

**MINUTES OF THE  
WATERTOWN CITY COUNCIL  
Regular Meeting Tuesday, June 12, 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, June 12, 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 Dan Geiger. Council member Earline King 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 Planner Crystal Foust and Planning Consultant Mark Kaltsas.

Others present were: John Willman, Steve Washburn, Don Washburn, Dave Maas, Paul Woytcke, Chris and Pam Fredrickson, Chad Hoppke, Terry Hartman, Eugene Doucette, Rob Warren, Beth Wentland.

**2. ADOPT AGENDA**

Staff asked to have the following item added to the agenda: (7f) Tuscany Village update. Geiger asked to have item 3f pulled from the consent agenda and moved to 7g on the regular agenda.

**DUSKE MOVED, GEIGER SECONDED A MOTION TO ADOPT THE AGENDA AS AMENDED. MOTION CARRIED 4-0.**

**3. REVIEW OF CONSENT AGENDA**

- A. Council minutes for May 22, 2007
- B. Pay Request from M K Land
- C. Recommendation to approve policy for advanced fees for building permits
- D. Request for approval of lawful gambling permit by Immaculate Conception Catholic Church
- E. Recommendation to approve purchase of aerial photo of the city
- G. Request for Council authorization for Personnel Committee to hire top candidate for Planning Intern position
- H. Recommendation to hire fill-in office help
- I. Recommendation to approve moratorium for construction in public right-of-way pending formal approval of right-of-way ordinance
- J. Request to approve peddler permit
- K. Claims roster

Duske asked to have items 3g and 3K pulled for discussion. He stated that the invoice for Jacobson Environmental should go on the record as being a pass through for the Watertown Lions Club who is paying the invoice.

**4. CONSENT AGENDA APPROVAL**

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

**5. OPEN FORUM**

- A. John Willman of 724 Reo Rd. informed the Council about an incident that occurred at approximately 6 a.m. Sunday, June 10 involving his neighbor's dog. Willman related the incident to the Council. He stated that he was about to turn on the water in his back yard when he turned to see the dog (pit bull mix) charging him. Willman stated that the dog scared him as it jumped on his chest. He stated that the dog's owner was close behind. The two people exchanged words and Willman called 911. Willman also referred to a letter submitted to the Council by one of his neighbors. He stated that he could not improve upon the content of the letter. The letter stated that this dog has been out of the owner's hands twice to charge people, including the one involving Willman. The letter states that the dog is a danger and a request was made to the city to take action to have the owner place the dog in a fenced yard or enclosed kennel. This was the second time that Reo Road residents have been to the Council to complain about this dog. Some residents appeared at the April 24 council meeting when the Council approved a motion to have city staff investigate adopted a dangerous animal ordinance. Mandt informed Willman and other residents that the Council will be reviewing sample ordinances and once a draft is written, a public hearing will be held.
- B. Town Deputy Derek Sanderson gave the Council an update on several issues. He also stated that he had visited the owner of the pit bull mix and issued a citation for not having a leash.

**6. CELEBRATE WATERTOWN**

- A. Recommendation to accept \$100,000 Trails Grant from the DNR. Mandt informed the Council that the City of Watertown had been awarded a Local Trail Connections Program grant totaling \$100,000 for a project to construct a trail on both sides of the Crow River that will connect to the Luce Line Trail. McDonald congratulated Wallner and Foust for their work on the successful application. The DNR received 45 applications totaling over \$3.7 million with only \$655,000 allocated.
- B. Recommendation to approve completion of additional documentation necessary to successfully be awarded DNR Trail Grant. In order to enter into a contractual agreement with the DNR to receive the funding, the City will need to complete additional documentation prior to October 1, 2007. Staff will need to consult with the city engineer and the interim community development director for completion of this documentation.

**DUSKE MOVED, MANN SECONDED A MOTION TO COMPLETE THE ADDITIONAL DOCUMENTATION INCLUDING CONSULTING WITH OUTSIDE PERSONS AND AGENCIES. MOTION CARRIED 4-0.**

**7. NEW/OLD BUSINESS**

- A. Recommendation to approve painting of fire station pending formal Fire Advisory Board approval. The Fire Department received two quotes to paint the entire bay with the lowest quote being from Pro Drywall & Painting of Corcoran in the amount of \$13,925. The other quote was \$14,445 from Tom Mittelstaedt Painting, Inc. of Delano. The Fire Department has been putting \$5,000 each year into a fund for repairs to the fire station. Currently that fund has \$16,425. With this year's appropriation, the balance would be \$21,425.

**MANN MOVED, DUSKE SECONDED A MOTION TO APPROVE PAINTING THE ENTIRE BAY OF THE FIRE STATION, PENDING APPROVAL OF THE FIRE ADVISORY BOARD, AT A COST OF \$13,925 BY PRO DRYWALL AND PAINTING OF CORCORAN. MOTION CARRIED 4-0.**

- B. Recommendation for Kings Highlands floodplain. The Council reviewed this issue at its May 8, 2007 meeting. It was the consensus at that time to allow staff some time to do additional research and talk to the developer. Staff met with Paul Moline of Carver County Planning and Mark Gronberg, developer for Kings Highlands. The issue involves the property owners at 549 Raleigh Circle who brought in fill for their backyard. On the grading plan it was noted 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. The survey done by Gronberg and Associates for 549 Raleigh Circle did not have the 938 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 city engineer and county approved the grading plan for the development with the note that there shall be no fill below the 938.0 contour. Several property owners within the development including the owners at 549 Raleigh Circle claim they were not notified of this note and did not receive grading plans upon the sale of the lot. Based on the discussions with the county and developer, the city and county are the only entities that need to approve or deny the placement of fill in the floodplain. Three alternatives were proposed: (1) Require the fill at 549 Raleigh Circle to be removed and distribute information to the other affected property owners about the restriction on their lot. (2) Allow fill within the flood fringe with an equal amount of excavation completed either on the lot or within development. The city and developer will need to designate a potential borrow area within the development. The property owner will be responsible for submitting a plan that includes restoration of the borrow area for review and approval. It would be the property owners' responsibility to excavate an equal amount of fill being brought in. (3) Either the city or developer can excavate an area in Outlot B to account for the existing and for future fill for the whole development. City staff recommended allowing fill within the flood fringe with an equal amount of excavation completed either on the lot as a first choice or within the development in Outlot B. The property owner will be responsible for submitting a plan that includes restoration of the borrow area for review and approval by the city and county. No fill should be allowed within the drainage and utility easements on the properties. An as-built survey needs to be provided to the city upon completion of the fill to verify that no fill has been placed in the existing easement.

McDonald made a motion to follow the recommendation of the city staff. The motion died for a lack of a second.

Geiger stated that the original design was to have 938 feet as the flood fringe. He stated that the Council should give the property owner at 549 Raleigh Circle a variance and not allow anyone else to fill in the flood fringe area. Washburn, property owner of 549 Raleigh Circle, agreed with Geiger that the city grant him a variance. Martini stated that if the Council agrees to allow Washburn to keep the fill but not allow others, the city should still receive as built survey. Duske stated that neighboring lots should be allowed to have fill and the developer should do the work and change the grading plan because that is the way it was presented. Duske stated that he didn't want the city involved in any expense. Geiger stated that if the city is going to allow fill to remain at 549 Raleigh Circle, the developer should have a grading plan to fit with the city engineer's recommendation. Mann stated that something should be done so everyone is treated equally. Paul Woytcke of Kings Highlands stated that the city should take on some responsibility as well as the property owner and developer. Mark Gronberg, developer of Kings Highlands, stated that there is an area in Outlot B where property owners could get fill for their property. He stated there was enough for the entire subdivision.

McDonald stated that he wanted the city staff and developer to work out a suitable grading plan that would benefit all the people who needed improvements as long as the city did not have to pay.

Foust stated that it appeared the Council was moving away from what was recommended by the city staff and that she was hearing three options to which she needed Council direction.

**DUSKE MOVED, GEIGER SECONDED A MOTION TO ALLOW THE HOMEOWNER OF 549 RALEIGH CIRCLE TO KEEP THE FILL THAT HE BROUGHT IN. MOTION CARRIED 4-0.**

**DUSKE MOVED, GEIGER SECONDED A MOTION TO HAVE THE DEVELOPER AND CITY STAFF WORK ON AN AMENDED GRADING PLAN. MOTION CARRIED 4-0.**

- C. Paul Avenue Development Agreement. City staff presented an agreement for construction of Paul Avenue between Co. Rd. 24 and Co. Rd. 20 and construction of part of Street A on the preliminary plat of Woodfield subdivision in Watertown. The agreement would be signed by the city, school district and the developer.

**DUSKE MOVED, GEIGER SECONDED A MOTION TO APPROVE THE DEVELOPMENT AGREEMENT FOR CONSTRUCTION OF PAUL AVENUE BETWEEN COUNTY ROAD 24 AND COUNTY ROAD 20 AND CONSTRUCTION OF STREET A ON THE PRELIMINARY PLAT OF WOODFIELD IN THE CITY OF WATERTOWN. MOTION CARRIED 4-0.**

- D. Recommendation to approve Carlson Cleaning Services for a three-month trial period for the Community Center. City staff contacted five firms for quotes for cleaning the restrooms, hallways, entry ways, kitchen and community center rooms. The low quote was presented by Carlson Building Services, Inc. of St. Michael, MN. They proposed \$245 per month for cleaning twice per week. They were two of five firms who returned formal quotes. Staff checked on references with a positive

response from each respondent. Staff learned of this company from the City of Delano. All of the firms stated that the first cleaning of the restrooms and kitchen would require substantially more work due to the existing condition of the rooms. The numbers in the quote reflect the cost of maintenance after the initial cleaning.

**GEIGER MOVED, MANN SECONDED A MOTION TO HIRE CARLSON CLEANING SERVICES ON A THREE-MONTH TRIAL PERIOD TO CLEAN THE COMMUNITY CENTER TWICE A WEEK AS OUTLINED IN THEIR MAY 9, 2007 PROPOSAL. MOTION CARRIED 4-0.**

- E. Dangerous Animal and Trapping Ordinance. Mandt went through two sample ordinances with the Council to obtain feedback. He recommended public hearings for the ordinances once they are drafted by the city attorney. Geiger stated his displeasure with dogs attacking people on their property and not being able to do anything about it.

**GEIGER MOVED, MANN SECONDED A MOTION TO MOVE FORWARD AND HAVE THE CITY ATTORNEY DRAFT BOTH ORDINANCES TO FIT WITHIN THE MUNICIPAL CODE. MOTION CARRIED 4-0.**

- F. Tuscany Village update. Mandt presented the Council with information from a staff meeting with the banker for Tuscany Village. Mandt stated that the banker asked for a two-week extension to allow him time to pull together the letter of credit and meet with the developer and form a response to the city's request to complete a punch list of items toward completion of the subdivision. Mandt stated that \$15,000 had been delivered to the city for the escrow account and the banker stated that other actions would proceed toward their completion. Mandt stated that Scott Qualle of Waldron and Associates said the banker has a good track record for getting things done. That was corroborated by the city attorney.

**MCDONALD MOVED, GEIGER SECONDED A MOTION TO ALLOW THE BANKER TWO WEEKS FROM JUNE 12, 2007 TO PRESENT A PLAN TO THE COUNCIL ON HOW ITEMS ON THE PUNCH LIST WILL BE COMPLETED. MOTION CARRIED 4-0.**

**8. CITY STAFF REPORTS**

- A. Update on Water Meter installation. Mandt stated that the city has 84 residences that still need to be changed over to the new meter system. He recommended that the city start on the auto read system with those meters already installed and come up with a plan as to how to handle the 84 remaining meters.

**MCDONALD CALLED FOR A FIVE-MINUTE RECESS**

**9. COMMITTEE REPORT**

- A. Sunset Ridge Park site preparation quote. City staff received two quotes from companies to do the grading, sidewalk and curb for the park in Forest Hills. Doboszinski & Sons, Inc. of Loretto had a quote of \$48,217.25 and Burns Excavating of Watertown had a quote of \$40,954.50.

**GEIGER MOVED, MANN SECONDED A MOTION TO AWARD THE CONTRACT FOR DOING SITE PREPARATION WORK FOR THE PARK IN FOREST HILLS TO BURNS EXCAVATING OF WATERTOWN FOR \$40,954.50. MOTION CARRIED 4-0.**

- B. Park and Recreation Commission recommendation to approve Sunset Ridge Park improvements. City staff received quotes from two companies that supply playground equipment. Earl F. Anderson of Bloomington had a quote of \$128,221.33 while Clearwater Recreation of Waconia had a quote of \$89,063.78. Equipment components for the two playground quotes were not the same. The Park Commission recommends purchasing park equipment from Earl F. Anderson with a price not to exceed \$49,500 for Phase 1.

**GEIGER MOVED, DUSKE SECONDED A MOTION TO APPROVE PURCHASE OF PARK EQUIPMENT FROM EARL F. ANDERSON FOR SUNSET RIDGE PARK IN FOREST HILLS WITH A PRICE NOT TO EXCEED \$49,500 FOR PHASE I INCLUDING EQUIPMENT, SURFACING, INSTALLATION, SHIPPING AND HANDLING AND SALES TAX. THIS IS CONTINGENT UPON AN AGREEMENT WITH THE DEVELOPER, ROLLING GREEN, TO DO THE SITE PREPARATION INCLUDING, BUT NOT LIMITED TO GRADING, SIDEWALKS AND CONCRETE EDGE. MOTION CARRIED 4-0.**

**10. ATTORNEY'S REPORT**

**11. ENGINEER'S REPORT**

- A. Pay request from Wm. Mueller and Sons in the amount of \$3,000. This was a contractor's estimate for work completed on the boardwalk downtown Watertown.

**GEIGER MOVED, MANN SECONDED A MOTION TO APPROVE FINAL PAYMENT TO WM. MUELLER AND SONS, INC. OF HAMBURG IN THE AMOUNT OF \$3,000 FOR WORK COMPLETED ON THE DOWNTOWN RIVERWALK PROJECT. MOTION CARRIED 4-0.**

**12. MAYOR'S REPORT**

**13. COUNCIL MEMBER'S REPORT**

**14. ADMINISTRATOR'S REPORT**

- A. Mandt stated that he had talked with Carver County Engineer Roger Gustafson about a number of items including Co. Rd. 20 improvements, speed limits on Co. Rds. 20 and 24, the possibility of federal funding for a second river crossing and the need for a crosswalk at Bremer Bank and/or a sidewalk on the north side of Territorial Street east of the river.

**DUSKE MOVED, GEIGER SECONDED A MOTION TO AUTHORIZE CITY STAFF TO WORK ON A COOPERATIVE AGREEMENT WITH THE COUNTY FOR A TRANSPORTATION PLAN, INCLUDING TRAFFIC CONTROL**

**MEASURES, AT THE "Y" ON TERRITORIAL STREET EAST AND PAUL AVENUE. MOTION CARRIED 4-0.**

**15. FINANCE DIRECTOR REPORT**

A. Wallner stated that a special meeting would be required to review and approve the 2006 audit that was recently received. A special meeting was set for 5 p.m. Tuesday, June 19, 2007.

**16. CITY PLANNER REPORT**

**17. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 9:15 PM.**

Respectfully Submitted,

**ATTEST:**

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Steven Wallner  
Clerk-Treasurer

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K.J. McDonald  
Mayor