

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, June 14, 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, June 14, 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, Senior Planner Crystal Foust and Public Works Superintendent Doug Kammerer.

Also present were: Peggy Sinkel, Laurie Mann, Matt Bunke, Josh Weinstein, Will Wilcox, Shelley Holmes, Mike and Vicki Hagerty, Mark and Susan Gould, Mark and Sandy Stein, Joanne Radde, Steve Washburn, Lance and Nancy Wetter, Carver County Commissioner Tim Lynch.

2. ADOPT AGENDA

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

3. REVIEW OF CONSENT AGENDA

- A. Motion to approve minutes from the May 24, 2011 Council Workshop
- B. Motion to approve minutes from the May 24, 2011 Regular Council Meeting
- C. Motion to approve minutes from the May 31, 2011 Council Workshop
- D. Motion to authorize Seal Coat Request for quotes
- E. Motion to approve Minnesota Lawful Gambling Permit for Immaculate Conception Church
- F. Motion to award contract to Hecksel Machine for downtown railing
- G. Motion to award contract to Roy's Electric for downtown utility undergrounding
- H. Motion to authorize Legion donation transfer
- I. Motion to approve Ordinance 359
- J. Motion to not waive the City's Tort Liability Limits
- K. Motion to authorize staff to seek quotes for air line replacement
- L. Motion to approve Resolution 2011-06-14-1 adopting a City Insurance Agent
- M. Motion to approve MNSPECT pay request
- N. Motion to approve MK Land pay request
- O. Motion to approve Hoff, Barry, Kozar pay request
- P. Motion to approve Safe Routes to School Resolution 2011-06-14-2

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

4. OPEN FORUM

5. CELEBRATE WATERTOWN

6. NEW/OLD BUSINESS

- A. Consider Second River Crossing Alignment

Fischer introduced the topic with some background information. He stated that the topic was initiated by two components: (1) Second river crossing to serve the City of Watertown and

regional traveler and (2) Need for downtown bridge to be reconstructed in the future. Fischer stated that the Council should consider selecting one of three final concept alignments and map an alignment for future planning purposes.

Project Manager Dan Lonnes of Bolton & Menk, Inc. (city engineering firm) went over the current status of the proposed project, the background and next steps that are needed to complete the project. He also mentioned a proposed resolution for the Council to select a preferred alignment as provided by the Carver County river crossing alignment study.

McDonald asked Lonnes if the county would have eventually selected an alignment on its own to fit into its regional transportation plan in spite of any need for another bridge and if the feasibility study was urgent due to the condition of the existing bridge downtown. Lonnes stated that the county does need to study where the corridors are going to be placed in the future and the condition of the bridge did require the study to be accelerated. Lonnes stated that the proposed resolution to select a preferred alignment is important because it is described as a need in the city's comprehensive plan and there would be a lot of wasted effort and expense if the process was not completed. He stated that the resolution does not determine when and if to build a second bridge, what type of road and if the city would build another crossing in the city limits or the cost sharing. He stated that the resolution would only determine a preference for the road so any future developers will know that this is where the road will be located.

Walters stated that at the previous night's council workshop, there were council members who were convinced that the southern river crossing was not the best for Watertown. He stated that a northern route or a second bridge in town was not covered in the feasibility study. Lonnes stated that even if a second river crossing was constructed downtown, it would not mitigate another route south of town. Lonnes went over the pros and cons of the three final alignments (A, L and M). Lonnes stated that people think that a \$6 million dollar project such as this will affect the local tax system. He stated that people are already paying into the system (federal) and the money will be used somewhere. He stated that the potential funding application would be in July with preliminary design toward the end of July or early August. Environmental document and official mapping would follow.

McDonald asked if the 20% cost sharing between the county and city could be negotiated so the city's share could be less. Lonnes stated that would be up to the city and county to decide. Martini added that the county would be looking for financial support from the city and would not proceed without it. If the city did not agree to financially support this project, the county could ask for federal funds for another project within the county. McDonald asked if there are any studies as to when the existing bridge needs to be replaced. Lonnes stated that it is hard to determine exactly except that it is near the end of its life and plans should be made to replace it. Martini stated that the county continues to monitor the bridge annually and we are looking at a window of five to ten years for replacing it. He stated that it will be posted for 40 ton limit.

Martini stated that of all the needs expressed in the county transportation system the one section that is most feasible would be the section from Hwy. 25 to Co. Rd. 10. He stated in his opinion that if you are going by growth alone, it would lend itself to a northern route, but looking at the existing traffic the southern route will provide the most benefit to the city. He stated that eventually Watertown will need both routes. Walters stated that if a second bridge were in town it would alleviate the traffic and may not require another bridge to the south. He stated that the study shows only 4% of the people are traveling through town and that 96% are starting their trips from Watertown or has Watertown as a destination. He asked why a bridge should be built for only 4% of the people. Crowder stated that once a bridge is built, it should serve the majority of the people and he doesn't see that with the southern river crossing. He stated that once the existing bridge is repaired/replaced, who will use the southern route.

Lonnes replied to the second downtown bridge question. He stated that a second bridge would help, but the cost could be excessive for the city taxpayers and the location would be in a residential area.

Crowder stated that the Council would be doing the people near the southern route a disservice if they chose the route and growth didn't take place in that area. Martini stated that he saw it as a favor to those people by letting them know of the long term plans for that area. He stated that there was serious thought that went into the planning to consider the needs of the community. Hoese stated that everything has been focused on the southern route and there has been no information on a northern route or second downtown bridge. He stated that there has been no support from the community about a second bridge. He also stated that he didn't want to burden the taxpayers with a bridge that wasn't needed. Fischer stated that selecting a southern route does not preclude the Council from studying a northern route or a downtown bridge. Martini stated that sooner or later the Council will have to look at all the options, but this is the piece that is being studied now.

Lonnes stated that he was wondering why the Council wouldn't want to select an alignment now for the southern route, even if they choose not to build it at this time. Crowder stated that he is not comfortable choosing a route not knowing where the growth is going to be and spending the city's money on this route and a possible downtown bridge. Martini stated that all that is required of the Council is to select one of the southern alignments. The grant application process, mapping and construction would be decided later. He stated that if the Council is uncomfortable with the wording in the proposed resolution, it can be changed to better fit the situation.

Walters stated that he was against mapping the southern route for fear of lowering the property values of the people along the route. Martini asked the Council if mapping were not a consideration, would the Council be willing to select an alignment. McDonald presented the matrixes for the three final alignments. He stated that considering all the information Alignment A is the most logical if there is a road built in the area someday. He stated that the Council would be derelict in their duty if they didn't let the county know their choice for an alignment. He stated that developers have told him that property values may not be devalued, but they may even be enhanced especially if that area is to be developed. Walters stated that he had read all the comments on the second river crossing and had not seen any support for Alignment A. He stated that more consideration should be given to the human and natural environments which Alignment A did not score as well as the other two alignments. He stated that he favored foregoing mapping an alignment; consider all options, including a second downtown bridge and a northern route. Mann stated that an environmental impact statement will be done with any alignment that is chosen. He stated that human and natural environments are workable within the design of any alignment. Whichever direction is taken for a bridge will affect people. You have to let those emotions go and do what is best for the community. Alignment A would not dissect future development to the south of Watertown. Crowder stated that he doesn't have an issue with Alignment A but doesn't want to pick an alignment that will become the preferred route when there is not enough information for an alternative if the existing bridge goes out. Hoese stated that he didn't want to pick an alignment because of the lack of information about a second bridge downtown and a northern route.

McDonald recessed the meeting at 8:00 p.m. and reopened the meeting at 8:10 p.m.

McDonald did a public reading of the proposed resolution. McDonald stated that the resolution points out that it asks for the Council to select an alignment or further study and refinement so it could be mapped in the future. Crowder stated that he understood that the alignment chosen would be the second river crossing when the existing bridge was replaced. He stated that he could not support any of the three alignments now. He doesn't feel a sense of urgency in the community for a second river crossing.

CROWDER MOVED TO TABLE THE TOPIC FOR FURTHER STUDY OF WHERE ALIGNMENTS A, L AND M ARE GOING TO BE FOR THE COMPREHENSIVE PLAN. MOTION FAILED 1-4 (CROWDER VOTED AYE).

WALTERS MADE A MOTION TO NOT PICK AN ALIGNMENT FOR A SECOND RIVER CROSSING. MOTION FAILED FOR A LACK OF A SECOND.

Martini asked if there was a way the resolution could be worded so an alignment could be selected (even if it was without mapping and application for federal grant) so the feasibility report could be completed. Crowder asked if the resolution could list all three alignments with their rankings and not have one chosen. Lonnes stated that it would be preferred to have just one alignment chosen so as not to cause confusion among future developers and property owners as to where the road was going to be located. Martini stated that it is hard to move forward without a chosen alignment. McDonald offered a solution by stating that the Council put the topic on hold until the next meeting or a special meeting and during that time come up with the words in the resolution that will satisfy the concerns of the Council.

WALTERS MOVED, HOESE SECONDED A MOTION TO NOT SELECT AN ALIGNMENT AND NOT MAP AN ALIGNMENT. (See below for vote)

During discussion of the motion, Mann stated that all emotion have to be put aside and do what is right for all of the residents of Watertown. He stated that if the Council decides to build a second river crossing in town, the county will not participate and the cost will be more than a second river crossing to the south with county and federal contributions. He stated that even if the city wanted to discourage growth, the outlying townships and county will grow and we need to make it convenient for them to get to the downtown businesses and not channel routes to the schools. McDonald stated that the townships do not have a chance to grow unless they are annexed and because of the 40 acre rule. McDonald agreed with Mann in that the city would be on its own for a second bridge crossing in town in contrast to the cooperation of the county and federal government of the proposed southern river crossing. He stated that people are already paying for the southern river crossing through their county and federal taxes and if the money is not used here it will be used elsewhere.

THE MOTION TO NOT SELECT AN ALIGNMENT WAS APPROVED 3-2 (MCDONALD AND MANN VOTED NAY).

Fischer asked the Council for a clarification as to what they wanted from the county and if the topic should be brought back to the Council again with another resolution. County Commissioner Tim Lynch asked the Council for direction on the topic. Crowder stated that he didn't want the study to end, but didn't want to make a rushed decision. Lynch stated that the grant deadline is July 18 for this year and the next possible grant application is available in two years. The consensus of the Council was to wait until that time (with the exception of Mann).

McDonald recessed the meeting at 8:37 p.m. and reopened the meeting at 8:47 p.m.

Council Member Mann left the meeting.

B. Review and Consider Chamber Electronic Sign Site Plan

Fischer reviewed the topic with the Council. He stated that the City has an agreement with the Watertown Chamber of Commerce for installation and operation of an electric sign at the intersection of Territorial and Lewis. The agreement requires the Chamber to coordinate landscaping for the improvements, which must be approved by the Council. Two companies submitted proposals to the Chamber—Accent Gardens and Hoese Enterprises. One issue is the existing two pine trees which need to be transplanted or cut down to allow the new sign to be constructed. City staff received quotes to transplant the trees, with the low quote being \$150 per tree. Staff recommended locating the trees in Evergreen Park. Staff also recommended approval of the site plan and authorization of volunteer work through the Chamber to make final site improvements. Hoese stated that the Boy Scouts have volunteered to help on the project. McDonald and Walters will work on the location of the two trees in Evergreen Park.

MCDONALD MOVED, WALTERS SECONDED A MOTION TO APPROVE THE SITE PLAN AND AUTHORIZE VOLUNTEER WORK THROUGH THE CHAMBER OF COMMERCE TO MAKE FINAL SITE IMPROVEMENTS FOR THE NEW ELECTRONIC COMMUNITY SIGN AT TERRITORIAL STREET AND LEWIS AVENUE. MOTION CARRIED 3-0. HOESE ABSTAINED.

C. Discuss Ordinance #337, Relating to Potbellied Pigs

Foust introduced this topic by stating that the Planning Commission on June 11, 2009 recommended to the City Council to approve Ordinance 337. The Council adopted the ordinance June 23, 2009 prohibiting potbellied pigs in residential areas. The ordinance was adopted at the time another property owner in the City had a potbellied pig in which the City received numerous negative complaints. On April 18, 2011, the City received a complaint about a Watertown resident (Lori West) keeping a potbellied pig in a residential area. West spoke to the Council May 24, 2011 about the complaint after receiving a letter from the City stating that she was in violation of the ordinance. West requested the Council consider amending the ordinance. Council directed staff to see how other cities dealt with potbellied pigs in residential areas. Staff found that the cities of Belle Plaine, Chanhassen, Delano, Minnetrista, Mound, New Prague, St. Bonifacius, Winsted and Waconia do not allow potbellied pigs because they are considered swine or farm animals. She stated that Watertown's ordinance specifically mentions potbellied pigs while ordinances in some cities do not refer to potbellied pigs.

Hoese stated that there seems to be a gray area as to whether potbellied pigs are considered pets or raised for consumption. Foust stated that when Ordinance 337 was adopted, the potbellied pig being considered at that time was classified as a pet. West stated that potbellied pigs are not bred to be sold for consumption. She stated that she had possible suggestions for amending the ordinance. McDonald stated that an ordinance could not be amended without holding a public hearing. West stated that there are other cities who do allow potbellied pigs as pets. McDonald stated that the Council's responsibility is to uphold the ordinances and she would have to prove that there was a great need to amend the ordinance.

Walters stated that he had nothing against West or her pig, but it was the next one that comes along. Crowder appreciated the time spent by West on defending her point of view but he couldn't support changing the City's ordinance. West stated that she thought it was not fair to base the ordinance on one instance. She suggested that the ordinance include a weight limit for pigs and that they should be neutered or spayed. She asked if she could qualify for a variance. Foust stated that variances apply to the zoning chapter which does not apply in this instance. She stated that if the Council approves an amendment it applies to all potbellied pig owners so the Council is not dealing with the issue on a case-by-case basis. Charlotte Johnson spoke in favor of West keeping her pig and urged the Council to make an exception in her case. She stated that West keeps the pig mostly indoors and when it is outside it is on a leash. She stated that West does have a petition signed by neighbors who are in agreement with her. McDonald commended West for securing approximately 50 names on a petition to keep her pig, but also pointed out that there were no addresses for the signatures. He stated that government should do everything it can to see that people have the chance for pursuit of happiness, but that it is difficult to make an exception for one person.

Hoese suggested that the Council give West a trial period and allow time to draft an ordinance that is fair for everyone. Fischer stated that the City doesn't have the staff or expertise to determine what a potbellied pig is and enforce the regulations that would be considered in order to allow them in the city limits. West asked why the City's ordinances are not up-to-date on its web site. Foust stated that ordinances are adopted by the Council, are codified and then become part of the Municipal Code. The City has its ordinances on line, but also has a disclaimer stating that people should contact City Hall about any recent ordinances that may not be on line. Fischer stated that the ordinance predated the pig and that West knew about the ordinance before she purchased the pig. West claimed that she bought her pig Feb. 18,

2009, before the ordinance was adopted. She stated she found out about the ordinance April 27, 2011 when Foust sent her a letter stating she was in violation of the ordinance.

Steve Lewandowski stated that he lived near the residence that resulted in Ordinance 337 being adopted. He stated that there were three potbellied pigs at that residence before they were ordered to get rid of them. He stated that the smell from the pigs and other animals there was terrible. He stated that he was told by his neighbor that if West's pig is allowed to stay, they are bringing back their three pigs.

CROWDER MOVED, WALTERS SECONDED A MOTION TO UPHOLD ORDINANCE #337 AS IT PERTAINS TO POTBELLIED PIGS. MOTION CARRIED 4-0.

Foust asked the Council for direction on how long West had until she was to have her pig removed from the residential area. McDonald stated that was an area that the City could be compassionate. He recommended that West consult with city staff for a final date.

D. Consider 30th Street Improvements

Kammerer gave the Council the background on this topic. He stated that 30th Street is a gravel road that runs from Co. Rd. 10 to Wildflower development and is used by many Wildflower residents as a short cut to Co. Rd. 10. He stated that over the years the road has deteriorated. He stated that the City adds rock; contracts dust coating and plow it in the winter. Watertown Township grades the road. He stated that the crown of the road no longer exists and water builds up on the road. Quotes have been obtained from Bryan Red Rock (\$17.37 per ton of red rock), Wm. Mueller & Sons (\$17.99 per ton of red rock) and Combined Aggregate (\$13.45 per ton of granite chips). Kammerer stated that they viewed roads in Franklin Township that use granite chips and they seem to be in very good shape. Kammerer stated that red rock tends to break down while the granite chips do not. He suggested that the City purchase 480 tons of granite chips from Combined Aggregate for \$6456. The city would have the contractor deliver it and the township will grade it.

HOESE MOVED, WALTERS SECONDED A MOTION TO PURCHASE 480 TONS OF GRANITE CHIPS FROM COMBINED AGGREGATE FOR \$13.49 PER TON FOR A TOTAL OF \$6,456. MOTION CARRIED 4-0.

7. **COMMITTEE REPORT**

8. **CONSULTANTS' REPORT**

A. City Engineer

1. Change Orders No. 1 and No. 2 and Pay Request No. 2 from Wm. Mueller & Sons

Martini explained the change orders to the Council in connection with the Downtown Redevelopment Project. Change Order No. 1 includes adjustments to the storm sewer system to avoid conflicts with the sanitary sewer, replacing an inoperable gate valve on Angel Avenue, completing a water main loop near Derson Tank, repairing an existing storm sewer pipe under the Luce Line Trail and reconstructing a sanitary sewer manhole to match the elevation of the proposed Lewis Avenue extension. This work resulted in a reduction of \$16,704 in the contract. Change Order No. 2 involved the removal and disposal of unsuitable materials encountered while excavating for the underground utilities not covered by the original contract. This resulted in an increase of \$2,908.80 in the contract. Pay Request No. 2 from Wm. Mueller & Sons was for \$204,178.06 for work completed on the Downtown Redevelopment Project.

MCDONALD MOVED, CROWDER SECONDED A MOTION TO APPROVE CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2 ALONG WITH PAY REQUEST NO. 2

FROM WM. MUELLER & SONS FOR THE DOWNTOWN REDEVELOPMENT PROJECT. MOTION CARRIED 4-0.

2. Projects Update
3. Request for payment from Bolton & Menk, Inc.

Hoese and Crowder had questions about how the amounts of the pay requests are determined.

CROWDER MOVED, WALTERS SECONDED A MOTION TO APPROVE THE PAY REQUEST FROM BOLTON & MENK, INC. MOTION CARRIED 4-0.

9. MAYOR'S REPORT

McDonald stated that he and his wife had been married 53 years on this date, which also is Flag Day.

10. COUNCIL MEMBERS' REPORT

11. STAFF REPORTS

D. Finance Director

1. Approve Claims Roster/Voucher List

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

12. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 9:57 PM.

ATTEST:

Steven Wallner
Clerk-Treasurer

KJ McDonald
Mayor