

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, December 9, 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 **Tuesday, December 9, 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 Administrator David Mandt, Senior Planner Crystal Foust, City Engineer David Martini, City Clerk-Treasurer and Finance Director Steven Wallner, City Attorney David Hubert, Planning Consultant Mark Kaltsas and Public Works Supt. Doug Kammerer.

Also present were: Jodi Martinez, Jerry and Kathy Berg, Rob Berg, Darrell Hoekstra and Kim Kozar.

2. ADOPT AGENDA

City Staff asked to pull Item 3G (2009 policing contract) from the Consent Agenda and add Item 8A (City Hall curbing project) to the Agenda.

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

3. REVIEW OF CONSENT AGENDA

- A. Council minutes for November 25, 2008
- B. Council minutes for TNT hearing December 1, 2008
- C. Council minutes for joint meeting with Watertown Twp. November 25, 2008
- D. Recommendation to approve 2009 licenses
- E. Pay request from M K Land
- F. Second half of December claims processing
- H. Pay request from MNSPECT, Inc.
- I. Pay request from Hoff, Barry and Kozar
- J. Recommendation to approve 2009 cost of living adjustment
- K. Recommendation to approve 2009 annual service agreement with county auditor
- L. Personnel Committee recommendation to end probationary period for Ned Schroeder
- M. Personnel Committee recommendation to end probationary period for Brent Mickolich
- N. Personnel Committee recommendation to end probationary period for Mike Loehrs
- O. Personnel Committee recommendation to end probationary period for Karyn Islam

Mann asked to make a statement about Item 3J. He stated that the Council is giving a 2.5% cost of living increase to the staff and he hopes they appreciate it. Duske stated that he was proud that the staff took a cut in the cost of living adjustment from the original proposal.

4. **CONSENT AGENDA APPROVAL**

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

5. **OPEN FORUM**

6. **CELEBRATE WATERTOWN**

- A. Mandt thanked everyone who made it to the Christmas tree lighting ceremony Saturday, December 6 at City Center Park. McDonald also thanked the Public Works employees who decorated the tree.

McDonald recessed the meeting to allow for a photograph taken of the Council and City Hall staff members.

McDonald reopened the meeting.

7. **NEW/OLD BUSINESS**

- A. Community Park. Mandt and Kaltsas presented the history leading up to the agreement between the City and Jerry and Kathy Berg. According to the agreement, the Bergs will be donating 40 acres to the City for the purpose of a community park. The City agrees to develop the park within five years. In exchange for the park property, the City agrees to allow the owner of the property to develop the property in a configuration similar to one of the two exhibits provided. Included in the property is a site for constructing a local church. The City will provide the property owner waivers from park dedication fees, sanitary sewer and water area charges and sewer and water connection charges. The City will construct two roads, one from Paul Avenue to the edge of the park property and one road north-south from Co. Rd. 20 to the edge of the park property. Estimated city costs for 2009 are \$25,000 for annexation fee and property transfer fee; for 2010-2014 are \$1,061,350 for street construction, utilities and park maintenance; and for future park development are \$650,000 to \$1.5 million for mass park grading/seeding and trails.

Duske stated that the City is blessed to have the Bergs willing to contribute land for a community park. He also asked that the community provide input on the proposal. Geiger stated that the Berg proposal is a much better use of the land than the Woodfield design. He stated that the public should be aware of the large amount of fees that are being waived and that there is a lot going into this monumental agreement. McDonald stated that in the long haul this agreement is the right thing to do and the property is well worth the fees being waived. Mann stated that he agreed with Geiger, but believes the numbers will work for the City and the concessions being made.

MANN MOVED, KING SECONDED A MOTION TO ADOPT RESOLUTION 2008-12-9-1 APPROVING THE AGREEMENT MADE BETWEEN KATHLEEN M. AND JEROME A. BERG AND THE CITY OF WATERTOWN FOR A DONATION OF 40.03 ACRES OF PROPERTY TO THE CITY FOR USE AS A COMMUNITY PARK. THE MOTION INCLUDES AUTHORIZATION OF THE MAYOR AND CITY CLERK-TREASURER TO EXECUTE THE DONATION AGREEMENT, EXECUTE IRS FORM 8283 ACCEPTING THE DONATION OF PROPERTY AND EXECUTE AND RECORD THE QUICK CLAIM DEED TRANSFERRING OWNERSHIP OF THE PROPERTY TO THE CITY. THE MOTION IS CONTINGENT ON ALL ATTACHMENTS AND EXHIBITS BEING PROVIDED AND THE BERGS EXECUTION OF THE AGREEMENT WITHIN ONE WEEK. MOTION CARRIED 5-0.

McDonald recessed the meeting for a five-minute break.

McDonald reopened the meeting.

- B. City Phone System. The City phone system has developed several major issues over the past two years. Staff received proposals from five vendors in April. The Council authorized staff to work with Group 10 based in Delano and a companion company, Twin City Technology, to develop a proposal for the phone system. Quotes for the phone system ranged from \$9,580 to \$12,862 for City Hall and Public Works. The staff also obtained quotes from vendors for phone service. Staff found Charter Communications to be \$7,000 to \$9,000 cheaper than Frontier, the existing phone company serving the City.

GEIGER MOVED, KING SECONDED A MOTION TO APPROVE PURCHASING A TELEPHONE SYSTEM FROM TWIN CITY TECHNOLOGY IN THE AMOUNT OF \$9,580 AND UP TO \$600 FOR WIRE GROOMING AND CHANGE THE TELEPHONE SERVICE FROM FRONTIER TO CHARTER. MOTION CARRIED 5-0.

- C. Verizon Cell Tower Lease. Wallner explained proposed agreement between Verizon and the City of Watertown. According to the agreement, the City would receive annual rent of \$15,000 with an increase of three percent each succeeding year for the first five years. Verizon would have the right to extend the lease for four additional five-year periods. The property they would be leasing would be near the sewer ponds at the Public Works site. Wallner stated that Verizon is not willing to pay collocating dollars. Wallner stated that the city attorney had presented some changes in the agreement which he received on the day before the council meeting. Duske stated that he does not agree with some of the language in the agreement and wants more time to do some research.

MANN MOVED, KING SECONDED A MOTION TO APPROVE THE LAND LEASE AGREEMENT WITH VERIZON INCLUDING CHANGES BY THE CITY ATTORNEY AND CONTINGENT ON THE CITY ATTORNEY'S APPROVAL. MOTION CARRIED 4-1 (DUSKE VOTED NAY).

8. CITY STAFF REPORTS

- A. Curbing at City Hall. Mandt explained to the Council that there are areas of the curbing done by Curb-It that need to be repaired but won't be taken care of until next spring. Mandt stated that the owner of Curb-It has asked for 50% of the invoice he submitted for the work he completed. Duske stated that he was not pleased with the workmanship and questioned a number of items relating to the project.

DUSKE MOVED, GEIGER SECONDED A MOTION TO PAY CURB-IT 50 PERCENT OF THE INVOICE (\$864.20) FOR CURBING WORK AT CITY HALL. MOTION CARRIED 5-0.

9. COMMITTEE REPORT

- A. Hiring warming house attendants. Kammerer stated that interviews were conducted for the position of warming house attendant. Five people applied for the position. Kammerer presented four names for hiring: Logan Pysick, Colton Peterson, Alex Esler and Jeremy Boehne. The warming house will be open December 20, weather permitting.

MCDONALD MOVED, MANN SECONDED A MOTION TO HIRE LOGAN PYSICK, COLTON PETERSON, ALEX ESLER AND JEREMY BOEHNE AT \$8 PER HOUR AS WARMING HOUSE ATTENDANTS FOR THE 2008-09 SEASON. MOTION CARRIED 5-0.

10. ATTORNEY'S REPORT

11. ENGINEER'S REPORT

- A. Recommendation to approve pay request for Johnson Park Stream Bank Restoration. Martini presented the pay request from Prairie Restorations, Inc. for work completed through December 1, 2008 in the amount of \$23,593.73.

MANN MOVED, GEIGER SECONDED A MOTION TO APPROVE THE PAY REQUEST FROM PRAIRIE RESTORATIONS, INC. FOR WORK COMPLETED ON THE JOHNSON PARK STREAM BANK RESTORATION THROUGH DECEMBER 1, 2008 IN THE AMOUNT OF \$23,593.73. MOTION CARRIED 5-0.

- B. Recommendation to approve pay request from Wm. Mueller & Sons for work completed on the 2008 Trail Construction-Phase 2 through December 1, 2008 in the amount of \$44,911.13.

GEIGER MOVED, MANN SECONDED A MOTION TO APPROVE THE PAY REQUEST FROM WM. MUELLER & SONS FOR WORK COMPLETED ON THE 2008 TRAIL CONSTRUCTION-PHASE 2 PROJECT THROUGH DECEMBER 1, 2008 IN THE AMOUNT OF \$44,911.13. MOTION CARRIED 5-0.

- C. Recommendation to approve pay request from Wm. Mueller & Sons for work completed on the 2008 Trail Construction project through December 1, 2008 in the amount of \$35,424.43.

KING MOVED, GEIGER SECONDED A MOTION TO APPROVE THE PAY REQUEST FROM WM. MUELLER & SONS FOR WORK COMPLETED ON THE 2008 TRAIL CONSTRUCTION PROJECT THROUGH DECEMBER 1, 2008 IN THE AMOUNT OF \$35,424.43. MOTION CARRIED 5-0.

12. MAYOR'S REPORT

13. COUNCIL MEMBER'S REPORT

- A. Geiger stated that he had attended the tree lighting ceremony December 6 and found it to be very enjoyable.
- B. Mann stated that he appreciated the work of Dan Geiger during his years of service on the City Council. He also commended the Public Works staff for the tree lighting, boardwalk decorations and snow removal.

14. ADMINISTRATOR'S REPORT

- A. Mandt stated that the City has received three requests for proposals for the residential waste hauling. The Council agreed to allow the Public Works Committee to review the requests for proposals before bringing them to the Council.

15. FINANCE DIRECTOR'S REPORT

- A. Approval of 2009 General Fund Budget. Wallner stated that the proposed 2009 General Fund Budget calls for \$1,899,990 in revenues and expenditures. General Government accounts for 41% of the budget, Streets 16%, Parks 12%, Public Works 7% and Public Safety 24%. The budget creates a General Fund Operating Levy of \$1,269,773.

MCDONALD MOVED, KING SECONDED A MOTION TO ADOPT RESOLUTION 2008-12-9-3 ADOPTING A FINAL 2009 GENERAL FUND BUDGET OF \$1,899,990. MOTION CARRIED 5-0.

- B. Certification of 2009 Property Tax Levy. Wallner stated that the final 2009 levy is \$1,743,140 which includes \$1,269,773 General Fund Levy, a \$97,967 Market Value Debt Service Levy, and \$375,400 Debt Service Levy. This levy, not including the market value debt service, will produce an estimated 38.8818% tax rate for the City.

DUSKE MOVED, MANN SECONDED A MOTION TO ADOPT RESOLUTION 2008-12-9-4 CERTIFYING A FINAL LEVY FOR 2008 TAXES COLLECTED IN 2009 IN THE AMOUNT OF \$1,743,140. MOTION CARRIED 5-0.

- C. Claims Roster.

GEIGER MOVED, MANN SECONDED A MOTION TO APPROVE THE CLAIMS ROSTER IN THE AMOUNT OF \$366,633.57. MOTION CARRIED 5-0.

16. COMMUNITY DEVELOPMENT REPORT

- A. 2030 Comprehensive Plan Amendment. Foust explained to the Council that since the Council approved the Comprehensive Plan November 25, 2008, it was discovered that property along Hwy. 25 located at 709 Jefferson Ave. NW has been recently leased to an industrial tenant. The property is zoned Agriculture (A-1) and the property owner would like to proceed with a rezone at the next Planning Commission meeting in January. Staff recommends guiding the property as commercial/industrial. The portion of the building used by Hooked on Classics and the dance studio would remain guided as commercial.

DUSKE MOVED, KING SECONDED A MOTION TO ADOPT RESOLUTION 2008-12-9-2 APPROVING THE AMENDED 2030 COMPREHENSIVE PLAN SUBJECT TO REVIEW AND APPROVAL OF THE METROPOLITAN COUNCIL. MOTION CARRIED 5-0.

- B. Forest Hills Sixth Addition. Foust explained to the Council that the developer of Forest Hills would like to proceed with a replat of the seven single family lots and not the four-plex in the proposed Forest Hills Sixth Addition. The plat would be covered under the existing letter of credit. The plat of the four-plex will be a future phase.

GEIGER MOVED, KING SECONDED A MOTION TO ADOPT RESOLUTION 2008-12-9-5 APPROVING THE FINAL PLAT FOR FOREST HILLS SIXTH ADDITION FOR ROLLING GREEN, INC. MOTION CARRIED 5-0.

17. **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 9:08 PM.

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor