the Park and Recreation Committee, representatives from other local agencies and youth will meet Wednesday, June 4 to discuss what activities youth would like to see provided within the city.

17. **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:02 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor