

MINUTES
CITY COUNCIL ADJOURNED MEETING
MONDAY, AUGUST 16, 2010
5:30 P.M.
COUNCIL CHAMBERS

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

MEMBERS ABSENT: None.

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

OTHERS PRESENT: Austin Post Bulletin, Austin Daily Herald. Matt Simonson. Public. Diane Jorgenson.

The meeting was called to order at 5:35 pm.

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

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the minutes of August 2, 2010. Carried.

Matt Simonson, 607 7th Avenue SE, addressed Council and passed out a handout in support of democracy. Mr. Simonson noted that Mayor Stiehm ran for office promising to do something about the illegals in town, but this has gotten worse. He also noted that Council Member Clennon is like an officer of the Hormel Company, which he compared to fascism.

Police Chief Brian Krueger was officially pinned as police chief. Mayor Stiehm and Council congratulated him.

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

Licenses:

 Massage Therapist: Shelley Thielman, Austin.

 Food: Tom Tauchnitz dba TC's Hospitality, 3301 Oakland Avenue West, Austin

Claims:

 a. Pre-list of bills.

 b. Finance Report and Investments

- c. Patricia Vanyo, 503 6th Street NE, Dilworth MN. This claim has been referred to the city attorney to protect the city's interest.
- d. Dale Fleming, 22767 St. Hwy 56, Austin. This claim has been referred to the city attorney to protect the city's interest.

Carried.

The City recently took bids for removal of trees in Dobbins Creek:

H&L Bros., Inc.	\$ 12,499
Kyle Johnson Tree Service	\$ 14,300

The downed trees are a result of the storm of 2009. This was bid out once before but the one bid received at that time was considerably over the estimate. Since then, the scope of the project was modified to include just those trees that are in the water or that could potentially cause flooding.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution awarding the bid for removal of trees in Dobbins Creek to H&L Bros., Inc. 7-0. Carried.

A public hearing was held for a rezoning of property from the existing zoning classification of an R-1 Single Family Residence District to a PDR Planned Development Residential District, petitioned by Jim and Jayna Heimark, 1707 28th Street NE. The location of the requested rezoning is north of the main driveway to Austin Country Club. This is south of Dobbins Creek and adjacent to the Hormel Nature Center. The surrounding land use is residential and recreational (A-1 and R-0). Community Development Director Craig Hoium explained that this public hearing is for the conceptual review of the zoning request. Council's action will not finalize rezoning; there will be another set of public hearings in September. He explained that a PDR is specifically to preserve existing topography, trees, ponds, floodplains and the like. The planned subdivision is to provide for four new, single-family lots. These 11.31 acres of land was recently annexed from Red Rock Township. The proposed residential subdivision would include five lots and one outlot. (The petitioners' home is on one lot.) The density of the development would be 2.12 acres per unit, which, Mr. Hoium said, is a lower density than allowed according to the Comprehensive Plan. The roadway access is a private roadway, which, he said, is another reason to rezone as a PDR. Part of the reason for the PDR is that the petitioners want to minimize the removal of trees in extending utilities to the subdivision. A storm water management plan would be included. Adjacent recreational facilities would include the Hormel Nature Center, Todd Park, Austin Country Club and Decker Park, as well as future, planned pedestrian trails. Mr. Hoium noted that the Heimarks would like to begin the road construction this fall. The Planning Commission has recommended approval by a vote of 7-0.

Council Member McAlister confirmed with Mr. Hoium that road construction would be at the end of the existing road.

Council Member Martin agreed that it is a good idea to save the tress. He asked if this would increase the cost to the City. Mr. Hoium replied that all costs associated with the sanitary sewer extension would be paid by the developer. The petitioners have requested that this project be assessed for 15 years, and this is permissible.

No other comments were made.

Moved by Council Member Pacholl, seconded by Council Member Austin, for the preparation of the ordinance rezoning the R-1 to a PDR. Carried.

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

A public hearing was held for a preliminary plat review petitioned by Jim and Jayna Heimark, 1707 28th Street NE, for a subdivision to be known as *Dobbins Creek Estates*. The Planning Commission reviewed 15 conditions for the plat. Seven additional conditions were added by utilities. The following conditions are similar to every pre-plat:

1. All easements are entered into the plat per the Austin Utilities and City Engineer's request
2. Developer must acquire any easements outside the plat which are necessary for the extension of utility to the plat
3. Obtain approval from City of Austin Engineering Department for stormwater management plan
4. Obtain any necessary sanitary sewer extension permit from the Minnesota Pollution Control Agency
5. Park dedication requirements to be stipulated by the City Council and Director of Park & Recreation
6. Enter into Developer's Agreement with the City of Austin addressing all aspects of this proposed development and the responsibilities thereof
7. Design of all infrastructure within development shall meet the approval of the City of Austin Engineer and Austin Utilities
8. Developer shall obtain petitions approved by the Austin Utilities relating to the placement of the desired municipal water, gas, and electric utilities and the cost thereof. These identified costs shall be included in Developer's Agreement
9. Developer shall be responsible for obtaining any necessary NPDES Permit
10. Developer shall be responsible for submittal of documentation verifying location of adjacent wetlands.
11. Minimum proposed cul-de-sac have a radius not less than 50 feet
12. Storm water retention pond and Outlot A shall be owned by developer

13. Fire hydrant locations if municipal water is installed shall meet the approval of the Austin Fire Chief
14. Agreement shall be drafted and recorded addressing the use and maintenance of the private road section of 28th Street NE. This agreement shall be drafted by the current property ownership adjacent to this private roadway.
15. Remove island in cul-de-sac
16. Provide road design sectional. Design shall have capacity to support fire apparatus vehicles
17. Plat shall show designated floodplain boundary adjacent to Dobbins Creek
18. New structures shall be provided with elevation certificates prior to Certificate of Occupancy being issued
19. If street lighting is to be provided adjacent to the private road of 27th Street NE, the system and lighting shall be private
20. Re-design curve in road adjacent to cul-de-sac
21. Provide topographical plan identifying stormwater drainage plan.
22. Petitioned rezoning will be classified as 'PDR' – Planned Development Residential District

The Planning Commission voted 6-0 in favor of the preliminary plat.

There were no other comments.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving the preliminary plat. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, approving the Hormel Foundation grant applications as follows:

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|-------|-------------------|--|
| 1. | Fire Department | Smoke alarms, educational & fire exting material, \$4100 (83 points) |
| 2. | Police Department | Defibrillators, \$30,885 (78 points) |
| 3. | Main St Project | Continuing downtown revitalization, \$200,000 total; \$100,000 in 2011 and \$100,000 in 2012 (72 points) |
| 4. | Library | Summer reading program, \$8000 (65 points) |
| 5. | Engineering Dept | Assessment assistance, \$183,775 total; \$46,800 for 2011 (58 pts) |
| 6. | Nature Center | Fee assistance for outdoor education, \$30,067 (49 points) |
| 7. | Engineering Dept | Riverside Arena dehumidification, \$100,000 (46 points) |
| 8. | Administration | GreenSteps Program, \$24,000 (45 points) |
| 9/10. | Engineering Dept | Historical signage around Mill Pond (34 points) \$10,000 |
| 9/10. | Nature Center | Van (34 points) \$35,390 |
| 11. | Engineering Dept | Cedar River dam plaza (33 points) \$25,000 |
| 12. | Park & Rec | Aeration fountains for three locations (27 points) \$9000 |

Carried.

In connection with the Northeast Sanitary Sewer Project, Council is requested to pass a resolution which would help the City be reimbursed for related contractor costs on the project prior to the \$3M bond sale. The bonds will close in early December. Dorsey &

Whitney is requesting the resolution which will allow us to be reimbursed out of the bond proceeds.

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution to be reimbursed for Northeast Sanitary Sewer Project costs prior to bond sale. 7-0. Carried.

Diane Jorgenson, 3412 11th Street NE, who has filed an objection to the aforementioned project, asked for clarification of the time period for objectors. City Attorney David Hoversten said that she has timely filed with the City. There will be a subsequent hearing to consider assessments for those parcels who have submitted objections once the information is gathered and the costs are known. The date is unknown at this time, but the objectors will be sent a notice as with the original assessment hearing.

The City signs an annual agreement with the School District for police officer liaisons for the middle school and high school. The School District reimburses the City 75% for the middle school officer and \$31,000 for the high school officer. This agreement has been reviewed and approved by Police Chief Brian Krueger. This agreement is the same as last year's.

Mayor Stiehm questioned the percentage of reimbursement for the high school. Finance Director Tom Dankert said the amount works out to 35-40% of the cost. This is due to the high school being in operation for nine months, and the City being reimbursed for about five of those months.

Council Member McAlister said we should maybe look at changing the reimbursement. My personal experience, he said, (and it may be worse now, he noted) is that as an investigator for juvenile-related issues, he was at the high school every single day. That was 25 years ago. If this program was terminated, there would still be someone spending time at that facility. It might be wise to look at this arrangement, he said.

Mr. Dankert noted that he has heard some comments that this is a good partnership; there is an officer in both of the schools. But this still can be reviewed.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the police officer liaison agreement with Austin School District No. 492. 7-0. Carried.

Council is requested to approve the certification of the election results. Council Member Pacholl said the board verifies the accounting that all the votes were counted, and that they arrive at the same totals.

Moved by Council Member Pacholl, seconded by Council Member-at-Large Anderson, adopting a resolution accepting the primary election results of August 10, 2010. 7-0. Carried.

Council is requested to approve changes to City Code Section 11.75, Subd. 6. The suggested changes govern portable pools. The changes would include regulations for

portable pools. The ordinance would apply to pools capable of containing water greater than 2 feet rather than the current 1½ feet. The fence requirement would change from six feet in height to four feet, and would need to be secured with a self-closing, lockable gate. The Planning Commission recommended adoption by a vote of 5-1.

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 Planning Commission has tabled a sign appeal from Gymocha; therefore, no action is required.

Moved by Council Member Pacholl, seconded by Council Member Austin, tabling the sign appeal from Russell Pihlstrom for Gymocha, 1300 14th Street NW. Carried.

In connection with the proposed Heimark/Dobbins Creek Estates development, Council is requested to initiate the sanitary sewer project by requesting a feasibility report.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving a feasibility report for sanitary sewer to Dobbins Creek Estates. 7-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member Austin, adopting a resolution approving Hard Liquor On-Sale License for TC Hospitality, 3301 Oakland Avenue W., Austin. 7-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member Austin, adopting a resolution approving Sunday Liquor On-Sale License for TC Hospitality, 3301 Oakland Avenue W., Austin. 7-0. Carried.

Jones, Haugh & Smith, Inc. has submitted a proposal for engineering inspection services based on the construction schedule for the Northeast Sanitary Sewer Project, West River Phase. Their fee is part of the budget for this project. City Engineer Jon Erichson said JHS is the appropriate party as they were involved with the design of this project.

Council Member Clennon asked for clarification on the cost of the project. Mr. Erichson said the three phases have been awarded. The costs include the design costs, and this has all been approved by Council. Also included in the costs are the downstream improvements by the Cook Farm Industrial Park, as well as some internal costs and costs paid out of Contingency.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the construction inspection services from Jones, Haugh & Smith Inc. for the Northeast Sanitary Sewer Project, West River Phase. 7-0. 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 1008 7th Avenue NE, Deutsche Bank National Trust 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 800 9th Avenue SW, Bank of New York Mellon property. Carried.

REPORTS:

Council Member Austin recognized several Eagle Scouts and their projects who have done work in connection with the Park & Rec Department.

August 2010: David Erdahl – painted the covered bridge, replaced wood duck houses at the Nature Center.

May 2010: Adam Belden – Solafide Observatory project (put up sign, benches, and widened the driveway).

April of 2010: Jerome Green – Raised \$500 from a bake sale for tree replacement and planted six trees in Todd Park on May 8th.

July 2008: Joe Stephenson – Sutton Park project. Put in flag and landscaping around the scout rock.

Council Member Austin said another young man, Garrison Meyer, would like to do a project but is in the process of looking for one.

Council Member Austin also read an email from a coach who participated in the softball tournaments for ages 15 and under. The coach expressed his “excellent experience” at the tournament and noted how well it was run.

Council Member Clennon attended the most recent Improving Service Delivery policy committee of the League of Minnesota Cities. Council Member Clennon handed out the latest draft of policies which will be approved at the next meeting. At the last meeting, State Auditor Rebecca Otto spoke on government redesign. A committee represented by several state entities makes up the committee, and their charge is to research laws that are overlapping in order to streamline government. Also speaking were an aviation planning director and, the Edina fire chief on ambulance primary service area. Council Member Clennon said the committee is looking at inserting language to differentiate some assessments, such as the mowing of grass, from the special assessments law.

Council Member Clennon requested citizens to ask questions now regarding the city’s budget.

Council Member King congratulated Police Chief Brian Krueger on his official appointment to police chief.

Council Member-at-Large Anderson noted that Relay for Life last weekend at its new location at the bandshell went very well. She also congratulated Police Chief Krueger.

City Engineer Jon Erichson referred to his August 13 memo to Council on the MPDES 5-year permit for the Wastewater Treatment Plant. The permit was issued July 29. New conditions are required: The City must complete a water balance by November 1 for the excess flow lagoons. Today was the deadline for submittals, and we received three. Two proposals were very close so staff will interview them and make their decision. Mr. Erichson said the cost for this is less than \$15,000 for three phases, and there could be three phases based on the results of these tests. Mr. Erichson said Council should either give authority to staff to decide on which firm to select or hold a special meeting and give their authority.

Council Member Austin moved to authorize staff to interview the two firms and to make their determination. Motion was seconded by Council Member Pacholl. 6-1. Carried. Council Member Clennon voted nay.

City Administrator Jim Hurm noted that this is Austin Daily Herald reporter Mike Rose's last meeting, and he thanked him for his good reporting.

Fire Chief Mickey Healey said that due to the construction on 4th Street NW, the one location at 4th Street NW and 10th Street/1st Drive NW is being moved to Main Street and 4th Avenue NW. The Fill-the-Boot Campaign is scheduled for Wednesday, Thursday and Friday of this week. Also, the Fire Department will take part in a mock disaster August 28.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to September 7, 2010. Carried.

Adjourned: 6:29 pm

Approved: September 7, 2010

Mayor: _____

City Recorder: _____