

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Special Meeting September 7, 2004**

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, September 7, 2004** by Acting Mayor Mike Crom at 5:30 PM at the Watertown City Hall.

Upon roll call the following members were present: Acting Mayor Mike Crom, Council Members Steven Duske, Jennifer Randall and Nels Tuvey.

The following staff members were present: City Administrator David Mandt, City Finance Director Steven Wallner, Liquor Operations Manager Beau Hickman, City Attorney Dave Hubert, City Building Inspector Paul Waldron, Planning Commissioner Mark Bender, and Liquor Commissioner Dave Smith.

2. NEW/OLD BUSINESS

A. Purchase of 305 Lewis Avenue South

Mandt gave an update on the history of the proposed purchase of the building at 305 Lewis Avenue South. Mandt stated that at the August 10, 2004 City Council meeting the council voted to approve the purchase of 305 Lewis Avenue South for \$175,000 with \$50,000 being paid from the city by using funds in the Five Mill Fund and the remaining \$125,000 to be financed through liquor revenue bonds along with the costs of improving the property for use as a liquor store.

Mandt also stated that at the August 24, 2004 City Council meeting staff received comments regarding the possible testing for asbestos and mold and the need to follow OSHA requirements for asbestos and mold removal.

Mandt stated that after researching the issue OSHA does not have a requirement pertaining to asbestos or mold. However, the MPCA does have requirements for how asbestos is to be removed if it is destabilized.

City Building Inspector Paul Waldron also stated that the presence of asbestos, encapsulated or not, or mold is not a hindrance to the city's purchase of the property.

Council member Duske inquired about what would happen if the building were to be remodeled.

Waldron stated that nothing needs to be done if the asbestos is not destabilized and if it is then the asbestos would need to be abated following MPCA guidelines. He also recommended that the building be tested.

Mandt stated that Braun Intertech could test the building at a cost of \$800 to \$1,000.

Randall questioned how soon a test could be conducted.
Mandt said it would take 4-5 days.

City Attorney Hubert questioned if all asbestos would need to be removed. Waldron responded only if it were destabilized.

Duske further questioned what would need to be done if the building were demolished.

Waldron stated that it would need to be tested and the abatement could be costly.

Waldron also stated that he could not find any regulations on mold. He stated that surface mold could be cleaned with a bleach solution but embedded mold would be more difficult to get rid of.

Crom asked if there were any stipulations in the purchase agreement regarding testing testing.

Hubert stated that the city can do inspections and that there is a stipulation that if mold or asbestos are found that the city can negate the purchase agreement.

Crom stated that he felt that the city should conduct the tests.

Herzog stated that he is concerned about the negative publicity and that he may not be able to sell if the city backs out.

Crom stated that the council needs to follow the necessary steps to protect the public interest.

Hubert stated that the city will need to move the closing date back until after the tests have been conducted.

Herzog suggested that he may be willing to split the cost of the abatement if the tests are negative.

Mandt stated that with council approval he will get the tests going on September 8, 2004.

DUSKE MOVED TO APPROVE HIRING BRAUN INTERTECH TO CONDUCT MOLD AND ASBESTOS TESTS ON 305 LEWIS AVENUE SOUTH. MOTION WAS SECONDED BY CROM. MOTION APPROVED 4-0.

3. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS, TUEVEY MOVED, RANDALL SECONDED A MOTION TO ADJOURN THE MEETING AT 6:22 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

Stephen Sarvi
Mayor