

UNAPPROVED MINUTES  
WATKINS CITY COUNCIL  
THURSDAY, JULY 14, 2016

Mayor Eder called the regular meeting to order at 7:05 p.m. at City Hall.

MEMBERS PRESENT: Mayor Frank Eder, Tootz Tschumperlin, Sue Unterberger, Brenda Carlson, Marc Wirz

MEMBERS ABSENT: None

MOTION BY CARLSON TO APPROVE THE AGENDA, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

MOTION BY UNTERBERGER TO APPROVE THE CONSENT AGENDA, SECONDED BY WIRZ. MOTION CARRIED.

Items on the Consent Agenda were minutes of the June 4th, 2016 special meeting and June 9<sup>th</sup>, 2016 regular meeting, June 2016 financial report, Resolution #2016-21, Resolution Accepting Donations, Resolution #2016-22, Resolution Approving Transfers, Resolution #2016-26, Resolution Appointing Election Judge, and delinquent water bills for shut off.

Public forum-nothing

Lesley Schmid with CenterPoint Energy presented a Community Partnership Grant Program award to the Watkins Fire Department for safety equipment. Lesley also expressed her sympathy for what the city is dealing with (tornado that hit Watkins July 11<sup>th</sup>).

Watkins Lions Club requested an off-premise gambling permit to conduct an off-site gambling event at McCarthy Park on August 6, 2016-Kraut N' Wurst.

MOTION WAS MADE BY TSCHUMPERLIN TO APPROVE RESOLUTION #2016-23, OFF-PREMISE GAMBLING PERMIT, SECONDED BY CARLSON. MOTION CARRIED.

Council discussed extending state of emergency due to the tornado on July 11<sup>th</sup> and felt it should be extended for 30 days. Business will be handled as normal unless there is an emergency situation.

MOTION BY UNTERBERGER TO ADOPT RESOLUTION #2016-25, RESOLUTION EXTENDING STATE OF EMERGENCY, SECONDED BY CARLSON. MOTION CARRIED.

MOTION BY CARLSON TO APPROVE THE AMBULANCE BILLS AS PRESENTED FOR PAYMENT, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

MOTION BY CARLSON TO APPROVE THE AMBULANCE SERVICE SECOND QUARTER REPORTS, SECONDED BY UNTERBERGER. MOTION CARRIED.

Watkins Civic Park-Basketball Courts-No one was present from the Civic Park to discuss.

Sheriff's report- Council reviewed the activity for June. Chief Deputy Dan Miller asked if council was happy with the way things were handled after the July 11th tornado. Miller noted that traffic control could maybe have been done better. He suggested having a debriefing with the fire department later to review procedures. Mayor Eder noted the dispatchers and spotters did an amazing job.

MOTION BY WIRZ TO ACCEPT THE SHERIFF'S REPORT, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

City-wide cleanup day has been scheduled for September 17<sup>th</sup>.

MOTION BY CARLSON TO TABLE DISCUSSION ON CITY CLEAN UP DETAILS UNTIL AUGUST, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

Planning Commission held a public hearing on amending the Zoning Ordinance. This would change the front yard fence height requirement from 42" to 48" and also allow for solar energy systems in the city. The planning commission recommended the adoption of Ordinance #2016-3. Discussion followed.

MOTION BY CARLSON TO ADOPT ORDINANCE #2016-3, ORDINANCE AMENDING ZONING ORDINANCE, SECONDED BY UNTERBERGER. MOTION CARRIED.

**ORDINANCE 2016-3  
CITY OF WATKINS  
MEEKER COUNTY, MINNESOTA  
An Ordinance Amending the City of Watkins Zoning Ordinance in the following sections:**

**Article XIII  
PERFORMANCE STANDARDS**

Section 13.13. FENCING. The following requirements apply to the construction of fences in Watkins:

F. Fences located within the front yard of a lot in a residential district shall not exceed a height of ~~forty~~ ~~two (42")~~ forty eight (48") inches. Exceptions to this may be made at the discretion of the Planning Commission in unique situations (amended 7-12-12).

Section 13.18. SOLAR ENERGY SYSTEMS. Purpose and Intent.

It is the goal of the City to provide a sustainable quality of life for the City's residents, making careful and effective use of available natural resources to maintain and enhance this quality of life. Cities are enabled to regulate land use under Minnesota Statutes 394 and 462 for the purpose of "promoting the health, safety, morals, and general welfare of the community."

As part of this regulatory power, the City of Watkins believes it is in the public interest to encourage solar energy systems that have a positive impact in energy conservation, with limited adverse impact on the community. While the City of Watkins strongly encourages increased energy conservation and improved energy efficiency, the City also finds that increased use of appropriate solar energy systems will be an important part of improving urban sustainability.

The solar energy regulations are intended to supplement existing zoning ordinances and land use practices, and ensure these systems are appropriately designed, sited and installed. These regulations are in place to balance the need to improve energy sustainability through increased use of solar energy systems with concerns for preservation of public health, welfare and safety, as well as environmental quality, visual and aesthetic values, and existing neighborhood social and ecological stability.

The following standards shall apply to all solar energy systems within the City of Watkins, Meeker County, Minnesota.

**A. Definitions:**

The following words, terms and phrases, when used in this Section, shall have the meaning provided herein, except where the context clearly indicates otherwise:

**Building-Integrated Solar System.** An active solar system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

**Ground Mounted Panels.** Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

**Photovoltaic System.** An active solar energy system that converts solar energy directly into electricity.

**Roof or Building Mounted SES.** Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.

**Roof Pitch.** The final exterior slope of a building roof calculated by the rise over the run, typically, but not exclusively, expressed in twelfths such as 3/12, 9/12, 12/12.

**Solar Access.** A view of the sun, from any point on the collector surface that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Standard time on any day of the year.

**Solar Collector.** A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical or electrical energy.

**Solar Energy.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**Solar Energy System (SES).** An active solar energy system that collects or stores solar energy and transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

**Solar Hot Water System.** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

## **B. Districts**

Solar energy systems (SES) shall be allowed as an accessory use in all zoning districts.

## **C. Placement and Design**

1. Height
  - (a) Roof or building mounted SES shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar systems other than building-integrated solar systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices.
  - (b) Ground mounted SES shall not exceed the height of an allowed accessory structure within the zoning district when oriented at maximum tilt.
2. Placement
  - (a) Ground mounted SES must meet the accessory structure setback for the zoning district in which it is installed. Ground mounted SES shall not be considered to be an accessory building and therefore exempt from the requirements of Section 2.02.
  - (b) Roof or Building Mounted SES. The collector surface and mounting devices for roof or building mounted SES shall not extend beyond the required setbacks of the building on which the system is mounted.
3. Coverage

Ground mounted SES shall be limited to a maximum area of:

  - a. Residential Uses: 240 square feet.
  - b. Non-Residential Uses: Ten (10) Percent of Lot Area
4. Visibility
  - (a) SES shall be designed to blend into the architecture of the building or be screened from routine view from public right-of-ways other than alleys. The color of the solar collector is not required to be consistent with other roofing materials.
  - (b) Building Integrated Solar Systems – building integrated solar systems shall be allowed regardless of visibility, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the zoning district in which the building is located.
  - (c) Ground mounted SES shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences, or landscaping.

## **D. General Standards**

1. Notification. Prior to the installation or erection of a SES, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned SES. Off-grid systems shall be exempt from this requirement.
2. Feeder lines. Any lines accompanying a SES, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel, unless there are existing lines in the area which the lines accompanying an SES can be attached.
3. The system must have a main power disconnect at the meter, as well as independent module shutoffs to disconnect each individual module and prevent output from each module to the main service disconnect in the event of a power outage or damage to the wiring or modules.
4. All SES shall meet the standards of the Minnesota and National Electric Code.
5. Commercial. All SES shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.
6. Restrictions on SES Limited. No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of the City of Watkins shall restrict or limit solar systems to a greater extent than the City of Watkins renewable energy ordinance.

## **E. Abandonment**

A SES that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months, and which is not brought in operation within the time specified by the City, shall be presumed abandoned and may be declared a public nuisance subject to removal at the expense of the operator.

**F. General Ordinance Provisions**

**1. Interpretation**

In interpreting this ordinance and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.

**2. Conflict**

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes high standards shall control.

**3. Severability**

If any part or provision of this ordinance or its application to any developer or circumstance is judged invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Adopted this 14<sup>th</sup> day of July, 2016.

ATTEST: (SEAL)

Frank Eder, Mayor

Debra Kramer, Clerk

Council discussed the new temporary family health care dwelling legislation. This law will go into effect September 1<sup>st</sup>. Cities do have the option to “opt-out”. Because this is a land use issue a public hearing needs to be held by the Planning Commission and then council action is needed. The Planning Commission is concerned about regulating this. Mayor Eder felt the city had facilities to handle this. Carlson noted not everyone can afford those facilities. The Planning Commission has called for a public hearing to be held August 3<sup>rd</sup> at 7:05 p.m. to consider opting out of the legislation. Council will review.

MOTION BY CARLSON TO HOLD THE HEARING ON AUGUST 3<sup>RD</sup>, SECONDED BY WIRZ. MOTION CARRIED.

MOTION BY UNTERBERGER TO APPROVE THE POOL EMPLOYEE MANUAL, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

Newsletter draft- Council agreed to hold off until August meeting.

MOTION BY WIRZ TO DELAY THE NEWSLETTER UNTIL AUGUST, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

MOTION MADE BY CARLSON NOT TO WAIVE THE CITY’S MONETARY LIMITS ON MUNICIPAL TORT LIABILITY ESTABLISHED BY MN STATUTES 466.04, SECONDED BY UNTERBERGER. MOTION CARRIED.

Council discussed debris removal from the July 11<sup>th</sup> tornado. Contracts with Rachel Contracting and Tom Kraemer Inc. were reviewed. Brush will be hauled by others to the city’s property north of town. That site will be closed up in a few days. There is also a lot of brush at the city brush site in town. Wirz noted some debris cleanup will start on 4<sup>th</sup> Street and Meeker Avenue North on Friday.

MOTION MADE BY CARLSON TO APPROVE THE CONTRACT WITH TOM KRAEMER INC. FOR DEBRIS HAULING AND DISPOSAL WITH CLERK DEB KRAMER AS AUTHORIZED SIGNER OF THE CONTRACT, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

MOTION BY WIRZ TO APPROVE THE CONTRACT WITH RACHEL CONTRACTING FOR DEBRIS REMOVAL WITH CLERK DEB KRAMER AS AUTHORIZED SIGNER OF THE CONTRACT, SECONDED BY CARLSON. MOTION CARRIED.

MOTION BY WIRZ TO APPROVE A \$25 ADVERTISEMENT IN THE AMATEUR REGION BASEBALL TOURNAMENT BOOK, SECONDED BY CARLSON. MOTION CARRIED.

MOTION BY WIRZ TO PAY THE BILLS AS PRESENTED, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

Jerry Hesse at 271 Meeker Avenue South would like to remove a portion of curb on the south side of his property and replace with drive over curb so he can pour concrete to park his camper along his garage. Council approved.

Council approved to handle the law enforcement contract as in the past with the Sheriff and County Administrator meeting with the mayor and police commissioner and then bringing before the council.

MOTION WAS MADE BY WIRZ TO PURCHASE AN IPHONE FOR PUBLIC WORKS DIRECTOR STEVE GEISLNLGER, SECONDED BY TSCHUMPERLIN. MOTION CARRIED.

Geislinger noted a pipe at the wastewater treatment site may be plugged. They may need to get another dock and hog panels to prevent weeds from getting in the pipe. Pumping will start Monday if it can't be jetted out.

Carlson asked the policy on mowing at the Clipper Field. It was noted the city mows outside and the Clippers take care of the infield. It is handled the same at the softball park.

Land use permits will be needed for structures that need to be rebuilt due to the tornado. Council agreed that regular fees will apply.

Homeowners that need to tear down a house need to make sure all utilities are disconnected and that demolition is done properly.

Carlson asked about funds that have been set up for tornado victims. The council agreed they will not be involved in this process.

Discussion was held on the siren. It doesn't rotate. Some residents said they didn't hear it the day the tornado hit.

Chief Deputy Miller noted he was concerned about the crowd that may come for Kraut N' Wurst due to the tornado event. Council did not take any action to hire additional services. Miller noted there would be 24/7 coverage in town through the upcoming weekend.

Next regular meeting is Thursday, August 11, 2016 at 7 p.m.

MOTION BY TSCHUMPERLIN TO ADJOURN THE MEETING, SECONDED BY UNTERBERGER. MOTION CARRIED.

Adjourned at 8:25 p.m.

Submitted by

Deb Kramer, Clerk

ATTEST:

Frank Eder, Mayor