

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, May 24, 2011**

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 at 6:30 p.m. on **Tuesday, May 24, 2011** by Mayor K. J. McDonald in the Watertown City Hall Council Chambers.

Upon roll call the following Council Members were present: McDonald, Stephen Crowder, Nicholas Hoese, Rick Mann and Michael Walters.

The following staff members were present: City Administrator Luke Fischer, City Engineer Dave Martini, City Finance Director Steven Wallner, Senior Planner Crystal Foust and Community Development Consultant Mark Kaltsas.

Also present were: Katy Boone, Cory Allen, Jim Sandquist, Jane Gehrking, Charlotte Johnson, Nancy Pickering, Nathan Johnson, Mike Bratholdt, Mary Eklund and Lori West.

2. ADOPT AGENDA

CROWDER MOVED, WALTERS SECONDED A MOTION TO ADOPT THE AGENDA. MOTION CARRIED 5-0.

3. REVIEW OF CONSENT AGENDA

- A. Motion to approve minutes from May 10, 2011 Council workshop
- B. Motion to approve minutes from May 10, 2011 Council meeting
- C. Motion to approve minutes from May 17, 2011 Council workshop
- D. Motion to review minutes from March 15, 2011 EDA meeting
- E. Motion to review minutes from April 1, 2011 EDA meeting
- F. Motion to review minutes from May 11, 2011 EDA meeting
- G. Motion to review minutes from March 10, 2011 Planning Commission meeting
- H. Motion to review minutes from April 14, 2011 Park Commission meeting
- I. Motion to approve 4-H request for waiver of Community Center fees
- J. Motion to approve Stallman Easement Agreement
- K. Motion to approve the execution of grant agreement and award contract to low bidder for Riverpointe trail repair
- L. Motion to award fishing pier access trail contract and authorize staff to proceed with coordination
- M. Motion to approve purchase of Radio Reading Equipment
- N. Motion to approve Crack Sealing quotes
- O. Motion to approve installation of pipes and re-grading of berm at WWTF
- P. Motion to approve contracting for the spring and fall fertilizing and weed control on selected parks in the city
- Q. Motion to approve 2010 Audit Report

Mann asked to have Item 3P pulled from the Consent Agenda. He was not in agreement with contracting for spring fertilizing. He stated that it was too late in the season.

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

4. OPEN FORUM

Charlotte Johnson, president of the Watertown Area Historical Society (WAHS), presented information as to why there should be a plaque on the river boardwalk honoring Isaac Lewis. She read comments

from people who were unable to attend the last council meeting when this topic was presented. Jane Gehrking, secretary of the WAHS, stated that Evelyn Swanson had made a contribution at the time of her death to help pay for the plaque. Mary Eklund, WAHS member, also spoke on the importance of Evelyn Swanson's contribution to the plaque. Nancy Pickering, WAHS member, suggested a motion for the Council to approve stating Isaac Lewis as the founding father of Watertown on a plaque placed on the boardwalk and sponsored by the Watertown Area Historical Society and paid for from the estate of Evelyne Swanson. Pickering stated that the amount of funds available was \$375. Crowder questioned whether the Council could make a motion during Open Forum. McDonald stated that it is customary to have the Council listen to the person(s) but not take any immediate action on an issue that is first brought to the Council's attention. Pickering stated that the issue has been brought before the Council many times and at the last council meeting the issue was tabled or postponed. She stated that the Council has had ample time for review and it was time to vote.

McDonald stated that a committee has been working with city planning staff to prepare a series of historical signs for the trail system. He stated that it would be inappropriate at this time to consider this request which is not incorporated into the plan the committee is working on or until the signs are completed and can be reviewed by the Park Commission and City Council. Pickering disagreed with McDonald stating that their sign matches the existing sign already on the boardwalk honoring Caleb Lewis. Pickering stated that the WAHS sign is being paid for with alternative funding that is different from the other signs and is a separate issue. McDonald agreed that Swanson's donation should be recognized and that her contribution could be incorporated into the signs being designed by the committee. McDonald went on to state that he had read Isaac Lewis' journal, which had been given to all of the council members. He stated that a sign saying that Isaac Lewis is the founding father would not be historically accurate. He stated that if there is a founder it should be misters Bickford and Moore, but there were others who were involved in the founding of Watertown. He stated that one of the new signs states the role Isaac and Caleb Lewis and eight others played in the founding of Watertown. McDonald stated that the existing sign on the boardwalk tied into the sesquicentennial of Watertown and promotion of the businesses in town with the use of Caleb's Cash. He stated that the new signs will solve all the controversies and he asked that no other action be taken.

Crowder asked if it is the Council's role to vote on what they find out about the history of Watertown or vote on the fact that the Historical Society did their homework and made presentations to the Park Commission and Council for a vote. McDonald stated that the Council should do nothing unless it has all the fact to make a good decision. Crowder stated that if there has been controversy for years, how are the new council members to decide what is right. Mann stated that he had read Isaac Lewis' journal and in his mind it doesn't determine who founded Watertown. He stated that the existing sign on the boardwalk was not intended to declare a founder of Watertown. Johnson stated that she didn't think it was the Council's role to decide if Isaac Lewis was the founding father or not. She stated that the Historical Society does its best to make sure their research is accurate. She asked the Council to make a motion and move forward. Crowder stated that he had talked with Johnson the previous evening and told her he would have no problem making a motion to accept the sign, but he said he didn't know until this night about the signs being created by the committee. McDonald stated that the issue should be closed and that enough time had been spent on the topic unless the Council wanted to make a motion.

Pickering asked when the signs would be reviewed and how the text was chosen. She also asked if the Historical Society could look at the signs before they were approved. Foust stated that the signs would be reviewed by the Park Commission June 9 and the Council June 14. She stated that the Park Commission selected this project and a sub-committee of two Park Commission members, Foust, and two historians, Theresa Nelson and Earline King, were chosen. Foust stated that she had asked Johnson for feedback and participation on the signs. Foust stated that the four signs would be placed in Rick Johnson Park (two signs), Old Mill Park and Rapid Waters Park.

Hoese asked when the Council was going to decide on the issue. He stated that he believes there are two separate issues. He stated that the issue has been before the Council more than once and the information has been presented. McDonald stated that the information is wrong and incomplete. Hoese asked for the Council to vote on the issue. Walters asked about the sign proposed by the Historical Society. The sign states that Isaac Ives Lewis is the founding father of Watertown. Walters suggested

that the sign state that Isaac Lewis is a founding father instead of the founding father. Walters stated that as it stands now, the sign states that Isaac Lewis is the one and only founding father but from discussion tonight there is no complete determination.

McDonald called a recess of the Council meeting at 7:04 p.m. The meeting was reopened at 7:09 p.m.

Following the recess, Crowder suggested that the Historical Society sign state that Isaac Ives Lewis be listed as a founder and not say anything about a founding father. He put his statement in the form of a motion which was seconded by Hoese. McDonald spoke against the motion stating that the word founder means there is no one else. He stated that all of the founders should be mentioned. He stated that it was premature to make a decision until the Council had viewed the signs produced by the committee. Johnson stated that what bothers the Historical Society is that if the boardwalk is named to honor Caleb Lewis and the discussion is about Watertown being founded, people would assume Caleb Lewis was important (the founder). Mann stated that he would be willing to vote for the motion as long as it doesn't say Isaac was the founding father. He stated that he was in favor of "a founder" being placed on the plaque. Walters agreed stating that the Council should support the Historical Society. McDonald stated that he was willing to support the motion now that there is an agreement on the wording. He thanked the Historical Society for their work and stated that his only contention was that they could have waited until they had seen the signs being produced by the committee. Fischer recommended that the motion include that the Historical Society sign be of the same quality as the existing sign on the boardwalk. Nathan Johnson stated that the two historians on the committee not have differing historical views from the Watertown Area Historical Society. Foust asked that at least one member of the Historical Society contact her for information about where the city obtained the material for their sign on the boardwalk so they are consistent.

CROWDER MOVED, HOESE SECONDED A MOTION TO ALLOW THE WATERTOWN AREA HISTORICAL SOCIETY TO PLACE A PLAQUE ON THE BOARDWALK ALONG THE CROW RIVER IN DOWNTOWN WATERTOWN STATING THAT ISAAC IVES LEWIS WAS A FOUNDER OF WATERTOWN AND THAT THE PLAQUE IS SPONSORED BY THE HISTORICAL SOCIETY AND IN MEMORY OF EVELYNE WEST SWANSON WITH FUNDS FROM HER ESTATE. THE PLAQUE MUST BE CONSISTENT IN QUALITY WITH THE EXISTING CALEB LEWIS SIGN ON THE BOARDWALK. MOTION CARRIED 5-0.

5. **CELEBRATE WATERTOWN**

6. **NEW/OLD BUSINESS**

A. Review City Ordinance #337

The City received a complaint April 18, 2011 from a Watertown resident that a potbellied pig was being kept at 214 Arnica Drive. Foust stated that the complainant noted that potbellied pigs are not allowed in residential areas according to City Code, Section 10-102. Ordinance 337 was approved in 2009 and enforced when the city received numerous complaints about a potbellied pig in 2010. Foust stated that a letter was sent to the property owner at 214 Arnica Drive giving Lori West until May 15 to comply with the ordinance. She requested the City Council reconsider the ordinance and subsequent code enforcement action. West indicated that she had two separate conversations with Carver County deputies about her pig in 2010. She was informed that keeping the pig is against the ordinance and when someone complained she would have to remove the pig. West stated that she has owned the pig for one year and requested an extension until May 28 to come into compliance if the Council does not change the ordinance. City staff granted the request.

West stated that she checked the city's website before purchasing the pig, but didn't find anything about Ordinance 337. She stated that the pig is in the house for most of the day and only comes out to go to the bathroom. She stated that the neighbors do not object to her having the pig. West stated that she had a petition with over 50 signatures from her neighbors stating that they didn't want the pig classified as a livestock animal and the ordinance should

be rewritten to allow miniature potbellied pigs to be housed within the city limits under certain regulations. Fischer stated that the Council should consider all the work that city staff put into this ordinance and even though West is a good resident, the ordinance came about due to numerous complaints concerning other owners. He stated that the Council should look at treating everyone equally and that the Council consider the request to change the ordinance holistically, rather than on a case-by-case basis.

Mann stated that although he was sympathetic toward her cause and could see that she was compassionate for her pet, he didn't see a reason to change the ordinance. He stated that people who move into the city must abide by the rules of the city. Hoese asked West how she would enforce an ordinance of this nature. She stated that it is up to the owner. She suggested that miniature potbellied pigs be licensed with the city, the same as dogs and cats are now. She also stated that they should be spayed or neutered and always on a leash. McDonald suggested the Council consider the issue and take the item under advisement with the new information presented.

MANN MOVED, MCDONALD SECONDED A MOTION TO MAKE NO CHANGES IN ORDINANCE 337 PROHIBITING FARM AND LIVESTOCK ANIMALS IN RESIDENTIAL ZONING DISTRICTS. MOTION FAILED 3-2 (MANN AND MCDONALD VOTED AYE; CROWDER, HOESE AND WALTERS VOTED NAY).

The Council will take the issue under advisement and will have staff research other cities to see what they do in these cases.

B. Consider Block Party Policy

Foust stated that the Park Commission in May reviewed a policy for street closures in conjunction with events such as neighborhood block parties. The policy can also be used to facilitate events such as National Night Out, which is Aug. 2, 2011. Foust stated that the Park Commission's discussion centered on whether the city would be liable for incidents created as a result of alcohol if the city granted the approval of a street closure associated with an event. City Code states that alcohol is not permitted in city streets, parks, sidewalks or right of way unless a club or organization has secured the appropriate liquor license or is being offered free during an organized social event and agrees to hold the city harmless and indemnify the city.

HOESE MOVED, CROWDER SECONDED A MOTION TO APPROVE THE BLOCK PARTY POLICY AS PRESENTED. MOTION CARRIED 5-0.

C. Discuss TIF District 6

Kaltsas stated that the Watertown Economic Development Authority (EDA) has been working with the business owners located at 413 Lewis Ave. S. (Complete Auto) in regards to relocating that business to the Industrial Park as their current location is scheduled to be demolished as part of the downtown redevelopment project. He stated that the EDA has been working with another Watertown business about relocating to the Industrial Park. In its discussions, the EDA has offered the possibility of utilizing a special expanded tax increment financing (TIF) authority that could be used for this project. If approved, Development District #3 and TIF District #6 would be created. The Development District #3 will encompass the remaining lots in the Industrial Park and TIF District #6, located within the boundaries of Development District #3, is comprised of the three lots situated at the end of the cul de sac on Industrial Boulevard facing Hwy. 25. Kaltsas stated that there would be an increase in market value as a result of using the TIF District. He stated that there would be an increase of \$884,000 of market value over the next nine years. Mann stated that he sees this as an investment incentive as well as tax incentive for the businesses. Kaltsas stated that even if the second business does not come into the Industrial Park, it can be removed and entered later in another tax district.

At 8:08 p.m., McDonald recessed the Council meeting and opened the public hearing for TIF District 6.

There was no public comment. McDonald closed the public hearing at 8:09 p.m. and reopened the Council meeting.

MANN MOVED, CROWDER SECONDED A MOTION TO ADOPT RESOLUTION 2011-05-24-1 ESTABLISHING MUNICIPAL DEVELOPMENT DISTRICT NO. 3 AND APPROVING THE DEVELOPMENT PROGRAM THEREFOR AND ESTABLISHING TAX INCREMENT FINANCING (ECONOMIC DEVELOPMENT) DISTRICT NO. 6 AND APPROVING THE TAX INCREMENT FINANCING PLAN THEREFOR WITHIN MUNICIPAL DEVELOPMENT DISTRICT NO. 3. MOTION CARRIED 5-0.

7. COMMITTEE REPORT

8. CONSULTANTS' REPORT

- A. City Engineer
 - 1. Downtown Project Update
 - 2. Pay Request from Bolton & Menk, Inc.

WALTERS MOVED, CROWDER SECONDED A MOTION TO APPROVE THE PAY REQUEST FROM BOLTON & MENK, INC. MOTION CARRIED 5-0.

9. MAYOR'S REPORT

McDonald informed the Council about the Watertown American Legion Memorial Day Program that will be held at 9:30 a.m. Monday, May 30 at Highland Park.

10. COUNCIL MEMBERS' REPORT

11. STAFF REPORTS

- A. Administrator
 - 1. Workshop May 31 – Fischer requested a workshop on various city projects for 5:30 p.m., Tuesday, May 31.
- B. Senior Planner
 - 1. Livable Communities Grant Update

Foust informed the Council that city staff recently became aware of another grant opportunity for the downtown redevelopment project and future phases. A pre-application was submitted May 19 to meet the May 20 deadline. A full grant application is due in July. The grant application is for \$240,687 which includes funding of Phase II land acquisition, trail connection from Angel Avenue along Kieffer Street, lighting, benches, design and engineering, and project coordination costs. There are no match requirements and if funded, the grant money must be used within three years of award. The Council agreed to proceed.

D. Finance Director

1. Approve Claims Roster/Voucher List

CROWDER MOVED, WALTERS SECONDED A MOTION TO APPROVE THE CLAIMS ROSTER/VOUCHER LIST. MOTION CARRIED 5-0.

12. **ADJOURNMENT**

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 8:24 PM.

ATTEST:

Steven Wallner
Clerk-Treasurer

KJ McDonald
Mayor