

MINUTES
CITY COUNCIL MEETING
May 6, 2013
5:30 pm
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Judy Enright, Steve King, Jeff Austin, Michael Jordal, Roger Boughton, Jeremy Carolan and Council Member-at-Large Janet Anderson.

MEMBERS ABSENT: None.

STAFF PRESENT: Jim Hurm, Craig Hoiium, Tom Dankert, Jeanne Howatt, Steven Lang, David Hoversten, Mickey Healey, Ann Hokanson, Kim Underwood, Brian Krueger.

OTHERS PRESENT: Bob Rosel. Marv Repinski. Robert Allen. Courtney Wyant and Chris Baier. Terry Hughes and Al Mullenbach. Jon Erichson, HRA Director. Austin Daily Herald. Public.

Added to the council agenda: a temporary food license for Early Morning Kiwanis, and a motion approving a street closing for the annual VFW annual car show on May 18.

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

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, approving the minutes of April 15, 2013. Carried.

Bob Rosel spoke to Council announcing the annual letter carrier food drive for the local food shelf. The food drive is scheduled for May 11th. This is the twentieth year of participation. He thanked the council and citizens for their cooperation.

Moved by Council Member King, seconded by Council Member Carolan, approving the special meeting minutes of April 22, 2013. Carried.

Marv Repinski, 1005 4th Street SW, said he attended a meeting at the nature center on clear air, soil, water and energy. He is pleased with all the work that has been done in this regard.

Bob Allen, 113 Clinton, Mapleview, and owner of property in Austin, asked the city attorney if the Council is aware that his 5th and 14th amendments were violated. City Attorney David Hoversten said that the judge's ruling is that the sewer assessment (which Mr. Allen was referring to) was not supported by evidence, that it should be reassessed or that some settlement be reached. Mr. Hoversten did not agree with Mr. Allen's assertions that his constitutional rights were violated. He declined to comment further due to ongoing litigation.

Courtney Wyant, the new adult services librarian was introduced, and Chris Baier, the new building inspector was also introduced.

Fire Chief Healey recognized two retiring part-time firefighters, Terry Hughes (3-1-1993 to 3-2-2013) and Al Mullenbach (3-22-1993 to 3-31-2013).

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

Licenses:

- Cigarette: Twins Market Inc., 119 4th Avenue NE
- Excavation: Roger Ellingson/Ellingson Drainage, Inc., West Concord, MN
- Food/Mobile: Chocolate Sheep, Rochester, MN
- Food/Mobile: Classic Kitchen LLC, 22133 State Highway 56, Austin
- Food: Austin Club League Baseball, Riverland Complex
- Food: Austin Park & Recreation – Municipal Pool
- Food: Austin Park & Recreation – Todd Park North Diamonds
- Food: Austin Park & Recreation – Todd Park South Diamonds
- Massage Therapist: Patrick Whalen, Austin
- Sign Installer: Sign Art Company, Inc., Mendota Heights, MN
- Temporary Food: Oliver Regal/Regal Concessions, Stewartville, MN
- Temporary Gambling: United Catholic Schools Foundation at St. Edward Corcoran Center, June 21

Claims:

- a. Pre-list of bills.
- b. Credit card report.

Carried.

Bids were received on April 30th for the 14th Street NE asphalt street reconstruction project, 5-A-10 The bid was as follows:

Ulland Bros., Inc.	\$ 834,155.20
Engineer's Estimate	\$ 885,765.75

The project will be funded 70% from a federal aid grant, 19% from State Aid, and 11% from the WWTP fund. The award is contingent upon final approval from MnDOT.

Moved by Council Member Austin, seconded by Council Member Enright, awarding the bid to Ulland Bros., Inc. 7-0. Carried.

Bids were received on May 3rd for the 18th Street/2nd Avenue/3rd Avenue NW project, 2-A-13 and 3-A-13. The bid was as follows:

Ulland Bros., Inc.	\$ 688,368.25
Engineer's Estimate	\$ 711,107.50

The project will be funded via the Capital Improvement Fund, the WWTP Fund, and the Stormwater Utility Fund.

Moved by Council Member Enright, seconded by Council Member King, awarding the bid to Ulland Bros., Inc. 7-0. Carried.

Bids were taken on May 3 for asphalt reconstruction in the Austin Acres area and 20th & 22nd Street SE (next to the new Humane Society building), 9-A-13, 5-A-13, and 8-A-13. The bid was as follows:

<u>Contractor</u>	<u>Amount</u>	<u>Parking lot alternate</u>
Ulland Bros., Inc.	\$ 502,021.25	\$ 24,006.80
Engineer's Estimate	\$ 514,807.00	\$ 27,071.85

The project will be funded via the Capital Improvement Fund, the WWTP Fund, and the Stormwater Utility Fund.

Council Member Enright asked if there were other bidders, to which City Engineer Steven Lang said Ulland Bros. was the lone bid. The project was advertised as required but it is specialized work. He added that the projects were grouped together to make for a larger amount to entice other bidders.

Moved by Council Member Boughton, seconded by Council Member Carolan, awarding the bid to Ulland Bros., Inc. 7-0. Carried.

The Blazing Star Trail Joint Powers Board is still waiting on state aid for the trail. Council is therefore asked to waive the annual audit.

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

Our participation in the Office of the State Auditor's Voluntary 2013 Performance Measurements Program requires the approval of a resolution stating that the results of the survey will be given to the citizens and that the information from the survey will be reported to the State Auditor's Office. Results of the survey are currently on the city's website.

Moved by Council Member Austin, seconded by Council Member Enright, affirming participation in the Office of the State Auditor's Voluntary 2013 Performance Measurements Program. 7-0. Carried.

Mr. Lang is requesting authorization to put old equipment from the Central Garage up for auction at the police auction.

Moved by Council Member Austin, seconded by Council Member Carolan, approving the sale of city property. Carried.

The City Council is asked to approve a master contract with the Minnesota Department of Transportation. The master contract allows the City to work with MnDOT on minor projects and agreements such as lab testing on State Aid projects.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, adopting a resolution approving the Master Partnership Contract with the Minnesota Department of Transportation. 7-0. Carried.

The City has reached a tentative settlement with Michael Schuster, who was recently annexed with the Lansing Township annexation and had objected to the assessment. The agreement is for an empty lot, Lots 8 and 9. The \$15,000 assessment would be deferred until the lots are sold off separately from the main home on Lots 10, 11, 12 & 13, or a dwelling or other structure requiring sewage removal is constructed.

Moved by Council Member Boughton, seconded by Council Member Austin, adopting a resolution approving a settlement agreement with Michael Schuster. 7-0. Carried.

Finance Director Tom Dankert asked Council to approve a resolution for an investment account with US Bank. This agreement is with their government affairs division, which is a different investment.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution authorizing the City to open a US Bank account for investment purposes. 7-0. Carried.

Community Development Director Craig Hoium asked Council to approve a minor subdivision which does not have to go through the platting process. Mr. Hoium referred to the legal description – property located on the south corner of 16th Street SW and 17th Avenue. The adjacent property owners have agreed to purchase their adjacent property. The local utilities have been notified, and on Lot 22 the utilities need to be disconnected at the street.

Council Member King asked if this was an “all or nothing” deal, to which Mr. Hoium stated that if one of the property owners does not purchase the portion of the property adjacent to them, then it would remain under the ownership of Charlie Fawver, who has requested the subdivision.

Council Member-at-Large Anderson asked who is responsible for the costs. Mr. Hoium indicated the cost of the subdivision would be taken care of, i.e., the City would not be responsible.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution waiving platting requirements, petitioned by Charlie Fawver. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member King, setting a public hearing for May 20th for a variance from the Austin City Zoning Code governing the minimum front yard setback, requested by Daniel Coyle. Carried.

Moved by Council Member Austin, seconded by Council Member King, setting a public hearing for May 20th for a variance from the Austin City Zoning Code governing the minimum corner side yard setback, requested by Michael Pepper. Carried.

Moved by Council Member Austin, seconded by Council Member King, setting a public hearing for May 20th for an amendment to a Planned Development District. 7-0. Carried.

Moved by Council Member King, 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 304 11th Avenue SW, Prestholt property. Carried.

Moved by Council Member King, 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 901 2nd Avenue NW, JP Morgan Chase Bank property. Carried.

Moved by Council Member King, 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 1928 4th Avenue NW, JS2 property. Carried.

Moved by Council Member King, 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 508 7th Street NE, Northstar Homes property. Carried.

HRA Director Jon Erichson asked Council to authorize a grant application to the Hormel Foundation for the Community Home Improvement Program (CHIP) for \$21,000. The grant would supplement funds to improve neighborhood appearances and integrity of properties and will also include inside projects which will address life and safety improvements. The HRA is working in conjunction with Vision 2020 and Habitat for Humanity on the project. Properties must be owner-occupied and be current with property taxes (or have a payment plan). Building permits will be the responsibility of the property owner. Participants will be required to sign a release for program publicity. There are currently six applicants for the program.

Council Member-at-Large Anderson asked if there might be more applicants, to which Mr. Erichson said this first round is limited to the six but he sees this as an ongoing program.

Council Member Jordal asked how people find out about the program. Mr. Erichson said they were identified and direct-mailed.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, authorizing a grant application to the Hormel Foundation for a Community Home Improvement Program supplementary grant on behalf of the Austin HRA. Carried.

Moved by Council Member Enright, seconded by Council Member King, approving a street closing for the VFW annual car show on May 18. Carried.

REPORTS

Council Member-at-Large Anderson reported that the Sustainability Taskforce met in April and heard reports from the various subcommittees. She announced that anyone can join at any time. The goal of the group is to become more sustainable as a community and to move to another GreenStep Cities level. Council Member-at-Large Anderson viewed the LEC construction. They are on target for completion. She attended the HRA monthly meeting and heard the DCA report. The HRA Board toured the Courtyard Apartments and will be looking at other buildings in the future.

Council Member-at-Large Anderson thanked citizens for participating in the recent electronics recycling event. She announced that the next Conversation with the Council will be May 18 at 10:00 am at the Austin Public Library.

Council Member King stated that due to last Thursday's snowstorm, there are a lot of tree branches down. He had heard that Red Wing contracted with some business for curb pick-up for their tree branches. This was at no cost to the homeowners. He heard Albert Lea did the same thing. He noted that there are people who do not have the means to haul branches and proposed that the City help with this. The Mayor agreed and asked City Engineer Steven Lang what this might cost the City. Mr. Lang said he spoke with Park & Rec Director Kim Underwood and they had decided that this event did not justify a city dump site. This decision was based on the 1998 wind storm and the 2009 tornado. This damage is considerably less, he stated. Also, with those two events the City had a disaster declaration and looked to federal funding for support. Also, there were a lot of city parks affected in those two past major events so the City was collecting its own volume and hauling it. With this recent snow event, he said, the City would need to absorb all the costs in the current city budget. Residents were required to bring their debris to a site. Mr. Lang rough-estimated the cost of six employees picking up debris for two days would be at a cost of more than \$15,000. Mayor Stiehm suggested a site for debris drop-off. Mr. Lang replied that as wet as it has been, the area would need to be hard-surface. The debris would then need to be pushed up and hauled. He would not anticipate the volume we have had with other events. Someone would then need to grind up the debris.

Council Member King made a motion to have the City pick up debris at the curbs. The motion died for lack of a second.

Council Member Boughton made a motion to provide a site for debris drop-off. The motion was seconded by Council Member King. 4-3. Voting nay: Council Members Austin, Jordal and Enright.

Mayor Stiehm stated that the site would be determined by Mr. Lang.

Council Member Austin attended the recent Park & Rec Board meeting, which was only typical business he said.

Council Member-at-Large Anderson encouraged citizens to participate in the Stamp Out Hunger Food Drive scheduled for May 18.

Library Director Ann Hokanson reported that the recent book sale sponsored by the Friends of the Library brought in almost \$6000. The sale is still on, something new this year.

Mayor Stiehm noted he toured the LEC renovation also. Mayor Stiehm also noted that a recent council member passed away: Neil Fedson who served on council in 2000.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to May 20, 2013.

Adjourned: 6:17 pm

Approved: May 20, 2013

Mayor: _____

City Recorder: _____