

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Wednesday, August 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 **Wednesday, August 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, Earline King, Steven Duske and Rick Mann.

The following staff members were present: City Attorney David Hubert, City Administrator David Mandt, Senior City Planner Crystal Foust, City Engineer David Martini and Public Works Superintendent Doug Kammerer.

Also present were: Mark Hennessey, Kyle McDonough, Rhonda and Tom Dahlstrom and Paul Glasser.

2. ADOPT AGENDA

City Staff asked to add Item 3N (New firefighter) and Item 8D (Pay request for GDS Design and Build) to the agenda.

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

3. REVIEW OF CONSENT AGENDA

- A. Minutes for August 12, 2008 meeting
- B. Pay request from Hoff, Barry and Kozar
- C. Change Order: Landings of Watertown Sidewalk Project
- D. Request from Watertown-Mayer School District to waive ordinance pertaining to private disposal systems
- E. Recommendation to hire firefighter
- F. Change Order: Downtown River Trail from Rick Johnson Shelter to Maple Street
- G. Recommendation to Repeal Moratorium Ordinance 325
- H. Planning Commission recommendation to approve Ordinance 326
- I. Planning Commission recommendation to approve Adult Use Ordinance 327
- J. Planning Commission recommendation to approve Amendment Ordinance 328
- K. Planning Commission recommendation to approve Ordinance 329
- L. Pay request from Melchert, Hubert and Sjodin
- M. Claims Roster
- N. Recommendation to hire firefighter

Duske asked to have Items 3H and 3M pulled for discussion.
Consensus of the Council was to pull Items 3G through 3K from the Consent Agenda.

Mann asked to have Item 3F pulled for discussion. He recommended that Items 8-9-10 of the Change order be pulled and reviewed by the Trail Committee.

DUSKE MOVED, GEIGER SECONDED A MOTION TO PULL THE CONCRETE PEDESTRIAN RAMP, FIVE-INCH REINFORCED CONCRETE AND PAINTED CROSSWALK FROM THE CHANGE ORDER FOR REVIEW BY THE TRAIL COMMITTEE. MOTION CARRIED 5-0.

4. CONSENT AGENDA APPROVAL

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

5. OPEN FORUM

A. Tom and Rhonda Dahlstrom stated that kids had just broken bottles on the Luce Line Trail by their house and had harassed a parent and two children that evening. They also asked why the Council had not passed an ordinance against loitering and harassing/intimidating behavior when a petition was brought in April 22, 2008 with 49 signatures on it. McDonald stated that officers are patrolling the area and Mandt stated that officers have restricted some kids from coming back to Pocket Park on the Luce Line and have pulled the picnic table from the park as well after kids left a mess around it. Mandt stated that the city is looking into modifying an ordinance that will fit the situation. Tom Dahlstrom stated that the kids are not respecting the police and that they come back after being told to leave. Rhonda Dahlstrom stated that if the city had an ordinance the trouble would end. McDonald disagreed stating that any number of ordinances would not help if the city does not receive the cooperation of the parents. Duske offered a state ordinance 609.72 which he stated applies to disorderly conduct. Rhonda Dahlstrom stated that the state ordinance applies to state parks. McDonald stated that he would be willing to meet with the parents of the youth and officers as they did a couple of years ago. He stated that the meeting then seemed to help.

6. CELEBRATE WATERTOWN

A. Foust gave the Council an update on the Go Carver Go web site.

7. NEW/OLD BUSINESS

A. Request for extension for Fullerton Lumber sewer and water hook up. Fullerton Lumber and Neal Slate Company were notified by letter on July 25, 2008 that municipal services are now available in front of their businesses along Hwy. 25. As one of the conditions of approval for Fullerton Lumber for a conditional use permit amended October 14, 1997, was that the applicant agrees to connect to

municipal sewer and water (when available) and pay for all fees, hook-up charges and/or special assessments. Fullerton Lumber has requested to delay hooking up to City sewer and water until 2009. Mark Hennessey stated that Fullerton and their bank have denied any capital expenditures or improvements for 2008. The City paid \$250,000 for sewer and water extension to the Industrial Park and expected the connection fees to be paid when services were available. The companies were not assessed for the sewer and water extension. Estimated connection fee for Fullerton is \$24,000.

DUSKE MOVED, GEIGER SECONDED A MOTION TO ACCEPT THE REQUEST OF FULLERTON LUMBER FOR AN EXTENSION TO HOOK UP TO THE CITY SEWER AND WATER UNTIL 2009. MOTION CARRIED 5-0.

- B. Fire hydrant installation at 610 County Road 10 SE. City Staff proposed three options for the Council in response to their motion July 8, 2008 when the Council required Paul Glasser to install a hydrant for water service at 613 Co. Rd. 10 SE pursuant to Minnesota Fire Code requirements Section 508.5.1. Options proposed were (1) Require Glasser to pay for the feasibility study, staff time and research (invoices) and all costs associated with installing the water main and hydrant to the building. (2) Request Glasser pay for the invoices along with the feasibility study and cost share to install the hydrant. If the City pays for half the cost, the amount would be \$2,140, which is 50% of the additional cost to install the hydrant as required by the City. (3) Glasser could operate his business as is currently without water service.

DUSKE MOVED, GEIGER SECONDED A MOTION TO GO WITH THE SECOND OPTION REQUESTING GLASSER TO PAY FOR THE INVOICES ALONG WITH THE FEASIBILITY STUDY AND COST SHARE TO INSTALL THE HYDRANT. MOTION CARRIED 5-0.

Duske moved, Geiger seconded a motion that all bills be paid from an escrow account provided by Glasser; the amount to be determined by city staff.

Glasser stated that he would like to give the City a separate check for the costs associated with the wetland project on his property. He stated that he wanted to pay the remainder of the costs through his taxes.

Duske and Geiger withdrew their motion.

DUSKE MOVED, GEIGER SECONDED A MOTION THAT NO WORK WOULD BE DONE UNTIL THE CITY STAFF DETERMINED HOW THE COSTS WERE GOING TO BE PAID. MOTION CARRIED 5-0.

McDonald recessed the Council meeting for five minutes.

McDonald reopened the Council meeting.

8. CITY STAFF REPORTS

- A. Public Works Update. Kammerer gave an update to the Council on summer seasonal workers, job lists, goals for September, flushing water mains and water usage.
- B. Recommendation to approve low quotes for River Plaza. Foust gave a report on the cost of each item included in the spreadsheet of expenses for trail improvements. The items included pergola, lighting, landscaping and benches. Foust stated that the staff needed to know whether the Council wants a pergola or a gazebo in order to construct the footings. McDonald suggested that a sub-committee of Geiger and Duske oversee the project. Geiger suggested putting a light fixture by the entrance of the driveway. The Council consensus was to authorize city staff to get a quote for the light fixture and have the sub-committee oversee the project. Mann was the only council member who did not favor the pergola.

GEIGER MOVED, KING SECONDED A MOTION TO PROCEED WITH THE FOOTINGS FOR A FUTURE PERGOLA AND MOVE AHEAD WITH THE LIGHTING, INCLUDING THE ENTRANCE LIGHT FIXTURE, AND BENCHES. MOTION CARRIED 4-1. MANN VOTED NAY.

- C. Riverpointe Trail timeline and cost estimate. A cost estimate and proposed schedule have been prepared for Phase 2 of the 2008 Trail Construction Project. Construction cost estimate is \$70,000. The project must be done this year in order to use bond proceeds. Duske stated that he would take the word of the Trail Committee on this project since he had been gone the past two weeks. He did suggest putting the trail between the two property lines. He also stated that the cracks in the paved trail the city took over should be repaired.

GEIGER MOVED, KING SECONDED A MOTION TO PROCEED WITH THE TRAIL THIS YEAR USING BOND PROCEEDS AND GRANT MONEY. MOTION CARRIED 3-2. MANN AND DUSKE VOTED NAY.

- D. GDS payment request. Mandt presented the final payment request from GDS Design & Build, Inc. for the hockey rink warming house on Grove Avenue. A sub-committee of Mandt, Mann and Geiger worked with GDS.

MCDONALD MOVED, KING SECONDED A MOTION TO NOT RELEASE THE FINAL PAYMENT UNTIL THE SUB-COMMITTEE OKAYS THE COMPLETION OF THE PUNCH LIST ITEMS. MOTION CARRIED 5-0.

9. COMMITTEE REPORT

- A. Mandt reported that the City Staff is working with Watertown-Mayer School District on a cooperative arrangement for bulk purchases.

10. ATTORNEY'S REPORT

11. ENGINEER'S REPORT

- A. Joint Powers Agreement with Carver County for Design and Construction of Co. Rd. 20. Mandt presented the agreement to the Council, stating that the City Staff and County are happy with the draft of the agreement. The next step is to set a scope and design for the county road improvement including cost sharing percentages for the county and city. Geiger stated that he saw a lot of potential city expenses in the agreement which he did not approve. He asked to postpone any decision until he had spoken to the county engineer. He doesn't believe the city can afford the project as it is presented in the draft agreement. Duske stated that he thought the city already had an agreement with the county on the costs. Mandt stated that he would be willing to meet with the county engineer and others to set the dollar amounts. Duske stated that he wanted to see documents that led up to this point in the project. He also stated that he would like to see background material on other projects as they are presented in the future. McDonald stated that this agenda item should be set aside for now until all items have been clarified.

12. MAYOR'S REPORT

- A. McDonald presented the Certificate of Commendation from the state that the City received for excellent operation of its wastewater treatment facility.
- B. McDonald mentioned that filings for council and mayor were open until 5 p.m. Tuesday, Sept. 9, 2008.

13. COUNCIL MEMBER'S REPORT

- A. Geiger stated that he had attended a county meeting on a fiber optic project involving all the cities in the county.
- B. King stated that she attended the NIMBS training held at City Hall.
- C. Duske stated that he had been at the VA Hospital where he met several soldiers who had served in Afghanistan and Iraq. He encouraged people to thank them for their service for the country.

14. ADMINISTRATOR'S REPORT

- A. First review of the engineering contract. Mandt asked the Council to review the agreement, contact him with any questions and he would present it again at the next meeting.
- B. Tuvey alley/easement agreement. Mandt stated that in the agreement, the City would pave his property to the alley in exchange for the property. Mandt stated that Tuvey had asked about a cash option. He stated that the city should ask for quotes for the project if the Council did not accept the cash option. Geiger asked why the project was not done before. Mandt stated that an attempt was made to link it to the trail project last year but they were unsuccessful. The consensus of the Council was to go ahead with the paving project and not do the cash option.

15. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:38 PM.

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor