

**M I N U T E S**  
**COMMITTEE-OF-THE-WHOLE WORK SESSION**  
**July 19, 2010**  
**City Hall Conference Room**  
**4:00 pm**

**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, Assistant City Engineer Steven Lang, Community Development Director Craig Hoium, City Attorney David Hoversten, Administrative Services Director Tom Dankert, and City Administrator Jim Hurm.

**ALSO PRESENT:** Public, Austin Post Bulletin, and Austin Daily Herald.

Mayor Stiehm opened the meeting at 4:00 pm.

**Item #1. – Discussion on northeast sanitary sewer project:** Mr. Erichson handed out a map indicating where the objectors are located within the area, a listing of objectors, and a summary of options that council could consider. Mr. Erichson noted we originally had 73.5 objectors a few weeks ago, and now we are down to 61.5 as some objectors have withdrawn their opposition. Mr. Erichson noted if we lost on all 61.5 objectors that the city could be looking at a cost of \$958,795 plus \$200,000 in litigation costs, and another \$100,000 in staff time. Mr. Erichson discussed the pros and cons of proceeding with the project or dropping the project.

Mayor Stiehm questioned the MPCA fines in Woodhaven. Mr. Erichson noted all four are in the Woodhaven area or immediately adjacent to this area. These citizens have 10 months from the date of the letter to correct the problem or face fines of \$500 per month. Mr. Erichson stated he expects the fines will happen. Mr. Erichson stated for the four properties that have the fines, this problem is not going to go away. Additionally, this project probably will not be delivered by year end 2010. These properties may be able to construct holding tanks to alleviate the situation until the sewer is hooked up. Mayor Stiehm stated we could leave out Ramsey Park and the other area south of Woodhaven as this would eliminate most of the objectors.

Council Member Pacholl questioned if this was a gravity system or low pressure. Mr. Erichson noted the current proposed project is a combination of a low pressure and gravity system. Twenty-one parcels would be served with a low pressure system and the other 188 would be served with the gravity system.

Council Member-at-Large Anderson questioned the information they received regarding the Dodge Center assessments that were eventually lowered. Mr. Erichson noted he did not think that would eliminate the objectors, plus Dodge Center was trying to assess a reconstruction project versus a brand new system. Mr. Erichson noted the city policy is you pay for it once, and any repairs/replacement are covered under the rate structure you currently pay to the City of Austin.

Council Member King noted he has an uneasy feeling of trying to re-craft the project. This project has been delivered by staff at a reasonable rate. Mr. King noted that he respects City Attorney Hoversten's opinion that we are correct with our assessment rate.

Council Member King noted he has heard from a majority of the public that they want the problem solved.

Council Member McAlister noted he has been thinking about this problem for a long time. What is our responsibility if 90% of the city has a traditional sewer system, and the other 10% in this newly annexed area does not? This will soon be a city liability. Council Member McAlister noted if we turn this down now there will be enhanced inspections, etc. Council Member McAlister noted his support for doing the project as originally proposed.

Council Member Austin questioned if we could approve the assessment rate and how much each property owner would be charged, and then go back and change the assessment policy to address issues that have been brought up by the public. Mr. Erichson stated he believes you would want to change the policy first, and then adopt the assessment roll. Mr. Hoversten stated the objectors are based on the pre-existing policy, so if a change in policy is made midstream, then the legal issues may be in jeopardy.

Council Member Clennon noted a group of people petitioned to be annexed into the City. Mr. Erichson noted that was correct. Council Member Clennon noted they petitioned for the sewer. Mr. Erichson noted they never specifically petitioned to be annexed for the sewer. Council Member Clennon stated she was confused why the city does not pay part of this project. Council Member Clennon stated this benefits the City of Austin more as this allows us to expand into Lansing. Mr. Erichson noted one of the "carrots" is extension of utilities. Mr. Erichson noted what would happen if the next big box store wanted to locate just outside of the city limits and we extended sewer to them, then we would get no tax benefit.

Council Member Clennon questioned how many petitioned to the state for annexation. Mr. Erichson stated he would have to research this issue as the petition did not come to the City of Austin, it went to the State of Minnesota. The petition has to follow state law before the state will allow an annexation noted Mr. Erichson. Council Member Clennon reiterated that only Woodhaven wants this, not the others. Council Member Austin disagreed noting people on the west side of the project have also indicated their support for it. Council Member Clennon stated it is important to know if only a small number of people petitioned for this, and now we are forcing everybody into this. Council Member Austin noted the State would not allow 30 people to speak for over 200.

Council Member Pacholl noted he has been listening to this project since 2006. On this project, 90% of those that voted (out of 167) agreed with the city project. Council Member Pacholl stated we promised to these people that we would do this project, and the project should go 100% to everybody.

Council Member Clennon stated again this ballot was not a binding election for the city system or the Lansing Township system. This does not represent a binding agreement. Council Member McAlister stated it does not matter as the annexation process has been determined through state mediation. Council Member McAlister stated this is not about liking the vote, but more about we have a good sewer system versus a hodge-podge system. Council Member

McAlister stated there is no happy decision here. Mr. Erichson noted he has been informed by Mr. Lang that 106 signed the petition that went to the State of Minnesota.

Motion adjourned at 4:45 p.m. for the new Fire Chief greeting.

Mayor Stiehm re-opened the meeting at 7:45 following the adjournment of the regular city council meeting.

**Item #2. – Outside agency/Austin Symphony Orchestra:** Danielle Heiny gave some background on the Austin Symphony Orchestra (Orchestra), noting they are requesting \$2,500 for the 2011 budget. The Orchestra has increased their grant revenue and reduced their expenses. The funding helps support the four concerts and it helps bring people into the community.

Brad Webber of the Orchestra noted he is the incoming president of this organization. We have many players from all ages in our organization, and this also helps our large chorus. Involvement with the Orchestra helps foster leadership and community involvement.

Council Member-at-Large Anderson asked how the school curriculum works with the Orchestra. Margo Bissen noted the children's concert is wonderful to watch, and the curriculum will go to all teachers in the school system that brings their students to the concert.

Mr. Hurm noted in these tight budget times, what is special about the Orchestra that the city should continue to contribute to your organization. Ms. Heiny noted we can leverage the \$2,500 for other grants, and also shows the entire city is behind our organization. Ms. Heiny noted we are one of the smallest cities in the United States to have an Orchestra.

This is for informational purposes only as the budget will be discussed at a later date.

**Item #3. – Outside agency/Chamber of Commerce:** Sandy Forstner noted the Freedom Fest is again asking for \$6,000. The festival has more than 150 sponsors, and even with the rainy day we had there was an estimated 18,000 people at the parade. This event is important to citizens and visitors to the City of Austin, and it is a good return on your investment. Council Member-at-Large Anderson questioned the total cost of the fireworks. Mr. Forstner noted it was \$23,500 or \$1,000 per minute.

As far as Christmas in the City this is a much smaller event and we are requesting the same \$855 allocation. This draws a lot of people into three sectors of the community (Sterling, 18<sup>th</sup> Avenue NW, and downtown).

This is for informational purposes only as the budget will be discussed at a later date.

**Item #4. – Residential swimming pool ordinance amendment:** Mr. Hoium discussed concerns relating to portable swimming pools within the community, so draft language has been brought forward for council to consider changes to our current ordinance. The proposed ordinance would change the current depth of 1.5 feet to a depth of 2 feet deep would require an enclosure. Additionally the requirement for a six foot barrier would be reduced to 4 feet, with a lockable self-closing gate. Mr. Hoium stated if council agrees with this draft, we would take it to the Planning Commission for their review and then back to council on August 16.

Motion by Council Member Austin, seconded by Council Member Pacholl recommending the proposed changes noted above to the swimming pool ordinance. Carried 7-0. Item will be added to the August 16 council agenda.

**Item #5. - Administrators Report:** Mr. Hurm noted the August meetings will be primarily for budget review, including requesting council reserve Monday August 30 (5<sup>th</sup> Monday) to be used as a special meeting for the budget review.

**Item #6. Matters In Hand:** Mayor Stiehm noted this has been pretty much handled.

**Item #7. Open Discussion:** Council Member Clennon questioned the status of the Yellow Ribbon Program. Mayor Stiehm noted he spoke with the contact for this organization (Lieutenant Colonel Barbara O'Reilly) and she has given him a list of representatives that she would like to be on this committee (from the schools, faith community, law enforcement, etc.). Mayor Stiehm noted this is supposed to be a community thing, not a city council thing according to the contact. Mayor Stiehm noted he would contact people to fit the list. Council Member Clennon noted she went to her session at the League conference on this committee.

Mayor Stiehm requested that if any council wants to go to this meeting to let him know.

**Item #6. Matters In Hand:** Council Member Pacholl questioned the status of the defibrillator grant research. Mayor Stiehm stated Officer John Mueller will bring a report back shortly.

**Item #7. Open Discussion:** Council Member Austin questioned the status of the Dan Kane letter from last meeting. Council Member-at-Large Anderson noted the two abandoned homes have been sent to Mr. Hoium, while the third item the police are showing up to the house so they are doing what they can.

**Item #7. Open Discussion:** Council Member-at-Large Anderson questioned how we can involve the public in on the budgeting process. Maybe we should meet at the Library or some other place outside of city hall. Council Member Martin stated the public has to communicate with us and we need to get them to talk to us.

Council Member McAlister stated the DVD that was brought back from the League regarding getting citizens involved was played on the cable access system. Council Member Clennon stated another DVD is to be released around the time of the state fair. Council Member McAlister stated KSMQ is looking at doing more in this area also.

**Item #7. Open Discussion:** Council Member Martin noted he thought Mr. Erichson was going to look into recycling in the city parks, as he was just in Dexter and Elkton and they have these recycling bins. Council Member-at-Large Anderson stated she thought Mower County picked these up at this central point in those communities, but the citizens had to get the material to this point. Mayor Stiehm agreed that we should have recycling in the parks. Mr. Hurm stated he has spoken with Jeff Weaver at Mower County Recycling, noting he is getting no positive responses here.

**Item #7. Open Discussion:** Council Member Martin noted in our joint newsletter we noted that garbage cans should not be in the streets, and the following week he noticed very few garbage

cans in the streets. Now, a few weeks later they are back in the streets. Council Member Martin requested that a call to Waste Management be made. Mr. Hurm noted he would follow up on this.

**Adjournment:** Motion by Council Member Austin, seconded by Council Member King, to adjourn the meeting. Motion passed unanimously. Meeting was adjourned at 8:40 pm.

Respectfully submitted,

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Tom Dankert