

M I N U T E S
CITY COUNCIL MEETING
November 16, 2020
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor Stiehm.

MEMBERS APPEARING ELECTRONICALLY: Council Members Steve King, Paul Fischer, Rebecca Waller, Laura Helle, Jason Baskin Joyce Poshusta and Council Member-at-Large Jeff Austin

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Park and Rec Director Kevin Nelson, City Attorney Craig Byram and City Clerk Ann Kasel

STAFF APPEARING ELECTRONICALLY: Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Library Director Julie Clinefelter and Human Resources Director Trish Wiechmann

OTHERS APPEARING ELECTRONICALLY: Honorary Council Member Santino Deng, Beth Drees, Jeff Ettinger, Oballa Oballa, Bonnie Rietz, Dennis Hawley, Amanda Green, Paul Kreiderman, Post Bulletin, Austin Daily Herald

OTHERS APPEARING IN PERSON: Arlo Drees, Scott Kaplan, Mark Nibaur, Jeanne Sheehan, Tom Tylutki

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

Additions to the Agenda:

18. Approving a purchase agreement with Leaning Tree, LLC.

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

Moved by Council Member King, seconded by Council Member Fischer, approving Council minutes from November 2, 2020.

Recognitions and Awards

Bonnie Rietz presented the Austin Community Understanding proposal to the Council. She stated the community held a listening session with the Hormel Foundation to listen to the community about their interactions with law enforcement.

Jeff Ettinger stated the group looked at the response from the recent violence events in communities.

Herve Idjidina stated the community understanding is important for the entire community especially the minorities in Austin.

Karem Ramirez stated the group talked to many community members and leaders.

Council Member Helle applauded the group's efforts to unite the community and would like some additional improvements to the statement.

Council Member Baskin thanked the group for their work and progress on the statement.

Council Member King noted there were many different community members and cultures included in the community conversations.

Mayor Stiehm stated the item will be on the next work session.

CONSENT AGENDA

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

Licenses:

Excavation: Bruce Bucknell Construction, Racine

Claims:

- a. Pre-list of bills
- b. Investment Report.
- c. Leslie Leffers, 404 2nd Street SW. The matter has been forwarded to the City Attorney to protect the City's interest.

Carried.

PETITIONS AND REQUESTS

City Clerk Ann Kasel presented the 2020 election results and thanked the election judges for their service to the community.

Moved by Council Member Fischer, seconded by Council Member Helle, adopting a resolution approving the results of the November 3, 2020 general election. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, adopting a resolution setting a public hearing for December 21, 2020 on the adoption of the 5-year Capital Improvement Plan. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council approve a waiver stating the City does not waive the statutory tort limits for insurance purposes. He stated this is a yearly requirement of the insurance renewal process.

Moved by Council Member-at-Large Austin, seconded by Council Member King, authorizing the City Recorder/Treasurer to sign an insurance waiver stating the City does not waive the statutory tort limits. Carried.

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, adopting a resolution granting 2021 off-sale liquor licenses, club on-sale licenses, wine on-sale licenses and brewer off-sale malt liquor licenses. Carried 6-0 with Council Member Helle abstaining.

Director of Administrative Services Tom Dankert requested the Council reappoint Kris Heichel to the Austin/Mower County Homeownership Board through 2023.

Moved by Council Member Poshusta, seconded by Council Member-at-Large Austin, appointing Kris Heichel to the Austin/Mower County Homeownership Board, term expiring 12/31/2023. Carried.

Planning and Zoning Administrator Holly Wallace reviewed an ordinance amending section 4.70. The amendment clarifies the height requirement of open type fences in front yards to four feet.

Moved by Council Member Fischer, seconded by Council Member King, for preparation of the fencing ordinance. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member King, for adoption and publication of the fencing ordinance. Carried 7-0.

Fire Chief Jim McCoy reviewed an ordinance for a fire hydrant maintenance fee. The ordinance would charge \$1 per month for each sewer connection on the resident's sewer bill.

Council Member Baskin stated he thinks this should be funded out of the general fund.

Council Member-at-Large Austin stated he agrees with Council Member Baskin.

Moved by Council Member King, seconded by Council Member Fischer, for preparation of the fire hydrant maintenance ordinance. Carried 6-1 with Council Member Baskin voting nay.

Moved by Council Member Fischer, seconded by Council Member King, for adoption and publication of the fire hydrant maintenance ordinance. Ordinance fails for lack of a unanimous vote 6-1 with Council Member Baskin voting nay.

The ordinance will be placed on the December 7, 2020 Council Meeting for a second reading.

Public Works Director Steven Lang requested Council approve the sale of used manhole castings to Watson Recycling at \$75 per ton or \$2,000.

Moved by Council Member King, seconded by Council Member Fischer, approving the sale of manhole castings. Carried.

Public Works Director Steven Lang requested the Council approve an engineering services contract with SEH, Inc. for a letter of map revision on the North Main Street Flood Control Project, Phase 1. Mr. Lang stated since a levee was constructed the map can be revised to take the property out of the flood plain. SEH provided an estimate in the amount of \$96,110 and the project would be paid from Local Option Sales Tax. He recommended moving forward with the project at this time.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving an engineering services contract with SEH, Inc. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, adopting a resolution accepting donations to the City of Austin. Carried 7-0.

Parks and Recreation Director Kevin Nelson requested Council authorization to construct a storage building on the Community Recreation Center property. The Council will have to approve the construction since the City is the owner of the property.

Moved by Council Member King, seconded by Council Member Fischer, adopting a resolution authorizing a storage building to be built on the Community Recreation Center property. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a variance request from MinnSolar on behalf of Arlo and Beth Drees regarding the square footage of accessory structures. The petitioner owns property that already has several detached structures and would like to add 4 solar panels that would cover an additional 2,500 square feet. The total coverage with the additional detached structures would be 4,700 square feet which is over the maximum of 1,584 square feet per lot. They would still be below the maximum lot coverage of 40%. The Planning Commission reviewed the matter at their November 10, 2020 meeting and recommended approval by a 4-1 vote. She noted that six of the neighboring properties appeared in opposition to the request.

Petitioner Arlo Drees, 3806 5th Avenue NW, stated he consulted with two different solar companies and the proposed location is the only location on the property to put the solar panels due to other trees and wetland areas. He stated it would be cost prohibitive to put the panels near the rear of the 14 acres. Mr. Drees stated he has met with the neighbors and offered to put in more shrubbery to the east to block the view from the neighborhood.

Amanda Green spoke as a representative of neighborhood stating the neighborhood is concerned about the size of the solar panels in a residential area and the precedence it will set for the neighborhood to allow additional variances in the future.

Paul Kreiderman from Minn Solar stated the solar panels are attractive looking and will not be a negative for the neighborhood. The neighbors to the east side of the solar panels won't really see much of them and that the proposed site is the only option for the panels.

Scott Kaplan, 3705 5th Avenue NW, stated he lives on a semi cul-de-sac which faces the Drees property and is against the proposed solar development.

Council Member Poshusta stated the size of the proposal seems commercial versus just for household use.

Mr. Drees stated the size is almost double what they would be using for power but they plan on selling the remaining power to cover the cost of natural gas and sewer.

City Administrator Craig Clark asked if there would be another area on the property that the solar panels could be located.

Mr. Drees stated it would be cost prohibitive for any other location.

City Attorney Craig Byram stated it was presented at the Planning Commission meeting that there are a variety of standards as to why this format was chosen for the production of power. However, that should not be taken into consideration as to approve or deny the variance. He believed that the Planning Commission took the large parcel size into consideration in approving the variance.

Council Member King stated the proposal doesn't fit in the neighborhood.

Moved by Council Member King, seconded by Council Member Fischer, to approve a variance request to allow up to 1,500 square foot solar panels. Carried 5-2 with Council Member Helle and Council Member-at-Large Austin voting nay.

Council Member Helle stated voted nay because she would like to uphold the Planning Commission's decision.

Moved by Council Member Fischer, seconded by Council Member King, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1206 12th Avenue SW, Bustad Property. Carried.

Moved by Council Member King, seconded by Council Member Fischer, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 507 13th Avenue SE, Vargas Property. Carried.

Moved by Council Member Fischer, 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 503 8th Avenue SE, Wakefield Property. Carried.

City Administrator Craig Clark requested the Council approve a purchase agreement with Leaning Tree, LLC for the sale of Crane Park in the sum of \$77,000. Mr. Clark stated the property would be used to further develop the Hormel Institute area and recommended approval. Mr. Clark noted the Park Board has approved the sale of the property.

Moved by Council Member-at-Large Austin, seconded by Council Member Poshusta, approving a purchase agreement with Leaning Tree, LLC for the sale of Crane park. Carried 7-0.

HONORARY COUNCIL MEMBER COMMENTS

Honorary Council Member Santino Deng congratulated the winners of the recent election.

REPORTS

Council Member Baskin thanked the City's elections team for their hard work.

Council Member Helle stated she is very proud of the election process.

Council Member King thanked the residents of Mower County for voting and thanked the other candidates for voting.

Council Member-at-Large Austin thanked the workers at the Holiday Inn for making it easy and safe.

Mayor Stiehm thanked all the elections staff.

City Administrator Craig Clark stated phase two of the small business assistance is being wrapped up.

Moved by Council Member King, seconded by Council Member Fischer, adjourning the meeting to December 7, 2020. Carried.

Adjourned: 7:03 p.m.

Approved: December 7, 2020

Mayor: _____

City Recorder: _____