

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, October 13, 2009**

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, October 13, 2009** 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 and Earline King. Council member Steve Duske was absent.

The following staff members were present: City Engineer David Martini, Senior Planner Crystal Foust, Public Works Supt. Doug Kammerer and Acting Administrator/City Clerk-Treasurer and Finance Director Steven Wallner.

Also present were: Arnie Esterbrooks, Dennis Butcher, Richard Schimmel, Rob Wilkening, David Dalbec, Jason Telander, Gail Schuette.

2. ADOPT AGENDA

KING MOVED, MANN SECONDED A MOTION TO ADOPT THE AGENDA. MOTION CARRIED 3-0.

3. APPOINTMENT TO FILL VACANCY ON THE CITY COUNCIL

A. Approval of Resolution 2009-10-13-1 appointing Dan Geiger to fill the vacancy until December 31, 2010

MANN MOVED, KING SECONDED A MOTION TO ADOPT RESOLUTION 2009-10-13-1 APPOINTING DAN GEIGER TO FILL THE VACANCY ON THE CITY COUNCIL UNTIL DECEMBER 31, 2010. MOTION CARRIED 3-0.

B. Swearing in of Dan Geiger

4. REVIEW OF CONSENT AGENDA

- A. Council minutes for September 22, 2009 meeting
- B. Council workshop minutes for September 22, 2009 meeting
- C. Acceptance of resignation of firefighter Sean Campbell
- D. Request for waiver of Community Center rental fee for October 30, 2009 for Splatter
- E. Request for waiver of Community Center rental fee for TOPS Club
- F. Pay request from Community Development Consultant – MK Land Corporation
- G. Pay request from City Attorney – Melchert, Hubert & Sjodin
- H. Approval of peddler permit for USVico, Inc.

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

5. OPEN FORUM

A. Dennis Butcher – Compost Site

Butcher asked the Council if they would be willing to have the compost site open longer during the fall to allow more time for people to dump their leaves. Kammerer stated that he would be willing to have the site open until dusk on the weekends. The Council agreed to have Kammerer set the fall hours for the compost site.

B. Wallner stated that there was a break in the case involving several recent burglaries in town. He stated that a search warrant had been issued and numerous items from the burglaries had been found at a location in Watertown.

6. **CELEBRATE WATERTOWN**

A. McDonald stated that the Homecoming parade and other events for Watertown-Mayer High School were well attended this past weekend.

7. **NEW/OLD BUSINESS**

A. Amendment to Forest Hills 3rd Development Agreement

Staff prepared a spreadsheet outlining the Forest Hills fund distribution. Staff determined the Forest Hills escrow balance at \$16,609.78. Foust stated that the city also had a Mill Avenue escrow account for Forest Hills which the staff proposed to close out as the project has been completed. Foust stated that funds owed to the developer are \$47,442.66 and the funds owed to the city by the developer are \$42,693.85, which leaves a balance of \$4,748.81 owed to the developer.

MANN MOVED, KING SECONDED A MOTION TO APPROVE THE AMENDMENT TO THE FOREST HILLS THIRD PHASE DEVELOPMENT AGREEMENT AND RETURN \$4,748.81 TO THE DEVELOPER. MOTION CARRIED 4-0.

A-1 Forest Hills developer Arnie Esterbrooks asked the Council for a reduction in the escrow account down to \$5,000. He stated that the funds released by the city could be used as working capital. When asked by the mayor, Wallner stated that he was hesitant to agree to the reduction since the developer's agreement states that the escrow be funded at \$15,000. McDonald stated that he didn't see a problem related to the development. He stated that if the dollars released helps to get something going in the development it will benefit the city. Esterbrooks stated that he has a good working relationship with the city and if the fund is low, the finance director can inform him and it will be replenished.

MCDONALD MOVED, KING SECONDED A MOTION TO GRANT THE REQUEST FROM THE FOREST HILLS DEVELOPER TO REDUCE THE ESCROW ACCOUNT TO \$5,000. MOTION CARRIED 4-0.

B. Planning Commission recommendation on Kugler Eco-Site site plan

Foust stated that the Kugler Eco-Site will be a recycling, reuse and education center for the area. The site will provide employment opportunities for individuals with disabilities through the Adult Training and Habilitation Center for 20 program participants and 5 staff members. The city recycling operation next to Public Works will be relocated to the new Kugler Eco-Site. Services will continue to be in partnership with the school Ecology Club and Boy Scouts. Compost, brush and mulch will remain at the Public Works site. The new site would expand current recycling services. The site is proposed for Lot 3 and a portion of Lot 4 in the Industrial Park. Foust also described the material used for the building, access, parking, lighting, landscaping, signage, grading, drainage and utilities. The Planning Commission reviewed the site plan and recommended approval with a number of conditions.

MANN MOVED, GEIGER SECONDED A MOTION TO APPROVE THE KUGLER ECO-SITE SITE PLAN WITH THE FOLLOWING TEN CONDITIONS: (1) PROPOSED GRADING AND DRAINAGE PLAN SHALL BE APPROVED BY THE CITY ENGINEER PRIOR TO ISSUING A BUILDING PERMIT AND ALL ITEMS NOTED IN THE ENGINEERING REVIEW, NO. 2 DATED OCT. 9, 2009; (2) RUNOFF MUST BE CAPTURED ONSITE AND CONVEYED DIRECTLY TO THE 15 INCH STORM SEWER STUB PROVIDED AS PART OF THE ORIGINAL INDUSTRIAL PARK DEVELOPMENT; (3) ANY IMPERVIOUS AREA DISCHARGING TO THE AREA OF THE LOT MUST BE TREATED PRIOR TO DISCHARGE; (4) THE LOT WILL NEED TO BE PLATTED AND CAN BE APPROVED AS A MINOR SUBDIVISION WHEN NO MORE THAT THREE LOTS ARE CREATED; (5) ALL PARKING SPACES WILL NEED TO BE STRIPED IN ACCORDANCE WITH THE APPROVED SITE PLAN; (6) MORE INFORMATION WILL NEED TO BE PROVIDED AS PART OF THE SIGN PERMIT FOR SIGNAGE ON THE SITE; (7) ROOF-MOUNTED MECHANICAL UNITS, SATELLITE DISHES OR OTHER SIMILAR EQUIPMENT SHALL BE SCREENED FROM THE PUBLIC BY EXTENSION OF A PARAPET WALL OR OTHER ROOF STRUCTURE; (8) TRASH ENCLOSURE SHALL BE SCREENED IN ACCORDANCE WITH CITY CODE SECTION 62-477; (9) ANY MODIFICATION TO THE SITE PLAN AFTER FINAL APPROVAL, INCLUDING THE ADDITION OF OUTDOOR STORAGE, NEEDS TO GO THROUGH THE SITE PLAN PROCESS AS OUTLINED IN THE CITY CODE; (10) THE SITE SHALL BE MONITORED ANNUALLY FOR ADEQUATE DUST CONTROL AND EFFECTS ON ADJACENT PROPERTY; (11) AN NPDES PERMIT IS REQUIRED FROM THE MPCA. THE CITY WILL REQUIRE A COPY OF THE PERMIT PRIOR TO BEGINNING CONSTRUCTION. A CARVER COUNTY WATER RULES PERMIT WILL ALSO BE REQUIRED. MOTION CARRIED 4-0.

- C. EDA recommendation on incentive package for Kugler Eco-Site

Wallner stated that the EDA has discussed potential assistance programs for the Adult Training and Habilitation Center. Possible assistance programs are conduit financing, building permit fee reductions and WEDA Job Creation Grant.

MANN MOVED, KING SECONDED A MOTION TO APPROVE THE RECOMMENDATION OF THE EDA THAT THE COUNCIL APPROVE THE BUILDING PERMIT REDUCTION ASSISTANCE WITH \$1,000 PER EQUIVALENT RESIDENTIAL UNIT FOR WATER TRUNK CHARGES; \$1,000 PER EQUIVALENT RESIDENTIAL UNIT FOR WASTEWATER TRUNK CHARGES; \$500 PER EQUIVALENT RESIDENTIAL UNIT FOR STORM WATER TRUNK CHARGES; AND A REDUCTION IN THE BUILDING PERMIT FEE AND PLAN CHECK FEE

FOR THE CITY PORTION OF THOSE FEES UP TO A MAXIMUM OF \$3,000. THE TOTAL POSSIBLE REDUCTIONS WOULD BE A MAXIMUM OF \$10,500 BASED ON THREE EQUIVALENT RESIDENTIAL UNITS. MOTION CARRIED 4-0.

- D. Public hearing on vacation of a portion of Jackson Street Northwest

Foust explained that the city has been working with Cal Haasken to acquire a permanent right of way as part of the Hwy. 25 project. He would like to vacate part of Jackson Street NW between Outlots 49-53 and Outlots 76 and 77. The city is proceeding as the applicant to vacate that portion of Jackson in exchange for acquiring permanent right of way for Co. Rd. 10. Haasken is the only affected property owner.

McDonald recessed the Council meeting for the public hearing

Rob Wilkening spoke at the public hearing and mentioned that a number of kids use the right of way as an access to the middle school and high school.

McDonald closed the public hearing and reopened the council meeting.

GEIGER MOVED, MANN SECONDED A MOTION TO ADOPT RESOLUTION 2009-10-13-2 TO VACATE PART OF JACKSON STREET BETWEEN OUTLOTS 49-53 AND OUTLOTS 76 AND 77 IN THE CITY OF WATERTOWN. MOTION CARRIED 4-0.

- E. Approval of Hwy 25 easements for Haasken

Martini explained that the city is negotiating with Calvin and Sharon Haasken to acquire a small portion of land from them because the existing road is built up to the property line. The city is seeking permanent and temporary easements.

MANN MOVED, KING SECONDED A MOTION TO APPROVE PERMANENT AND TEMPORARY EASEMENTS ON THE CALVIN AND SHARON HAASKEN PROPERTY. MOTION CARRIED 4-0.

- F. Approval of Hwy. 25 easements for Thaemert and Nylander

MANN MOVED, KING SECONDED A MOTION TO APPROVE EASEMENTS OF THE KELLY THAEMERT PROPERTY AND SCOTT AND LINNIE NYLANDER PROPERTY. MOTION CARRIED 4-0.

8. **COMMITTEE REPORT**

9. **CONSULTANTS' REPORTS**

10. **MAYOR'S REPORT**

11. **COUNCIL MEMBERS' REPORTS**

- A. King stated that she had attended the ribbon-cutting ceremony for the opening of Hwy. 12 in Delano.

12. STAFF REPORTS

A. City Administrator

- 1. Committee vacancies – Planning, Personnel, Collaborative

McDonald agreed to be on the Personnel Committee. Geiger agreed to be on the Planning Committee and King agreed to be on the Collaborative Committee.

- 2. County Road 20 workshop

The Council agreed to a workshop at 6:30 p.m. Tuesday, October 20

D. Finance Director

- 1. The 2010 Watertown Fire Department Operating Budget and Township Contracts

Wallner stated that the Fire Advisory Board had finalized the 2010 Fire Department operating budget and township contracts. The budget totals \$364,538 including debt service for the fire station. The operating portion is \$272,075 which is a 6.26% reduction from the 2009 budget.

MCDONALD MOVED, KING SECONDED A MOTION TO APPROVE THE RECOMMENDATION OF THE STAFF AND FIRE ADVISORY BOARD TO APPROVE THE PROPOSED 2010 WATERTOWN FIRE DEPARTMENT OPERATING BUDGET AND AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO CONTRACTS WITH THE FOUR TOWNSHIPS. MOTION CARRIED 4-0.

- 2. Request approval of voucher list/claims roster

MANN MOVED, GEIGER SECONDED A MOTION TO APPROVE THE VOUCHER LIST/CLAIMS ROSTER. MOTION CARRIED 4-0.

13. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:02 PM.

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor