

**MINUTES OF THE
WATERTOWN CITY COUNCIL**
Regular Meeting Tuesday, May 12, 2020

Mayor Steve Washburn
Deborah Everson
Lindsay Guetzkow
Adam Pawelk
Michael Walters

1. Call to Order and Roll Call

Please note that, pursuant to the authority provided by Minn. Stat. Sec. 13D.021, subd. 1(1), the City Administrator and the City Attorney have determined that in-person meetings of the City Council are not practical or prudent due to the COVID-19 public health pandemic and the declared national, state, and local emergencies. Further, the City Administrator and the City Attorney have determined that it is not feasible nor practical or prudent due to the health pandemic to have members of the public, city staff, or members of the City Council in attendance at the regular meeting location. Meetings of the Council will be conducted by electronic or telephonic means. Under Minn. Stat. Sec. 13D.021, subd. 3, to the extent practical and possible, the City Council will allow individuals to monitor the meeting electronically as provided below:

Meeting Registration Link: https://us02web.zoom.us/webinar/register/WN_T_xAENmQTeO5KqwkXnOiAQ

Pursuant to due call and notice thereof, the regular meeting of the Watertown City Council was called to order at 6:32 p.m. Tuesday, May 12, 2020 in the Council Chambers of City Hall by Mayor Steve Washburn.

Council Members present online using Zoom.com: Washburn, Mike Walters, Deborah Everson, Lindsay Guetzkow, and Adam Pawelk.

City Staff present at City Hall: City Administrator Shane Fineran.

City Staff present online: City Planner Mark Kaltsas, Public Utilities Superintendent Doug Kammerer, City Attorney Jared Shepherd, Building Official Scott Dornfeld, and Clerk Treasurer Lynn Tschudi.

Those who signed in online: Kelsie Somers, Kyle Jarvis, Liz B, Mario Cortolezzis, Ross Theisen, Kelly Thaemert, Julie Berrios, Jeff Engholm, Sara Hallerman, Debbie Krueger, Andy Johnsrud, Jody Zellmann, Nancy Pysick, Pamela St. George, Philip & Joy Asao, Shawn Urban, Zac Watne, Pat Vandercreek, Joseph Perez, Chris Neaton, Deborah Koehnen, Gail Sommerfeld, Missy Meidinger, Mary Fritz Barfnecht, Ross Wensing, S Matrella, Dan Larson.

2. Adopt Agenda

GUETZKOW MOVED, EVERSON SECONDED A MOTION TO ADOPT THE AGENDA AS PRESENTED. MOTION CARRIED 5-0 AFTER ROLL CALL VOTE.

3. Consent Agenda Discussion and Approval

All items listed under the consent agenda are considered to be routine by the City Council and will be enacted by one motion on an affirmative vote by roll call of a majority of the members present. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event, the item(s) will be removed and discussed prior to the adoption of the consent agenda.

WALTERS MOVED, PAWELK SECONDED A MOTION TO ADOPT THE CONSENT AGENDA AS PRESENTED. MOTION CARRIED 5-0 AFTER ROLL CALL VOTE.

- A. Adopt a motion to approve City Council Regular Meeting Minutes from April 28, 2020
- B. Consider Resolution #2020-72, Non-Waiver of Municipal Tort Liability Limits

C. Consider Resolution #2020-75, Accepting Voluntary Resignation of Fire Fighter

4. Open Forum

5. New/Old Business

A. 112 Jefferson Ave NW Variance Request (Presenter: Mark Kaltsas)

City Planner Mark Kaltsas said the residents at 112 Jefferson Avenue NW are requesting a variance to allow a six-foot tall fence to be located in the front yard and to allow a six-foot tall fence to be located closer to the alley than permitted. Kaltsas showed the property to council on a map. The normal maximum height for a fence in the front yard is 3.5 feet. Along alleyways there is a 10-foot setback and the applicant would like to locate their fence within that setback. Currently there is a fence located within that alley setback they are asking to replace it. The applicant will be replacing the current hog wire fencing that exists.

The Planning Commission noted the adjacent property is commercial in nature, so allowing the taller fence is reasonable. Being that the other fence was pre-existing, the Planning Commission found the fence being replaced is also reasonable.

EVERSON MOVED, GUETZKOW SECONDED A MOTION TO ADOPT RESOLUTION 2020-73, GRANTING APPROVAL OF A VARIANCE TO ALLOW A SIX-FOOT TALL FENCE TO BE LOCATED IN THE FRONT YARD AND TO ALLOW A SIX-FOOT TALL FENCE TO BE LOCATED CLOSER TO THE ALLEY RIGHT OF WAY THAN PERMITTED FOR THE PROPERTY LOCATED AT 112 JEFFERSON AVENUE NW. MOTION CARRIED 5-0 AFTER ROLL CALL VOTE.

B. Utility Capital Project #UC042 - Mobile Hose Reel (Presenter: Doug Kammerer)

Utilities Superintendent Doug Kammerer said staff has been rolling and unrolling 400 to 600 feet of four-inch hose multiple times a year. They are used for flooding as well to pump out bio-solids. Kammerer explained the difficulty of rolling and unrolling the hose. Throughout the process of looking for quotes for the hose reel, Kammerer applied for a safety grant. The City was awarded a \$6,000 grant for the purchase of the hose reel lowering the total cost to \$12,000.

GUETZKOW MOVED, PAWELK SECONDED A MOTION TO ADOPT RESOLUTION 2020-74, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS AND LOW QUOTE FOR MOBILE HOSE REEL. MOTION CARRIED 5-0 AFTER ROLL CALL VOTE.

C. Relaxing Stay At Home Order Proclamation (Presenter: Shane Fineran)

Fineran said in communication with council members, the COVID-19 pandemic was having a negative impact on the community and the council felt they should communicate with the state on their ability to operate while following proper health guides.

Fineran cautioned that Watertown is a community of many people and to note that in the message that is sent.

City Attorney Jared Shepherd addressed council. He said the Governor has declared a peacetime emergency and explained the statutes that supports the emergency. Shepherd said the council cannot pass a resolution that would break the law.

Pawelk noted that the city code ultimately comes from the state, so he understands that our hands are

ted until the state begins to open up.

Guetzkow asked Shepherd if other town's similar resolutions that have been passed are null and void. Shepherd said the executive orders have the force and effect of law. If Watertown chose to allow otherwise, it would be illegal.

Walters expressed how his constituents believe the executive orders are removing their constitutional rights. He is concerned that the businesses have been closed for longer than originally intended.

Washburn said the Governor can declare a state of emergency and every 30 days he can re-declare. The check and balance is the Senate and the House as they are the individuals who can override the executive orders. Washburn said directly lobbying those individuals is where the influence is.

Everson clarified that council is unable to open the businesses in Watertown. Shepherd said that is true. Everson said an individual business owner is able to open on their own. Shepherd said he is not going to speak to whether an individual business owner can open.

WASHBURN MOVED, EVERSON SECONDED A MOTION TO ADOPT PROCLAMATION 2020-01, A DECLARATION OF THE CITY COUNCIL IN SUPPORT OF LOCAL BUSINESS , ECONOMIC ACTIVITY AND EMERGENCE FROM STAY AT HOME ORDER DURING THE COVID-19 PANDEMIC. MOTION CARRIED 5-0 AFTER ROLL CAL VOTE.

Washburn stated the Proclamation has been crafted in a very thoughtful manner. He said there are varying opinions on the stay at home order. The city is asking for a clear and measurable plan to get away from this endless cycle. Everson said this is at least something Watertown can do to advocate for the businesses and residents. She is in hopes that the Governor lifts the stay at home order on May 18. Pawelk agreed with Everson. Guetzkow said she has had many conversations with legislatures over the past week to figure out how Watertown fits into the puzzle. Walters noted the areas within the Proclamation that he does not agree with. He would like to see stronger language within the Proclamation.

Washburn said the number of confirmed cases in Carver County are increasing rapidly. Washburn talked about businesses and wrongful deaths. Washburn encouraged residents to wear masks in public.

6. Other Reports

Fineran updated that the Chamber Checks will be mailed out within the next week. He said there was arson at the Elementary School Playground and would encourage people to call the Sheriff's Office with any information.

Pawelk updated on the Rick Johnson adopt a park clean up hopefully happening next week.

Guetzkow updated that most community education classes have been cancelled through May.

7. Claims

A. Approve May 12th Claims Roster

GUETZKOW MOVED, WALTERS SECONDED A MOTION TO ADOPT THE CLAIMS

ROSTER AS PRESENTED. MOTION CARRIED 5-0 AFTER ROLL CALL VOTE.

8. Adjournment

Members of the City Council and City staff may convene directly following the adjournment of the meeting at the Luce Line Lodge in a purely social event. Members of the public are welcome to attend.

EVERSON MOVED, WALTERS SECONDED A MOTION TO ADJOURN THE MEETING AT 8:02 PM.
MOTION CARRIED 5-0 AFTER ROLL CALL VOTE.

Steve Washburn, Mayor

ATTEST: _____
Lynn Tschudi, Clerk/Treasurer