

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, June 23, 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, June 23, 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, Rick Mann, Jodi Martinez and Steven Duske. Council Member Earline King was absent.

The following staff members were present: City Engineer David Martini, Senior Planner Crystal Foust and Acting Administrator/City Clerk-Treasurer and Finance Director Steven Wallner.

Also present were: Dr. Robert Griffith, Marvin Bergland, Craig Anderstrom, Eric Weinhandl, Becky Konst, Kevin and Cathy Sterner, Betty Carlson, Joe Wren, John Radde, Willard Schuette, James Rivord, Rob Wilkening, Deb and Gary Bonk, Dawn Kroonblawd.

2. ADOPT AGENDA

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

3. REVIEW OF CONSENT AGENDA

- A. Council minutes for June 9, 2009 meeting
- B. Park Commission minutes from June 11, 2009
- C. Planning Commission minutes from June 11, 2009
- D. Approval of Forest hills paving corrections plan
- E. Approval of appointment of Rob Wilkening to Planning Commission
- F. Approval of appointment of Jim Sandquist to Planning Commission
- G. Pay request from city building official – MnSPECT
- H. Pay request from city attorney – Melchert Hubert Sjodin
- I. Pay request from Wm. Mueller & Sons for Trail Construction Phase 2
- J. Lions request for waiver of sign permit requirements
- K. Wildflower Neighborhood block party request to close street

MANN MOVED, MARTINEZ SECONDED A MOTION TO ADOPT THE CONSENT AGENDA. MOTION CARRIED 4-0.

4. OPEN FORUM

- A. Dr. Griffith wanted to discuss David Mandt's resignation with city attorney, who was not present. Griffith will return to council meeting when city attorney is present.

5. CELEBRATE WATERTOWN

- A. Craig Anderstrom – presentation of certificate of appreciation for five years on Planning Commission.
- B. McDonald mentioned that Market Place would be giving away \$2000 in gift certificates during the Rails to Trails Festival.

6. **NEW/OLD BUSINESS**

- A. Marvin Bergland deferment for hooking up to sanitary sewer.

Marvin Bergland's property at 12220 30th Street has been annexed into the city. He originally 43 acres south and east of Tuscany Village, but sold 40 acres to John Trebesch for Tuscany Village North. Subdividing a property is a trigger for having an inspection on a private septic system. An inspection was conducted Aug. 24, 2002 by Chip Hentges, Carver County inspector. Although Bergland's septic system was not an imminent threat to public health or safety it was found to be failing. The area near Bergland is planned for development in 2020 to 2025. Bergland would like to connect to city sewer services, but it is 900 feet away. Bergland has decided to put in a mound system but is requesting 15 years to hook up to city sewer to recoup some of the cost of putting in a new septic system. City staff is comfortable with deferring the hook-up to city sewer for 10 years because the property around Bergland's property is in the 2020 phase of the Comprehensive Plan. Staff recommended that if the property is sold, the new owner would have to hook up to city sewer if it is available to the property. Staff recommended deferring the hook-up to city sewer for the Berglands until Jan. 1, 2020 or when it becomes available, whichever is longer.

MANN MOVED, DUSKE SECONDED A MOTION TO FOLLOW STAFF RECOMMENDATION BY APPROVING RESOLUTION 2009-06-23-1, DEFERRING THE CONNECTION TO CITY SEWER UNTIL JANUARY 1, 2020 OR WHEN IT BECOMES AVAILABLE, WHICHEVER IS LONGER. MOTION CARRIED 4-0.

- B. Petition from Joseph Wren requesting truck access to 712 Hutchinson Road.

Wren submitted a petition signed by 26 individuals seeking permission from the City Council to allow him to drive his dump truck on Hutchinson Road to his residence at 712 Hutchinson Road five to seven days per month to perform maintenance on the vehicle. Wallner stated that the petition is incomplete since it only contains signatures, not printed names or addresses. Some of the signatures are illegible. Of the 26 signatures, staff could only identify 10 signatures. Wren made a similar request in August 2008. At that time, a petition with 12 signatures was submitted from residents in the area requesting the Council to uphold all city ordinances regarding nuisances, truck routes, off-street parking and loading and noise. Wren requested the city check to see if any of the individuals who signed the petition in 2008 had a change of heart and signed the most recent petition. Staff could not complete this request given the illegible nature of many of the signatures. Of those that were verified, none had signed the 2008 petition. Staff recommended that the Council uphold the Municipal Code and deny Wren's request. Staff also stated that if the Council wished to proceed with Wren's request, a valid petition should be submitted.

Wren stated that when he purchased his home in 2000, Hutchinson Road was posted as a five ton per axel road. The road is no longer posted as such. Foust stated that the road was probably mismarked with the sign, which was taken down. She stated that Wren would need to apply for a variance in order for the Council to consider Wren to drive on Hutchinson Road. Martini stated that he didn't think it would be a concern for the street if the truck were unloaded. He stated that it would be more of a concern if the Council wanted that type of truck on the street. When asked by Martinez if he could do the maintenance on his truck at another location, Wren stated that it would take longer off-site. Martinez stated that she wished it would be possible to work with Wren to find another site to do his repairs. She stated that if the Council allows him to do his repairs at home it will open the door for others to make the same request. McDonald stated that Wren's request seemed reasonable and the Council should make every effort to allow Wren to make a living.

Eric Weinhandl of 719 Reo Road stated that the petition seemed vague and he believes the responsibility of enforcement will fall on the neighbors. McDonald stated that everyone in town is obligated to see that rules and regulations are enforced along with the assistance of the city government. When asked by Duske what annoyed him, Weinhandl stated that it was the exhaust from the truck, noise, time of day when maintenance conducted and lower property values with neighbor who has dump truck.

Gary and Deb Bonk of 792 Hutchinson Road stated that they live next door to Wren. They stated that he has a right to park his truck there and work on it since it is part of his business. They did state that hour restrictions would help.

Rivord stated that the Council should look to the future when someone else may be living in the homes around Wren and may be coming to the Council again. He agrees with Martinez that if you allow one it will open it city-wide.

Sarah Weinhandl of 719 Reo Road stated that she lives behind Wren. She has concerns about the truck exhaust and eye soar of the truck parked at the residence. She stated that nothing was done a year ago when the Council asked Wren to work something out with the neighbors. She stated that Wren is a good neighbor for the most part, but there needs to be exact hours when he can do his repairs.

McDonald made the recommendation that Wren resubmit a proper petition and visit with neighbors who have objections to possibly work out a compromise. Until the proper petition is acted upon by the Council, Wren is not allowed to drive on Hutchinson Road or park his truck on his property. Wren will also have to apply for a variance from the Planning Commission and Council for driving on Hutchinson Road which is not a truck route.

7. COMMITTEE REPORT

B. Farm Animals in non-agricultural districts

In the past couple of years city staff has received complaints about chickens in residential areas. Residents have taken to raising chickens for eggs. The Zoning Code allows chickens and other farm animals in agricultural districts but there is nothing about residential districts. During the May 2009 Planning Commission meeting, the Commission gave staff direction to prepare an ordinance prohibiting farm animals and livestock within residential zoning districts.

Duske stated that he would like to see a limit on the number of rabbits that are allowed. He stated that until he sees something about limits he would not approve the proposed ordinance. He wanted to see one ordinance without having to make amendments.

MARTINEZ MOVED, MANN SECONDED A MOTION TO ADOPT ORDINANCE 337 PROHIBITING FARM AND LIVESTOCK ANIMALS IN RESIDENTIAL ZONING DISTRICTS. MOTION CARRIED 3-1 (DUSKE VOTED NAY).

A. Request to install corn crib at 133 Lewis Ave. S.

Dawn Kroonblawd, owner of Watertown Floral at 133 Lewis Ave. S., requested to install a 15-foot diameter corn crib on the vacant lot next to her floral shop. She would like to put hanging baskets in the crib during spring and summer and garland and wreaths during the winter months. Kroonblawd talked to business owners in the area and post cards were sent out to all business owners in the downtown area. Planning Commission recommended approving the use of a corn crib as an accessory structure and recommended adherence to building code standards. Staff also suggested that the structure be painted with a clear poly or similar substance to help in the aging process.

DUSKE MOVED, MARTINEZ SECONDED A MOTION TO APPROVE REQUEST TO ERECT A FLOWER CRIB AT 133 LEWIS AVE. S. AS AN ACCESSORY STRUCTURE TO STORE AND DISPLAY PRODUCTS. MOTION CARRIED 4-0.

C. Expanding Driveway Widths

Staff presented an ordinance which expands the maximum allowable width of driveways from 24 feet at the property line and 30 feet at the curb to 24 feet maximum for two-stall garages or fewer and 30 feet maximum at the property line and curb for three or more stall garages. The Council reviewed an ordinance at its June 9, 2009 meeting and decided to keep the ordinance simple. A public hearing was posted in the Carver County News June 11, 2009.

MCDONALD MOVED, DUSKE SECONDED A MOTION TO ADOPT ORDINANCE 336, AMENDING THE MUNICIPAL CODE BY CHANGING THE TEXT PERTAINING TO THE MAXIMUM WIDTH OF DRIVEWAYS. MOTION CARRIED 4-0.

8. **CONSULTANTS' REPORTS**

A. 1. Engineer's Progress Report

A. 2. Engineer's Pay Request

MARTINEZ MOVED, MANN SECONDED A MOTION TO ACCEPT THE PAY REQUEST FROM BOLTON & MENK, INC. FOR \$10,172. MOTION CARRIED 4-0.

9. **MAYOR'S REPORT**

10. **COUNCIL MEMBERS' REPORTS**

A. Possible changes to curfew

Council reviewed its present curfew ordinance and compared it to other cities and the county curfew.

Martinez made a motion to adopt the Carver County curfew.

Wallner suggested that the Council rescind the city's current curfew ordinance which would automatically place the city under the county's curfew ordinance. He stated that if the county changes its curfew, the city will automatically fall under the new curfew regulations.

Martinez withdrew her motion to adopt the Carver County curfew.

MARTINEZ MOVED, MANN SECONDED A MOTION TO ADOPT ORDINANCE 338 REPEALING SECTION 34.3 OF THE MUNICIPAL CODE PERTAINING TO CURFEW FOR MINORS AGE 17 OR YOUNGER. MOTION CARRIED 4-0.

B. Vandalism

Duske asked the citizens of Watertown to help identify the person(s) responsible for the vandalism (painting vehicles, buildings, fire hydrants, etc) this past weekend in town.

DUSKE MOVED, MANN SECONDED A MOTION TO OFFER \$250 FROM THE VANDALISM REWARD FUND FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSON(S) INVOLVED WITH VANDALISM. MOTION CARRIED 4-0.

11. **STAFF REPORTS**

B. Senior Planner

Foust mentioned that the Council would be receiving Planning Commission and Park and Recreation minutes with their agendas in the future. She also reminded Council members of the two open houses Tuesday, July 21 for Co. Rd. 20 and Hwy. 25 improvements.

D. Finance Director

1. Finance Committee recommendation to approve 2009 budget revisions

DUSKE MOVED, MARTINEZ SECONDED A MOTION TO FOLLOW THE RECOMMENDATION OF THE FINANCE COMMITTEE TO APPROVE THE 2009 BUDGET REVISIONS. MOTION CARRIED 4-0.

2. Request to approve voucher list/claims roster

MARTINEZ MOVED, MANN SECONDED A MOTION TO APPROVE THE VOUCHER LIST/CLAIMS ROSTER. MOTION CARRIED 4-0.

12. **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:30 PM.

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor