

MINUTES
CITY COUNCIL CHARTER MEETING
June 7, 2010
5:30 pm
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Brian McAlister, Jeff Austin, Dick Pacholl, Steve King, Marian Clennon and John Martin. Council Member-at-Large Janet Anderson.

MEMBERS ABSENT: None

STAFF PRESENT: Jim Hurm, Tom Dankert, Jeanne Howatt, Jon Erichson, Craig Hoium, David Hoversten, Brian Lovik, Kim Underwood, Ann Hokanson, and Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald, KIMT, KTTC. Charter Commissioners Maryanne Law, Fred Cline, John O'Rourke, Jay Lutz.. Bob Clark. Public.

Moved by Council Member Austin, seconded by Council Member Pacholl, approving the agenda. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the minutes of May 17, 2010 and special meeting minutes of May 24, 2010. Carried.

Detective Brian Krueger recognized Detective McKichan (not in attendance) on receiving the Minnesota State Association of Narcotics Investigators "Outstanding Achievement Award" for his outstanding contributions to Minnesota Drug Law Enforcement. Detective Krueger was present when McKichan was given this award at the Association's spring conference. There were only two such awards given in the state.

Moved by Council Member Austin, seconded by Council Member Pacholl, approving the consent agenda as follows:

Licenses:

Mobile Food: David Watkins dba Dave's Concessions, Mankato, MN

Mobile Food: Romlyn Superette, Inc. dba Hawaiian Shave Inc.

Owner Amusement Device: National Entertainment Network @ Shopko & Walmart

Sign Installer: Robert Gruber dba Scenic Signs, Sauk Rapids, MN

Temp 3.2 Beer On-Sale: Austin Area Chamber at Mower Co Fairgrounds, July 20

Temporary Food: Accentra Credit Union, 400 4th Ave NE, July 1 & 2 and Sept 2 & 3

Temporary Food: Austin Jaycees @ Veterans Pavilion, July 3 & 4

Temporary Food: Oliver Regal dba Regal Concessions, July 3 & 4

Claims:

- a. Pre-list of bills.

Carried.

A public hearing was held on amendments to the City Charter as recommended by the Charter Commission.

City Administrator presented a brief PowerPoint on the revision of the Charter, a copy which is attached to these minutes.

Mr. Hurm thanked the Charter Commission and recognized Jay Lutz, the newest member who was very much involved with this latest draft of the proposed Charter. Mr. Hurm noted there are three issues not included in this draft that will be brought forth to the electorate at the next general election. Council will need to approve the ballot form on July 6.

Council Member McAlister asked if there was any discussion on revisiting or looking at the document again. Mr. Hurm reminded everyone that the Charter Commission needs to meet annually. If there are any items that you would like to see addressed, it should be brought to the Charter Commission.

No other comments were made.

Moved by Council Member Pacholl, seconded by Council Member Austin, for preparation of the ordinance. Carried.

Moved by Council Member Pacholl, seconded by Council Member Austin, for adoption and publication of the ordinance. 7-0. Carried.

The City solicited for long-term disability insurance to obtain lower rates. The last bidding for the same was in 2007 for 2008. Bids were received as follows:

Provider	Bid Amount	
Assurant (renewal bid)	.370¢ per \$100 of covered payroll	An increase of 9% or an additional \$2,071/yr.
Prudential	.285¢ per \$100 of covered payroll	A decrease of 16% or a savings of \$3,796/yr.
USABLE	.320¢ per \$100 of covered payroll	A decrease of 6% or a savings of \$1,380/yr

Prudential is the lowest bidder; and theirs is a 30-month rate guarantee.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution awarding the bid to Prudential for long-term disability insurance. 7-0. Carried.

Darwin Viker from Larson, Allen, Weishair, & Company presented the city's audit report at the last work session; the Committee-of-the-Whole recommended approval.

Moved by Council Member Austin, seconded by Council Member Pacholl, accepting the audit report for year ending December 31, 2009. Carried.

Moved by Council Member Austin, seconded by Council Member Clennon, setting a public hearing for July 6, 2010 on a housing program and related issuance of bonds by the HRA. 7-0. Carried.

A draft revised wind energy conversion system ordinance has been revised as directed by the Committee-of-the-Whole. The ordinance removes conditional use permits for residential districts, excepting schools. Changes include height limitations (at a maximum of 150 feet) for small and large WECS's for schools. Also, sitings for WEC's for residential districts for both small and large would be 1.1 times the WECS's height.

Council Member Clennon confirmed with Community Development Director Craig Hoium that there are height restrictions on heights for radio towers. Mr. Hoium said that ordinance was adopted approximately 12 years ago in response to the rise of the telecommunications industry. It went through a similar process with a moratorium in place prior to approval. That ordinance restricts height and setbacks in commercial and residential areas

Bob Clark, Oak Park Village, 2003C, concurs with the ordinance but maintained that there is "one flaw" – allowing them on school property. Mr. Hoium noted that allowing them on school property is conditionally permitted. A public hearing with notice to adjacent property owners would be required. Mr. Clark maintained that Riverland Community College is the only good place for them.

Council Member McAlister gave his apologies to residents of Oak Park Village, noting that there could potentially be a WECS along 4th Street NW. This ordinance is not perfect for everyone, he said, but life is like that. He hopes this compromise works out well. Those wanting a WECS will still need to go through the zoning process.

Mayor Stiehm said the City Council and Planning Commission have reviewed this ordinance extensively and received much input.

Council Member Pacholl said this ordinance has been studied with a "fine-tooth comb" and added that if this doesn't pass, as our city attorney has stated, it opens the City up to any type of WECS anywhere.

Council Member Austin thanked the Planning Commission and citizens for all their input. He conceded that it is not a perfect ordinance but it is better than nothing. Plus, it can always be revisited at a later date.

Moved by Council Member Pacholl, seconded by Council Member Austin, for the city attorney to prepare the ordinance. Carried. Council Members Clennon and Martin voted nay.

Moved by Council Member Pacholl, seconded by Council Member Austin, for adoption and publication of the ordinance. 5-2. Council Members Clennon and Martin voted nay. It being the first reading of the (revised) ordinance requiring unanimous approval, the vote failed. A second reading will be presented at the June 21st council meeting.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the appointment of Jake Vela to the Human Rights Commission. Carried.

The Fire Committee met and interviewed candidates for fire chief on June 1. It was the consensus of the Fire Committee that the recommended candidate – Michael (Mickey) Healey interviewed just a little bit above the other two candidates. Council Member Austin, chair of the Fire Committee, thought Mr. Healey had researched some answers very well, plus his personality showed through.

Council Member Martin sat in the interviews also and thought Mr. Healey had done his homework. He appears to be very analytical, a thinker, especially when it came to questions on the budget and spending; he had some good ideas. City Administrator Jim Hurm said the employment offer is conditional on psychological and physical testing.

Moved by Council Member King, seconded by Council Member Austin, approving the conditional offer of employment of Michael (Mickey) Healey as fire chief. Carried.

Moved by Council Member Austin, 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 1408 9th avenue NW, Salinas property. Carried.

Moved by Council Member King, seconded by Council Member Austin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1924 6th Avenue NW, Gust property. Carried.

Moved by Council Member King, seconded by Council Member Austin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1300 5th Avenue NW, Wells Fargo property. Carried.

The Zoning Department is requesting approval to declare a hazardous structure. Community Development Director Craig Hoium said the structure sustained fire damage in 2008. The Zoning Department has had several conversations with the property owner. The owner has since moved and has failed to make improvements. If approved, the

property owner would have 60 days to make improvements. Mr. Hoium said the property owner, Harold Reed, was sent a certified notice, but the mail was not claimed. Mr. Hoium will have the city attorney locate him and have papers served. A hearing will need to take place.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution declaring a hazardous structure at 408 14th Avenue NE. 7-0. Carried.

Austin Utilities has requested an easement for the installation of above-ground transformers from a below-ground vault located behind Rydjour Bike. The City will need to modify parking stalls. The reconstruction of the vault will provide for improved drainage issues in the alley.

Council Member Martin asked if there are more above-ground transformers downtown. Public Works Director Jon Erichson said there are many; staff has reviewed them with Austin Utilities, along with the potential to move them above-ground.

Council Member McAlister asked for clarification. Mr. Erichson said the vault will be decreased by 50% but the junction box would still be needed.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving the easement to Austin Utilities. 7-0. Carried.

Jim and Jayna Heimark have petitioned for orderly annexation. They own approximately 10 acres in Red Rock Township and would like to obtain municipal services for a future development of five parcels. The annexation must be approved by the City of Austin, Red Rock Township and the State. A low pressure system would be needed, similar to what is planned for the Lansing Township annexation sanitary sewer project. They would be assessed over 15 years. The property would need to be rezoned to a Planned Unit Development for the purpose of maintaining a private road. A developer's agreement would be included with the PUD.

Moved by Council Member Pacholl, seconded by Council Member-at-Large Anderson, adopting a resolution approving the orderly annexation for Jim and Jayna Heimark. 6-1. Carried. Council Member Martin voted nay.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution approving an agreement with Canadian Pacific Railroad for installation of sewer lines under the railroad (in connection with the Lansing Township annexation sanitary sewer project). 7-0. Carried.

Also in connection with the Lansing Township annexation sanitary sewer project is approval of an agreement with the DNR to cross protected waters (Wolf Creek south of the Todd Park maintenance facility).

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving an agreement with DNR to cross protected waters. 7-0. Carried.

Council has recommended the option of the invisible wall with a road raise for the North Main flood control project. Additional survey work is needed to determine the following:

- 1) drainage impacts
- 2) utility locations/relocations
- 3) easement requirements
- 4) driveway locations and impacts
- 5) landscaping impacts

Jones Haugh Smith, who performed the original survey, estimates the cost of the additional survey work at \$5500. Fifty percent of this cost will be paid by the DNR and 50% through the local option sales tax.

Council Member Clennon questioned the proposal to raise Main Street and questioned if this was included in the estimates. Mr. Erichson said the road would be raised from the swimming pool to the stoplights at 8th Avenue, and this was included in the estimates. The concept of raising the road is to lessen the impact aesthetically and visually.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the engineering services for surveying North Main. 7-0. Carried.

REPORTS

Council Member Martin reported that the AMCAT dial-a-ride is up 3.29%, the work route is down 5.78%, and there was an overall ridership increase of 4.45% over last year.

Council Member Clennon reported that the Homeownership Board met last week, and loans are up compared to other years. Council Member Clennon also went to the Gold Cross Open House, which was interesting. Also, Council Member Clennon participated in the Ellis Middle School 8th grade interviews, along with City Administrator Jim Hurm.

Council Member Clennon noted that the budget concerns her. She referred to a LMC video, "Minnesota Cares", and she would like to see more citizen involvement. Also, the Coalition of Greater Minnesota Cities recently sent out information on what Winona is doing. She would like to see some citizen informational meetings; we currently don't have anything scheduled. It is important that with the cuts and the future that citizens get involved.

Council Member-at-Large Anderson attended the Gold Cross Open House also and found it interesting and valuable.

Library Director Ann Hokanson announced that today is the first day for children to register for the summer reading program. So far, 180 children have been registered, and this is thanks to a \$9000 Hormel Foundation grant.

Park & Rec Director Kim Underwood announced that the opening of the municipal pool will be Saturday, June 12 at 1:00. And on June 15, one of the two yearly, free track meets will be held. The track meet begins at 6:15 at Wescott Field.

City Administrator Jim Hurm announced that July 4th is on a Sunday this year so the office will be closed on July 5. The council meeting will then be on Tuesday, July 6.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to June 21, 2010.

Adjourned: 6:22 pm

Approved: June 21, 2010

Mayor: _____

City Recorder: _____