

MINUTES
CITY COUNCIL MEETING
August 1, 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: Jim Hurm, Tom Dankert, Jeanne Howatt, Craig Hoium, Jon Erichson, David Hoversten, Ann Hokanson, Mickey Healey, Kim Underwood, and Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Jenny Bumgarner. Matt Simonson. Public.

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

Added to the agenda: A resolution accepting a gift to the Austin Public library.

Moved by Council Member King, seconded by Council Member Boughton, approving the agenda as amended. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving the minutes of July 18, 2011. Carried.

Jenny Bumgarner, 1905 6th Avenue SW, has received notice from the Zoning Department regarding violation of the pool fencing code. Ms. Bumgarner provided Council with pictures of her pool and fence. The fence was recently installed on the sides of the fence and is 7-feet high. The ordinance calls for chain link fence, but she said her pool is safer than chain link. It includes a ladder that folds up and locks for safety. Council Member-at-Large Anderson referred to the intent of the ordinance which is to protect; she asked if we could look at this particular case differently. Community Development Director Craig Hoium stated he is familiar with the fence. Ms. Bumgarner received a zoning violation letter because of a call to his office. The new ordinance calls for a self-closing latchable gate with the height being a minimum of four feet around the perimeter. This type of fencing is generally not considered a proper means to keep people out. He noted that there are many different designs but enforcing these types of fences on pools on a case-by-case basis would be a “nightmare”. City Attorney David Hoversten stated the current ordinance requires a yard fence and requires the council to enforce as is. Mr. Hoversten said the ordinance could be reviewed again. Mayor Stiehm requested that the item be placed on the next work session. Council Member Clennon said she would like to make a motion to hold off with the violation process then to which Mr. Hoium said that as long as a revision of the ordinance is pending, they will not be going out to have it torn down.

Michael Weinmann, 1819 4th Street NE, questioned the flooding effect of the flood walls and berms on the Wildwood Park area west of Hormel Foods. City Engineer Jon Erichson said he would provide Mr. Weinmann with a copy of flood modeling created for the project. The modeling showed that the greatest increase – in the unsteady state modeling – would be 14/100ths of a foot (or less than 2 inches) – that could occur in the area where they’re protecting on North Main near the Pizza Hut bridge. As you go up and down the river, Mr. Erichson stated, the effect zeroes out.

Matt Simonson complained to Council of what he called their “Nottingham policy”. He referred to Council attacking and harassing people of low income.

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

Licenses:

Temporary Food: Rotary Club, St. Edward’s Corcoran Center, August 2
Food: Apollo Groceries, 3011 W. Oakland Avenue
Food: Tacos Sofy, Austin,
Gas Station: Apollo Groceries, 3011 W. Oakland Avenue
Cigarette: Apollo Groceries, 3011 W. Oakland Avenue
Excavation: Fraser Construction Co., Rochester, MN
Exempt Gambling: Austin Area Chamber of Commerce, Holiday Inn, Oct. 12

Claims:

- a. Credit Card Report.
- b. Pre-list of bills.
- c. Gladys Roberts, Northwood, IA. This claim was forwarded to the city attorney to protect the city’s interest.

Carried.

Council is requested to approve the Memorandum of Understanding with the Cedar River Watershed District. The MOU addresses how the CRWD rules will be applied to the North Main flood control project. Key points of the agreement include no permit required for the North Main Flood Control Project if work is commenced within five years, and that all ongoing maintenance and operational issues would be the responsibility of the City. Mr. Erichson said all phases of the flood control project would be completed within the five-year timeframe except perhaps Phase I, which is the area of the downtown power plant. The City also must provide drawings of the phases within 18 months of completion of each.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution approving the Memorandum of Understanding. 7-0. Carried.

City Engineer Jon Erichson discussed the design change proposal for Phase 12 of the Flood Control Project. The original design for the area west of Kuehn Motors included a significant road raise. An option for this area is to extend the concrete wall structure and aligning the berm in a different direction. The cost estimate for this option is \$300,000. It would be funded by the DNR grant and local option sales tax. The benefit of the road raise is that no staff would be required in the event of a flood as opposed to a structure which would require staff to put in the gates. Mr. Erichson noted

that the Engineering Department was extremely conservative with the budget with the original design, and the bid was \$850,000 below bid so this is now back to Council for reconsideration.

Council Member McAlister questioned the extra \$300,000 investment in light of recent “flat” reports of the local option sales tax proceeds for the last several months along with the fact that the flood project is not yet complete and the final costs are unknown.

Council Member Boughton questioned if the raised berm would be a safety issue. Mr. Erichson replied that there could be some limited visibility due to site distances. The required decreased speed requirement could be a concern.

Council Member Clennon confirmed with Mr. Erichson that the sidewalk on the east side of the road would remain with both options.

Council Member Clennon agreed with Council Member McAlister. She said the League of Minnesota Cities estimates that within 5-15 years, if every city continues to operate in the same manner, they will have deficits. We need to think of the future and the employees.

Mr. Erichson said there are two more large phases of the flood control project left; costs are unknown right now. Staffing is always a concern in a flood; the employees are always very busy during a flood. He noted that Chief Healey has suggested using firefighters – and that could work, he noted, until there is a fire. The part-time firefighters could potentially be used.

Council Member Enright said that in talking with engineers and architects, bids are statistically coming in lower but they are starting to see cost increases. Her concern is that there be enough money to cover the two flood control projects that are left. She questioned if the project is set or if there could be some deducts to the project. Mr. Erichson said there are frequently options.

Council Member King, while noting financial issues, said he can’t deny the recommendation of our engineers who prefer the gate closure. Even with this added change order, the total cost is still under the estimate, he stated. The Engineering Department is very conservative anyway

Moved by Council Member King, seconded by Council Member-at-Large Anderson, adopting a resolution approving Change Order No. 1 – Flood Control Project Phase 12 to construct a closure structure rather than the original 4½-foot tall road raise. 3-4. Denied. Voting nay: Council Member Clennon, McAlister, Boughton, and Enright. *The project will include the original 4½-foot tall road raise. No council action required.*

Council has recently approved, and the State has confirmed, annexation of property at the intersection of 4th Street NW and County Road 25 (Ron Peterson). The annexation was requested due to the need for sanitary sewer hook-up. The property owner has agreed to an assessment for sanitary sewer hook-up in the amount of \$15,590.17, the same assessment cost for the NE (Lansing Township) sanitary sewer project assessments.

Moved by Council Member Enright, seconded Council Member Boughton, adopting a resolution approving a special assessment for sewer service installation. 7-0. Carried.

Council is requested to approve a budget adjustment for two Fire Department items: a radio upgrade and placement of fiber optic. These would be paid out of the Fire PERA Fund.

Moved by Council Member Enright, seconded by Council Member McAlister, adopting a resolution amending the 2011 operating budgets of the General Fund (Budget Adjust No. 3). 7-0. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, adopting a resolution accepting June 2011 donations to the Austin Public Library. 7-0. Carried.

Moved by Council Member McAlister, 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 611 11th Avenue NW, JS2 Properties. Carried.

Moved by Council Member McAlister, 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 408 2nd Street SE, Wells Fargo property. Carried.

Moved by Council Member King, 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 1717 1st Avenue NE, Ulwelling property. Carried.

Mr. Erichson requested permission to sell a car wash system located at Budget Gas Station, the recently acquired flood property. He received two bids as follows and recommends the sale to H²O Plus.

<u>Vendor</u>	<u>Amount</u>
Vanquish	\$600
H ² O Plus	\$2000

Moved by Council Member Boughton, seconded by Council Member King, approving the sale of equipment. Carried.

Don and Dotti Hodapp are donating a fine art copy of *The St. John's Bible*. The hand-written, illuminated copy is actually seven volumes weighing 13-20 pounds each. The Hodapps are also giving a display case.

Moved by Council Member Clennon, seconded by Council Member-at-Large Anderson, accepting the donation of the bible and display case, valuation of \$120,000. Carried.

REPORTS

Mr. Erichson stated that Wednesday, August 3 is scheduled for the third and final mosquito spraying, weather permitting.

Council Member Clennon asked Police Chief if the excessive use ordinance could be enforced. Chief Krueger said they could if they know of the violations; this is one of many things that the Police Department does. Mayor Stiehm suggested Council Member Clennon relay the specific information to Chief Krueger later.

Council Member Clennon questioned what is happening with the proposed dog park. Mayor Stiehm said the dog park promoters are waiting and needing more information on the location right now. Council Member-at-Large Anderson stated that people could look go on the website: austindogpark.org.

Council Member Boughton recently attended a presentation at the Nature Center for a new welcome circle donated by some members of the community. Also, at the HRA meeting, a shift of responsibilities was discussed. These changes are coming about as a result of the retirement of HRA employee Tom Smith, employed 38 years. The HRA is changing and evaluating the rentals for the Chauncey and Courtyards. Those rates will be adjusted. Also, new tiling is going in at Pickett Place.

Council Member-at-Large Anderson said the four League of Minnesota Cities “Community Conversations” sessions the City of Austin is hosting are this week Monday noon through Wednesday evening. The discussions will gather perspectives on how services should be provided and paid for in the future. Everyone is welcome to participate. Also, the local Rotary organization will hold its 36th annual chicken/corn feed fund raiser on Tuesday from 11:00 to 7:00 at St. Edwards.

The LMC has an on line survey hosted by Survey Monkey for the Performance Service Measurements. We need to let the League know if we will be participating by the end of this month.

Moved by Council Member Boughton, seconded by Council Member Enright, to participate in the Performance Service Measurements. Carried. 4-3. Council Members Clennon, Austin and McAlister voted nay. Council Member Clennon said the internet survey would lose participation of senior citizens. Council Members Austin and McAlister said this should be reviewed first at a work session.

Mr. Erichson reported that 1st Drive NW in front of the medical center will be closed for one week for sewer and water placement for the new AMC expansion. Following that there will be traffic limitations for the next 15 months in connection with the expansion.

Park & Rec Director Kin Underwood stated the pool hours during the fair week – next week – would be 1:00-6:45 daily. The annual doggy dip will be 7:00-8:00 on the last Sunday the pool is open.

Chief Krueger announced the National Night Out scheduled for August 2.

Mayor Stiehm said the donations are being taken for a Jackie Graves memorial. Anderson Memorials is making the memorial.

Moved by Council Member King, seconded by Council Member Enright, adjourning the meeting to August 15, 2011.

Adjourned: 6:25 pm

Approved: August 15, 2011

Mayor: _____

City Recorder: _____