

**MINUTES OF THE  
WATERTOWN CITY COUNCIL  
Regular Meeting Wednesday, September 10, 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, September 10, 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, Finance Director Steven Wallner and Public Works Superintendent Doug Kammerer.

Also present were: Carver County Attorney Jim Keeler, Allison O'Toole of County Attorney's Office, Ken Anderson, Monte Hiller.

**2. ADOPT AGENDA**

City Staff asked to pull Item 7d (Feasibility study for Angel Avenue) and Item 11A (Joint Powers Agreement with Carver County for design and construction of CSAH 20).

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

**3. REVIEW OF CONSENT AGENDA**

- A. Minutes for August 26, 2008 meeting
- B. Recommendations to approve Fire Relief Association annual report and benefit increase
- C. Claims Roster

**4. CONSENT AGENDA APPROVAL**

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

**5. OPEN FORUM**

- A. Monte Hiller stated that he has a person interested in his property at 800 Angel Ave. SW. He stated that the township will not allow a septic system to replace his failing system. In order to sell his property he needs to annex and apply for utility services from the city. Mandt stated that it would cost in excess of \$80,000 for the utility services. He stated that a feasibility study would be required and a meeting with the affected neighboring property owners.

**6. CELEBRATE WATERTOWN**

- A. Mandt gave a report on the recent River Rumble held Sept. 4-6 in Watertown.
- B. Wallner reported that 119 people voted in the Primary Election Sept. 9.
- C. Wallner announced that the Fire Relief Association would have its annual dinner Sept. 13.

**7. NEW/OLD BUSINESS**

- A. 2009 Prosecution Contract: Presentation by County Attorney James Keeler. The rate for the city for 2009 is \$3441.12. The 2008 rate was \$7,585.09. Carver County subsidizes 13.92% of the cost, cities pay 32.25% and fine revenue accounts for 53.83% of the prosecution costs.
- B. Territorial Street sidewalk project. The Council Aug. 12 directed city staff and Bolton and Menk to write up a solicitation for this project. Staff met Aug.19 with Martini to walk the area. Staff measured the area Aug. 21 and met with Bolton and Menk Aug. 26 to review the project and put together the solicitation, which was sent to five contractors Aug. 28. The deadline was set for Sept. 4, 2008. Two quotes were received from French Lake Curb (\$25,376.25) and Klein Underground (\$30,516.10). The quotes were forwarded to the city engineer for review. Staff recommended the project be awarded to French Lake Curb. McDonald stated that this is a priority project because it is a major entrance to the downtown area. He suggested approving it now, examine the financing and aim for spring to do the project because it is getting late in the year for pouring cement. Duske asked about the city's assessment policy for sidewalks. Mandt stated that the current city assessment policy does not cover sidewalks. He stated that the Council could create a policy for sidewalks, but they would have to hold a public hearing unless the property owners decided to forgo the assessment. Geiger stated that this is a drainage issue and needs to be repaired. He stated that the downtown area should have a specific assessment policy for sidewalks. Duske stated that he believes the quotes are too high.

**DUSKE MOVED, MCDONALD SECONDED A MOTION TO REPLACE THE SIDEWALK ON THE SOUTH SIDE OF TERRITORIAL STREET FROM LEWIS AVENUE TO THE WEST ALLEY. MOTION CARRIED 5-0.**

McDonald suggested a committee of Mann and Duske meet with the city engineer to review the scope of the project. Geiger stated that the two quotes appear to be different.

**DUSKE MOVED, KING SECONDED A MOTION TO INVITE FRENCH LAKE CURB, WHO SUBMITTED THE LOW QUOTE, TO MEET WITH THE COMMITTEE AND CITY ENGINEER TO REVIEW THE SCOPE OF THE PROJECT. MOTION CARRIED 5-0.**

- C. Recommendation to award low quote for Riverpointe Trail. Two quotes were received for Phase 2 of the 2008 trail construction project. The two quotes were from Wm. Mueller & Sons, Inc. (\$65,072.50) and Barber Construction Inc. (\$77,750.00). Quotes were solicited from two other contractors, but they did not respond. The engineer's estimate for the project was \$70,000. Wm. Mueller & Sons, Inc. is the contractor for Phase 1 of the project.

**GEIGER MOVED, KING SECONDED A MOTION TO AWARD THE CONTRACT FOR PHASE 2 OF THE 2008 TRAIL CONSTRUCTION PROJECT (RIVERPOINTE TRAIL) TO WM. MUELLER & SONS, INC. FOR \$65,072.50. MOTION CARRIED 5-0.**

**8. CITY STAFF REPORTS**

**9. COMMITTEE REPORT**

- A. FAB recommendation for 2009 Fire Department Budget. The budget committee met before the Fire Advisory Board meeting Sept. 4, 2008. The FAB approved the proposed budget of \$290,245 which includes \$80,000 set aside for capital equipment. The budget is an increase of 7.9% over 2008.

**DUSKE MOVED, MANN SECONDED A MOTION TO ACCEPT THE RECOMMENDATION OF THE FIRE ADVISORY BOARD TO APPROVE THE 2009 WATERTOWN FIRE DEPARTMENT BUDGET AT \$290,245. MOTION CARRIED 5-0.**

- B. Finance Committee recommendation for 2009 Preliminary Levy Certification. Wallner presented the 2009 preliminary levy recommended by the Finance Committee. The preliminary levy for 2009 is \$1,722,198 which represents a tax rate of 41.5071%; six percent higher than 2008.

**KING MOVED, GEIGER SECONDED A MOTION TO ADOPT RESOLUTION 2008-09-10-1, SETTING A PRELIMINARY 2009 TAX LEVY OF \$1,722,198 AND TAX RATE OF 41.5071 PERCENT. MOTION CARRIED 5-0.**

- C. – G. Recommendation to adopt Ordinances 325 through 329 pertaining to adult use establishments, amending or repealing previous ordinances and chapters of the Municipal Code, adding new articles relating to adult use establishments, location of establishments, and adding fees to the Fee Schedule pertaining to adult use establishment license application fee, investigation fees and license renewal fee.

**DUSKE MOVED, MANN SECONDED A MOTION TO ADOPT ORDINANCES 325, 326, 327, 328 AND 329 PERTAINING TO ADULT USE ESTABLISHMENTS, THEIR LOCATION AND FEES RELATING TO APPLICATION, INVESTIGATION AND LICENSE RENEWAL. MOTION CARRIED 5-0.**

**10. ATTORNEY'S REPORT**

**11. ENGINEER'S REPORT**

- B. Mill Avenue and Forest Hills pavement. Martini stated that there are areas that are susceptible to moisture damage. He recommended correcting these portions on Mill Avenue and Forest Hills with a sand seal estimated to cost \$12,000. He recommended obtaining a \$15,000 security from the contractor to guarantee that the work is done. Mandt stated that the city should require five-year warranties on streets which are more than the typical two-year warranty. He also is concerned that the roads are not shedding the water as they should. Duske

agreed that a five-year warranty would be best and also stated that the city should not take over streets until they have been seal coated. He stated that he does not believe the sand seal will work well enough. Geiger agreed with Duske that the streets should not be accepted with minor repairs. He stated that more needs to be done. He recommended that the contractor appear before the Council to discuss the streets. McDonald directed Martini to inform the contractor of the Council's concerns and address the Council at future meeting.

**12. MAYOR'S REPORT**

A. McDonald stated that it was a thrill to represent the people of Minnesota at the Republican National Convention held in St. Paul during the first week of September.

**13. COUNCIL MEMBER'S REPORT**

A. Geiger stated that he had attended another county meeting about the fiber optic project which is getting closer to being approved for the entire county.

**14. ADMINISTRATOR'S REPORT**

**15. FINANCE DIRECTOR'S REPORT**

**16. COMMUNITY DEVELOPMENT REPORT**

A. Foust stated that she had sent out an e-mail to members of the Planning Commission, Park Commission, EDA and Council about the joint meeting at 5 p.m. Thursday, Sept. 18 on the future of the Community Park and Downtown Redevelopment.

**17. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:21 PM.**

**ATTEST:**

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Steven Wallner  
Clerk-Treasurer

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K.J. McDonald  
Mayor