



Watertown City Council
Regular Meeting

Mayor Michael Walters
Fred McGuire
Adam Pawelk
Dan Schuette
Kay Thul

8/8/2023 - Minutes

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 in the Council Chambers of City Hall at 6:30 p.m. on Tuesday, August 8, 2023, by Mayor Mike Walters.

Councilmembers present: Mike Walters, Adam Pawelk, and Kay Thul.

Councilmembers absent: Dan Schuette and Fred McGuire .

City Staff present: City Administrator Jake Foster

2. Adopt Agenda

COUNCILMEMBER THUL MOVED TO APPROVE THE AGENDA AS PRESENTED. COUNCILMEMBER PAWELK SECONDED. MOTION CARRIED 3-0.

3. Consent Agenda Discussion And Approval

COUNCILMEMBER PAWELK MOVED TO APPROVE THE CONSENT AGENDA AS PRESENTED. MAYOR WALTERS SECONDED. MOTION CARRIED 3-0.

- 3.A. 3A - July 25, 2023 City Council Meeting Minutes
- 3.B. 3B - July 25, 2023 City Council Workshop Meeting Minutes
- 3.C. 3C - 2023 M&O Pay App 2
- 3.D. 3D - Forest Hills 9th Addition LOC Reduction
- 3.E. 3E - WWTF Pay App No. 15

3.F. 3F - Commission On Aging Survey Funding

3.G. 3G - Early Grading Agreement

4. Open Forum

5. New/Old Business

5.A. 5A - Public Use Of Hemp And Cannabis Products

Foster summarized the background of this topic.

City Council has discussed the recent passage of THC legislation in the state of Minnesota on multiple occasions. This legislation officially legalized the use of THC products on August 1, 2023. Based on previous Council discussion, the City Attorney has drafted an ordinance (Ordinance #439) to prohibit the public use of hemp and cannabis products.

Foster presented Ordinance #439, which state: any use of hemp and cannabis products in public spaces would result in a petty **misdemeanor**. Public spaces would include any property owned, leased, or controlled by a governmental unit and private property that is regularly and frequently open to or made available for use by the public in sufficient numbers to give clear notice of the property's current dedication to public use. The use of these products would still be permitted on private property, generally not accessible by the public, unless an individual is explicated prohibited from the consumption of these products.

Furthermore, the products prohibited in this ordinance include cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products.

Pawelk reintegrated the city didn't not need code prior to the legalization of marijuana on August 1 because there were state statues on the matter that took precedence. The ordinance mirrors the previous state statue and the gross misdemeanor prior to August 1.

Foster stated the ordinance follows the guidelines in the legislation, the petty **misdemeanor** is prescribed in the legislation allowing city the option of making a petty **misdemeanor**. Several cities will be moving forward with this option.

Pawelk explained the new legislation gives the cities the authority to create this ordinance.

Foster confirmed the writing of the ordinance was essentially taken from the legislation.

Thul understands that this is a very murky topic and feels the ordinance looks good.

Walters stated this is a very controversial subject and there are people on both sides with very strong feelings on the matter. People my say the City is trying to subdue people with this ordinance. You have choice participate in the law to whatever extent you want to as long you do it responsibly. By responsibly, meaning doing it in a manner that you are not going to harm yourself or harm anyone else and your not going to effect anyone else. On the other side, some people do not want to expose their children to it nor normalize it for their children. Alcohol is basically treated this exact same way, the city does not allow individuals to drink alcohol in city parks either. You will see some cities have already done this and most cities will be moving for and doing this type of ordinance.

COUNCILMEMBER THUL MOVED TO ADOPT ORDIANCE #439 AND APPROVE THE SUMMARY PUBLICATION. COUNCILMEMBER PAWELK SECONDED. MOTION CARRIED 3-0.

5.B. 5B - Highland Park Bathrooms And Press Boxes

Foster presented the background information regarding the project and bids received.

Staff had been struggling to get bids for the Highland Park Bathrooms and Press Boxes project for several months. At the direction of the Park Commission, staff had Bolton and Menk create a scope of work document to standardize the process for the solicitation of quotes and help bidders better understand the scope of the project. That document was produced and provided to several potential contractors, a few of which came recommended from staff of other cities.

Staff received a response from Kevin Danielson Construction and Grindstone Construction Services. Both firms did a site visit to evaluate the project, but Kevin Danielson Construction ultimately did not submit a bid.

Staff also received one bid from Rice Companies Inc. prior to the creation of the scope of work document. Both the Grindstone Construction and Rice Companies bids are attached. Rice Companies provided a bid amount of \$52,672.71. However, staff has deemed this to be a significantly incomplete bid as it did not include any costs for plumbing, HVAC, concrete floor or wall patching, plumbing fixtures, permitting, or rear wall modifications needed in the bathrooms. Grindstone Construction submitted a bid totaling \$102,155, but also provided six bid alternates. The six bid alternates total an additional \$17,500. If all alternates would be included and accepted in the scope of work, the total bid price would be \$119,655. Staff recommend to the Park Commission include the stainless-steel restroom partitions (instead of painted metal) and the grind and polish existing concrete floors alternates at a minimum.

The original budgeted amount for this project was \$75,000 in the 2023 CIP. However, staff does feel that the bid from Grindstone Construction is in-line with new expectations as more knowledge was gained regarding the scope of the project.

Ultimately, the Park Commission recommended to Council the approval of the Grindstone Construction bid, including alternates #2 (stainless-steel partitions +\$4,800) and #4 (grind and polish existing concrete floors +\$3,900) for a total of \$110,855. Staff supports this recommendation. Given how this project is \$35,855 over what was in the 2023 CIP, staff further recommends using the General Capital Improvement Fund to pay for this project. As a draft of the 2024 CIP has been created, and this project has not been included in the beginning fund balance, the project cost of \$110,855 would need to be subtracted from the beginning fund balance of the General Capital Fund in the 2024 CIP. This would leave a projected ending fund balance in 2024 of \$374,213.

Foster presented the photos of the current conditions of the bathrooms. Grindstone Construction would have availability to do this project yet this fall.

Pawelk stated from a park board perspective, this has been a project they have been working on for sometime and history of trying to obtain bids for this project. The park board was pleased to have received at least one complete bid. The park board fully explored all the different options of this project from a budget perspective, Pawelk and Foster also discussed after the meeting regarding some thoughts and comments they had received from the park board. Foster also had discussions with Mike Dressel regarding the project, bid and budget for the project.

Thul agreed this project needs to be done.

Walters acknowledged what a great job the park board and staff does in vetting just like our planning commission by asking the right questions and the looking into all aspects of the topic. Highland park is one of our premier parks and is visited by members of all of different cities. The bathrooms have fallen into such **disappear**.

COUNCILMEMBER PAWELK MOVED TO ADOPT RESOLUTION #2023-50, APPROVING THE BID GRINDSTONE CONSTRUCTION PULS ALTERNATIVES #2 AND #4 FOR THE HIGHLAND PARK BATHROOMS AND PRESS BOXES PROJECT. COUNCILMEMBER THUL SECONDED. MOTION

CARRIED 3-0.

5.C. 5C - Public Services Storage Expansion Facility Programing And Feasibility

Foster presented the background on the topic, at the May 9th, 2023 City Council meeting, City Council elected to forgo the funding and execution of the full Space Needs Analysis included in the 2023 CIP for the public services expansion project programmed in the CIP for 2024.

However, as staff has been contacting contractors regarding the project, there is some degree of scope work that will need to be completed prior to bidding and completing the project. Staff met Oertel Architects at the site and answered questions relating to the project and storage needs. As a result of that meeting,

Oertel Architects provided a proposal for a facility programing and concept feasibility document to evaluate the project and ensure that it adequately meets the needs of the public services department. The proposal was presented, and includes different bench marks as the population grows and additional equipment is needed.

The cost of this analysis is \$3,500 plus \$150 reimbursable allowance fee.

Typically, this is an expense that would be handled on the staff-level out of the operating budget. However, given Council's desire to forgo the full Space Needs Analysis, staff wanted to have Council approval prior to authorizing the work.

Pawelk like this type of approach including everything Foster eluded to and the high level graphic to view what we would be able to do and how that would look. Pawelk feels this is a better use of dollars from analysis/study perspective. Including the budgeting aspect and high level items that need to be looked at. beyond Bolten & Menk or City staffs expertise that needs to be looked at. Pawelk appreciate staff going back and relooking and revamping this item and bringing to council instead only putting it on consent agenda to have some good conversation about it.

Thul agrees in this approach with this companies expertise in this specific area.

Walters agreed, the council will receive some useful information when this is completed to help the council look at the different options and possible start budgeting from some of the items that maybe suggested.

Thul stated the timeline would be about a 6 weeks to receiving the analysis.

COUNCILMEMBER THUL MOVED TO APPROVE THE PROPOSAL FROM OERTEL ARCHITECTS AND AUTHORIZE STAFF TO EXECUTE THE CONTRACT. COUNCILMEMBER PAWELK SECONDED. MOTION CARRIED 3-0.

6. Other Reports

Foster reported there were no other reports except, the Mayor, Kyle Garvis, Watertown Chamber President meet earlier in the day to discuss the city's emergency response plan. Based on the recent boil order which happened a few weeks ago. The Mayor and Kyle had some great ideas, including getting some signs we could put up around town directing resident to check out our website or call City Hall, this option could possible be relatively inexpensive and feasible potentially. Foster will take the notes from this meeting and begin work on the City's Emergency Notification Plan that will become part the City's Emergency Response plan.

Walter explained the best way for the resident receive notifications is to sign up for Civic Plus Notification on the City website. The fire chief will be included in this and is the emergency response manager and will be developing the emergency response plan. Walters stated a good base of the the emergency response plan and will be adopted into the plan.

Pawelk reported on the park commission he attended in July, the main item was the Highland Park bathroom and press box project. There will potentially be a meeting in August. Foster reported the main topic will be pollinator garden request that was received.

Thul reported on the Commission on Aging meeting she attended last week. The primary topic of discussion is the promotion of the Senior Dance which will be on September 30th from 1 pm - 4pm at City Hall, Hillbilly Cadillac will be performing.

Walters reported the Pickle Ball Courts have been completed and are up and going. The courts have been very busy with individuals waiting to use the courts.

7. Claims

7.A. 7A - Claims Packet 8.8.23

COUNCILMEMBER PAWELK MOVED TO APPROVE THE August 8, 2023, CLAIMS PACKET. COUNCILMEMBER THUL SECONDED. MOTION PASSED 3-0.

8. Adjournment

PAWELK MOVED TO APPROVE THE August 8, 2023, CLAIMS PACKET. THUL SECONDED. MOTION PASSED 3-0.

309 Lewis Avenue South; P.O. Box 279, Watertown, MN 55388

Michael Walters, Mayor

ATTEST: _____

Jake Foster, City Administrator