

MINUTES
CITY COUNCIL ADJOURNED MEETING
MONDAY, APRIL 19, 2010
5:30 P.M.
COUNCIL CHAMBERS

MEMBERS PRESENT: Council Members McAlister, Austin, Pacholl, King, Clennon.
Council Member-at-Large Anderson (as acting mayor).

MEMBERS ABSENT: Mayor Stiehm and Council Member Martin.

STAFF PRESENT: Jon Erichson, Craig Hoium, Tom Dankert, Jeanne Howatt,
David Hoversten, Brian Lovik, Brian Krueger, Ann
Hokanson.

OTHERS PRESENT: Austin Post Bulletin, Austin Daily Herald. Sarah Ehret.

The meeting was called to order at 5:30 pm.

Added to the agenda: A request from the American Legion Post 91 to allow for the consumption of beer and drinks outside within a fenced area on May 1, 1:00-4:00 pm (per Austin Code Section 5.15).

Request for item #14, providing regulations for the erection of wind energy conversion systems, to be moved up on the agenda after the consent agenda.

Moved by Council Member Austin, seconded by Council Member King, approving the agenda as amended. Carried.

Moved by Council Member King, seconded by Council Member Pacholl, approving the minutes of April 5, 2010. Carried.

Sarah Ehret, speaking for autism awareness, spoke to Council about a summer day camp for children with autism to be held at the Hormel Historic Home July 26-29. The camp is being largely funded through the Hormel Foundation and will allow children to participate for only \$100. The specific request was to ask Council to participate in a dunk tank fundraiser for the camp on the 4th of July. Council Member Ms. Ehret asked council members to reply some time after the council meeting.

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

Temp Food: Early Risers Kiwanis @, May 9 @ St. Edward's & at 4th of July parade
Excavation: Doug's Electric Inc., 101½ 11th Street SE, Austin

Sign Installer: Bird Sign, Inc., Dubuque, Iowa
Master Plumber: David C. Patterson Plumbing, Lyle, Minnesota
Concrete: Mastec North America, Inc., Rochester, Minnesota
Food Mobile: Mimi's Cones, 813 12th Avenue SE, Austin

*Claims:

- a. Financial and Investment Reports.
- b. Pre-list of Bills
- c. Robert Maus, 315 21st Street SW. This claim has been referred to the city attorney to protect the city's interest.
- d. Matt Moritz, 715 7th Avenue SE. This claim has been referred to the city attorney to protect the city's interest.

Item 14, providing regulations for the erection of wind energy conversion systems was moved up on the agenda. City Attorney David Hoversten said that because this is a revised ordinance than what has previously been presented to Council, it is considered a new ordinance; therefore, this is the first reading and will require unanimous approval. He recommended that this issue be given to the entire council for the opportunity to vote. Since the Mayor and Council Member Martin are missing, he recommended making a motion to table this matter to the next meeting.

Moved by Council Member McAlister, seconded by Council Member King, to table the issue to the next meeting. Carried.

The City of Austin took bids on April 15 for the following State Aid reconstruction projects: 2nd Street NW – Oakland Avenue to 3rd Avenue; 4th Avenue SW – 8th Street to 12th Street, and 9th Avenue SW – 4th Street to 12th Street. Bids are as follows:

Ulland Bros., Inc.	\$ 762,434.70
Rochester Sand & Gravel	\$ 792,271.17
BCM Construction, Inc.	\$ 813,046.25
Engineer's Estimate	\$ 918,857.75

Moved by Council Member McAlister, seconded by Council Member Austin, adopting a resolution awarding the bid to Ulland Bros., Inc. 5-0. Carried.

The City of Austin took bids on April 13 for the following local street reconstruction projects: 6th Street NW/SW, 4th Avenue to 4th Avenue; 21st Street, Oakland Avenue to 6th Avenue; and 11th Avenue SW, 4th Street to 12th Street.
Bids are as follows:

Ulland Bros., Inc.	\$ 937,939.97
Rochester Sand & Gravel	\$ 996,739.62
BCM Construction, Inc.	\$ 1,069,758.90
Engineer's Estimate	\$ 1,200,035.13

Moved by Council Member McAlister, seconded by Council Member Austin, awarding the bid to Ulland Bros., Inc. 5-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member Austin, resolving the City Council into the Board of Adjustments and Appeal. Carried.

A public hearing was held for a variance from the minimum 20% green space for properties located in a B-2 Community Business District, petitioned by Eldon Hill for property at Taco John's Restaurant, 308 West Oakland Avenue. In 2006, the City Council approved a 5.5% green space variance requested by this petitioner to reconstruct the site and to provide off-street parking. Now the petitioner is proposing an expansion to the restaurant dining area which will be on the south part of the building, and another drive-through window space is also planned. An additional 2.2% green space variance is being requested to accomplish this plan. Upon request of the Planning Commission, a landscape plan was provided. The redevelopment of the parcel will be 23,311 square feet; the building size would be 2,320 square feet. This equates to 87.51% coverage. The number of parking stalls required is 18.5; there are 27. As for the possibility of eliminating some of those parking spaces, the petitioner noted at the Planning Commission that due to area traffic and the restaurant's proximity to the high school, sometimes 27 spaces is not adequate. The Planning Commission recommended approval of this variance by a vote of 5-2.

Moved by Council Member Austin, seconded by Council Member McAlister, approving the variance. Carried.

Moved by Council Member Austin, seconded by Council Member King, adjourning the Board of Adjustments and Appeal and resolving back into the City Council. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution approving the Law Enforcement Labor Services (LELS) Local #73 contract for years 2010-2011. 5-0. Carried.

The City Council approved a feasibility report in January for the 14th Street NE project scheduled for 2010. The project would involve asphalt overlay from 10th Place to the Todd Park Trail. The project was estimated to cost \$125,000 with the funds coming from the Municipal State Aid (gas tax) and the Storm Water Utility funds. Since that time, the Engineering Department submitted a grant request to the Area Transportation Partnership for federal funding, and the grant has been tentatively approved for 2014. Since the project is five years away and it would be achieved through federal funding, City Engineer Jon Erichson recommended that the resolution approving the feasibility report for this project be rescinded.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution rescinding Resolution No. 13743. 5-0. Carried.

Council must locally adopt the Minnesota Building Code. Changes to this year's code address the adoptions of the 2006 International Mechanical Code, the 2006 International Fuel Gas Code and the Minnesota Plumbing Code. The Building Code was last adopted on August 16, 2007.

Moved by Council Member Pacholl, seconded by Council Member Austin, for preparation of the ordinance. Carried.

Moved by Council Member Pacholl, seconded by Council Member Austin, for adoption and publication of the ordinance. 5-0. Carried.

In December 2009, the Park Board approved a \$5000 grant application through the Minnesota Waters, Lakes, and Streams Conservation Partnership for the restoration of native prairie and aquatic species at Mill Pond and the installation of a rain garden. This is a joint project with several entities; the City of Austin's obligation is providing in-kind labor only (planting and minimal required maintenance). There is no financial obligation on the part of the City. Other project partners include the Austin Public Schools who will use the project as an outdoor classroom, Cedar River Watershed District, Spruce Up Austin, Mower County Soil & Water Conservation District, and Austin Coalition for Environmental Sustainability (A.C.E.S.). Council Member Austin noted that the Izaak Walton League actually applied for this grant but it was approved by the Park Board. The Council is asked to sign a cost-sharing agreement because the City is the property owner.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the cost-sharing agreement. 5-0. Carried.

The Mower County Board has classified ten parcels as tax-forfeitures. The City desires to obtain one parcel, PID 34.100.1890, legally described as S 67¼' N. 150', Lot 4, Block 17, Bolcom's Addition to the City of Austin, Mower County, for public purpose as it is part of the flood fringe and is contiguous to city-owned park property. These parcels would be reassessed at the next meeting.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution approving Mower County's classification of forfeited properties and declaring intent to reassess unpaid assessments. 5-0. Carried.

Council approved two orderly annexations in March: one for the Brian Dolan property at 3108 4th Street NW and one for the Denny Boysen property at 3202 4th Street NW. Incorporated in the orderly annexation agreement is a tax reimbursement schedule to the Township, required by the State as of August 2008. Lansing Township approved the agreement on April 14 but with changes to the reimbursement schedule; the schedule matches the reimbursement schedule approved for the large Lansing Township annexation approved January 2009 which is an 8-year schedule.

Moved by Council Member King, seconded by Council Member Pacholl, adopting a resolution rescinding Resolution No. 13793. 5-0. Carried.

Moved by Council Member King, adopting a resolution approving orderly annexation agreement with Lansing Township requested by Brian Dolan with revised tax reimbursement schedule. 5-0. Carried.

Council Member McAlister noted he had read that the State is reviewing the annexation laws. He said it doesn't make sense that we are incurring expenses for plowing, etc. immediately but are not being compensated for that. Mr. Hoium said the change could take place yet this session, but annexation law is always a hot topic; they are always looking for the proper way to annex.

Motion seconded by Council Member Austin. 5-0. Carried.

Moved by Council Member King, seconded by Council Member King, rescinding Resolution No. 13794, Orderly Annexation agreement with the Township of Lansing. (Boysen property). 5-0. Carried.

Moved by Council Member Austin, seconded by Council Member King, approving orderly annexation agreement with Lansing Township, requested by Dennis Boysen (with revised tax reimbursement schedule). 5-0. Carried.

The American Legion has requested permission to allow the consumption of alcohol in a fenced area for a fundraiser to be held on May 1. City Attorney David Hoversten said that per Austin Code Section 5.15, Council that is allowed with Council's permission.

Moved by Council Member Pacholl, seconded by Council Member Austin, consenting to the aforementioned request of the American Legion. Carried.

REPORTS:

Council Member Clennon, along with Council Member Pacholl, attended the Mower County League of Cities meeting in Racine on April 15. The county attorney spoke on the proposed drug prescription disposal program.

Council Member Clennon thanked Jay Lutz from the Charter Commission for agreeing to meet with council members. She invited everyone to the meeting to be held on Friday, April 23 at 3:30 in the City Hall Conference Room. It is open to the public.

Council Member McAlister asked where the forfeited property is that the City will acquire. Mr. Erichson said it is near 2nd Street close to the Roosevelt Bridge. That home had been declared hazardous at one point. Council Member McAlister requested addresses be included with the legal descriptions in the future.

Council Member Austin participated in the March of Dimes annual walk. The fundraiser had approximately 250 participants and raised about \$41,000.

Council Member Austin noted that the Park & Rec department is coordinating the Community Clean-up Day scheduled for Saturday, April 24. Participants should meet at the municipal pool parking lot at 9:00 am.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to May 3, 2010. Carried.

Adjourned: 6:08 pm

Approved: May 3, 2010

Mayor: _____

City Recorder: _____