

**MINUTES OF THE  
WATERTOWN CITY COUNCIL  
Regular Meeting Tuesday, Aug. 28, 2007**

**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, Aug. 28, 2007** 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, Dan Geiger, Earline King and Steve Duske.

The following staff members were present: City Attorney Dave Hubert, City Engineer David Martini, City Planner Crystal Foust, City Administrator David Mandt, Planning Consultant Mark Kaltsas, and Public Works Supt. Doug Kammerer.

Others present were: Tracy and Glen Hulley, Rick Todd, Glen Schraens, Maria Holland, Scott Anderson, Joy Hix, Todd Hendricks, Julie Sweeney, Fay and Tracy Boos, Cal Johnson, Liz and Randy Nichols, Jerry Hendricks, Pam and Russ Bushman, Jack Speckel, Reggie Krueger, Al and Michelle Sandquist, Mike Devlaeminck.

**2. ADOPT AGENDA**

Staff asked to have item 10E moved to 14A and add item 11E (Plans and specifications for Industrial Park). Geiger asked to have item 3F moved to 11D.

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

**3. REVIEW OF CONSENT AGENDA**

- A. Council minutes for Aug. 14, 2007
- B. Correction to numbering of Electrical and Plumbing Ordinance (Ordinance 309)
- C. Recommendation to adopt Self Perpetuating Minnesota State Building Code (Ordinance 310)
- D. Pay request from MK Land
- E. Pay request from city attorney
- G. Claims roster
- H. Met Council Local Comp Plan Grant Agreement

**4. CONSENT AGENDA APPROVAL**

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

**5. OPEN FORUM**

**6. CELEBRATE WATERTOWN**

- A. Mandt stated that 10 businesses have taken advantage of the downtown redevelopment grants and that three of them – Tuvey, Neisen and Senne – were closing soon on their grants.
- B. Mandt stated that the Watertown Chamber of Commerce and Hooked On Classics are sponsoring River Rumble Saturday, Sept. 22 with a car show in Rick Johnson Park and food served in City Center Park. Businesses are encouraged to have sidewalk/crazy day sales. This also will be held during the City-Wide Garage Sales.

**7. NEW/OLD BUSINESS**

**8. CITY STAFF REPORTS**

- A. Recommendation to advertise for bids for Grove Street Hockey Rink improvements. Foust presented the Council with information on the master plan recommended by the Park Commission and financing information from Finance Director Steven Wallner. Resident Jack Speckel stated that he does not like the proposed bump-in diagonal parking in front of his house. He would like to see more green space in the park plan. Mann suggested an alternate bid for a parking lot on the west side near the warming house and eliminate the two bump-in diagonal parking spaces.

**DUSKE MOVED, GEIGER SECONDED A MOTION TO AUTHORIZE CITY STAFF TO SEEK BIDS FOR A BITUMINOUS SURFACE FOR THE HOCKEY RINK AND PARKING LOTS, LIGHTING ALONG THE TRAIL, A TRAIL THROUGH THE PARK CONNECTING TO THE LUCE LINE TRAIL AND AN ALTERNATE BID FOR A PARKING LOT ON THE WEST SIDE OF THE PARK. MOTION CARRIED 5-0.**

**9. COMMITTEE REPORT**

- A. Recommendation to hire contractor to complete Community Center work for 2007. Mandt presented information about the contractor quotes received by the Council appointed committee. Mann, Duske, Mandt and Steven Wallner served on the committee. Quotes were received from three contractors with GDS Design and Build Inc. presenting the low base quote of \$37,657.80. The committee recommended awarding the project to GDS. There are several items that may be added or changed from the original quote so the committee recommended approval with the understanding that several items may be changed to better serve the needs of the project.

**DUSKE MOVED, KING SECONDED A MOTION TO AWARD THE PROJECT TO GDS DESIGN AND BUILD INC. AND PROCEED IN MAKING MODIFICATIONS TO THE QUOTE PRIOR TO ENTERING INTO A**

**CONTRACT. A CAP OF \$40,000 WAS PLACED ON THE PROJECT. MOTION CARRIED 5-0.**

**DUSKE MOVED, MANN SECONDED A MOTION TO AUTHORIZE THE COMMITTEE TO DO ANOTHER WALKTHROUGH WITH THE CONTRACTOR TO REDEFINE THE MODIFICATIONS AND SCOPE OF THE PROJECT BEFORE ENTERING INTO A CONTRACT. MOTION CARRIED 5-0.**

- B-C. Snap Fitness Conditional Use Permit and Site Plan. Foust presented background information to the Council. The property is currently zoned industrial with compatible industrial uses surrounding the property. A Conditional Use Permit (CUP) is required for a fitness center which is a commercial use. Site plan approval is required prior to the intensification of any building or use within the jurisdictional limits of the city. Site plan approval is required for all conditional uses. The Planning Commission and Council approved a site plan and CUP for 605 Lewis Ave. N. in October 2006. Foust stated that city staff communicated several times with the applicant (Snap Fitness) over the winter regarding the requirements as stated in the approval. Staff had advised the applicant that all landscaping, installation of entrance access, landscape buffer and four boulevard trees had to be installed by June 15, 2007. The applicant notified staff after a letter was sent in July that the property owner, Jerry Hendricks, was not going to allow the applicant to install the improvements to comply with the site plan and CUP. Staff informed the applicants that because they are in violation of the CUP, reviews by the Planning Commission and Council would be necessary. Tracy and Glen Hulley, owners of Snap Fitness, stated in a letter to the Council and at the meeting that they had made several improvements including upgrading and changing the entrance and parking areas and putting in directional arrows, parking lot stripes, extra outdoor lighting, door awning, table, chairs and a bike rack. The Hulleys stated that they agreed to put in a type of road buffer between the front of the building and the road, such as boulevard trees and grass, but they did not consult with the property owner, Jerry Hendricks, who did not want to knock out the asphalt he had installed in 2002 through a loan from the Watertown EDA. The Hulleys stated that they worked with their landscaper and property owner to come to an agreement on a buffer that would be acceptable to everyone. They installed tree boxes to match the flower boxes and benches they put up. They would like to have their CUP approved for the improvements they have done. The Planning Commission made a motion to allow the Council to make the final decision. Mann stated that he is all for the business but there needs to be an alternate plan for the parking lot entrance. Mandt stated that Snap Fitness is a commercial user while the previous renter was an industrial user. As a result, this triggers a different set of ordinances.

**MCDONALD MOVED, KING SECONDED A MOTION TO GRANT A CONDITIONAL USE PERMIT AND FORM A COMMITTEE TO WORK WITH THE APPLICANT AND PROPERTY OWNER TO COME UP WITH A SATISFACTORY PLAN.**

Hubert stated that since a CUP exists, the Council should continue the review of the CUP and let the committee attempt to resolve the issues with the applicant and property owner by October 2007 when the existing CUP is up for renewal.

McDonald and King agreed to withdraw their motion.

**MANN MOVED, KING SECONDED A MOTION TO APPOINT MCDONALD AND GEIGER AS COMMITTEE MEMBERS TO ATTEMPT TO RESOLVE ISSUES WITH THE APPLICANT AND PROPERTY OWNER BY OCTOBER 2007. MOTION CARRIED 5-0.**

- D. Ortloff Trail text amendment. Council received a building permit from Scott Anderson of 325 Ortloff Trail to construct a garage that would be set back 22 feet from the property line. According to current city code, the corner side yard setback is 35 feet. Research by the property owner indicated that a number of corner properties within Ortloff's Addition do not comply with the 35-foot corner side yard setback. City staff has suggested a text amendment allowing accessory buildings to be 20 feet from the property line. The Planning Commission recommended approval of the text amendment.

**GEIGER MOVED, MANN SECONDED A MOTION TO APPROVE THE TEXT AMENDMENT AS WRITTEN. MOTION CARRIED 5-0.**

**10. ATTORNEY'S REPORT**

**11. ENGINEER'S REPORT**

- A. Review of proposed trail projects. Martini prepared engineering fee estimates for four trail/sidewalk segments: (1) Sidewalk construction through the Landings between Rohs Way and Riverpointe - \$15,825. (2) Trail along the Crow River through the Landings to Riverpointe - \$20,763. (3) Trail along Co. Rd. 24 between Arnica Drive and Paul Avenue - \$6,645. (4) Trail along Mill Avenue between Territorial Street and Forest Hills - \$26,958. Geiger stated that he was not in favor of approving the trails without a design.

McDonald stated that he had to leave for another scheduled meeting and asked Duske to take over as chairperson. The Council took a five-minute recess. Following the recess, the meeting resumed with Duske as chair.

- B. Projects in progress. Martini presented the Council with a summary of a number of projects.
- C. Pay request for city engineer.

**MANN MOVED, GEIGER SECONDED A MOTION TO APPROVE THE PAY REQUEST FROM THE CITY ENGINEER. MOTION CARRIED 4-0.**

- D. Industrial Park grading development agreement. Kaltsas stated that the developer has been working with the city to finalize all issues relating to the plans and specifications and final plat for this development. The developer would like to begin grading on the property prior to all items being finalized with the final plat, final grading plan and development agreement. Staff recommends that the Council adopt Resolution 2007-08-28-01 allowing the mayor and city clerk-treasurer to execute the preliminary development agreement with Rice Lake, LLC for the Industrial Park. Geiger stated that he is uncomfortable with just the grading

agreement and not the development agreement. Kaltsas stated that it is anticipated that the final development agreement will be completed and be ready for approval at the next council meeting. He stated that they cannot go any further without the development agreement. Resident Cal Johnson, who is employed at the Three Rivers Park District nursery, spoke to the Council about their success with less compaction versus compaction. Hubert pointed out two items that need to be corrected in the agreement before it is signed.

**MANN MOVED, KING SECONDED A MOTION TO ADOPT RESOLUTION 2007-08-28-01 ALLOWING THE MAYOR AND CITY CLERK-TREASURER TO EXECUTE THE PRELIMINARY DEVELOPMENT AGREEMENT, INCLUDING CHANGES, WITH RICE LAKE, LLC FOR THE INDUSTRIAL PARK. MOTION CARRIED 4-0.**

E. Plans and specifications for Industrial Park.

**GEIGER MOVED, MANN SECONDED A MOTION TO AUTHORIZE THE CITY ENGINEER TO DEVELOP PLANS AND SPECIFICATIONS AND ADVERTISE FOR BIDS FOR THE INDUSTRIAL PARK. MOTION CARRIED 4-0.**

12. **MAYOR'S REPORT**

13. **COUNCIL MEMBER'S REPORT**

14. **ADMINISTRATOR'S REPORT**

15. **FINANCE DIRECTOR REPORT**

16. **PLANNER REPORT**

17. **CLOSED MEETING**

**GEIGER MOVED, KING SECONDED A MOTION TO GO INTO CLOSED SESSION AT 8:35 P.M. TO DISCUSS LEGAL STRATEGY IN REGARD TO THREATENED LITIGATION BY THE DEVELOPER OF TUSCANY VILLAGE. MOTION CARRIED 4-0.**

**DUSKE MOVED, GEIGER SECONDED A MOTION TO END THE CLOSED SESSION AT 9:25 P.M. MOTION CARRIED 4-0.**

**THE COUNCIL MEETING WAS REOPENED AT 9:26 P.M.**

18. **ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 9:27 PM.**

Respectfully Submitted,

**ATTEST:**

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Steven Wallner  
Clerk-Treasurer

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K.J. McDonald  
Mayor