

**MINUTES OF THE
WATERTOWN CITY COUNCIL
Regular Meeting Tuesday, Jan. 8, 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, Jan. 8, 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, Rick Mann, Earline King, Dan Geiger and Steve Duske.

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

Others present were: Brent Graff, Steve Keller, Allen Russo, Paul Glasser and Heidi Swedburg.

2. ADOPT AGENDA

Staff asked to have items 3I (Kings Highland floodplain mitigation), 7C (Don Meyerson) and 14B (2008 Fee Schedule) pulled from 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 Dec. 11, 2007
- B. Minutes for Jan. 3, 2008 special meeting
- C. Pay request from City Building Official
- D. Pay request from City Attorney
- E. Pay request from M K Land
- F. Recommendation to approve Amended Water Ordinance No. 315
- G. Recommendation to approve letter of credit reduction for Industrial Park
- H. Recommendation to approve Engineering RFI document and authorization for committee to proceed with mailing the document to select engineering firms
- J. Ordinance 314 Rental Housing Amendment for Section 14-109 (b)
- K. Ordinance 316 Rental Housing Amendment for Section 14-85 (f)
- L. Claims Roster for second half of December 2007 (as presented in December)
- M. Claims Roster for Jan. 8, 2008

Duske asked to pull Item 3M for discussion. Mann asked to pull Item 3A for correction to 7A of the minutes, adding: City requires Expert Driveways, Inc to pay for cost of Braun Intertec to do technical analysis of hockey rink surface.

4. CONSENT AGENDA APPROVAL

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

5. OPEN FORUM

- A. Glasser asked if people had to continue reading their water meters. Wallner explained that if the automated water meter ends in three zeros, the city is receiving the signal for the meter and recording the amount of water used. Wallner also pointed out that the new automated meters round down the amount used to the nearest thousand gallons.

6. CELEBRATE WATERTOWN

- A. Mandt stated that the city has received several messages thanking the Public Works Department for their excellent work snow plowing and efficient work on the recent water main break on Franklin Avenue and State Street.
- B. Mandt stated that the hockey rink and free skating rink are being used by many people. People are pleased with the bituminous surface and added lights.

7. NEW/OLD BUSINESS

- A. Alley Ordinance Public Hearing. Kaltsas stated that the Council reviewed the draft of the ordinance in November. Several property owners in Block 24 expressed their concerns about the use of the unimproved alley. There are small utilities in the alley and the city staff does not recommend vacating the alley. Neighboring property owners have maintained the alley over the years including mowing and planting grass. Kaltsas stated that the ordinance presented at this meeting/hearing distinguishes between improved and unimproved alleys and defines an unimproved street as well as restrictions on alley use by vehicles and abuse or damage to the alleys or streets. Duske asked if notices had been sent to all property owners with unimproved alleys. Kaltsas stated that only residents on Block 24 had been notified of the public hearing. Duske asked if property owners could petition to have their alley improved. Kaltsas stated that this was covered by state statute and property owners can request a feasibility study.

McDonald recessed the Council meeting and opened the public hearing.

Graf stated that he uses the alley when needed and has had no problems. He stated that he would like to put a garage in the back of his yard. He always assumed it is a legal alley and he should be able to use it.

Mandt stated that although this is considered a public alley, there should not be items stored in the alley way. He stated that according to the ordinance if someone damages the alley, that person will be required to repair it or be assessed for the cost to restore it.

Kaltsas stated that the ordinance is not meant to restrict normal use of the alley.

McDonald left the hearing to make a presentation in the next room at the Lions meeting. He turned the hearing over to Duske, acting mayor.

Russo stated that the ordinance does not address storing ice houses. He stated that the Council says they can be stored but the ordinance says they can not. He would like the Council to table any decision until more facts are presented. Duske stated that the city would need to change the setbacks in the older part of town if the ordinance is approved.

McDonald returned to the hearing.

Geiger stated that people need access to the alleys. He asked how much it would take to allow people to use unimproved alleys with restrictions that they don't tear them up.

Duske stated asked if the Council could incorporate the ordinance into the city's right-of-way ordinance with permits

Kaltsas stated that the intent was to make the ordinance so it was not complicated.

Mann stated that in his opinion the ordinance is for neighbors abusing neighbor's property. He stated that this ordinance is to enforce issues of abuse.

Keller stated that he uses the alley constantly and tries not to abuse it. He admitted that he got stuck in the alley one time and didn't repair it well enough to the satisfaction of his neighbor. He stated that he has no access to his backyard except by the alley. He doesn't think it is a good idea to base the ordinance on a couple of individuals for others in the city.

McDonald said the ordinance seems to be beneficial to Keller. He recommended that no action be taken and that staff conduct an alley study to decide what should be done.

The public hearing was closed and the council meeting reopened.

- B. 2008 Organization Resolution. Mandt went over the content of the resolution stating that Bremer Insurance Agency be removed from the list of insurance consultants. Duske pointed out that the amount council members are paid for commission meetings is \$35 not \$30 as stated in the resolution draft. This was confirmed by Wallner. When asked by Duske about combining commission meetings on the same night, Mandt stated that it was proposed to have EDA, Planning and Park commissions on Mondays, but if that were to happen, too many members of the Park and Planning commissions would not be able to make it. Wallner stated that two of the regular council meetings need to be changed. The Sept. 9 meeting needs to change to Sept. 8 due to the Primary Election and Nov. 11 needs to change to Nov. 10 due to Veteran's Day. McDonald asked if it had ever been considered to pay council members for meetings above the regular commission meetings. Mandt stated that that could be done but according to the resolution it would have to have prior council approval. McDonald recommended that staff prepare an outline for the council to consider for compensation for other meetings besides the commission meetings. Geiger stated he would agree if it meets the requirements stated in the resolution. Duske stated that the council members are not paid for the extra time they put in on other meetings. Geiger stated that commissioners are not paid enough (\$30 per meeting) for the commission meetings they attend. McDonald stated that the council can look into changing that as well.

GEIGER MOVED, MANN SECONDED A MOTION TO ADOPT RESOLUTION 2008-01-08-1 WITH THE FOLLOWING CHANGES: COMMISSIONERS BE PAID \$35 PER COMMISSION MEETING AND BREMER INSURANCE AGENCY IS ELIMINATED FROM THE LIST OF INSURANCE CONSULTANTS. MOTION CARRIED 5-0.

King asked about being compensated for a document she submitted for the 2030 Comprehensive Plan. Geiger stated that he had written a section for the Comprehensive Plan and spent dozens of hours on it. He stated that he didn't think this should be reimbursed since it was considered volunteering as a public service. He stated that it would be unrealistic to be paid for every time council members volunteer to do something for the city. He gave Mann as an example for the time he volunteered on the hockey rink project. King stated that she did not volunteer; she was asked to include a section in the Comprehensive Plan because of the historical perspective. She said it took a month to prepare the document.

DUSKE MOVED, MCDONALD SECONDED A MOTION TO REIMBURSE KING \$35 FOR HER WORK FOR THE COMPREHENSIVE PLAN. MOTION FAILED 2-2. DUSKE AND MCDONALD VOTE AYE, GEIGER AND MANN VOTED NAY.

- D. Feasibility study for Glasser property utility extensions. City was petitioned by Glasser for feasibility study to extend water and sewer to his property along Co. Rd. 10. Martini came up with two alternatives and presented them to the Council. Alternative One consists of extending water and sewer from the front of Trinity Lutheran along Co. Rd. 10 with an 8 inch sewer line to replace the private 4 inch line serving three other properties.

McDonald left the meeting. Acting Mayor Duske took over.

Martini stated that it would be Glasser's responsibility to extend a private line under Co. Rd. 10 to connect. Water could be stubbed out and Glasser would extend the line to his building. Martini estimated the total cost of Alternate One at \$119,975. Under Alternate Two, the city would allow Glasser to construct a private sewer line that would end up in the cul-de-sac on Newton Avenue. Alternate Two would require an easement from Jon Wasser, a right-of-way permit from the city and a permit from the DNR to cross the Luce Line Trail. Martini stated that a force main is figured in the project but it was possible that a gravity sewer could be installed, but he would have to check on this.

McDonald returns to the meeting.

Martini stated that through this project the city would have the opportunity to offer a larger line to the other three properties but the problem would be how to distribute the cost. Martini stated that there is a good chance the city would eventually take over the private line as proposed in Alternate Two. McDonald stated that the city may be partially responsible for the cost since the work was not done properly years ago. Geiger stated that there is some benefit to the city by extending the eight inch line down Co. Rd. 10 where there could be more development. He stated that Public Works has had issues with the existing four inch line. Duske stated that

development pays for itself and doesn't see why the city should pay. Glasser stated that the only way he can afford water and sewer for his property is with Alternate One and have all parties involved contribute to the cost. He stated that that may not be possible because one property owner has already told him he would not be in favor of the new line since he is already hooked up to the city. Glasser stated that the only way others will pay is if the city says it is the only option. Mandt suggested that the city could look into a mound system but didn't know if the county would allow it with wetland in the area. There was also discussion about the use of a holding tank. Glasser stated that he would favor a holding tank over a septic system.

McDonald recommended that the city staff check with the county and look into the possibility of a holding tank and postpone any action until the next meeting. Martini stated that if water and sewer is available and the property owner is required to hook up it leads to the question "What is available?" He stated that the county would probably be more inclined to allow a holding tank than a septic system.

8. CITY STAFF REPORTS

- A. Kammerer gave his Public Works report. New equipment has arrived and is working well. Water main break on Franklin Avenue and State Street Dec. 23 was repaired. Asphalt and curbing that was removed will be replaced in the spring. Residents are asked to help clean snow around hydrants. Kammerer's last day of schooling was Dec. 11 for Operations and Maintenance of Public Works. He will start spring semester Jan. 16 until May 14 at North Hennepin in the course Public Works Organization and Administration. Kammerer presented the Council with the city's water usage and how much received in wastewater over the past 12 years.

9. COMMITTEE REPORT

10. ATTORNEY'S REPORT

11. ENGINEER'S REPORT

- A. Forest Hills/Mill Avenue Paving Update. Martini presented the Council with a report from Braun Intertec on the issues involving the paved surface in locations on Mill Avenue and Forest Hills. Braun Intertec was directed to evaluate the pavement and provide the city with observations, analysis and recommendations. Based on Braun's report, Martini stated there are three main areas of concern: (1) Bituminous cores taken within Forest Hills indicate that there are areas of pavement that deviate from the planned thickness by more than one-half inch. (2) Two pavement cores from Forest Hills have densities less than 95%. (3) There are areas on Mill Avenue and within Forest Hills where segregation has occurred. To address these three areas of concern, Martini offered four courses of action: (1) According to MnDOT specifications, after compaction, the thickness of the pavement should be within one-half inch of the thickness shown in the plans. The developer should arrange for additional analysis in the spring on Butternut Lane, Hickory Curve and Aspen Circle to determine the limits of pavement that have a thickness that deviates from the plan by more than one-half inch. If not isolated, these areas should be milled and overlaid. (2) The developer should arrange for

additional analysis to determine the limits of pavement that have a density less than 95%. If not isolated, these areas should be removed and replaced. Areas of concern are Balsam and Hawthorne Lanes. (3) The pavements on Mill Avenue and Forest Hills should be reviewed again in the spring to identify areas that were affected by the freeze/thaw cycle and to determine the limits of seal coating that may be necessary to prevent premature surface deterioration. According to Braun, at a minimum, the following sections will need to be seal coated: (a) Mill Avenue from the south end of the project to the entrance of Forest Hills; (b) Forest Hills Lane from Co. Rd. 20 to Aspen Circle; (c) Hickory Curve from Ironwood Avenue to Forest Hills Lane. (4) The City should have a minimum security of \$65,000 from the developer to ensure that corrective actions are completed on Mill Avenue and in Forest Hills.

Duske questioned as to why these areas of concern were not caught earlier. Martini stated that during paving it didn't appear to be a problem. He stated that inspections will be done in the spring. The developer has asked to have the city accept the infrastructure and start the warranty period. Duske stated that he has not heard of splitting a project. He has concerns about the cracking and manhole covers not matching the bituminous. He believes the manholes are part of the infrastructure, not the paving. Martini stated that if the Council does not feel comfortable splitting the project, he could recommend reducing the letter of credit. Martini stated that according to the contractor, the infrastructure was completed last year and he would like the two-year warranty period to begin. Martini stated that the Council could decide to wait until the entire project is completed before starting the warranty since they have done this in the past. Mann agreed with Duske that the warranty period should not start until the project is completed. Martini stated that he is comfortable that there will be enough money after reducing the letter of credit. He stated that he will come back to the Council with a formal request for reduction of the letter of credit and proposals as to how the City would accept the project.

12. MAYOR'S REPORT

- A. McDonald stated that the Watertown Lions have approved \$1,000 for the Senior Commission to use toward events.
- B. McDonald is organizing a film festival for youth and asked if anyone would object to waiving the Community Center rental fee for the event. He stated that he hoped that this would eventually become part of the future Youth Commission.
- C. McDonald stated that the Council and Watertown Township met Jan. 3 to discuss orderly annexation. He stated that the City is not out to take away the land from the township residents but to protect them in the future.

13. COUNCIL MEMBER'S REPORT

14. ADMINISTRATOR'S REPORT

- A. Residential Waste Hauling Services. Mandt stated that TCW has approached the City about opening up the number of residential waste haulers. TCW has asked the City to seek proposals. Mandt stated that the county could help the City with requests for information. He also stated that he would be meeting with other area

administrators for suggestions. Mandt told TCW that he would introduce this topic to the Council. The consensus of the Council is to seek requests. Mandt will work toward that end.

- B. In answer to a question from Duske, Mandt stated that the Council had offered John and Arlayne Hermann \$2,500 and they countered with \$15,000 (non-refundable) by March 1. Mandt stated that he informed their real estate agent that he couldn't immediately accept the counteroffer and would have to go back to the Council. The issue is on hold for now.

15. FINANCE DIRECTOR REPORT

16. PLANNER REPORT

17. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 9:25 PM.

Respectfully Submitted,

ATTEST:

Steven Wallner
Clerk-Treasurer

K.J. McDonald
Mayor