

MINUTES
CITY COUNCIL ADJOURNED MEETING
MONDAY, MAY 17, 2010
5:30 P.M.
COUNCIL CHAMBERS

MEMBERS PRESENT: Mayor Stiehm. Council Members McAlister, Austin, Pacholl, King, Clennon and Martin. Council Member-at-Large Anderson.

MEMBERS ABSENT: None.

STAFF PRESENT: Jon Erichson, Craig Hoium, Tom Dankert, Jeanne Howatt, David Hoversten, Brian Lovik, John Mueller, Ann Hokanson and Kim Underwood.

OTHERS PRESENT: Austin Post Bulletin, Austin Daily Herald.

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

The following item was added to the agenda: a motion granting the Planning and Zoning Department the power to contract for the removal of refuse, junk and /or illegally stored vehicles 204 So. Main Street, Burrell property.

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

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the council meeting minutes of May 3, 2010. Carried.

Citizens Addressing Council: Matt Simonson spoke to Council asking that they leave low income citizens alone.

There were no awards or recognitions.

Moved by Council Member-at-Large Anderson, seconded by Council Member Pacholl, approving the consent agenda as follows:

Licenses:

Food: Park & Rec for Municipal Pool, 600 N. Main, Austin

Concrete: Cedar City Builders, LLC, Austin

Temporary Gambling (raffle): Austin Youth Hockey @ Riverside Arena, Jan 1, 2011

Claims:

- a. Pre-list of bills.
- b. Finance Report and Investments

- c. Angela Henry, 64380 290th Street, Sargeant, MN. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Bids for the 12th Avenue NE street reconstruction project were received May 12. Bids were as follows:

Ulland Bros.	\$ 722,628.70
Rochester Sand & Gravel	\$ 861,854.74
Engineer's Estimate	\$ 833,129.50

The project will be funded 75% from Federal Aid funds, 20% from State Aid Street funds (gas tax), and 5% from local funds. The award is contingent on MnDOT's approval.

Moved by Council Member Austin, seconded by Council Member Pacholl, awarding the bid to Ulland Bros, contingent on MnDOT's approval. 7-0. Carried.

Moved by Council Member Austin, 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 907 3rd Avenue NE, Alejo property. Carried.

Moved by Council Member Austin, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1001 6th Avenue NE, Leichtnam property. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1005 8th Avenue NE, Wentzel 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 507 7th Avenue SE, Maldonado property. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1008 West Oakland Avenue, Drees property. Carried.

Moved by Council Member Pacholl, seconded by Council Member Austin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1017 11th Avenue SW, Paddack property. Carried.

Community Development Director Craig Hoium stated that the junk removal request for 1409 10th Avenue NW, Anderson property required no action as the issue has been resolved. No action was taken.

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 704 12th Street NE, Ernst property. Carried.

Moved by Council Member Austin, seconded by Council Member Clennon, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 54083 238th Street, Williamson property. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1006 5th Avenue NE, Kahnke property. Carried.

Moved by Council Member Clennon, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1005 5th Avenue NE, Crews property. Carried.

Moved by Council Member King, 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 802 12th Street NE, Schaefer property. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 204 South Main Street, Burrell property. Carried.

The policy for assessing the Lansing Township annexation area for sanitary sewer, Project 1-B-07, must be established by resolution. Key points of the assessment policy are as follows:

1. Project costs will be assessed 100% to the benefitting property owners
2. All property will be assigned Residential Equivalent Values. Property of commercial or industrial use might have a value greater than a comparable residential use.
3. Owners of vacant property will have up to five years or until that property is developed to begin paying assessments
4. Hook-up fees will be established for property outside the city limits
5. Compliant property would have up to five years to hook up

Levied assessments will be set at a maximum of 15 years at two percent over the rate incurred by the City. Large lots will be assessed on the basis of the potential for the property to be subdivided, and the number of parcels will be determined by buildable property, property frontage, property area, geographical features, existing land uses, and neighborhood characteristics. All existing sanitary sewer systems that are determined to be compliant will have up to five years to connect to the city system. Vacant property assessments may be deferred for 5 years or until developed. Property outside the city limits will have hook-up fees and then be assessed. If service laterals are provided to the building, additional assessments will be levied to the parcel. Sanitary sewer assessments

will be based on a per-parcel basis. Hearing date for these assessments will be June 21. There will be informal, public information meetings on Thursday, May 20.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution approving assessment policies for the Lansing Township sanitary sewer project, Project 1-B-07. 7-0. Carried.

The City of Austin is required to permit the operation of the Wastewater Treatment Plant through the MPCA; the five-year permit is up for renewal. One condition to renew will require an evaluation of the excess flow lagoons. City Engineer Jon Erichson is anticipating a lengthy study and therefore has asked that the project begin this year. An initial funding amount of \$40,000 is requested to be spent from the WWTP Capital Project Fund Balance to cover water balance test/groundwater monitoring and, depending on the results of the water balance test, the City may have to perform testing to determine if the lagoons are located in a karst geology formation.

Council Member McAlister questioned how often the lagoons are used. Mr. Erichson said they might get used once per year. Normally 3-1/2 to 4 million gallons flow through. The lagoons have the capacity for 10 million gallons per day.

Moved by Council Member Pacholl, seconded by Council Member King, adopting a resolution authorizing funding for the Wastewater Treatment Plant lagoon study – funding to come from the WWTP Capital Project Fund Balance. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Clennon, adopting a resolution approving the negotiated payment to Anytime Fitness for acquisition of the property in relation to the justice center development. 7-0. Carried.

Austin Utilities is recommending approval for a request of an easement from Qwest for a telecommunications line. The line would cross Austin Utilities property at the Northeast Plant.

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution authorizing an easement across Austin Utilities property at the Northeast Plant. 7-0. Carried.

The Chamber of Commerce has forwarded to the City requests relating to the USA Freedom Fest to be held July 2, 3, and 4. The Park & Rec Board has approved the requests.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, approving requests for city services and city property in connection with Spamtown USA Freedom Fest July 2, 3, and 4. Carried.

Moved by Council Member Pacholl, seconded by Council Member McAlister, resolving into the Board of Adjustment and Appeals. Carried.

A sign appeal petitioned by John & Joanne Gedker for The Meadows Twinhome Association was on the agenda. The petitioner has since requested that this matter be tabled.

Moved by Council Member Austin, seconded by Council Member McAlister, tabling the sign appeal. Carried.

Sam Nguyen has requested an appeal to the number of off-street parking stalls for property located at 911 West Oakland Avenue. Mr. Nguyen has recently purchased the property which had been a laundromat and dry cleaner. The petitioner is proposing to remodel this building for office/retail/restaurant use. With the building change, the off-street parking requirement would increase by more than 10%. Eighteen stalls are planned for the east side and an additional six stalls on the west side. Part of the south side of the building would be demolished and three stalls added. Community Development Director Craig Hoium said that the Planning Commission's focus related to the restaurant use with the potential of traffic congestion and shortage of parking. The Planning Commission made a recommendation to deny the appeal by a 5-1 vote. Since that time, Mr. Hoium has had discussions with the petitioner and asked for a more detailed floor plan. Mr. Hoium said the petitioner may be able to change the floor plan – reducing it by 225 feet – to be in compliance with the parking stall requirement.

Council Member Pacholl asked if it would be better to table the request until the petitioner offers a better plan. City Attorney David Hoversten advised that the Council act on the petition before them. The petitioner can petition again with a different plan if he so chooses.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, denying the appeal. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Clennon, adjourning the Board of Adjustment and Appeals and resolving back into the City Council. Carried.

A policy of the City of Austin allows up to 160 hours to be donated to an employee experiencing a major life-threatening disease or condition. Scott Merten from the Street Department has requested such donations.

Moved by Council Member Pacholl, seconded by Council Member King, approving the sick leave donation request for Scott Merten. Carried.

The City of Austin has participated in the Safe & Sober program for 10-11 years. The program is funded through the Office of Traffic Safety. In the last three years, the department has applied for, and received, the full grant. With the grant funding, the City provides funds to the County to pay for their deputy wages. The City acts as the funding arm. There is no cost to the City.

Moved by Council Member McAlister, seconded by Council Member Pacholl, adopting a resolution authorizing the Safe and Sober grant application. 7-0. Carried.

The City of Austin is the fiscal agent for the Joint Blazing Star Trail Board. Auditors recommend waiving the requirement for the annual audit of this board until there is significant activity. Albert Lea has recently approved their annual waiver.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, approving the audit waiver. Carried.

REPORTS:

The Downtown Association has requested a street closing for June 19 for their annual rummage sale.

Council Member Pacholl said he has been involved with city government for 20 of the last 28 years. He announced that he will be running for office again.

Council Member Martin thanked Council Member Austin for filling in for him at a meeting the previous Friday.

Council Member Martin referred to the honor flights for WWII veterans; he is glad for that opportunity. Council Member Martin also recognized the Austin Medical Center nurses who are the “unsung heroes.”

Moved by Council Member King, seconded by Council Member Austin, adjourning the meeting to June 7, 2010. Carried.

Adjourned: _____ 5:59 pm _____

Approved: _____ June 7, 2010 _____

Mayor: _____

City Recorder: _____