

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, Sept. 11, 2007**

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, Sept. 11, 2007** 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, Earline King and Steve Duske. Dan Geiger was absent.

The following staff members were present: City Attorney Dave Hubert, City Engineer David Martini, City Planner Crystal Foust, City Administrator David Mandt, Planning Consultant Mark Kaltsas, Finance Director Steven Wallner and Public Works Supt. Doug Kammerer.

Others present were: Scott Qualle, Rob Berg, Jamie and Claudia Taylor.

2. ADOPT AGENDA

Staff asked to have item 8A – Waive fence fee added to the agenda.

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

3. REVIEW OF CONSENT AGENDA

- A. Council minutes for Aug. 28, 2007
- B. Recommendation to approve Forest Hills letter of credit reduction
- C. Pay request from building official
- D. Pay request from MK Land
- E. FAB budget recommendation for 2008 Fire Dept. budget (to be presented)
- F. Claims roster

Duske asked to have item 3C pulled for discussion. Mann asked to have item 3B pulled for discussion.

4. CONSENT AGENDA APPROVAL

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

5. OPEN FORUM

- A. Town Deputy Derek Sanderson gave an update. He attended a crisis plan meeting at the high school. He stated that there were still some issues in parks and on the bridge with juveniles harassing people. A meeting is being planned with parents and juveniles. The Drug Task Force has been in town recently. He asked

that residents call the Sheriff's Office to locate him instead of driving around or coming or coming to City Hall. He stated that this is a faster and more efficient method of locating him.

6. CELEBRATE WATERTOWN

- A. Mandt stated that the Watertown Chamber of Commerce is sponsoring the first annual River Rumble Sept. 20-22 with crazy days, garage sales, Taste of Watertown, bands and other events.

DUSKE MOVED, KING SECONDED A MOTION TO BLOCK LEWIS AVENUE FROM TERRITORIAL STREET TO WHITE STREET FOR THE EVENT AND ALLOW BANDS TO PLAY OUTDOORS IN CITY CENTER PARK. MOTION CARRIED 4-0.

7. NEW/OLD BUSINESS

- A. Recommendation to approve Business Fire Inspection Ordinance. A committee consisting of a council member, finance director, building official and fire chief worked on a solution for a system to share the cost of the fire inspection between the businesses and the city. The system would be supported by the city through an annual appropriation and through the participation of the businesses through a business fire inspection permit fee in the range of \$60 to \$75. Any follow-up inspection costs would be the responsibility of the business owner. Duske stated that he preferred having feedback from the business owners, churches and school district and would like this meeting to be the first reading of the draft ordinance presented by the committee. Wallner suggested that the city mail a copy of the ordinance to business owners with the plan to adopt it at the first meeting in October. Wallner said the plan was to have businesses inspected for two consecutive years and then skip a year. Mann stated that the system seems like a good idea for public safety, but he didn't think it had to be every year. He stated he would prefer random visits. McDonald stated that the city staff would notify businesses of the ordinance and an upcoming public hearing.
- B. Development agreement for Watertown Industrial Park. The Council had previously approved the preliminary and final plats and final development agreement for the Industrial Park. The Council approved a preliminary grading development agreement Aug. 28, 2007. The development agreement was approved Sept. 11, 2006. Some changes have been made since then to allow more flexibility in the sale of the lots.

MANN MOVED, KING SECONDED A MOTION TO ADOPT RESOLUTION 2007-09-11-01 ALLOWING THE MAYOR AND CLERK-TREASURER TO EXECUTE THE DEVELOPMENT AGREEMENT WITH RICE LAKE, LLC FOR THE INDUSTRIAL PARK. MOTION CARRIED 4-0.

- C. Second reading of the Dangerous Dog Ordinance.
- D. Second reading of Ordinance Prohibiting Trapping within City Limits. Duske stated that he would like the ordinance to allow live trapping without a permit.

8. CITY STAFF REPORTS

- A. Consideration to waive fence permit fee for 613 Co. Rd. 10 NW. The property owner has made the request in order to assist in the clean up of his yard. Council member Duske is working with the property owner.

DUSKE MOVED, MANN SECONDED A MOTION TO WAIVE THE FENCE PERMIT FEE OF \$50 FOR THE PROPERTY OWNER AT 613 COUNTY ROAD 10 NORTHWEST. MOTION CARRIED 4-0.

9. COMMITTEE REPORT

- A. Public Works Committee recommendation for lift station project closeout. The Public Works Committee met with the owner of Gridor Construction on Sept. 6 to discuss the remaining issues associated with the sanitary sewer backup near the main lift station Jan. 12, 2007. The main discussion centered on three outstanding invoices billed to Gridor from Bolton & Menk, Infratech and the City of Watertown. Gridor Construction requested that the city not charge them for \$3,962.50 in staff and equipment time in exchange for Gridor not submitting a change order for \$1,504.80. Bolton & Menk's invoice was for \$6,144 and Infratech's invoice was \$2,767.80.

MANN MOVED, KING SECONDED A MOTION TO FOLLOW THE PUBLIC WORKS COMMITTEE RECOMMENDATION TO NOT CHARGE GRIDOR CONSTRUCTION FOR STAFF TIME IN THE AMOUNT OF \$3,962.50 IN EXCHANGE FOR GRIDOR NOT SUBMITTING A FINAL PAY REQUEST OF \$1,504.80. THE CITY WILL BILL GRIDOR FOR \$8,911.80 TO COVER THE COSTS OF BOLTON & MENK, INC AND INFRATECH. THE CITY WILL PAY BOLTON & MENK, INC. AND INFRATECH WHEN THE CHECK ARRIVES FROM GRIDOR. MOTION CARRIED 4-0.

10. ATTORNEY'S REPORT

11. ENGINEER'S REPORT

- A. Rohs Way public improvements and warranty period. Otto Associates has requested that the city accept the public improvements as part of Rohs Way development. Bolton & Menk recommended that the city accept the improvements and that a two-year maintenance period begin on the date of acceptance. They also recommended that the letter of credit for the project be reduced to \$45,200 to cover landscaping, on-going site maintenance and erosion control. Duske stated that he did not approve of a two-year warranty without one house being built in the development. Mandt stated that the city is trying to address this issue but there is no easy solution.

KING MOVED, MANN SECONDED A MOTION TO ACCEPT THE PUBLIC IMPROVEMENTS IN ROHS WAY WITH A TWO-YEAR MAINTENANCE PERIOD AND A REDUCTION IN THE LETTER OF CREDIT TO \$45,200 TO COVER LANDSCAPING, ON-GOING SITE MAINTENANCE AND EROSION CONTROL. MOTION CARRIED 3-1. DUSKE VOTED NAY.

12. MAYOR'S REPORT

- A. McDonald stated that he had been involved in the filming of a home built in 96 hours in Minnetonka for Extreme Makeover. The segment will be aired in November.
- B. McDonald read a message from a chaplain in honor of Patriot Day, Sept. 11.

13. COUNCIL MEMBER'S REPORT

14. ADMINISTRATOR'S REPORT

- A. Mandt stated that three downtown business owners (Tuvey, Senne and Neisen) have received grants and are working on remodeling their businesses.
- B. Mandt stated that the remodeling project in the Community Center will begin Sept. 24 and take about two weeks to complete.

15. FINANCE DIRECTOR REPORT

- A. Wallner presented the 2008 preliminary levy with two options – 41.57% or 39.00% tax rate. The Council had targeted a 40% tax rate for 2007, but due to an error in the levy certification the actual rate was 34.104%. For 2008 the state aids have been decreased by \$93,174. To make up this decrease, the levy would need to be increased by 3.006%.

DUSKE MOVED, MANN SECONDED A MOTION TO SET THE 2008 PRELIMINARY LEVY AT 41.57%. MOTION CARRIED 4-0.

- B. Wallner informed the Council that the city received three requests for proposals from auditors before the Aug. 22 deadline. Two finalists were chosen to be interviewed further with a recommendation to be presented to the Council Sept. 25.

16. PLANNER REPORT

17. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:25 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor