

MINUTES
CITY COUNCIL MEETING
October 3, 2011
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Brian McAlister, Jeff Austin, 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 Hoiium, Jon Erichson, David Hoversten, Mickey Healey, Kim Underwood, Ann Hokanson and Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Craig Knippel. Marilyn Prenosil. Lieutenant Matt Holten & Ghost, Officer Eric Blust & Bosco. Austin Utilities General Manager Mark Nibaur; André De Rosa, PNE Wind. Wayne Novak, Megan Burroughs and members of S.P.A.R.K. Public.

The following changes were made to the agenda: Item No. 15 should be 'Public hearing on assessment for Project 9-A-11, one property'. Item No. 16 will need two actions: a) Ordinance approving Austin Utilities' wind energy contract with PNE Wind, and b) Motion approving a summary ordinance for publication. Item No. 22 will need two actions: a) A resolution setting a public hearing on the vacation of original easement in Lots 7 & 8, Block 2, Fairview Place Addition, and b) a resolution approving a new easement.

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

Moved by Council Member Austin, seconded by Council Member King, approving the minutes of September 19, 2011. Carried.

Craig Knippel, Second Ward, said he has been speaking with Council Member King on an issue regarding City Code 7.04, Subdivision 2 pertaining to ice and snow on sidewalks. He requests amending the ordinance to require an opening to the street on the corners to access sidewalks during snow season. Council Member King said sometimes there are big mounds of snow at corners. Mayor Stiehm said this could be brought to the next work session.

Marilyn Prenosil, 2017 6th Avenue NE, objected to Council raising taxes 13% when Albert Lea is raising theirs only 2 %. Ms. Prenosil challenged the Council's belief in the Police Department, saying she does not feel safe in her neighborhood and spoke of "suspicious activity in my neighborhood." Ms. Prenosil also confronted Council with their dependence on department heads' reports, that Council is not questioning the department heads: "Who is in charge," she

asked, “you as the city council or the administration?” She said if department heads are so great, then they should be asked to cut their budgets without cutting services. She also asked why, when the City talks about cutting services, the very first thing mentioned is the Fire Department. “You need to work as a team,” she noted. Ms. Prenosil told Council they were elected by the citizens of Austin so they need to return calls. She said she is still waiting on a return call from a call made to a council member in mid August. And on August 23 she left a message with a certain department and has not heard back from them. Also, the public does need to know what goes on at board meetings. “Isn’t that what your ‘Reports’ section is for,” she asked. She said she heard a council member say that something didn’t need to be reported because the public doesn’t need to know.

Mayor Stiehm addressed the discrepancy between Albert Lea’s and Austin’s tax levy reports. Albert Lea did not add the effect of the removal of the Market Value Credit from the State. In actuality, the City of Austin’s taxes are going down 3.85%. Finance Director Tom Dankert agreed, saying the discrepancy is due to the manner in which this is being reported; the reporting is not consistent. The City of Austin had \$613,000 in Market Value Credit which was paid by the State, but for 2012 this aid has been cut. So while we have reduced our levy 3.85%, the impact to the taxpayers will be greater.

The Austin Police K9s have recently received top national awards. The Austin Police Department has been involved with the K9 program for 25 years and in that time they have been involved in 95 misdemeanors and 73 felony arrests. Police Chief Brian Krueger introduced Lieutenant Matt Holten with K9 Ghost and Officer Eric Blust with K9 Bosco, who were assisted by Officer Leif who acts as a decoy. The officers and canines attended the 2011 US Police Canine Association (USPCA) National Police Dog Trial September 18-23, 2011. Ghost won the 1st place top dog overall, 5th place in total search/scent work, and the Cahill award for the top combined score for obedience and criminal apprehension. Ghost and Bosco were part of the five-dog Region 12 Minnesota team that won first place in the regional division. Bosco finished around 22nd out of 82 dogs. The K9 Trial was hosted by the Detroit Lakes Police Department, and Austin’s team competed in six events against other Police K9 teams from across the US and Canada. Lt. Matt Holten thanked everyone and said the canine program is supported by the whole department. He also recognized his daughter who helped in training. Holten said the Austin Police Department had used German Shepherd dogs but switched in the early 1990s to Belgian Malinois, which have served them well. Bosco and Ghost are from the same litter. Tazer, a County dog from the same bloodline, won several awards in the past.

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

Licenses:

Exempt Gambling (raffle): United Catholic Schools Foundation @ St. Augustine’s, November 6
Temporary Liquor: Friends of the Nature Center, St. Edward’s, October 29

Claims:

- a. Pre-list of bills.
- b. Janet Gilbertson, 1110 3rd Street NW, Austin. This claim was forwarded to the city attorney to protect the city’s interest.

Carried.

Bids were received for the demolition of Budget Oil. Cost for removal of contaminated material was included in the bids. This will be funded via 50% DNR Grant and 50% Local Option Sales Tax. A stipulation of the DEED grant is the prevention of any future development. This is also in keeping with our Community Rating System. The site will be restored back to grass.

Bids are as follows:

Bidder	Bid Amount	Cubic Yard Rate
Wally Bustad Excavating	\$ 34,000.00	\$ 60.00
Dulas Excavating	\$ 60,200.00	\$ 27.00
Bob Braaten Construction	\$ 106,036.00	\$ 42.00
Jensen Excavating	\$ 106,056.00	\$ 80.00

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution awarding the bid to Wally Bustad Excavating. 7-0. Carried.

A public hearing was held on assessment for 2010-2011 snow removal.
No comments were made.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution adopting 2010-2011 snow removal assessments. 7-0

A public hearing was held on 2011 junk removal assessments.
No comments were made.

Moved by Council Member Boughton, seconded by Council Member Enright, adopting a resolution adopting assessments for 2011 junk removal. 7-0. Carried.

A public hearing was held for 2011 weed removal assessments.
No comments were made.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution adopting assessments for 2011 weed removal. 7-0. Carried.

A public hearing was held on assessments for miscellaneous sidewalk projects.
No comments were made.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution adopting assessments for miscellaneous sidewalk projects. 7-0. Carried.

A public hearing was held on sanitary sewer construction, Project 2-B-11. The public hearing should be tabled until the petitioners are ready to move forward with the platting.

Moved by Council Member Austin, seconded by Council Member King, tabling the public hearing. Carried.

A public hearing was held on deferred 1992 and 2002 Sanitary Sewer assessments.
No comments were made.

Moved by Council Member Boughton, seconded by Council Member Enright, adopting a resolution adopting assessments on deferred 1992 and 2002 Sanitary Sewer assessments. 7-0. Carried.

A public hearing was held on deferred 2002 Water assessments. Council Member Clennon questioned these water assessments as water is handled by Austin Utilities. Mr. Dankert stated that the City goes through the assessment process for Austin Utilities, collects the assessments and then reimburses the Utilities for their costs.

No other comments were made.

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution adopting deferred 2002 Water assessments. 7-0. Carried.

A public hearing was held on reassessment of tax forfeited properties. No comments were made.

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution adopting tax forfeited properties. 7-0. Carried.

A public hearing was held on sanitary sewer project for Project 9-A-11 – one objection. The City received an objection to the assessment on this property in Spring 2011. The property has since been sold and the assessment is being levied to the buyer.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution adopting assessments for Project 9-A-11, one project. 7-0. Carried.

Austin Utilities General Manager Mark Nibaur presented the agreement for the PNE Wind contract. This is a project that AU has been working on for over a year, and on September 26 the Utilities Board gave unanimous support. Mr. Nibaur asked Council to approve the agreement this week due to regulatory filings to meet timelines and deadlines.

Council Member McAlister said he was happy to see Austin Utilities seeking ways for revenue.

Mayor Stiehm asked how many wind mills would be constructed. André De Rosa said they would be 14 miles north of Austin in Mower County; approximately 12 would be put up. Construction would occur mid summer next year.

Council Member Boughton questioned if the contract states that additional windmills would mean additional revenue. Mr. Nibaur said they would probably negotiate another contract if additional windmills were constructed. He added that there really is no down side to this contract other than it limits the Utilities to sell into the future.

Council Member Enright questioned how many megawatts. Mr. Nibaur said 30 megawatts are planned for now.

Moved by Council Member King, seconded by Council Member Austin, for the city attorney to prepare the ordinance. Carried.

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

Moved by Council Member Austin, seconded by Council Member King, approving the summary ordinance for publication. Carried.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution accepting a donation of \$5000 from Gary and Pat Ray for the Spamtown Belle. 7-0. Carried.

The Committee-of-the-Whole reviewed the most recent proposal for the location of a dog park, which is at the south end of 2nd Street SE. Letters were sent to adjacent property owners, and there was no response either negative or positive.

Council Member McAlister said he had been contacted by one person. Council Member McAlister said he is very familiar with that area and does not think it's a good choice. He noted homes in the area which could be affected by noise. Council Member McAlister believes this area would be good for future development, possibly homes or an apartment or park space. He will be voting against. He clarified that he is not complaining about the desire or need for a dog park; he is just referring to the location.

Mayor Stiehm noted that we are not going to find an area for the dog park that is liked by everyone.

Wade Novak, 800 6th Avenue SE, asked if dog owners would be required to spay or neuter their dogs. Mayor Stiehm said that has not been addressed yet but it will be addressed.

Megan Burroughs, one of the founders of Start a Park for Austin's Respectable K9s (S.P.A.R.K.) said this matter has been in the works for five years. There can't be a perfect spot, Burroughs noted, but the dog group thinks it is perfect. The area is right along the river, it has lots of trees, and there are very few houses nearby. She thanked Park & Rec Director Kim Underwood and the supporters of the dog park. She noted that the exact location will be at the south end of that area.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, approving the location for the proposed dog park. 6-1. Council Member McAlister voted nay.

The dog group "S.P.A.R.K." will hold an event on October 29 from 1:00 to 3:00 pm at the location of the future dog park as a fundraising kick-off. The group is partnering with the Austin Area Foundation so donations will be tax deductible. They have requested free dog licenses to be offered at the event.

Moved by Council Member Austin, seconded by Council Member Boughton, offering free dog licenses on October 29 at the dog park. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, adopting a resolution accepting August gifts to the Austin Public Library. 7-0. Carried.

Two individuals have requested the senior deferral for their assessments. Both individuals qualify for the deferral. Interest on these assessments will be accrued yearly until the assessment is paid off.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, adopting a resolution approving senior deferral assessments. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution setting a public hearing for November 7 relating to a vacation of an easement in Fairview Place Addition. 7-0. Carried.

The second action for the sewer easement is approving the sewer confinement. The easement was created in 1912 and covers a very large area. The actual sewer was later constructed over a 12.5 foot area. Property owners are requesting that the easement be relocated to where the actual sewer line is.

Moved by Council Member Council Member Austin, seconded by Council Member Boughton, adopting a resolution confining the easement. 7-0. Carried.

Moved by Council Member King, seconded by Council Member Enright, granting the Planning and Zoning Department the power to contract for the removal of illegally stored vehicles at 511 8th Street NE, Meyerhofer property. Carried.

Fire Chief Mickey Healey said the Fire Civil Service has revised its rules; hiring and promotion is now a five-step process. Three candidates went through the process to be promoted to fire commander. It is Chief Healey's recommendation to offer promotion to fire commander to Fire Engineers Terry Peterson and Tom Schulte.

Moved by Council Member Austin, seconded by Council Member King, approving two promotions from fire engineer to fire commander to Terry Peterson and Tom Schulte. Carried.

Moved by Council Member Austin, seconded by Council Member King, setting a public hearing for October 17 for the floodplain progress report. Carried.

REPORTS:

Council Member McAlister questioned Chief Healey about the bargaining unit issue with the new fire commanders. Chief Healey said these two positions were not taken out of the IAFF Local 598 bargaining unit as it would have entailed a lot more steps. He believes the firefighters can still work efficiently without the change.

Council Member McAlister, referring to comments made earlier in the meeting, asked if something could be put on the city website concerning citizens who are not receiving response from city departments and staff or city elected officials.

Council Member Austin said the County Health Advisory Board met September 27. Thanks to the SHHP program, we made progress in 2010. \$40,000 to \$50,000 was given to Austin and Mower County to install bike racks and healthy food program in the schools. Another \$250,000 went toward programs such as the free swim nights and free skating.

Council Member King reminded citizens that (most of) the assessments approved tonight are not due to a city inspector looking for violations. “It is beholden to the citizen to contact the City with complaints,” he said.

Council Member King also said he wished to balance a comment about the Police Department made by Ms. Prenosil regarding public safety. In 2010, 2600 arrests were made here in Austin as opposed to 1300 arrests made in Albert Lea – double the amount of arrests. In Rochester, 4000 arrests were made, and they are four times the size of Austin. Austin is very responsive to crime.

Council Member-at-Large Anderson said approximately 400 people attended the Vision 2020 event on Wednesday. People can continue to submit ideas through October 14 on the website or they can pick up forms at the Chamber of Commerce or Austin Public Library.

The yard waste site will through November 27.

Council Member Enright attended the Mower County Safe Community Coalition meeting. This is the group responsible for the signs to “click it or ticket”. The court system has teamed up with the police and sheriff’s department on this venture. They are seeing good results from the signage.

Council Member Clennon thanked the Vision 2020 organizers. It has been very successful and she would like to see this process done with other things. No one felt their ideas were put down.

Council Member Clennon attended the City County Committee meeting. Part of the discussion was on their respective budgets.

Council Member Clennon asked for clarification on the collaborative effort on County Road 51 which was referred to in the ‘Notes to Council’ some weeks back. City Engineer Jon Erichson said the asphalt was bought from a contractor by the County. The City provided the labor. Council Member Clennon said she wished we would have discussed this issue. She doesn’t understand why it was an issue, why people wouldn’t walk on other streets. Council Member Boughton said this project was in his neighborhood. There are new homes and condos in this area; the population is moving in that direction. There were individual concerns for safety, especially regarding getting to the park. He commends the City and County for working together.

An open house information meeting will be held in Council Chambers tomorrow night to start gathering information for the Turtle Creek Flood Mitigation program. The meeting is scheduled from 5:30 pm to 7:00 pm.

The new audio/visual system is up and working. The live streaming video is one “bug” yet to be worked out.

Library Director Ann Hokanson announced the Fall Used Book Sale scheduled for Saturday. The pre-sale for the Friends of the Library is on Friday night.

Fire Chief Mickey Healey announced Fire Safety Week on October 9 – 15. An open house will be held on October 13 from 6:00 pm to 8:00 pm. People are urged to bring children to see fire trucks, etc.

Mayor Tom Stiehm said the Vision 2020 Selection Committee is still looking for minorities to serve on the committee.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to October 17, 2011.

Adjourned: 6:47 pm

Approved: October 17, 2011

Mayor: _____

City Recorder: _____