

MINUTES
COMMITTEE-OF-THE-WHOLE WORK SESSION
December 7, 2009
City Hall Conference Room
7:00 pm / Immediately following council meeting

PRESENT: Mayor Stiehm, Council Member-at-Large Anderson, Council Members Austin, McAlister, Martin, King, Clennon, and Pacholl.

ABSENT: None.

STAFF PRESENT: Public Works Director Jon Erichson, Parks and Recreation Director Kim Underwood, Community Development Director Craig Hoium, City Clerk Lucy Johnson, Administrative Services Director Tom Dankert and City Administrator Jim Hurm.

ALSO PRESENT: Planning Commission members Kathy Stutzman, Suzanne McCarthy, Shawn Martin, Jim Mino, Jodi Krueger, Tony Bennett, Public, Austin Post Bulletin, and Austin Daily Herald.

Mayor Stiehm opened the meeting at 7:05 pm.

Item #1. – Wind Energy conversions systems (approximately 6:30 pm): Mr. Hoium discussed a proposed ordinance in relation to wind energy conversion systems. The Austin City Council tabled action on the ordinance at the November 16, 2009 council meeting as they wanted to have a joint meeting with the Planning Commission to discuss some of the requirements in the proposed ordinance. Mr. Hoium stated there are some businesses and citizens that have expressed some interest in putting up a wind tower, and suggested the proposed system at Jim's Super Fresh on the north side of Austin be used as an example for this discussion. Mr. Hoium discussed sizing, decibel levels, guide wire requirements versus a free standing structure, etc. Mr. Hoium stated any installation of a wind turbine would require permitting through his office.

Council Member McAlister questioned if the decibel level of the surrounding area, such as traffic, would be included in the decibel level calculation, or would the turbine decibel level stand alone for the noise factor. Mr. Hoium stated the decibel level of the wind turbine alone would be used for the calculation, not any surrounding noises.

Marv Repinski urged Council to view the future of wind energy. Sharon Wagner, who lives at Oak Park Village next to Jim's Super Fresh, questioned why the property line is not used for the setback, and not the house distance. Mr. Hoium clarified for Council that for this discussion the setback was measured to the property line, not the housing structure. Bob Clark stated he is not against wind energy. Mr. Clark stated he can hear some noise from the John Deere dealer, but only in the daytime and not at night. Mr. Clark also noted that we don't need to allow wind towers within the city limits.

One citizen (1901A Oak Park Village) stated he lives next to Jim's Super Fresh and the current law does not allow wind turbines. There are 79 homes in this area, plus more to the north and on the east side of 4th street. The decibel level is not as important as the aesthetics that will be lost with the construction of the wind turbines.

Planning Commissioner Suzanne McCarthy questioned the affect wind turbines would have on cell phones and cable television. Mrs. McCarthy stated we do have an interest in renewable energy, but questioned the worth as SMMPA currently loses over \$1 million per month with their wind towers.

Steve Vietor, an instructor at Riverland Community College with wind tower maintenance, stated he is a supporter of wind energy. Mr. Vietor stated Jim's Super Fresh is looking at a 20kw tower, but 5-10 kw units may be looked at by the public in the future.

Planning Commissioner Kathy Stutzman stated this is not about decibels, aesthetics, or about financial hardship. This is about sending a message that we are a progressive city.

Mr. Hoium stated the current 350-foot setback requirement as is written in the current proposed ordinance should stay in the ordinance.

Planning Commission member Jim Mino stated it is not the sound level here, but the aesthetics and the property values that he is concerned with. The 350 foot setback was somewhat arbitrary stated Mr. Mino, but right now all structures are cost prohibitive. Some consideration should be given for residential properties, but we don't want to restrict them from everywhere.

Council Member Austin stated the council wants to be progressive and unrestrictive, but most residential parcels do not qualify with the setbacks, and the cost is too much currently for building a wind turbine. We need to be proactive and the 350-foot setback is too restrictive.

Mrs. McCarthy stated she is on the ground floor with the wind turbine, but Palleton has an old wood burner that is allowed in our community, but they are always grandfathered in with their old technology.

Planning Commission member Tony Bennett questioned the 1320-foot setback requirement around parks. Mr. Hoium stated the model ordinance came from recommendations from the League of Minnesota Cities.

Mayor Stiehm asked for Council direction. Council Member-at-Large Anderson stated she was not okay with the ordinance as drafted. Council Member Austin stated we should discuss some of the proposed guidelines. Mr. Hoium suggested staff could further revise the proposed ordinance and have another meeting between the Planning Commission and the City Council.

Mr. Hoium noted the next Planning Commission meeting is scheduled for January. Mayor Stiehm stated the city council could attend this meeting. No objections noted.

After further discussion, motion by Council Member Pacholl, seconded by Council Member-at-Large Anderson to meet again at the next Planning Commission meeting scheduled for January. Carried 7-0.

Item #2. – Report on Spamtown Belle: Dick Nordin gave Council a report on the activities of the Spamtown Belle for 2010, noting we had over 900 riders, and an unused balance of \$123.85. Mr. Nordin stated the unsolicited donors, Gary and Pat Ray, donated \$1,500 in 2009 for this and are willing to do the same for 2010. Mr. Nordin stated he would like approval from the City

Council to do this program again in 2010. Mr. Nordin stated the algae problem at the Mill Pond is not good for the boat, so he is also requesting that we try the Belle on East Side Lake for 2010.

Council Member King noted his appreciation for the four volunteer pilots that deserve credit. Council Member King stated this is a no brainer and that we should keep supporting this as long as we don't have to help pay for it. Council Member King stated he is also in support of moving the Belle to East Side Lake.

After further discussion, motion by Council Member King, seconded by Council Member McAlister, to recommend to council for support of the Spamtown Belle for 2010 on East Side Lake under the same terms and conditions we had for 2009. Carried 7-0. Item will be added to the next council agenda.

Item #3. – 2010 Public Works' projects timeline: Mr. Erichson briefly discussed the proposed timeline for the 2010 street projects, noting feasibility reports will be requested in December of 2009 and the projects beginning actual construction in May of 2010. Mr. Erichson stated projects 5-10 are federal/state projects while 1-4 are local funded projects.

Council Member McAlister questioned if there are the same number of projects as we had in 2009. Mr. Erichson stated the actual number of blocks is down for 2010. Mr. Erichson also stated road restrictions are not lifted until May, so the heavy construction work cannot start until then. Additionally, in 2010 we will finish the 2009 projects with the final overlay.

Council Member King asked if the 9th Avenue SW project would be completed ripped up. Mr. Erichson stated this is not a big project, only a mill and overlay. The top 1.5 inches will be removed and replaced and this would take roughly five days. This could potentially close the road down to one lane for the time.

Council Member-at-Large Anderson questioned what ward Lansing Township is in. Ms. Johnson stated they come in as Ward 1 as this has to go into the same ward that their County Commissioner was in. When this is redistricted in 2010, it will be moved to Ward 3.

This is for informational purposes only.

Item #5. – Fee schedule: City Clerk Lucy Johnson discussed proposed changes to our fee schedule, and also requested annual approval of the fees via a resolution. Ms. Johnson outlined the proposed increases in the fees and the reasons for such. Council asked questions regarding the fees and how they are determined.

After further discussion, motion by Council Member Austin, seconded by Council Member Clennon, recommending to Council the approval of the rates as presented for fees. Carried 7-0. Item will be added to the next council agenda.

Item #4. – HRA Board makeup: Mr. Hurm discussed a proposal to update the makeup of the Board of the HRA. The current Board is made up of seven members, four of which are city council members. The HRA Board has recommended we go to a five-member Board, with one city council member, three citizens, and one tenant representative (per HUD regulations), and that there be a term limit of 10 consecutive years of service on the Board. Mr. Hurm noted he

added the term “consecutive” in the proposed resolution. Council Member Austin stated we should take the word “consecutive” out.

Motion by Council Member Austin, seconded by Council Member King to approve of the Board change as presented, with the resolution being changed to allow a maximum of 2 consecutive 5-year terms. Carried 7-0. Item will be added to the next council agenda.

Item #6. – Council Retreat: schedule and topics: Mayor Stiehm noted he would like to have a discussion on a Code of Ethics on the agenda. Council Member Austin stated he would like to hear from the department heads in the morning and then have the afternoon for ethics and other topics.

Council Member Martin noted his conflict with any meetings after January 11, and also recommended the meetings be held at City Hall to save rental money.

Council Member McAlister stated if staff is going to be at the retreat, they need to tell us what they specifically do.

After further discussion, January 6 and 7 from 5:30 to 8:30 were chosen as the dates for the retreat.

Item #7. Administrative Report: None

Other Item: Council Member Austin noted that with the defeat of the outdoor wood burning ordinance at this evenings council meeting, we have lost the nuisance portion of the ordinance relating to the outdoor wood burning appliances. This needs to be looked at further.

Motion by Council Member Austin, seconded by Council Member-at-Large Anderson to put this issue into Matters In Hand. Carried 7-0.

Adjournment: Motion by Council Member McAlister, seconded by Council Member King, to adjourn the meeting. Motion passed unanimously. Meeting was adjourned at 9:10 pm.

Respectfully submitted,

Tom Dankert