

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, June 24, 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, June 24, 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, Planning Consultant Mark Kaltsas, Public Works Supt. Doug Kammerer and Ken Adolf of Bolton & Menk, Inc..

Also present were: Doug Koski of AT & T; Arnie Esterbrooks of Rolling Green, Inc.; Linda Reinert of WAYM, Inc.; Mike Crom and Gary Harding of Watertown Lions Club.

2. ADOPT AGENDA

Staff asked to have Item 3G moved to 9A, thereby moving 9A to 9B. Staff asked to pull the original Item 9B (Recommendation to approve Forest Hills Development Agreements for 6th Phase). Staff asked to have corrections made to Items 6A, 7B and 7C.

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

3. REVIEW OF CONSENT AGENDA

- A. Minutes for June 10, 2008 meeting
- B. Park Commission recommendation to participate in Emerald Ash Borer test
- C. Park Commission recommendation for Ann Street Park Equipment
- D. Pay request from Melchert, Hubert, Sjodin
- E. Planning Commission recommendation: Sign Ordinance
- F. Planning Commission recommendation for AT & T CUP Amendment
- H. Peddlers Permit Application
- I. Park Commission recommendation to allow Watertown Area Youth Ministries to see concessions at Evergreen Park
- J. Claims roster

Duske asked to have Item 3D pulled for discussion.

4. CONSENT AGENDA APPROVAL

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

5. OPEN FORUM

- A. Mike Crom and Gary Harding of the Watertown Lions Club requested permission to put a walk through four-foot gate in the fence in centerfield at Highland Park. Crom stated that when the fence was put up, the gate was supposed to be installed but was not put in. He said the Lions Club would pay for the cost of installing the gate.

MANN MOVED, DUSKE SECONDED A MOTION TO AUTHORIZE THE WATERTOWN LIONS CLUB TO INSTALL A FOUR-FOOT GATE IN THE OUTFIELD FENCE AT HIGHLAND PARK. THE COST OF THE FENCE IS TO BE PAID BY THE LIONS. MOTION CARRIED 5-0.

6. CELEBRATE WATERTOWN

- A. Watertown Area Youth Ministries (WAYM) presentation. Linda Reinert thanked the Council for allowing WAYM to sell concessions at Evergreen Park (Item 3I) and informed the Council about WAYM. The group is in its 15th year of sending area youth to Christian summer camps.
- B. Go Carver Go web site. Crystal Foust explained how the new county web site would operate. People will be able to log onto the web site and search for roads, parks, streets, trails etc within the City of Watertown and other areas of the county. People can toggle between a street view and an aerial view.

7. NEW/OLD BUSINESS

- A. Fire hydrant installation at 610 County Road 10. A feasibility study was conducted by Bolton and Menk for sanitary sewer and water services. Existing fire hydrants are located on the north side of Co. Rd. 10 about 200 feet west of the west property line of the Glasser property and about 190 feet east of the east property line. The Glasser building is about 150 feet from Co. Rd. 10, greater than the recommended distance for a fire hydrant. The feasibility study recommended construction of an additional hydrant at the Glasser property in combination with a six-inch water service stub. Minnesota Fire Code Section 508.5.1 requires a hydrant within 300 feet of the building and since the fire code was adopted by the City Council, it cannot be waived at the local jurisdictional level. The Fire Chief also requests a fire hydrant be installed at the recommended location.

McDonald stated that many times the city gets locked into codes that are not flexible and are without common sense. Geiger stated that a hydrant should have been installed when the building was first constructed. He didn't see a need for a hydrant when there are two in the area. Geiger stated that if a new hydrant is installed, the cost should be spread among the benefited property owners and not

just one. Duske asked Paul Glasser, owner of 610 Co. Rd. 10, why he didn't request the water services when he had built his building. Glasser stated that he couldn't afford it. Duske asked if Glasser could apply for a hardship. Foust stated that that would require a variance to the zoning code and a variance would not apply in this case. Glasser objected to the cost of the hydrant. Glasser offered to supply the labor to put in the hydrant if the city would supply the hydrant, end cap and two valves.

MCDONALD MOVED, GEIGER SECONDED A MOTION TO TABLE THE ITEM TO ALLOW THE CITY ATTORNEY TO RESEARCH THE ISSUE WITH CITY STAFF AND CITY BUILDING INSPECTION SERVICE. MOTION CARRIED 5-0.

- B. Annexation petition for 800 Angel Ave. SW. The property is in the Orderly Annexation area. Watertown Township Board approved the annexation at its June 2008 meeting and requested property tax reimbursement. Carver County has notified the property owner that the septic system is not in compliance and would need to be updated to sell the property. The property owner has requested to be connected to city sewer and water. It was the consensus of the Council to inform the property owner that he must pay the property tax reimbursement to Watertown Township. Formal approval by the City to annex the property would take place after Watertown Township has stated that the property tax reimbursement has been paid.
- C. Petition for municipal services for 800 Angel Ave. SW in Rohs Way. Monte S. Hiller, property owner, has petitioned the City for sewer and water service and has waived any public hearing for the project and assessment hearing. Hiller has agreed to pay all costs of the improvements. Sewer is at the intersection of Angel Avenue and Landings Lane. The water is under the newly constructed Angel Avenue. There is a sewer and water stub for 800 Angel Ave. SW. Staff has recommended that Bolton and Menk conduct a feasibility study to install municipal services for properties along Angel Avenue including 760, 800, 840 and 880 Angel Ave. SW. All properties have a water stub to them. Duske stated that according to the Adequate Public Facilities Ordinance that if the service is placed in front of the property it must be furnished to it. Mandt stated that the developer for Rohs Way had its own engineer for the project.
- D. Review of quotes for Hockey Rink Warming House. Foust went over the quotes with the Council. Two contractors submitted quotes: GDS, Inc and Metropolitan Construction Services. GDS had a quote of \$49,422, of which \$1,882 was removed for work that will not be in the project this summer. The final quote for GDS was \$47,560. The quote for Metropolitan was \$69,718.25, which was above the quote threshold of \$50,000. Therefore, the City had to exclude the quote from Metropolitan. The grading and excavation will be donated by Burns Excavating as part of the hockey rink project last year. The City bid the electrical work as part of the lighting project last year and Roy's Electric was awarded the contract to proceed with installing the electrical panel and lighting at a cost of \$1,603. With a 20-year cost estimation to maintain and facilitate a hockey rink, including a three percent inflation adjuster for all costs, the total amounts to \$82,956.91, excluding electric service. The warming house will be 16x19 block construction with an 8x8 bathroom storage facility and hip roof.

MANN MOVED, GEIGER SECONDED A MOTION TO AWARD THE CONTRACT TO CONSTRUCT THE GROVE STREET HOCKEY RINK WARMING HOUSE TO GDS, INC FOR \$47,560 AND ALLOW ROY'S ELECTRIC TO COMPLETE THE ELECTRICAL WORK FOR \$1,603. THE TOTAL OF THE WARMING HOUSE AND ELECTRICAL WORK IS NOT TO EXCEED \$49,163. THE CITY HAS THE RIGHT TO NEGOTIATE WITH THE CONTRACTOR ONCE THE CONTRACT IS AWARDED. MOTION CARRIED 5-0.

8. CITY STAFF REPORTS

9. COMMITTEE REPORT

- A. Planning Commission recommendation to approve Forest Hills 4-plex Site Plan. Foust reviewed the recommendation with the Council. Section 62-613 of the Watertown Zoning Ordinance required the Planning Commission to recommend and City Council to approve a site plan for any non single-family detached residential development. The proposed land use is multi-family with one four-plex. The buildings, landscaping, lighting, mailboxes, etc will be the same as the townhomes in Forest Hills Phase 3 or those along Forest Hills Lane. The Planning Commission approved the site plan subject to three conditions.

GEIGER MOVED, MANN SECONDED A MOTION TO FOLLOW STAFF RECOMMENDATION TO APPROVE THE SITE PLAN FOR FOREST HILLS PHASE SIX SUBJECT TO (1) APPROVAL OF THE FINAL PLAT (2) ALL BUILDINGS REMAIN CONSISTENT WITH THE PROVISIONS OF PUD-FH AND (3) ALL MECHANICAL UNITS BE SCREENED FROM PUBLIC VIEW, EITHER THROUGH THE PLACEMENT OF SCREENING, LANDSCAPING OR LOW FENCES. MOTION CARRIED 5-0.

- B. Planning Commission recommendation for Forest Hills 6th Addition Final Plat. Foust went over the recommendation with the Council. A preliminary plat was approved with conditions for the Forest Hills neighborhood in October 2004. The preliminary plat included provisions for 487 dwelling units and a future residential/commercial area at the intersection of Paul Avenue and County Road 20. The Planning Commission held a public hearing June 12, 2008 and received no comments. The developer requests to replat Block 3 by eliminating one lot. The developer also requests final platting one four-plex unit along Hawthorn Lane. Duske stated that the road is too narrow for the snowplows to turn around. Mandt stated that a bituminous turnaround (cul de sac) could be built as was done in Rosewood Estates and Wildflower. The Planning Commission recommended approval of the Forest Hills 6th Addition contingent on several items.

GEIGER MOVED, KING SECONDED A MOTION TO FOLLOW THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE THE FOREST HILLS SIXTH ADDITION CONTIGENT UPON THE FOLLOWING: (1) WORK WITH PUBLIC WORKS TO ABANDON ONE SEWER AND WATER SERVICE THAT WOULD NOT BE USED; (2) AVOID CURB STOPS IN THE DRIVEWAYS AS MUCH AS POSSIBLE. IF UNAVOIDABLE, CURB STOPS SHALL BE PROTECTED PER CITY STANDARDS; (3) WORK WITH UTILITY

COMPANIES TO RELOCATE UTILITIES IF DEEMED NECESSARY OR PROVIDE ALTERNATIVE OPTION; (4) HAWTHORN LANE SHALL BE EXTENDED AN ADDITIONAL 50 FEET TO THE SOUTHEAST; (5) SIDEWALKS SHALL BE CONSTRUCTED ON THE LIVABLE SIDE ONLY; (6) DEVELOPMENT AGREEMENT FOR FOREST HILLS PHASE SIX SHALL BE APPROVED BY CITY COUNCIL; (7) PLACEMENT OF A BITUMINOUS CUL DE SAC. MOTION CARRIED 5-0.

10. **ATTORNEY'S REPORT**

11. **ENGINEER'S REPORT**

- A. Project Update. Ken Adolf of Bolton & Menk, Inc. informed the Council about the failure of the slope along Hwy. 25 near the Henschen property. New seed was placed and covered by fabric. Adolf stated the grass had not become established and a heavy rain caused the soil to become saturated and slide down the slope. He stated that the City could require the contractor (Kuechle Underground, Inc.) to redo the work under warranty but the same problem may occur. Adolf stated that Dave Martini of Bolton & Menk talked with the contractor about a terraced slope with a reinforced mat over the seed and top soil. This would cost \$4,000. The cost would be added to the project and paid by the developer. Duske stated that he wanted to be sure that the developer, Rob Berg, knew he was going to be paying for the work.

King made a motion and McDonald seconded it to proceed with the terraced slope at a cost of \$4,000 contingent on Rob Berg agreeing to pay for the work.

Geiger stated that the slope should be repaired as it was before under warranty. Mandt stated that this is a contract project between the city and Kuechle. Geiger stated that the city shouldn't have to spend another \$4,000 to fix the problem.

King and McDonald agreed to withdraw their motion.

The slope will be repaired as it was before under the warranty.

- B. Pay request.

GEIGER MOVED, MANN SECONDED A MOTION TO APPROVE THE PAY REQUEST FROM BOLTON & MENK, INC. FOR \$15,654. MOTION CARRIED 5-0.

12. **MAYOR'S REPORT**

- A. McDonald informed the public that there is information available for residents on foreclosure prevention from Carver County Community Development Agency.

13. **COUNCIL MEMBER'S REPORT**

- A. Geiger stated that he and McDonald had attended the League of Minnesota Cities seminar. He also had attended other meetings.

14. **ADMINISTRATOR'S REPORT**

15. **FINANCE DIRECTOR REPORT**

- A. Recommendation to approve 2007 Audit Report. Wallner informed the Council that the timeliness of the auditor's response with a complete audit has been less than desirable. Conversations have taken place with the lead auditor regarding the tardiness of the full audit report. Wallner stated that he has received a draft of the full report but it was not completed for Council review. Wallner stated that the full report would be received June 26, 2008. The City needs to meet the June 30, 2008 deadline for submitting the financial statements to the State Auditor. Wallner asked the Council to approve the audit for the purposes of meeting the state deadline. When the full report arrives, it will be distributed to the Finance Committee who will meet with the auditor in July. The auditor will meet with the full council in a workshop prior to the Tuesday, July 22 council meeting. Wallner did supply the Council with the auditor's opinion report and management discussion and analysis for review.

MCDONALD MOVED, DUSKE SECONDED A MOTION TO APPROVE THE 2007 AUDIT REPORT FOR THE PURPOSE OF MEETING THE STATE DEADLINE WITH A FULL REVIEW IN JULY. MOTION CARRIED 5-0.

Duske commended staff members for doing a good job in the preparation of the audit and for being fiscally responsible during the past year.

16. **PLANNER REPORT**

17. **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:26 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor