

**MINUTES**  
**CITY COUNCIL ADJOURNED MEETING**  
**MONDAY, MARCH 15, 2010**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

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

**MEMBERS ABSENT:** Council Member Martin

**STAFF PRESENT:** Jon Erichson, Craig Hoium, Tom Dankert, Jeanne Howatt, David Hoversten, Kim Underwood, Dave Schliek, John Mueller, Ann Hokanson, and Steven Lang.

**OTHERS PRESENT:** Austin Post Bulletin, Austin Daily Herald. Public. Cheryl Corey, Angela Himebaugh, and Beth Olson from the CVB. Representatives from Lund Construction and MnDOT. Fran Skinness. Kathy Murphy.

The meeting was called to order at 5:30 pm.

Added to the agenda: An ordinance providing for a waiver of requirements of Section 10.31 Subd. 3(D), and a resolution setting a public hearing for April 5 on the Lansing Township sanitary sewer project.

Moved by Council Member-at-Large Anderson, seconded by Council Member Clennon, approving the agenda as amended. Carried.

Moved by Council Member Clennon, seconded by Council Member King, approving the minutes of March 1, 2010. Carried.

Fran Skinness talked about the geese population near his property and asked if there could be something done. City Engineer Jon Erichson said they are protected under federal migratory laws. The City had to acquire a special permit for removing them at the airport.

Cheryl Corey, Angela Himebaugh, and Beth Olson from the CVB gave their annual report. Executive Director Cheryl Corey said the Mower County Historical Society is seeing large increases, partly due to additional events. Conventions, business travel and motor coach tours were down somewhat in 2009.

Moved by Council Member-at-Large Anderson, seconded by Council Member Pacholl, approving the consent agenda as follows:

Licenses:

Concrete: H&L Brothers, Inc., Blooming Prairie, MN  
Concrete: Vernon Daniel Company, Austin  
Excavation: H&L Brothers, Inc., Blooming Prairie, MN  
Food: Pasteleria Kim, 319 N. Main Street, Austin  
Hotel/Motel: AmericInn Motel & Suites, 1700 8<sup>th</sup> Street NW, Austin  
Master Plumber: Jay G. Flink, 71710 Co Rd 46, Albert Lea, MN  
Master Plumber: Schickerts, 330 Poplar Street, Mankato, MN

Claims:

- a. Financial and Investment Reports.
- b. Pre list of Bills.
- c. Genika Klapperich, 1315 6<sup>th</sup> Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
- d. Elizabeth Helland, 1211 7<sup>th</sup> Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
- e. Steve Moline, 711 1<sup>st</sup> Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
- f. Janice Peterson, 1910 3<sup>rd</sup> Avenue SW. This claim has been referred to the city attorney to protect the city's interest.

Carried.

(The next item was moved up on the agenda due to representatives from Lund Construction and MnDOT attending the council meeting.)

The City has received a request from Lunda Construction for a variance to our noise ordinance to accommodate the removal of the Oakland Avenue/I-90 flyover bridge. The demolition is to occur March 26. The city attorney has instead recommended an ordinance revision. The ordinance would allow for this type of request if an undue hardship could be shown.

Council Member Pacholl asked that the citizens are well informed of the construction; the council members will get complaints, he said. Mr. Erichson said the ordinance does need to be published. The flyover bridge reconstruction is the last stage of the project. A detour going west will be routed through Hayfield. The work will begin at 7:00 Friday night, March 26, and they hope to be done late Saturday afternoon or Saturday night. This is contingent on the weather.

Moved by Council Member Pacholl, seconded by Council Member King, for the city attorney to prepare the ordinance. Carried.

Moved by Council Member Pacholl, seconded by Council Member King, for adoption and publication of the ordinance. 6-0. Carried.

City Engineer Jon Erichson introduced the public hearings for the street assessments. All of the projects were identified in the CIP, the feasibility reports were requested and

reported to Council, public informational meetings were held, and the public hearings were held on the projects. The public hearings tonight are for the assessments. The assessment rate has remained the same since 2009. The City's goal is to recoup 50% of the cost. He explained the four options for payment. The interest rate for the 2010 assessments is 5.5%.

An unidentified citizen asked when the project on 6<sup>th</sup> Street NW will begin. Mr. Erichson noted that the projects haven't been bid yet; they will set the bids after tonight's meeting so the exact schedule is not known yet. However, being that project is near the school, the aim is to begin the project after school is let out and before it begins again (June 15 – August 15).

A public hearing was held for street improvement assessment for 11<sup>th</sup> Avenue SW (4<sup>th</sup> Street to 12<sup>th</sup> Street), Project 3-A-10. The amount to be assessed is \$141,960.82 at 5.5% for 15 years.

No comments were made, and there were no written objections.

Moved by Council Member Pacholl, seconded by Council Member King, adopting a resolution declaring the cost for Project 3-A-10 as noted. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution adopting the assessment roll for Project 3-A-10. 6-0. Carried.

A public hearing was held for street improvement assessment for Hwy 218 So. Service Drive (Oakland Ave E. to 6<sup>th</sup> Ave NE), Project 4-A-10. The amount to be assessed is \$41,724.18 at 5.5% for 15 years.

No comments were made, and there were no written objections.

Moved by Council Member King, seconded by Council Member Pacholl, adopting a resolution declaring the cost for Project 4-A-10 as noted. 6-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member-at-Large Anderson, adopting a resolution adopting the assessment roll for Project 4-A-10. 6-0. Carried.

A public hearing was held on street improvement assessment for 6<sup>th</sup> Street NW (Oakland Avenue to 4<sup>th</sup> Avenue) and 6<sup>th</sup> Street SW (1<sup>st</sup> Avenue to 4<sup>th</sup> Avenue), Project 9-A-07. The amount to be assessed is \$126,549.97 at 5.5% for 15 years.

Mr. Erichson noted that the section of 6<sup>th</sup> Street NW not undergoing construction this year is Oakland to 1<sup>st</sup> Avenue SW. That section was re-done last year. This project will be coordinated with the high school schedule also.

There were no other comments, and there were no written objections.

Moved by Council Member Pacholl, seconded by Council Member-at-Large Anderson, adopting a resolution declaring the cost for Project 9-A-07 as noted. 6-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member Clennon, adopting a resolution adopting the assessment roll for Project 9-A-07. 6-0. Carried.

A public hearing was held for street improvement assessment for 12<sup>th</sup> Avenue NE (17<sup>th</sup> Street to 21<sup>st</sup> Street) Project 2-A-09. The amount to be assessed is \$191,821.12 at 5.5% for 15 years.

This rural road will be made urban. The project will be assessed to residential property owners on the south side and to the development on the north side. A trail will be constructed on the north side. Sidewalk for the south side is *not* part of the project. Mr. Erichson noted that the trail will be paid for by the developer, and this is backed by a letter of credit.

Fran Skinness questioned access to homes during the construction and asked that the project be done in two phases. He said there are elderly people in the area who need the access. Mr. Erichson confirmed that the project would be done in two phases. One end of the loop will always be open.

There were no other comments and no written objections.

Moved by Council Member Austin, seconded by Council Member Clennon, adopting a resolution declaring the cost for Project 2-A-09 as noted. 6-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member McAlister, adopting a resolution adopting the assessment roll for Project 2-A-09. Carried.

A public hearing was held for street improvement assessment for 2<sup>nd</sup> Street NW (Oakland Avenue to 3<sup>rd</sup> Avenue), Project 1-A-10. The amount to be assessed is \$71,687.27 at 5.5% for 15 years.

Mr. Erichson said this is the first year of a two-year project.

Kathy Murphy, owner of House of Roffler, noted that her business' parking lot will be closed off and asked if they could use the city lot. Acting Police Chief John Mueller said the Police Department could provide temporary permits for certain personal vehicles.

There were no other comments and no written objections.

Moved by Council Member Pacholl, seconded by Council Member Clennon, adopting a resolution declaring the cost of Project 1-A-10 as noted. 6-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member McAlister, adopting a resolution adopting the assessment roll for Project 1-A-10. 6-0. Carried.

A public hearing was held for street improvement assessment for 4<sup>th</sup> Avenue SW (8<sup>th</sup> Street to 12<sup>th</sup> Street), Project 7-A-10. The amount to be assessed is \$66,745.88 at 5.5% for 15 years.

This is the final phase of a three-year project.

There were no other comments and no written objections.

Moved by Council Member King, seconded by Council Member McAlister, adopting a resolution declaring the cost for Project 7-A-10. 6-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member Clennon, adopting a resolution adopting the assessment roll for Project 7-A-10. 6-0. Carried.

Moved by Council Member Clennon, seconded by Council Member Pacholl, appointing Julie Schramek to the Library Board. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, approving the relocation of the Downtown Farmers Market on Thursdays, including the restriction of parking beginning at 2:00 pm, and closing a portion of 1<sup>st</sup> Avenue NW from 3:30 to 6:30 pm. Carried.

Park & Rec Director Kim Underwood and the Park & Rec Board are requesting advance funding for completion of the pool splash project in 2010. Donations for the project are coming from the Hormel Foundation over a four-year period.

Council Member McAlister questioned what would happen if this is not approved. Ms. Undwwood said then the project would need to wait, but we would end up paying more (as costs will rise over the already-budgeted amount).

Council Member Austin is in approval of the request since the funds are coming from the Foundation. It is not costing the City anything.

Council Member King asked if more lifeguards would be needed. Ms. Underwood replied that the project works with the existing people. She added that there will be more water, and they will be pumping double.

Council Member Pacholl questioned where the splash park would be located. Ms. Underwood said it will be located where the current playground is, and the fence will be moved.

Council Member McAlister noted his dissenting viewpoint citing the current state and city budgets and additional pending unallotments as his reason. He said he thought we could live without the splash park for a year or two.

Council Member Clennon agreed with Council Member McAlister. "We need to evaluate our wants and needs."

Council Member King agreed with Council Member Clennon's statement but said he is for the project as we have the benefactors of the Foundation putting forth the money. He

added that this is an improvement for economic development, and it is no money out of our budget.

Council Member-at-Large Anderson agreed. The splash pool would add; it is a way of making Austin more appealing. She added that we need to think about keeping a balance.

Council Member Pacholl agreed. The funds are committed through the Hormel Foundation so there is very little cost, if any, to the City.

Council Member Austin said this is an addition to a city facility at no cost to the City. Hopefully, this will attract more visitors and we will get more use out of our facilities.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution authorizing advancement of \$30,000 to complete the pool splash project in 2010. (These funds will be reimbursed by the Hormel Foundation in 2012.) 4-2. Carried. Council Members McAlister and Clennon voted nay.

The Nature Center received a large donation in November 2009, with the request that it be used at the Nature Center to help clean up trees in the forest as the result of the tornado of 2009. The Park & Rec Board subsequently approved submitting a proposal to the Minnesota Conservation Corps for a grant for this work to be done.

Council Member Pacholl asked how much help would this be for the Dobbins Creek area. Ms. Underwood said it was not for the creek; clean-up would be in the woods.

Mayor Stiehm asked if the wood would be taken locally. Ms. Underwood said it would be hauled out, but we would probably end up chipping it.

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution approving the agreement with Minnesota Conservation Corps for tree clean-up and restoration at the J.C. Hormel Nature Center. 6-0. Carried.

A Legacy Grant is available through the State of Minnesota for a solar panel at Ruby Rupner Auditorium at the Nature Center. The grant requires a 25% match (or \$10,000) which would be paid by the Friends of the Nature Center. There is no cost to the City. The solar panel will provide energy for lighting in the auditorium.

Council Member Pacholl noted he talked at length with Nature Center Director Larry Dolphin about the project. The panels will be set on poles, and one will be on the northwest side of the building.

Moved by Council Member Pacholl, seconded by Council Member Austin, approving the submittal of a Legacy Solar grant, with matching funds from the Friends of the J.C. Hormel Nature Center. Carried.

The City has received two requests for orderly annexation. The first request is from Brian Dolan, located in the 3100 block of 4<sup>th</sup> St NW, for his business at that location. Mr. Dolan has experienced problems with his well and with irrigation in the summer. He has tried to correct the problem, but still has a high level of iron. In addition, the property northwest of Dolans has requested annexation.

Mr. Hoium said there are two ways to annex; City of Austin always tries to go through orderly annexation which is a joint resolution and agreement by the City and the township. Mr. Hoium noted the six-year reimbursement schedule to Lansing Township which is required by state statute. Also, Mower County will be reconstructing 4<sup>th</sup> Street NW so the petitioners would like approval for the utilities to be placed at the same time as the reconstruction.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving an orderly annexation agreement with Lansing Township, requested by Brian Dolan. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution approving orderly annexation agreement with Lansing Township, requested by Dennis Boysen. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, resolving the City Council into the Sign Board of Appeals. Carried.

The Planning Commission has reviewed a request for a proposed ground sign on the west side of Crane Chapel. The proposed sign would be ten feet from the public right-of-way and 60 feet south of 11<sup>th</sup> Ave NE. The sign height would be eight feet, which is in compliance. The appeal is for the sign face area. The ordinance requires a 24-square-foot face, and the proposed sign face area is 41.28 square feet. The Planning Commission recommended approval of the request by a 7-0 vote, noting that the sign would not be offensive to the surrounding neighborhood.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving the sign appeal for Crane Chapel. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, adjourning the Sign Board of Appeals and resolving back into the City Council. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, setting a public hearing for April 5 for the Lansing Township sanitary sewer project. 6-0. Carried.

#### REPORTS:

Council Member Austin reported that the Park & Rec Board has held planning & goal-setting sessions with Doug Paar. The sessions went very well. Youth sports were a topic. He noted his surprise at the desires for more retro forms of recreation.

Council Member Clennon said ARC is holding its rose sale fundraiser. On April 9 and 10, the AAUW and Friends of the Library will hold their used book sale.

Council Member-at-Large Anderson encouraged everyone to participate in the interactive workshop sponsored by Apex and Human Rights Commission. The event will be Tuesday.

Library Director Ann Hokanson said the Library is collecting books now for the book sale. Also, the Library is having an Easter egg hunt on April 3.

Temporary Acting Fire Chief Dave Schliek thanked everyone for welcoming him into the community. His 30-day contract will be expire in two days.

Mayor Stiehm asked for an update on the water levels. John Mueller reported that Turtle Creek is now below flood stage so all the rivers are declining. Dobbins Creek isn't even on the gauge, he said.

Mayor Stiehm said today is the first day of the 2010 census. Citizens should start receiving their forms in the mail. He encouraged everyone to fill out their forms, noting it is everyone's duty and it is very important to the city.

Moved by Council Member Austin, seconded by Council Member Pacholl, adjourning the meeting to April 5, 2010. Carried.

Adjourned: 6:45 pm

Approved: April 5, 2010

Mayor: \_\_\_\_\_

City Recorder: \_\_\_\_\_