

MINUTES
CITY COUNCIL CHARTER MEETING
April 5, 2010
5:30 pm
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Brian McAlister, Jeff Austin, Dick Pacholl, Steve King, Marian Clennon and John Martin. Council Member-at-Large Janet Anderson.

MEMBERS ABSENT: None.

STAFF PRESENT: Jim Hurm, Steven Lang, Tom Dankert, Jeanne Howatt, David Hoversten, Brian Lovik, Kim Underwood, Ann Hokanson, and Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Public. Members of the Human Rights Commission and essay winners. Carlton Thompson, Mike Schuster, Kermit Thomas, Jerry Leidel, Al Layman

Mayor Stiehm opened the meeting at 5:30 pm. He explained that the council members are wearing t-shirts to promote the census. On Friday, April 9, everyone is invited to a rally for the census at Mill Pond Park from 4:00-6:00 pm.

Moved by Council Member Pacholl, seconded by Council Member King, approving the agenda. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member Pacholl, approving the minutes of March 15, 2010. Carried.

Kirsten Lindbloom, chair of the Human Rights Commission, announced the winners of the Human Rights Essay Contest. The winners read their essays. Third place: Anna Bachmeier, second place: Natalie Sayles, and first place: Josie Nelson.

Mayor Stiehm recognized Boy Scout Troop 113 who were in attendance.

Recognition was given to Craig Hoium, community development director, who was awarded the Minnesota Code Official of the Year for 2009 by the Association of Minnesota Building Officials.

Mayor Stiehm recognized the Austin firefighters for receiving an MDA fundraising award for the "Fill the Boot" campaign for MDA. The firefighters raised \$14,137.

Moved by Council Member Austin, seconded by Council Member King, approving the consent agenda as follows:

Licenses:

- Concrete: Crete Construction, 807 19th Street SW, Austin
- Concrete: Guy Nelson Construction, 3416 116th Avenue NW, Coon Rapids, MN
- Exempt Gambling: Austin Jaycees @ Gymocha, 1300 14th Street NW, June 22
- Food: Austin Club League Baseball @ Riverland Complex
- Food: Helen Jahr dba Spikers Concessionaires, Todd Park, Austin
- Food: Marcusen Park Baseball Association @ Marcusen Park
- Food-mobile: Rodrigo Ramirez dba Mimi's Cones, 813 12th Avenue SE, Austin
- Outside Liquor: Bobee Jo's, 435 10th Street NE, Austin for June 26, 2010
- Outside Liquor: Bobee Jo's, 435 10th Street NE, Austin for September 4, 2010
- Temporary Liquor: Austin Catholic Schools @ 2001 2nd Avenue NW, April 24
- Temporary Liquor: Hormel Historic Home, 205 4th Street NW, Austin, April 29

Claims:

- a. Pre-list of bills.

Moved by Council Member Austin, seconded by Council Member King, approving the consent agenda as follows:

The City of Austin received bids for a 9000-gpm flood pump for the WWTP. The pump will be used as a backup during flooding. An additional \$20,000 for infrastructure for pumping was added to the bid. Bids are as follows:

Neil Dornbusch & Assoc.	\$ 84,921.00
General Repair Service	\$ 90,732.00
Hydro Engineering	\$ 99,900.00
Rain for Rent	\$126,546.10
Winona Mechanical	\$145,000.00

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution awarding the bid to Neil Dornbusch & Assoc. 7-0. Carried.

A public hearing was held for the Lansing Township sanitary sewer improvement. Assistant City Engineer Steven Lang gave a full PowerPoint presentation on the project which is attached to these minutes.

Council Member Pacholl asked if residents can still use their wells without metering. Mr. Lang said the project and the public hearing is only for sanitary sewer at this time (though this does not eliminate the possibility of water being added sometime in the future). Some property owners do have the ability to hook up to city water right now if they are adjacent to a line, but they would need to work with Austin Utilities. As for other parcels, Austin Utilities would accept a petition on a neighborhood basis. Austin Utilities could review availability of water on an individual basis. Residents can still use their wells for outdoor watering if they are hooked up to the city.

City Attorney David Hoversten said that pursuant to M.S. § 429.031, passage of the street improvement project requires a 4/5ths vote which equates to six votes.

Carlton Thompson, Lansing Township, spoke to Council. Mr. Thompson questioned the negotiations between the Township and the City prior to the annexation approval as he was not invited to attend; he contended it was not an open meeting. Mr. Lang replied that general residential properties were annexed in while agricultural parcels stayed in the township. Mr. Lang added that an information letter was sent to the Lansing Township residents in the ultimate area. Only nine parties were strongly against the annexation. Also taken into consideration in the decision for the annexation area was the ease in which the City could provide sewer.

Mr. Thompsons questioned whether valuation of property was taken into consideration. Mr. Lang said that did not come into play.

Mike Schuster, 236th Street in Lansing Township, questioned his assessments for his vacant lots.

City Attorney David Hoversten reminded Council that the matter at hand is for consideration on the project going forward. If Mr. Schuster objects to his assessment, that should take place at the next public hearing on assessments.

Assistant City Engineer Steven Lang said the City did review assessing the empty lot parcels. Factored in the decision was the cost for developing along the frontage, there are different sized lots, and there is a cost to go across those lots.

An unidentified resident from the Lansing Township annexed area told Council their property was purchased through tax forfeiture. Now with the proposed assessment, they will be charged 45% of the total value of their property.

City Attorney David Hoversten said that at the next public hearing, the City will need to show that the assessments are commensurate with the benefits received.

Mayor Stiehm said the City will try to make accommodations, but these are things that we will hear at the assessment hearing.

Kermit Thomas, who lives east of Austin, complained of illegal immigrants. Mr. Thomas also noted that Hormel received a big cut in taxes a few years ago so they should pay more.

Carlton Thompson, Lansing Township annexation, said he will be assessed \$36,000 on two parcels so you “might as well take my property away.” Mayor Stiehm asked Mr. Thompson to discuss this at the assessment hearings.

Jerry Leidel, 54754236th Street said he is currently paying \$332 in property taxes and asked how much more his payment would be. Mr. Lang said the payments won't begin until 2011 and staff can determine his payment.

Al Layman, from the Lansing Township annexation, said he served on the advisory task force for the proposed project. The members from both the City and the Township put in much time and work on this study, and ultimately we chose the City, he said. Mr. Layman encouraged Council to support this. Mr. Layman added that the mediator for the proposed project said the project would have fallen apart had it not been for the efforts and forthrightness of Jon Erichson who was a big help to all of us.

No other comments were made.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution ordering the improvement, approving plans and specifications, and ordering the advertisement for bids. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, for the preparation of an ordinance to provide a 60-day moratorium on wind generation towers. Carried.

Moved by Council Member Austin, seconded by Council Member King, for adoption and publication of the ordinance. 7-0. Carried.

Community Development Director Craig Hoium presented a purchase agreement signed by Derek Hyland and Mark Lang for the sale of approximately 1-1/2 acres south of Randy South/Tech Tool in the Northeast Industrial Park. The land is 10% developable. The purchase price is \$15,000. Mr. Hoium referred to an addendum to the purchase agreement which lists nine particulars that must be accomplished. The owners would like to begin construction this summer.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution approving the sale of property in the Northeast Industrial Park to H&L Brothers, Inc. 7-0. Carried.

The Mower County 4th Street NW project was discussed with and has been recommended for approval by the Committee-of-the-Whole at the previous work session.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the Mower County 4th Street NW improvement project. 7-0. Carried.

Also recommended for approval by the Committee-of-the-Whole is the signal light project at Oakland Avenue & Main Street.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution accepting the proposal for the Oakland Avenue/Main Street signal light. 7-0. Carried.

The McDonald's on West Oakland is proposing to build a new store at their same location. An alley that was previously located here was vacated and easements provided when McDonald's last expanded. That easement must now be released with the pending expansion. The McDonald's will pay for the relocation of utilities. The building will extend further south on the property. Construction is scheduled to begin this spring.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution releasing an easement at the McDonald's on West Oakland. 7-0. Carried.

The state legislature has changed the primary election date from September to August. The City must pass a resolution (or ordinance) officially allowing for a primary, and the deadline to do so is April 15 of this year. The primary election date is August 10 of this year. Filing dates are May 18 through June 1 this year.

Council Member King asked what the Legislature's reasoning was for changing the date. City Clerk Lucy Johnson replied that this is something the Minnesota Clerks & Finance Officer's Association has requested for a number of years. Also, last election there was a statewide recount for a judge; the recount was completed September 29, and ballots needed to be set by October 4. The timeline has been almost impossible to accomplish. Also, this will give residents serving in the military more opportunity to vote locally. There were other absentee issues as well.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution providing for a primary election. 6-1. Carried. Council Member Martin voted nay.

Moved by Council Member Pacholl, seconded by Council Member McAlister, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 403 1st Street SE, US Bank/Wells Fargo property. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 805 4th Street NW, Cantor/Brovold property. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, seconded by Council Member Pacholl, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1805 4th Street NE, Barrera property. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, setting a public hearing for April 19 for a variance from the minimum 20% greenspace for

properties located in a B-2 Community Business District, petitioned by Eldon Hill for property at Taco John's Restaurant. Carried.

REPORTS:

Council Member McAlister reported for Ann Hokanson that the spring Library Book Sale will be held April 9 and 10 at 10:00-5:00.

Council Member McAlister reminded everyone that the next hearing on the Lansing Township sanitary sewer project will be for the assessments. Regarding the question brought up on the mediation, he clarified that the mediation occurred because some of the Township residents were against the project. Also, the reason for the annexation is because of the substandard sewage systems with the failing system. He reminded everyone that some parcels aren't large enough to incorporate septic systems.

Council Member McAlister (and Council Member Martin) received calls from a citizen asking about the opportunities for translation. Detective Sergeant Krueger said one of the CSOs can interpret and one dispatcher. We also have the language line, the court interpreter, and interpreters at the Welcome Center. There is some difficulty interpreting for Somalians as we do not have an interpreter for them. Asked whether the interpretation was good, Krueger noted that the court interpreter must be court certified.

Concerning the Lansing Township annexation sanitary sewer project, Council Member Austin reminded everyone that some of the property owners would be subject to fines, too, if the substandard sewage system issues were not resolved.

Council Member Austin reported that the Fire Civil Service Commission has met and certified the top three candidates. Background investigations are being done. If the results are clear, the Fire Committee will meet again to interview and then will bring forth a recommendation.

Council Member Clennon reported on the Joint Legislative Session she attended in St. Paul on March 24-25.

Council Member-at-Large Anderson said she would like to discuss the Fox Pointe project at an upcoming work session or regular meeting, and inform the residents. Mayor Stiehm said Fox Pointe should be contacted also.

Park & Rec Director Kim Underwood announced Community Pride Day would be held Saturday, April 24 and that participants should begin at 9:00 am at the municipal pool parking lot.

The Planning Commission's next meeting is April 13. The City Council will be invited for a discussion on the proposed wind tower ordinance.

City Administrator Jim Hurm reported that the planned sandblasting/repainting project on the Wescott Field water tower project, which forces a move of the LEC communication towers, was estimated to cost \$68,000. We have since now heard that these costs can be largely paid out of the E911 funds so this project will now cost the City only \$1200; thus no action is needed by Council. Whitewater Wireless will be removing the antennas and coaxial cable. Next week, Austin Utilities subcontractors will remove the brackets. The water tower will be drained April 19, and the project is scheduled to be completed in early July.

City Administrator Jim Hurm said two temporary street closings have been requested, and they will be handled administratively.

Mr. Hurm reminded Council of the Southeastern Minnesota League of Municipalities meeting on April 29 at the Hormel Historic Home. It is hosted by the City of Austin.

Mr. Hurm noted that there will be another census rally at the Mill Pond Park on Friday. The Volunteer Recognition Event is scheduled for April 6.

Moved by Council Member Austin, seconded by Council Member Pacholl, adjourning the meeting to April 19, 2010.

Adjourned: 7:03 pm

Approved: April 19, 2010

Mayor: _____

City Recorder: _____