

**MINUTES**  
**CITY COUNCIL MEETING**  
**July 18, 2011**  
**5:30 PM**  
**Council Chambers**

MEMBERS PRESENT: Mayor Stiehm. Council Members Jeff Austin, Brian McAlister, Steve King, Roger Boughton, Judy Enright and Marian Clennon. Council Member-at-Large Janet Anderson.

MEMBERS ABSENT: None

STAFF PRESENT: Tom Dankert, Jeanne Howatt, Craig Hoium, Steven Lang, David Hoversten, Mickey Healey, Kim Underwood, and Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Elizabeth Wefel, CGMC. Public.

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

Moved by Council Member Boughton, seconded by Council Enright, adopting the agenda. Carried.

A section of the June 20, 2011 minutes were amended to read as follows:

“Council Member King moved to continue the project, stating he recognized the risk but is willing to keep going with the project – first, because it is the most important project we’re undertaking, and second, we need to serve the citizens of Austin. He would hate to compound the halting of services from the state with halting city services. Motion was seconded by Council Member Boughton. Carried.”

Moved by Council Member King, seconded by Council Member Austin, approving the minutes of June 20, 2011; June 30, 2011 (as amended); and July 5, 2011. Carried.

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

Temporary 3.2 Beer On-Sale: Austin Jaycees @ Paramount Theatre, July 22

Temporary 3.2 Beer On-Sale: Grand Meadow Lions Club, Fairgrounds, Aug 9-14

Temporary 3.2 Beer On-Sale: Mower County Agricultural Society, Fairgrounds, Aug 9-14

Temporary On-Sale Liquor: Mower County Agricultural Society, Fairgrounds, Aug 10-13

\*Claims:

- a. Pre-list of bills
- b. Finance Report and Investments
- c. Erica Underdahl, 810 11<sup>th</sup> Avenue SE, Austin. This claim was forwarded to the city attorney to protect the city’s interest.

- d. Amy Snyder, 1508 3<sup>rd</sup> Avenue SW, Austin. This claim was forwarded to the city attorney to protect the city's interest.

Carried.

Moved by Council Member King, seconded by Council Member McAlister, resolving the City Council into the Board of Appeal and Adjustments. Carried.

A public hearing was held for a variance from the zoning code governing the minimum corner side yard setback in an R-1 Single Family Residential District, petitioned by Mower County and the Austin HRA.

Community Development Director Craig Hoium stated that the property is in a residential, R-1 District. The lot area is 5,008 square feet, and the proposed building footprint is 864 square feet. A house is proposed to be moved to this property. Maximum lot coverage is 40%, or 2,003 square feet. The lot coverage with the building will be 17.25%. There is a corner side yard setback requirement of 12.5 feet; the variance requests 1.5 feet from this setback. Mr. Hoium noted that the building would be six feet further from the curb than an adjacent property building. The home is a 3-bedroom single story rambler. The new variance considerations recently approved by the State were taken into consideration by the Planning Commission. The Commission recommended approval of the variance by an 8-0 vote.

No comments were made.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, approving the variance. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, adjourning the Board of Appeal and Adjustments and resolving back into the City Council. Carried.

Council has reviewed a resolution outlining the City's participation in the Minnesota GreenStep Cities Program. The resolution establishes a task force with representatives from the City Council, Planning Commission, Austin Utilities, Austin School District, County Recycling, Chamber of Commerce, Austin Coalition for Environmental Sustainability, Audubon Society, and the Izaak Walton League. Other members of the community could be involved. An application will be developed for potential members. The participation in the GreenSteps program will help move the Council toward reducing the community's footprint, one of the Council's 2011 Priorities. A verbal correction was made to the resolution for the membership to consist of up to 15 people.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution authorizing the City of Austin to participate in the Minnesota GreenStep Cities Program.

Over the last twelve months, the Waste Water Treatment Plant has seen increased loadings, pushing the levels toward the permit maximums. Biosolids storage and removal expansion has been identified in the Capital Improvement Program for 2014 and 2015. Assistant City Engineer Steven Lang stated that with the increased loads, it is recommended that the expansion be moved up. He requested Council go forward with a feasibility study. The study is estimated to cost

\$40,000. The study will review the best way for expansion. The cost will be split equally between the Domestic and Industrial services.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving funding to address WWTP loading and nitrification issues. 7-0. Carried.

The Committee-of-the-Whole has reviewed at its last work session internet problems we are currently experiencing at the Fire Department and Park & Rec. For a long-term solution, it was recommended to place fiber optic connections from City Hall to the Fire Station, from City Hall to Park & Rec, and, for the future, from City Hall to the street in front of the library. The project is estimated to cost \$20,000. Austin Utilities, which has some fiber in storage, will place the fiber and can limit installation expense to two days. The cost will be divided three ways: \$5000 from Fire PERA, \$5000 from Contingency, and \$10,000 from the MIS computer replacement fund. Austin Utilities has higher quality fiber which the City could use immediately; otherwise, we would have to wait more than nine weeks to get the Fire Station issue resolved..

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution authorizing the use of Fire PERA, MIS and Contingency funds for fiber optic connections between City Hall and the Fire Station, City Hall and Park & Rec, and, for possible future use, between City Hall and Austin Public Library. 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 816 2<sup>nd</sup> Avenue NE, Vangkash & Estrada property. 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 1012 2<sup>nd</sup> Avenue NE, Breeze 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 606 3<sup>rd</sup> Street NW, Bank of America property. Carried.

Moved by Council Member Boughton, seconded by Council Member McAlister, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 905 1<sup>st</sup> Avenue NW, Howe property. 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 1102 2<sup>nd</sup> Avenue SW, Page 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 603 8<sup>th</sup> Avenue SW, Christy/Miles 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 601 12<sup>th</sup> Street SW, Smith 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 1206 12<sup>th</sup> Street NW, Option Properties. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 810 19<sup>th</sup> Street SW, Dezamora and Zamora property. Carried.

Council Member Boughton questioned what becomes of the abandoned vehicles. Mr. Hoium said the cars are towed away. State law regulates the impounding of vehicles. Chief Krueger said vehicle owners are given 30 days after the notice is received. If the vehicle(s) is not picked up, they are sold at public auction and proceeds go into the city's funds. Mayor Stiehm noted that storage fees are accrued from day one also.

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at Oakland Avenue W., Drees property. Carried.

Moved by Council Member Enright, seconded by Council Member Boughton, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 803 6<sup>th</sup> Avenue SE, Peterson property. Carried.

The northeast sanitary sewer project is complete and the Engineering Department is requesting Council to proceed with the properties who signed written objections. Mr. Lang stated that City Engineer Jon Erichson created a plan for addressing the approximate 60 objections. The properties of the objectors would be divided into three categories: 1) vacant properties, 2) developed properties with compliant systems, and 3) developed properties with non-compliant systems. An appraiser would be hired who would identify specific parcels in each category for appraisals. The appraiser, not the City, would determine which parcels would receive appraisals. The benefit to this approach would provide 1) a lower cost to the City, 2) easier coordination, and 3) an expedited process. This approach is estimated at \$30,000. This cost is already included in the total cost of the project. After the appraisals, there would be an assessment hearing. Those still objecting after the hearing would have time to file in District Court. Council Member Austin confirmed with Mr. Lang that a minimum of two appraisals would be performed in each category. Council Member McAlister confirmed with Mr. Lang that the City could then perform single assessments on those properties with remaining objections. The property owner would also have the right to obtain their own appraisal. Council Member Clennon questioned who determines what developed properties are non-compliant. Mr. Lang replied that the Mower County current records would be used. Council Member McAlister noted that if the County has septic system permits for properties within the last ten years, those properties would be in compliance. City Attorney said market value for properties would be created before and after the project. The appraiser would have the right to inspect and evaluate the property. Both the City and the homeowner would have the right to appraise.

Moved by Council Member Austin, seconded by Council Member McAlister, approving the plan and budget for the northeast sanitary sewer assessment – objecting property owners. 6-0. Carried. Council Member Clennon abstained.

REPORTS:

Elizabeth Wefel from the Coalition of Greater Minnesota Cities gave a brief presentation on the 2011 legislative session. The Coalition enlisted the media and met with legislators prior to the legislative session regarding the importance of LGA. The GOP first introduced a budget to the Governor which really cut LGA. With the help of some rural Republicans, the Coalition was able to scale back the LGA cuts in the initial budget phase to 2010 levels. That budget was vetoed. The Coalition then enlisted help from Chambers of Commerce across the state. The legislature failed to approve a balanced budget, thus the state shutdown. The proposed solutions have all included borrowing from the education funding. This is, unfortunately, a temporary situation and the Coalition will be dealing with a similar situation two years from now. Ms. Wefel said the Coalition met with Rep. Runbeck whose initial bill was to phase out Minneapolis and St. Paul LGA and cut in half LGA to those suburbs receiving it. Greater Minnesota would have been cut even more than we have seen. Rep. Runbeck's proposal also included a hard levy freeze. In her speech, Ms. Wefel noted, Runbeck indicated this was a "first phase to phase out LGA." The Coalition also made strides with the environment. They focused on water qualities of Minnesota and Wisconsin, noting that Lake Pepin is on the border of the two states. This bill was voted down but the Coalition did get the PCA on record as saying they would do what the Coalition was trying to get them to do. The Coalition also worked with business grants and an extension of the TIF bill. They opposed bill cuts to transportation. Lastly, Ms. Wefel reminded everyone of the Coalition's summer conference to be held in Grand Rapids.

Council Member McAlister reported that the Library Board met July 11. Their policy revision committee is continuing with their work. They accepted June gifts.

Council Member Clennon, who serves on the LMC Policy Committee, said they will meet next Monday and determine what will be put forward to the legislature next year.

Council Member Clennon traveled to Cedar Falls, Iowa and learned that that community is placing high fiber cable to each household. In addition, they have a successful water park which draws people from 90 miles away.

Council Member Enright said a meeting of the AMCAT board was held last week to finalize a Hormel Foundation grant application. AMCAT will be installing two more shelters – one at Riverland and one on the East Side. They are looking at increasing the Rainbow Route (children's route) also.

Council Member-at-Large Anderson who sits on the CVB Board said the CVB is involved with the Tram Ride to be held at the end of the month, a Model T exhibit, and a Minnesota Tourism group which will visit Austin.

Finance Director Tom Dankert reported that a lengthy budget discussion will be held during the next work session.

Park & Rec Director Kim Underwood said another free swim will be held on Sunday, July 24, 7:00-8:30 pm, funded by the SHPP program.

Mayor Stiehm announced that the City will spray for mosquitoes on Thursday, July 21 after 8:00 pm.

Mayor Stiehm also announced a hearing of the Cedar River Watershed District to be held at Ruby Rupner on Wednesday. The board will be setting their final rules, including a determination of the snow storage at Marcusen Park.

A Yellow Ribbon Committee meeting will be held at Ruby Rupner on July 25.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to August 1, 2011. Carried.

Adjourned: 6:34

Approved: August 1, 2011

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

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