

**MINUTES**  
**CITY COUNCIL MEETING**  
**March 21, 2011**  
**5:30 PM**  
**Council Chambers**

MEMBERS PRESENT: Mayor Stiehm. Council Members Jeff Austin, Brian McAlister, Steve King, Roger Boughton, Judy Enright, and Marian Clennon. Council Member-at-Large Janet Anderson.

MEMBERS ABSENT: None

STAFF PRESENT: Tom Dankert, Jeanne Howatt, Jon Erichson, Steven Lang, David Hoversten, Mickey Healey, Ann Hokanson, Kim Underwood, and Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Cheryl Corey and Betty Olson, CVB. Ron Whalen. Matt Simonson. Dick Pacholl. Mark Nibaur and Tom Tylutki. Public.

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

Moved by Council Member Enright, seconded by Council Member King, adopting the agenda. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the minutes of March 7, 2011. Carried.

CVB representatives Cheryl Corey, director, and Betty Olson gave the annual report for the CVB. The 2010 lodging tax increased slightly by 1.29%. Visitors from motor coach tours and other groups totaled 4,471 – down from 4,952 in 2009. The contracted groups room night totals were up by 315 (2494 in 2010 vs. 2179 in 2009). The economic impact from CVB-related activities is estimated at \$1,274,369 – an increase of nearly \$70,000. Bruins hockey board members noted the team’s significant impact to the city. Attendance at the games ranged from 302 to 1900. Managers from Perkins and Holiday Inn cited increased business; 150+ room nights and 140 cover charges were attributed to the team. Council Member-at-Large Anderson noted other businesses such as the bowling alley and movie theatre are positively affected as well.

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

Licenses:

Cab Driver: Joshua Ulland, Austin

Excavation: Doug Oldenburg dba Doug’s Electric, 101½ 11<sup>th</sup> Street SE, Austin

Excavation: Roger Ellingson dba Ellingson Drainage Inc., West Concord, MN

Food: Austin Dairy Queen, 1200 W. Oakland Avenue, Austin

Food, Mobile: David Walkins dba Dave’s Concessions, Austin

Master Plumber: Albert Lea Mechanical Inc, Albert Lea, MN  
Master Plumber: Jensen Heating & Air Conditioning, Inc., Geneva, MN  
Master Plumber: Kasper Plumbing Inc., Owatonna, MN  
Master Plumber: Owner's Plumbing, Inc., Rochester, MN  
Master Plumber: Rezac Plumbing Services dba Twin City Re-Bath, Northfield, MN

Claims:

- a. Credit Card Report and Investment Reports.
- b. Pre list of Bills.

Carried.

City Engineer Jon Erichson gave a brief history of the street projects. Tonight is the public hearing to approve the assessments. The goal is for the City to recover 50% of the costs of the projects. Twenty-five percent is assessed to property owners on each side of a street. The rates for the assessments have already been approved by Council (\$37 per foot for a residential property.) Mr. Erichson explained the four options for assessment payment.

A public hearing was held on the street improvement assessment for 14<sup>th</sup> Avenue NE (4<sup>th</sup> Street to 8<sup>th</sup> Street), Project 4-A-11. The amount to be assessed is \$81,259.68 at 6% for 15 years.

No comments were made.

Moved by Council Member King, seconded by Council Member Boughton, adopting a resolution declaring the cost of the assessment. 7-0. Carried.

Moved by Council Member McAlister, seconded by Council Member Enright, adopting a resolution approving the assessment for Project 4-A-11. 7-0. Carried.

A public hearing was held for street improvement assessment for North Main Street (Oakland Avenue to 2<sup>nd</sup> Avenue, and 4<sup>th</sup> Avenue to 1<sup>st</sup> Drive), Project 8-A-07. The amount to be assessed is \$71,899.67 at 6% for 15 years.

No comments were made.

Moved by Council Member King, seconded by Council Member Boughton, declaring the cost of the assessment. 7-0. Carried.

Moved by Council Member Enright, seconded by Council Member Clennon, adopting a resolution adopting the assessments for Project 8-A-07. 7-0. Carried.

A public hearing was held for street improvement assessment for 7<sup>th</sup> Street SW (1st Avenue to 4<sup>th</sup> Avenue), Project 7-A-11. The amount to be assessed is \$43,816.04 at 6% for 15 years.

Ron Whalen, business owner at 801 1<sup>st</sup> Avenue SW, said he objected to the cost of the project. He said he has trouble paying for his taxes now, without the added assessment. He noted that the street does need to be updated. He said he has talked to his neighbors who have said they are in trouble, too.

Council Member Clennon asked Mr. Erichson if this was a state aid street. Mr. Erichson replied that the assessment was on the 7<sup>th</sup> Street side, which is not a state aid street.

No other comments were made.

Moved by Council Member King, seconded by Council Member Boughton, adopting a resolution declaring the assessment. 7-0. Carried.

Moved by Council Member King, seconded by Council Member Enright, adopting a resolution adopting the assessments for Project 7-A-11. 7-0. Carried.

A public hearing was held for 10<sup>th</sup> Avenue SW (4<sup>th</sup> Street to 12<sup>th</sup> Street) Project 5-A-11. The amount to be assessed is \$191,988.78 at 6% for 15 years.

Dick Pacholl, 815 10<sup>th</sup> Avenue SW, agreed that the street needs to be redone and has no objection with that. He does object to the sidewalk replacement. That sidewalk, he said, was placed in 1940 and does not have a crack in it, nor is it raised. Mr. Erichson replied that the sidewalks will be replaced as determined by the Engineering Department. Mr. Pacholl's assessment for sidewalk is \$767, but the Engineering Department can review the panels at his property. This offer is being made to a number of other property owners. The number of proposed panels to be replaced may be adjusted.

No other comments were made.

Moved by Council Member McAlister, seconded by Council Member King, adopting a resolution declaring the cost of the assessment. 7-0. Carried.

Moved by Council Member McAlister, seconded by Council Member-at-Large Anderson, adopting a resolution adopting the assessments for Project 5-A-11. 7-0. Carried.

A public hearing was held for street improvement assessment for Roosevelt Bridge area – 7<sup>th</sup> Avenue SE (4<sup>th</sup> Street to 9<sup>th</sup> Street), 6<sup>th</sup> Street SE (6<sup>th</sup> Avenue to 8<sup>th</sup> Avenue), and 8<sup>th</sup> Street SE (6<sup>th</sup> Avenue to 8<sup>th</sup> Avenue), Project 9-A-11. The amount to be assessed is \$149,909.14 at 6% for 15 years.

Matt Simonson, 607 7<sup>th</sup> Avenue SE, said he gave a written objection to his council member, Judy Enright. Mayor Stiehm said that that was a survey so it was not technically a written objection. Mr. Simonson said he gave a survey to his neighbors, and they are not in favor of tearing up the street. Mr. Simonson also objects to the proposed widening of the street, noting that 6<sup>th</sup> Avenue and 8<sup>th</sup> Avenue have far more traffic. He believes the property owners should have the right to vote on the project. He also objects to the assessment because of the financial situation in this economic downturn. He questioned if this is Mr. Erichson's idea. Mr. Simonson showed some pictures and noted that Roosevelt Bridge is narrower than his street.

Mayor Stiehm noted that the pictures show a decrepit street as well. These roads and infrastructure is evaluated on a scheduled basis. Mr. Erichson said the information has been presented at informational meetings and public hearings. He said he has received one written objection from the property owner of 705 7<sup>th</sup> Avenue SE.

Moved by Council Member Austin, seconded by Council Member Boughton to adjourn and continue the hearing on the property for which a written objection has been filed. Carried.

No other comments were made.

Moved by Council Member Boughton, seconded by Council Member Austin, adopting a resolution declaring the assessments as amended. 7-0. Carried.

Moved by Council Member King, seconded by Council Member Enright, adopting a resolution adopting the assessment as amended for Project 9-A-11. 7-0. Carried.

A public hearing was held on the street improvement assessment for Woodson School area: 13<sup>th</sup> Avenue SE (4<sup>th</sup> Street to 5<sup>th</sup> Street), 15<sup>th</sup> Street SE (13<sup>th</sup> Avenue to 15<sup>th</sup> Avenue), and 15<sup>th</sup> Avenue SE (5<sup>th</sup> Street to 6<sup>th</sup> Street), Project 6-A-11. The amount to be assessed is \$62,663.22 at 6% for 15 years.

No comments were made.

Moved by Council Member McAlister, seconded by Council Member King, adopting a resolution declaring the cost. 7-0. Carried.

Moved by Council Member Enright, seconded by Council Member Boughton, adopting a resolution adopting the assessment for Project 6-A-11. 7-0. Carried.

A public hearing was held on street improvement assessment for 14<sup>th</sup> Avenue SE (8<sup>th</sup> Street to railroad), Project 8-A-11. The amount to be assessed is \$37,301.84 at 6% for 15 years.

No comments were made.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, adopting a resolution declaring the assessment. 7-0. Carried.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution adopting the assessments for Project 8-A-11. 7-0. Carried.

Moved by Council Member King, seconded by Council Member Clennon, approving Findings of Fact relating to liquor license violation. Carried.

Mark Nibaur and Tom Tylutki from Austin Utilities requested Council approve a power purchase agreement. Austin Utilities has received a request for interconnection of a wind turbine that qualifies as a small power generator less than 40kW (a wind turbine). The windmill would not be located within city limits. The agreement is between Austin Utilities and the Southern Minnesota Municipal Power Agency. Both entities are in support of the request.

Council Member Boughton asked if neighbors have been notified. Mr. Tylutki said the property owner must go through the county for that. This agreement has to do with the billing process and allows the generator to be interconnected with the utilities' system.

Moved by Council Member King, seconded by Council Member Boughton, adopting a resolution approving the Austin Utilities Power Purchase Agreement with SMMPA for a small power production facility less than 40kW (wind turbine). 7-0. Carried.

Several years ago the Blazing Star Trail Joint Power Board was created for the future Blazing Star Trail. The proposed trail is waiting for funding from the state through a bonding bill; no bill has yet passed. The Joint Powers Board requires an annual audit but because no bonding has been received, our auditors recommend that each entity making up the board approve waiving the annual audit. Once the bonding is received, the audit will begin from 'Day 1' and go forward.

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, waiving the annual audit of the Blazing Star Trail Joint Powers Board. Carried.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution approving the Joint Powers Agreement for the Southeast Minnesota Narcotics and Gang Task Force. 7-0. Carried.

Moved by Council Member McAlister, seconded by Council Member Enright, adopting a resolution setting a public hearing for April 4, 2011 for requested amendments to the Comprehensive Plan. 7-0. Carried.

Moved by Council Member Boughton, seconded by Council Member Enright, adopting a resolution setting a public hearing for April 4, 2011 for a rezoning of property owned by Joseph Properties, LLC from an I-3 Business Industrial District to a B-2 Community Business District. 7-0. Carried.

Council Member Boughton questioned what the difference is with the two districts. Mr. Erichson said the parcel is where the Packer Engineering was. The request is to allow the business use of the petitioner to be moved to that location.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, adopting a resolution extending the agreement with Waste Management for the transfer station for two months. 7-0. Carried.

The five-year permit for the Waste Water Treatment Plant was re-issued at the end of July 2010. With the permit, the City must address the excess flow lagoons, and the Council has already appropriated \$40,000 to pay for engineering costs for the feasibility options. A water balance test was taken to determine if there was leakage in or out, but ground water levels were too high for the testing so now the City will be required to develop a construction project for the lagoons. This must be accomplished by September 2011.

Council Member McAlister confirmed with Mr. Erichson that the lagoons are located in the same area as the holding ponds. Mr. Erichson noted that the ponds closest to the road have been decommissioned but the use of those would be one option.

Moved by Council Member McAlister, seconded by Council Member King, adopting a resolution to approve a contract for engineering services for the excess flow lagoons. 7-0. Carried.

Park & Rec Director Kim Underwood requested Council's permission to sell an ice cream machine. The machine was bought in 1995 for approximately \$7000, and she is hoping to sell it for over \$500. The machine could not be cooled properly at its location at the pool and so was removed about six years ago. Mayor Stiehm asked if it could be used at the arena for the Bruins' games. Ms. Underwood said Austin Youth Hockey does concessions so that would be up to them.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, approving the sale of the ice cream machine. Carried.

The Austin Public Library received gifts totaling \$210 in the month of February. Giftings to the library pay for special programming and material.

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution accepting donations to the Austin Public Library. 7-0. Carried.

Moved by Council Member Enright, seconded by Council Member McAlister, setting a public informational meeting for April 25 at 6:30 to review the Storm Water Management Program. Carried.

## REPORTS

Council Member Austin reported that at the last Park & Rec meeting, the board approved removing the bathroom building at Dreisner Park. Also, two ash trees have been removed by the Richardson Law Office (paid for by the law office); one was replaced with a Ginkgo tree.

Park & Rec mechanic Randy Hofner will be gone from his duties at the City from April through May 7 with the National Guard's "Austere Challenge". This will fulfill his obligation to the Army National Guard.

Bids were received for the boiler at the municipal pool, but they were not bid correctly so the board voted to reject them. They will negotiate with the bidders.

The Fire Committee met last week to discuss Chief Healey's proposal to return to the 24/48 schedule and to look at the span of control by adding assistant fire chiefs. Another meeting will be set; no date has yet been determined.

Council Member McAlister reported that the Library Board met on routine items. They did approve conduct rules and made a minor change for displaying their print display (brochure type) materials.

Last Friday there was a program at the library on the big band era and the history of the Terp Ballroom.

Council Member King attended the Chamber of Commerce meeting; there is a growing excitement on the flood mitigation program.

Council Member Clennon did a ride-along with Officer Eric Blust and Bosco. She encouraged the rest of council to do so once per year, noting that “things have changed in Austin”.

Council Member Clennon asked Mr. Erichson about the northeast Austin annexation objections. Mr. Erichson said a date has not yet been set for these. He has met with appraisers but has no recommendation yet.

Council Member-at-Large Anderson reported that the City applied to the League of Minnesota Cities for their “Community Conversations” initiative, and we were selected to be one of the host cities. There will be four community meetings. People can attend one or all of the meetings.

Library Director Ann Hokanson reported that there will be a free performance at the Paramount by the Rose Ensemble from Minneapolis on March 22 at 7:00. They perform ancient and medieval music. This is sponsored by a Legacy grant. The Smithsonian touring exhibit “New Harmonies” is at the library through April 23. And a Dr. Seuss celebration will be held at the Hormel Historic Home on March 24 to celebrate the author’s birthday.

Council Member-at-Large Anderson reported that a free concert by Six Mile Grove and a guest artist from Nashville will be held at The Paramount Theatre on March 25 at 7:00. The concert is sponsored by KSMQ-TV.

Mayor Stiehm said he has attended the last two Cedar River Watershed District meetings. He advises Council to attend future meetings as their decisions will have a profound impact on the North Main flood mitigation project.

Ms. Underwood announced an event to be held April 2 & 3 at Oak Park Mall. The event, You Wanna What?, is a sign-up time for volleyball, bean bag competition, etc.

Chief Krueger reported on the flood levels. At this point, the levels are at flood watch stage. The Lacrosse weather bureau predicts 1-2” rain by Wednesday. The water has been going down and he hopes it will keep going down before the expected rain.

Chief Healey reported that a grant has provided for a new communications system at the LEC.

Moved by Council Member Austin, seconded by Council Member King adjourning the meeting to April 4, 2011. Carried.

Adjourned: 6:46 pm

Approved: April 4, 2011

Mayor: \_\_\_\_\_

City Recorder: \_\_\_\_\_