

MINUTES
COMMITTEE-OF-THE-WHOLE WORK SESSION
October 15, 2007
City Hall Conference Room
5:51 p.m.

PRESENT: Mayor Stiehm, Council Member-at-Large Christopherson, Council Members McAlister, Hecimovich, Martin, Dick Pacholl, and Scott Pacholl.

ABSENT: Council Member Austin.

STAFF PRESENT: Community Development Director Craig Hoium, Police Chief Paul Philipp, Public Works Director Jon Erichson, and Administrative Services Director Tom Dankert.

ALSO PRESENT: Craig Oscarson and Dave Hillier (Mower County), Kathy Stutzman (Parenting Resources Center), Steve Persinger (Lansing Township Board), Public, Austin Post Bulletin, and Austin Daily Herald.

Mayor Stiehm opened the meeting at 5:51 p.m.

Item # 1: Lansing Township Annexation. Steve Persinger, Lansing Township board member, approached Council to address any concerns they may have over the recent denial of the annexation request by some of their residents which was approved by the City of Austin. Council Member Hecimovich stated that he read in the newspaper that somebody has filed a petition for annexation with the State. Mr. Persinger stated that was also his understanding that somebody is doing this. Mr. Erichson stated it is a specific area that is being petitioned with the State, and would not be the entire Lansing Township area. Mr. Erichson stated the ultimate area that the City studied was roughly 690 acres. Twenty percent of the property owners or 100 property owners, whatever is less, would be needed for the petition to be reviewed by the State. The state Office of Administrative Hearings for the Municipal Board of Adjustments still would need to approve any annexation petition.

Council Member Dick Pacholl questioned if the petitioner could go outside of his area in order to get the necessary signatures. Mr. Erichson stated a petition can be for any area you would want. Mr. Persinger stated the petition could be for the total area, or just the area the petitioner lives in. Mr. Persinger noted the Lansing Township Board is very concerned with water quality, and they would like to move ahead with their original proposal as soon as possible as several homes need to move forward to get a solution. This could be done one year from now if we get moving on the project. Larry Gordon, resident of the affected area, stated that the petitioner could not be at the meeting this evening, but he is organizing the petition for the entire area that the city studied for annexation, not just the Woodhaven area.

Mayor Stiehm questioned how many homes would be affected. Mr. Persinger stated there was something like 209 parcels in total. Mr. Erichson stated the legally described properties are somewhat less than the 209 parcels, as some parcels were split into smaller lots to accompany future development (for the study).

Council Member McAlister clarified that the City was approached by several citizens in the affected area for sewer service. The City staff put together a proposal as requested by the Lansing Township Board. The Lansing Township Board eventually voted 'no' to our proposal, so until the residents present us with a formal petition for annexation, we will do nothing. Council Member McAlister stated he just wanted to clarify that we have done what has been requested, and our offer has been rejected. Mr. Erichson stated this was correct, and the petition will actually go to the Municipal Boundary Adjustments Board. Once the Municipal Boundary Adjustments Board receives the petition, they may proceed with the review.

Council Member Hecimovich stated that the MPCA is allowing these residents to pump raw sewage into our waterways. Mr. Persinger stated he did not know, but the County may step in and give the Lansing Township Board ten months to correct the problem. Mr. Persinger stated they are trying to move as fast as they can, and a solution is viable and could be done next year by the Lansing Township Board. Council Member Hecimovich stated that if the MPCA cites you, then you need to correct the problem ASAP, not when you want to. Craig Oscarson, Mower County Coordinator stated the County by Ordinance/State Statute is responsible for sewage systems and we have the right to enforce. Mower County can work with the MPCA and Lansing Township Board to see if the issue can be resolved before the County would step in. The enforcement rules are not hard and fast if a solution is being worked on. Mr. Erichson stated if a formal complaint is lodged, and there has been one here, a corrective action plan is required within 10 months. If this is not done, then fines may be levied. Mr. Oscarson noted the installation does not have to be done within 10 months, but you need to be pretty far along.

Council Member Hecimovich questioned if the City is liable for the raw sewage they are dumping into our waterway. Mr. Erichson stated he would doubt the City would be liable, but we should be concerned with our waterways.

Mr. Gordon stated the petition was being organized due to the two proposals that were presented, one by the City and one by the Township. A majority of the landowners voted for the city proposal as the city's was the best and the cheapest. Mr. Persinger stated there are many residents that would like to stay rural. One of the quotes was comparable to the city cost. Lower financing costs and a grant could have been used to lower our costs. One resident had 24 parcels, and he wants to move on, no matter what direction the Township Board wants to go.

Council Member Dick Pacholl questioned that he did not know what more the City could do here. Until the petition comes back, there is not much the City can do.

Item # 2a and 2b: Downtown Parking Study. Mr. Erichson stated a parking study is done every two to three years, and the study looks at a standard two-week period of time. The quick summary is that downtown parking is decreasing from prior years. The on-street parking percentages have decreased, in part due to a change from retail to professional offices in the central business district. Additionally, USEM's created plenty of activity downtown with the vehicles they were selling and repairing. Mr. Erichson stated his conclusion is that there is plenty of parking available in the downtown area.

Mr. Erichson stated parking needs have been studied for the planned justice center, noting KKE architects believe 154 to 267 would be needed. These needs can be accomplished in the downtown area. Mr. Erichson further discussed the October 12, 2007 parking study.

Mayor Stiehm questioned what would happen with the people that already park in these areas if the Justice Center moves downtown. Mr. Erichson stated the downtown lot and the 27 stalls are primarily used by county employees now. If the Methodist Church lot was opened to 12-hour parking, high school students would fill it up. The old Library lot is basically empty with only a 13% occupancy rate. Mr. Erichson stated the KKE study was a worst case scenario for all County employees. Mr. Oscarson stated that this does not include all of the needs for the County parking, stating that 350 stalls would be needed to get all County employees off of the street (this includes Mower County Human Service needs). Mr. Oscarson stated the distance and safety factor appear to have been met by Mr. Erichson's study. Council Member Hecimovich stated employees may need to park and walk a little bit.

The study is for informational purposes only. No action is needed.

Item # 2c: St. Olaf Church Addition. Craig Hoium noted the expansion of St. Olaf church would be good to discuss this evening as they have some parking needs that need to be reviewed. St. Olaf is adding 12,000 square feet on the west side of the current building. Required off-street parking of 100 stalls will not be met. They are proposing to provide 43 on-site stalls, and the City Council can authorize additional stalls that are within 300 feet of the facility. Mr. Hoium added that the church would like to start this fall on the \$5 million project, and this will go to the City Council on November 5, 2007. There are 295 stalls available in the area, and 190 stalls not including the Methodist Church lot. This does not include the on-street parking availability.

Council Member-at-Large Christopherson questioned when the Planning Commission would hear about this. Mr. Hoium stated this is a permitted use, so the Planning Commission will not need to hear or vote on the issue.

Council Member McAlister stated that if this is approved, it still allows other citizens to park in the lot, and that the church would not be able to erect signage to restrict parking in the public lots.

Council Member Dick Pacholl stated he also had no problem with the proposed parking resolution for the church.

Mr. Erichson stated St. Olaf church will be required to go through this parking appeal. The ultimate end use will not change.

This is for informational purposes only.

Item #3: Visitation center funding request. Kathy Stutzman noted they received a grant in 2006 and did a needs assessment for a facility whereby supervised exchanges and visitation could be handled between custodial and non-custodial parents. Ms. Stutzman went through her handout citing the statistics of domestic response calls by the Police Department, noting this equates to 2-3 calls per night for the Police Department. Ms. Stutzman stated this has been a consortium of groups working together in a joint effort to make this visitation center a reality.

The Mayor even signed a memorandum of understanding in support of the project. Ms. Stutzman stated they have received an operating grant for the next eight years, and Mayor Stiehm, City Administrator Jim Hurm, and Police Chief Paul Philipp and Police Captain Curt Rude have all been involved with this committee.

Ms. Stutzman stated the Office of Justice Programs (OJP) has done a site analysis and has approved of the proposed site, which is on the corner where the current downtown motel is located. Ms. Stutzman stated this is one of six grantees to get the operating grants, and only one of seventeen grantees to get a facilities grant. Site plans have been reviewed with the City of Austin, and an architect is working on the site plans. Riverland Community College will provide six carpentry students and two electrical students to work on this project. Mower County has provided a \$200,000 capital grant, and we are requesting a \$100,000 capital grant from the City of Austin. This will be used to take a blighted building and build something new, plus add six employees.

Council Member Hecimovich questioned how long people could stay at the facility. Ms. Stutzman stated two to four hours is typical, as this is not a facility for people to stay at overnight. Typically, families would use this facility during an eighteen month period.

Mayor Stiehm noted his support for such a facility.

Council Member Dick Pacholl stated that Our Savior's Church used to do this. Ms. Stutzman noted the Crime Victim Resource Center used to operate this program out of Our Savior's Church, but their funding was eliminated so they could no longer provide this program. We do currently have the funding for operations for the next eight years, and we have a sustainability plan for long-term funding. We will be charging people for using this facility, and it could be rented out for use by other if we are not using it.

Council Member Hecimovich stated there is a facility like this in Rochester, and he questioned how they were doing financially. Ms. Stutzman stated she did not know how they were doing, as they did not visit or review the operations in Rochester. Mr. Hecimovich stated he is concerned if the state/federal funding is reduced or eliminated as the operational costs cannot be sustained.

Council Member-at-Large Christopherson noted in the backup material, the City Attorney has stated that there is no specific statutory or charter authority which would allow the City to make such a donation. Council Member-at-Large Christopherson stated by law, the City Attorney is saying that we cannot do this. Chief Philipp stated the City may be able to consider this as a purchase of service, as this does provide a service to the citizens of Austin. Council Member Hecimovich stated he wanted to ensure we were being legal here. Council Member Dick Pacholl stated we need to be awfully careful as one exception may lead to others and more funding requests.

Council Member McAlister stated this is the first time Council has heard of this request. We need to hear where the finances would come from, and if the City Attorney deems the contract for purchase of services to be legal.

Ms. Stutzman stated the goal is to get funding from the United Way in future years.

Motion by Council Member McAlister, seconded by Council Member Dick Pacholl to request this be put on the work session agenda for November 5, 2007 with backup from Administration as to where the funding would come from, and also a legal opinion from the City Attorney as to whether he believes the expenditure would be legal under our charter or other statutory language. Carried 6-0. Item will be added to the next council work session.

Item 4: Administrator's Report. None.

There being no further business, motion by Council Member Hecimovich, seconded by Council Member Dick Pacholl, to adjourn the meeting. Motion passed unanimously. Meeting was adjourned at 7:31 pm.

Respectfully submitted,

Tom Dankert
Director of Administrative Services