

M I N U T E S
CITY COUNCIL MEETING
November 17, 2014
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

STAFF PRESENT: Director of Administrative Services Tom Dankert, Public Works Director Steven Lang, City Attorney David Hoversten, Police Chief Brian Krueger, Fire Chief Jim McCoy, Library Director Ann Hokanson, Park and Rec Director Kim Underwood, Community Service Officer Ernesto Cantu and City Clerk Ann Kasel

OTHERS PRESENT: Austin Daily Herald, Grace Goodew, David Hunn, Public

Mayor Stiehm called the meeting to order at 5:30 pm.

Additional backup added to the agenda items:

8. Public hearing of downtown master plan.
18. Approving a memorandum of understanding with the International Association of Firefighters.

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

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, approving the minutes of November 3, 2014. Carried.

CITIZENS ADDRESSING THE COUNCIL

Matt Simonson, expressed his concerns about homelessness in Austin.

David Hunn, 702 36th Drive SW, was concerned about a building permit issue when he moved a garage onto his property.

Mayor Stiehm suggested setting up an appointment with Holly Wallace and the City would work with him on the issue.

An unidentified citizen residing at 202 3rd Street, Lyle had questions about a dangerous dog complaint. Mayor Stiehm referred him to Community Service Officer Ernesto Cantu.

CONSENT AGENDA

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

Licenses:

Cab Driver: David Fodness, 805 13th Street NE
Cab Driver: Michael J. Grant, 1013 4th Avenue NE
Cab Driver: William Klapperich, 707 6th Street SE
Exempt Gambling: Austin Youth Hockey Association at Packer Arena on 1/1/2015
Temporary On-Sale Liquor: Riverland Community College Foundation at the Austin Art Center, 300

Claims:

- a. Financial and investment reports
- b. Pre-list of bills

Carried.

PUBLIC HEARINGS

A public hearing was held to review the final plat and development agreement for Cedar Ridge No. 2. Planning and Zoning Administrator Holly Wallace stated the owner of the development wishes to withdraw the application for the plat and development agreement approval at this time to reconfigure the development.

A public hearing was held for a dangerous dog appeal filed by Grace Goodew. City Attorney David Hoversten stated Ms. Goodew filed an appeal with the City on October 16, 2014 regarding the dangerous dog designation from an incident on October 13, 2014 wherein a 9 month old child was attacked by her family's boxer named Mia.

Mr. Hoversten stated the Council would need to consider the evidence presented and make one of the following determinations: find the dog to be dangerous and declare it should be destroyed; find the dog to be dangerous but it should not be destroyed, rather it would need to meet ordinance requirements in order for it to be released; or find the dog not to be a dangerous animal.

Mr. Hoversten called Community Service Officer Ernesto Cantu to the podium. Officer Cantu verified the copy of the police report dated October 13, 2014 and Mr. Hoversten made it a part of the official record. He testified that he was contacted on October 13, 2014 to report to Austin Medical Center because a child was presented with dog bite injuries. He stated the spoke with the mother of the child, Grace Goodew, who is also the owner of the dog. Ms. Goodew stated she was not in the same room as the dog and child when the incident happened. She heard a commotion including the dog barking and the baby crying and when she entered the room the baby was on the floor with blood on her face. She stated she took the child to the hospital for medical attention.

He testified he served a copy of the dangerous dog designation on Ms. Goodew indicating the animal caused bodily harm and would be destroyed unless she appealed the designation within 14 days. Officer Cantu verified the copy of the notice and it was made a part of the official record.

Officer Cantu also made photographs an official part of the record which showed four puncture wounds on the child's face and bruising on the nose. He testified he believed the dog was a dangerous animal and should be destroyed.

Mayor Stiehm asked if this was the only report on the animal.

Officer Cantu confirmed it was the only report.

Grace Goodew, 305 27th Street SW, stated she owned the dog a little over a year and it had never exhibited aggressive behavior. She asked Officer Cantu if the dog was aggressive in the pound.

Officer Cantu stated the dog is timid in the pound.

Ms. Goodew stated on the day of the incident she had given a pan of soup to the dog for food and the baby must have gotten too close to the dog and the dog nipped at her. She stated should would like her dog back.

Mayor Stiehm asked Ms. Goodew why she changed her mind because she originally did not want the dog.

Ms. Goodew stated she thought about it and if the dog wanted to harm the baby it would have. She has someone willing to house the dog in the country.

Mr. Hoversten noted that Ms. Goodew was not present in the kitchen and it is speculation that the child got too close to the food. He reiterated that the recommendation of the animal control officer is that the dog be destroyed.

Mayor Stiehm asked if the City could enforce the conditions of release if the animal was relocated to the County.

Mr. Hoversten stated the City could enforce the provisions along with the County and the dog would have to meet the City's conditions in order for it to be released from the pound.

Kelly Janning, 53809 184th Street, would like to adopt the dog. She lives on a farm outside of Austin and has another dog and older children. She stated she would be willing to fulfill any requirements set by the Council.

Moved by Council Member Boughton to declare the dog as potentially dangerous with conditions 2-7 of City Ordinance 10.10 Subd. 21. Motion failed for lack of a second.

Mr. Hoversten stated he didn't feel the dog is potentially dangerous, he stated the dog is a dangerous dog.

Council Member Jordal stated he would like to see the animal destroyed. He added if his dog harmed his child he would definitely destroy the animal.

Moved by Council Member Boughton, seconded by Council Member Enright, declaring the dog dangerous and requiring items 2 through 7 of City Code Section 10.10, Subd. 21 for the release of the animal. Carried 5-2 with Council Members Jordal and King voting nay.

Moved by Council Member Austin, seconded by Council Member Boughton, to direct the City Attorney to prepare the necessary findings and order declaring the dog to be dangerous and setting conditions for its return to the owner. Carried.

A public hearing was held for the review of the Downtown Master Plan. Planning and Zoning Administrator Holly Wallace presented the Downtown Master Plan stating the City updated the Plan via a process that took place between June 2014 and October 2014. The 2014 update was submitted to the Planning Commission for review November 13, 2014, pursuant to Minn. Stat. §462.355 as an amendment/addition to the Comprehensive Plan. The Planning Commission, with 5 members present, made the recommendation to Council to adopt the 2014 Downtown Master Plan Update as an amendment to the Comprehensive Plan.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution adopting the Downtown Master Plan. Carried 7-0.

PETITIONS AND REQUESTS:

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution setting a public hearing for December 15, 2014 on the adoption of the 5-year Capital Improvement Plan. Carried.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution granting 2015 off-sale liquor licenses, club on-sale licenses and wine on-sale licenses. Carried 7-0.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution accepting results of the 2014 general election. Carried 7-0.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution granting a 3.2 beer on sale liquor license to Maya's Restaurant, LLC. Carried 7-0.

Public Works Director Steven Lang requested the Council pass grant amendment number 4 to the North Main Street Flood grant which would extend the grant another year to December 31, 2015 and provide an additional \$700,000 in funding.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, adopting a resolution approving grant agreement no. 4 to the North Main Street Flood Project. Carried 7-0.

Public Works Director Steven Lang requested the Council pass grant amendment number 1 to the Dobbins Creek Project which would extend the grant another year to December 31, 2015 for project completion.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution approving grant agreement no. 1 to the Dobbins Creek Flood Project. Carried 7-0.

Public Works Director Steven Lang requested the Council pass grant amendment number 2 to the Turtle Creek Flood Project grant which would extend the grant another year to December 31, 2016.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving grant agreement no. 2 to the Turtle Creek Flood Project. Carried 7-0.

Public Works Director Steven Lang requested the Council authorize the purchase of 109 16th Avenue SW, which is a property near the Waste Water Treatment Plant. The property would be purchased and demolished to make room for a future buffer area for the Plant. An appraisal was completed on the property and the value was determined to be \$23,900. A purchase agreement has been developed for the property with a \$23,650 purchase price which is the appraised value less the appraisal fee of \$250. Funding for the acquisition would come from the Waste Water Treatment Plant domestic fund.

Moved by Council Member Boughton, seconded by Council Member Enright, adopting a resolution approving the purchase of 109 16th Avenue SW and authorizing the execution of a purchase agreement for the property. Carried 7-0.

Public Works Director Steven Lang requested the Council authorize topography survey services with Jones, Haugh & Smith on the North Main Flood Control Project, Phase 1 and the Lions Park flood mitigation project in the amount of \$18,000.00.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution approving survey services for North Main Street Flood Control Project, Phase 1 and Lions Park Flood Control Project with Jones, Haugh and Smith. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council pass a memorandum of understanding with the International Association of Firefighters regarding sick leave payout upon retirement. The matter would clarify language in the IAFF contract and was also discussed at the closed work session earlier in the evening.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution Approval of a memorandum of understanding with International Association of Firefighters. Carried 7-0.

REPORTS

Council Member Austin reported he recently attended a Park and Rec board meeting where the board met with the Vision 2020 waterway committee, approved Chamber of Commerce Christmas in the City requests and reviewed advertising at Riverside Arena.

He also commended the City's department heads for their leadership over the past year and gave special recognition to Tom Dankert for his leadership of the City.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, to award a bonus in the amount of \$1.00 to Tom Dankert. Carried.

Council Member Enright stated she attended the dedication for the Veteran's memorial on Veteran's Day and the project turned out wonderfully.

Mayor Stiehm reported he attended the Coalition of Greater Minnesota meeting and spent two days with the new City Administrator, Craig Clark, who is excited to begin work at the City.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to December 1, 2014. Carried.

Adjourned: 6:43 pm

Approved: December 1, 2014

Mayor: _____

City Recorder: _____