

**MINUTES OF THE  
WATERTOWN CITY COUNCIL  
Regular Meeting Tuesday, November 28, 2006**

**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, November 28, 2006** 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, Rick Mann, Steven Duske and Earline King.

The following staff members were present: City Administrator David Mandt; City Attorney Dave Hubert; City Planner Crystal Foust, Interim Community Development Director Mark Kaltsas; City Engineer David Martini of Bolton & Menk, Inc.; Public Works Supt. Doug Kammerer.

Others present were: Jim Johnston, Carla Fossum, Curt and Deb Christensen.

**2. ADOPT AGENDA**

Staff asked that the following items be added to the agenda: (3I) Hoff, Barry & Kozar attorney letter regarding hourly rate and (3J) Certification of delinquent utility bills. Staff asked that the following items be pulled from the agenda: (7B) Zoning of properties in orderly annexation area and (7C) Recommendation to institute interim ordinance for properties within orderly annexation area not under the control of Carver County.

**3. REVIEW OF CONSENT AGENDA**

- A. Council minutes for Nov. 14, 2006 meeting
- B. Pay request from building official
- C. Pay request from city engineer
- D. Pay request from interim CD Director: M. K. Land Corp.
- E. Park and Recreation Commission recommendation to accept Lions Club donation and purchase of four new park signs
- F. Recommendation to approve letter of credit reduction for Kings Highlands
- G. Recommendation to accept public improvement and reduction of letter of credit for Riverpointe
- H. Claims Roster
- I. Hoff, Barry & Kozar, P.A. letter regarding hourly rates
- J. Certification of delinquent utility bills

Duske asked to pull Item 3G for discussion. He suggested that the City decide how much a development should be built out prior to accepting public improvements. McDonald asked if the item could be tabled. Mandt stated that the City has entered into a developer's agreement with Riverpointe. He stated that the City should look into this but didn't know if the City could go back and renegotiate or go forward with new agreements. Martini stated that the City should accept the improvements and infrastructure because they have been completed and the roads are being used. McDonald stated that the City should take a look

at Duske's suggestion for future developments. Duske stated that he would like to see the City accept the improvements starting now rather than retroactive to July 21 as recommended by the city engineer. Martini stated that if there is any evidence of excessive wear or deterioration it would probably be evident before the warranty period is over. Johnston stated that he assumed the city engineer would do an inspection before the warranty expired and will list anything that needs to be repaired. He stated that he favored the acceptance date of July 21 for the improvements. Item 3G was included in the list of accepted items on the consent agenda.

4. **AGENDA APPROVAL**

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

5. **OPEN FORUM**

A. Curt Christensen asked the Council if the curb by Kings Highland was going to be fixed as well as the ditch by his property along Newton Avenue Southeast. Martini stated that he would look at the two areas.

6. **CELEBRATE WATERTOWN**

Mandt reported that there are Christmas decorations on the new lights of the boardwalk. McDonald encouraged all businesses including City Hall be decorated for the Christmas holiday season.

7. **NEW/OLD BUSINESS**

A. Resident request for R-1 Zoning classification. Fossum appeared before the Council asking to subdivide her 3.1 acres into portions of 1.5 and 1.6 acres and sell a portion to the property owner to the north. The property would need to be zoned in order to proceed with the subdivision. Fossum had asked city staff to have the property zoned R-1. A public hearing may be conducted by the Planning Commission in January. Fossum questioned why her property would be zoned agricultural. She stated that she had attended a Watertown Township Board meeting and they had no problem with it. She stated that she has been working on this for the past nine months. Fossum stated she understood the minimum was 1.25 acres and went ahead with a purchase agreement and was ready for a survey when she was told by Foust that the minimum was 2.25 acres. She asked if her property could be classified other than agricultural in order to do the lot split. Mandt stated that the City has done extensive research into the question of who has zoning control over the property, the city or the county. He stated that the City isn't sure what the property was zoned and didn't have any documents showing that identification. Mandt stated that the intent of an agricultural district is to act as a buffer for those properties wishing to be annexed into the City. If the property was zoned A-1 the minimum lot size would have to be 2.25 acres. Staff has recommended the property be zoned A-1 to provide a smooth and orderly transition from rural to urban and prevent premature scattered urban development which would be uneconomical from the standpoint of municipal services, utilities and schools. Foust stated that the land use of the property would not change if

Fossum's property were annexed. Foust stated that annexation does not restrict the size of the property. It would still be classified A-1 and the minimum lot size would be 2.25 unless it was rezoned into another classification. McDonald stated that he couldn't make a decision based on the information presented and would rather the Planning Commission review the issue and make a recommendation to the Council. Foust stated that the property owner would need to apply for a variance for a smaller lot size and submit it to the Planning Commission. Mandt stated that the application for a variance must include what the property owner's intentions are, whether it is annexation, rezoning, lots split, etc. because a public hearing would probably be required.

8. **CITY STAFF REPORTS**

9. **COMMITTEE REPORT**

- A. Planning Commission recommendation to approve a text amendment to the Zoning Ordinance to create provisions to allow an Interim Use Permit. An interim use is a temporary use of property until a particular date, until the occurrence of a particular event or until zoning regulations no longer permit the said use. The use must cease upon termination of the permit.

**DUSKE MOVED, MANN SECONDED A MOTION TO ADOPT ORDINANCE 291 AMENDING CHAPTER 62 OF THE MUNICIPAL CODE OF WATERTOWN (ZONING) BY ADDING A NEW DIVISION 8 SEC. 62-175-62-182 PERTAINING TO INTERIM USE PERMITS. MOTION CARRIED 5-0.**

- B. Recommendation to purchase Kubota BX2350. Kammerer presented Council with information on two units examined for cleaning sidewalks and trails upon suggestion by the Public Works Committee. Kammerer compared two John Deere models with a Kubota model. All three were demonstrated in Watertown by Lano Equipment. Bids were shown to the Public Works Committee Nov. 16. It was determined at that meeting that Mann would examine the models and make his recommendation. He talked to the sales rep from Lano Equipment and it was determined that the Kubota unit has a superior engine, mechanical and service over the John Deere. The bid on the Kubota was \$18,946.35 including tax. The unit has a 60" deck, 60" front blade, 47" broom and Deluxe hard-side cab. Staff reviewed the bid and determined that there is no money budgeted for this purchase. However, the 2002 Equipment Certificates will be fully paid in 2007. Staff recommends that the purchase of the Kubota be temporarily financed from the funds in the Five Mill Fund and reimbursed when a future equipment certificate is issued for other equipment needs. Duske stated that he would rather see the money for the purchase come from the Park Fund and not the Five Mill Fund. McDonald suggested approving the recommendation of the purchase with the financing to be determined at the December 12 Council meeting.

**MCDONALD MOVED, KING SECONDED A MOTION TO APPROVE THE PURCHASE OF A KUBOTA BX2350 WITH FINANCING TO BE DETERMINED DECEMBER 12. MOTION CARRIED 5-0.**

10. **ATTORNEY'S REPORT**

11. **ENGINEER'S REPORT**

12. **MAYOR'S REPORT**

- A. McDonald stated that he would like to have the Council consider creating a Youth Commission with members represented by the Council, students and churches. He stated that one of the purposes of the commission would be to provide some managed plans for youth of the community.

13. **COUNCIL MEMBER'S REPORT**

- A. Duske reported that he had met with the Carver County Health Partners Design Team. They are inviting community leaders and area community senior commissions to a meeting Dec. 12 at the Minnesota Landscape Arboretum to discuss the future of Carver County.

14. **ADMINISTRATOR'S REPORT**

- A. Mandt reported on the ribbon-cutting ceremony held Nov. 20 for the Douglas R. Kugler Memorial Recycling Center and Compost Site.

15. **FINANCE DIRECTOR REPORT**

16. **COMMUNITY DEVELOPMENT REPORT**

- A. Foust stated that the Park Commission has two vacancies for an adult and a youth.

17. **ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS ADJOURNED AT 7:22 PM.**

Respectfully Submitted,

**ATTEST:**

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Steven Wallner  
Clerk-Treasurer

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K.J. McDonald  
Mayor