

**MINUTES**  
**CITY COUNCIL MEETING**  
**August 20, 2012**  
**5:30 PM**  
**Council Chambers**

**MEMBERS PRESENT:** Mayor Stiehm. Council Members Brian McAlister, Jeff Austin (5:50), Steve King, Roger Boughton Judy Enright, Marian Clennon and Council Member-at-Large Janet Anderson.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Jim Hurm, Jeanne Howatt, Craig Hoium, Jon Erichson, David Hoversten, Mickey Healey, Kim Underwood, Brian Krueger, Ann Hokanson

**OTHERS PRESENT:** Post Bulletin, Austin Daily Herald. Matt Simonson. Debbie Shaffer. Patricia Schafer, Michelle Sheller, Lonnie Siever. Vern Davis. Public.

Added to the agenda: motions granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 916 5<sup>th</sup> Avenue NE, Sturm property; 1012 10<sup>th</sup> Avenue SW, Roberts property; and 701 12<sup>th</sup> Avenue NW, Ubaldo property. A motion approving request from Austin Bruins for use of Riverside Arena parking lot on September 18 and September 29; and a motion approving an Outside 3.2 Beer On-Sale License for the two dates. The temporary 3.2 Beer On-Sale License request from the Austin Jaycees was removed from the consent agenda to be acted on separately.

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

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the minutes of August 6, 2012. Carried.

Matt Simonson spoke to Council requesting a “better government formed by the people,” and he indicated that his council member, Marian Clennon, doesn’t support him. Mr. Simonson said Council Member Clennon ignored him. Mayor Stiehm stated he disagreed with Mr. Simonson.

Debbie Shaffer, 300 4<sup>th</sup> Avenue NW, asked Council to reconsider the 2-hour parking by her house. This is in the area of a three to five-block radius from the Hormel Historic Home which is limited to two-hour parking. Ms. Shaffer said her son received a parking ticket right in front of her house. Chief Krueger said the enforcement officers are merely following the city ordinances; Council can change this if they would like. He disagreed that no one from the Hormel Historic Home has been cited for a parking violation. Mayor Stiehm said the Committee-of-the-Whole can discuss this during a work session. City Administrator Jim Hurm said a business owner in that area has also contacted him about that same issue. This is something that Council should

look at. The Mayor suggested the police chief investigate what other cities do (in this type of situation).

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

Licenses:

Garbage Hauler: Thompson Sanitation, Inc., Clarks Grove, MN

Claims:

- a. Pre-list of bills.
- b. Credit Card, Finance and Investments Reports
- c. Tamara J. Olson. This claim was forwarded to the city attorney to protect the city's interest.
- d. Leslie Martin on behalf of son Alex Coyle, 1307 7<sup>th</sup> Avenue NW. This claim was forwarded to the city attorney to protect the city's interest.
- e. Rose Tamke, 1601 4<sup>th</sup> Avenue SW. This claim was forwarded to the city attorney to protect the city's interest.

Carried.

Moved by Council Member Boughton, seconded by Council Member King, approving the Temporary 3.2 Beer On-Sale for the Austin Jaycees at Tuesdays on Main – August 28 & Sept 25, contingent on approval from the police chief. Carried.

The City has received bids for the sale of the 1995 Pierce Fire Engine. Bids were as follows:

Brownsdale Volunteer Fire Department	\$45,901.37
City of Rose Creek	\$41,559.00

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, awarding the bid to Brownsdale Volunteer Fire Department. 6-0. Carried.

The City received bids for a low pressure sanitary sewer extension to Dobbins Creek Estates. This development is located between the Gerard School and the Austin Country Club. The cost of the project will be assessed to the benefitted properties. Bids are as follows:

Ellingson Companies	\$ 56,942.50
GM Contracting, Inc.	\$ 86,401.25

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson, awarding the bid to Ellingson Companies. 6-0. Carried.

A public hearing was held on an amendment to the Comprehensive Plan to change a land use designation of the future land use map from low-density residential district to an arterial commercial district. The Planning Commission reviewed the proposed amendment at its August 14<sup>th</sup> meeting. The area proposed to be amended is for two parcels: Mayo Health Care property at 101 14<sup>th</sup> Street NW and the Comforcare property at 205 14<sup>th</sup> Street NW. Community Development Director Craig Hoium explained that the Comprehensive Plan is not a zoning map, rather it is a visioning plan for how the city will grow. The zoning map is for specific development standards. If this amendment is approved, a developer would still need to petition

the City for a rezoning, and public hearings would be held. This request is for a broader consideration. When a petition is brought forward, there would be a specific review of how the site would be developed, if it would meet setbacks, etc. The property is currently designated low density residential. The proposal is to re-designate the area to arterial commercial. Mr. Hoium stated that the areas north and west of these properties are low density residential, zoned as R-2 multi-family. The land uses east and south of the properties are arterial business districts (retail), which have a B-2 zoning. Mr. Hoium stated he has had discussion with a potential redeveloper for the Comforcare property. A development would need a 20-foot minimum setback to the west and a 12.5-foot setback to the north. Also, there would be a minimum requirement of a buffer between the condominium area to the west and the development. The grade, he said is approximately four feet higher; a retaining wall or berm and fence on top of the berm plus vegetation would be required. Mr. Hoium said there is a service drive for the property west of 14<sup>th</sup> Street NW. He has received one call from surrounding property owners; that person requested clarification and expressed that they wanted the property left as is or residentially developed. The Planning Commission recommended amending the Comprehensive Plan by a 7-0 vote, noting it would be compatible.

Council Member Clennon asked if he just heard from the potential developer today, to which Mr. Hoium said no.

Council Member Boughton said he visited a condominium property owner and was disturbed at the proposed amendment. He said that area is all residential, other than Mayo, and it is all residential going north on 14<sup>th</sup> Street NW up to 8<sup>th</sup> Avenue NW, aside from the car dealership. He thought the developer is driving the proposed amendment.

Council Member-at-Large Anderson said that depending on what the development is, it wouldn't be dramatic. Additionally, any development would need approvals through the Planning Commission and Council.

Council Member Boughton stated that if the area is rezoned, the Comp Plan changed, the area is worth more in property taxes; the developer has that argument. However, once a developer comes in with a plan for light commercial, we can't at that time say yes to one development or no to another.

Community Development Director Craig Hoium said if there is a petition to rezone, the developer would need to meet development standards for the zoning district for green space, lot size, parking, etc. The only conditional use approved for retail in Austin relates to a big box – Walmart – which is over 65,000 s.f.

Council Member McAlister said that area has been business for a long time. If the area was developed for an office plaza, he could live with it. But his concern is if the development is for a Burger King or McDonald's or the like. That would bring huge amounts of traffic and trash.

Council Member Boughton asked if a Burger King could go into an arterial business district. Mr. Hoium said they would need to review the traffic flow use for one thing. An office use for traffic would be far different than a Burger King or McDonald's. He would require that the developer produce a traffic study. He stated that there are a lot of issues that go into a land development beyond the required setbacks and green space. Mr. Hoium stated he has been talking to an agent about this property for two years.

Council Member King asked about the one caller, to which Mr. Hoium said notices were sent though they are not required to be sent with this action. The person who had called said they could see a business there as long as it would be one story.

Patricia Schafer, 204 15<sup>th</sup> Street NW, lives in the adjacent condominiums and stated she is very opposed. Right now it is a quiet residential area, and she would like it to stay residential or something very similar to the single family housing where she lives. If any development had a lot of lighting and traffic, it would be very disturbing to the condominium residents.

Michelle Sheller, 210 15<sup>th</sup> Street NW, lives in the adjacent condominiums and stated she bought her home about a year ago. She told Council that their picture windows face that area.

Lonnie Seiver spoke to Council. She is representing her mother who lives at 212 15<sup>th</sup> Street NW and has lived there for 30-35 years. She said the Comforcare facility was much quieter than any business would be. The existing businesses are either across 14<sup>th</sup> Street NW, which is quite a distance, or the hotel which is separated by four lanes, a boulevard and a median. She would prefer low density housing. Currently there are large pine trees which block the area.

Council Member Clennon said that two years ago she went to all the doors there; it is a quiet area even though there are two main arteries close by. If the zoning map were to change, we couldn't specifically say no to some businesses so she agrees with the residents.

Council Member Jeff Austin said he didn't believe the lot size was big enough for something like a Burger King. It would be better for an office use, he thought.

Mr. Hoium noted that the area where the Austin Burger King is on is relatively small, while the McDonald's on Oakland takes up an entire city block. He stated that the lot could accommodate a fast food restaurant but that it would hinge on the layout design. He clarified that B-2 or B-1 designations are for neighborhood business developments; they are geared for services for adjacent residential areas. A&W is an example of a B-1 business, though they are not limited to restaurant use. Mr. Hoium said the developers he has recently talked with are intending the development to be commercial with smaller retail shops or offices, and it would be a single story building. He reminded Council that the zoning classification would take a separate action and has nothing to do with tonight's action.

Council Member-at-Large Anderson asked for clarification, and asked whether the actual plan would come to the Planning Commission and Council. Mr. Hoium said a developer's petition for a rezoning would indicate whether it would be B-1 or B-2.

City Attorney David Hoversten said that in order to rezone the property, compliance with the Comprehensive Plan would be one element that would need to be factored. Council is not being asked to change the zoning at this time.

Council Member McAlister said this property is about three times larger than the residential area. He said the residents' preference for a single family or condo development would seem far more

dense than a small office plaza. Mr. Hoium said currently both parcels are designated R-2, multi-family. If Comforcare were to sell their property to be used for a multi story residential property, the current zoning would be acceptable as long as they met the development standards.

Council Member King said Council should not overlook this opportunity to create more of a tax base to keep the property taxes down. If we have the opportunity to get the property developed, we can't just overlook it.

Council Member Clennon clarified that there that there was no one *for* the development, only those opposed.

Moved by Council Member King, seconded by Council Member McAlister, adopting a resolution amending the Comprehensive Plan. Carried. 4-3. Carried. Voting nay: Council Members Boughton, Enright, and Clennon.

Moved by Council Member Austin, seconded by Council Member King, adjourning the City Council into the Board of Adjustments and Appeals. Carried.

A public hearing was held on a variance governing the minimum lot area of 6000 s.f. and frontage of 60 feet for lots located within an R-1 Single Family Residential District. The variance is requested by Farmers State Bank of Elkton. Mr. Hoium explained that when the subdivision was originally platted, two residences were located within one parcel of land. The property, now owned by the lender, would like the property subdivided to sell the properties. Therefore, the property would need to have a variance for frontage and total lot square footage. Mr. Hoium received one call from someone who asked for clarification. There were no objections. The Planning Commission recommended approval of the variance by a 7-0 vote. Vern Davis spoke to Council and said he did not have any objections as long as there are no tax increases.

Moved by Council Member Enright, seconded by Council Member King, approving the variance. Carried.

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

Council has reviewed and ranked the Hormel Foundation grant applications for 2013. They are as follows:

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|----------|--------------------------------------|---------------------------------|
| 1.       | Library summer ready program         | \$ 8,000                        |
| 2.       | Cedar River dam enhancement          | \$ 25,000                       |
| 3.       | Main Street Project                  | \$100,000                       |
| 4.       | Nature Center educational program    | \$ 33,330                       |
| 5.       | Fire prevention education            | \$ 3,750                        |
| 6. (tie) | Mill Pond fountain                   | \$ 12,000                       |
| 6. (tie) | Police security camera downtown      | \$ 50,000 (option over 3 years) |
| 7.       | Commercial/retail economic dev. fund | \$ 50,000                       |
| 8.       | Police medical bags                  | \$ 3,500                        |

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| 9.  | Nature Center pedestrian trail | \$ 55,000 |
| 10. | Bike safety helmet program     | \$ 7,500  |
| 11. | One-card feasibility study     | \$ 2,000  |
| 12. | City website redesign          | \$ 15,000 |
| 13. | Ruby Rupner tables and chairs  | \$ 19,238 |

Moved by Council Member Enright, seconded by Council Member Austin, approving the Hormel Foundation grant applications. Carried.

Council was asked to set hearings for the designations of dangerous dogs. Mr. Hoversten stated that the incidents occurred in Lansing Township. The County has refused to take jurisdiction, and both dogs reside in Austin. The determination was made that this would fall under the City's ordinance of enforcement of dangerous dogs within the city limits.

Moved by Council Member Austin, seconded by Council Member King, setting a hearing for September 4 regarding the designation of a dangerous dog, appealed by Jessica Hnattzyszyn. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Boughton, seconded by Council Member Austin, setting a hearing for September 4 regarding the designation of a dangerous dog, appealed by Laura Marsolek. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Boughton, seconded by Council Member Austin, adopting a resolution accepting the August 14<sup>th</sup> primary election results. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution accepting proposal from Five Star Telecom, Inc. for the phone system for City Hall, Library, Fire Station, and Park & Rec. 7-0. Carried.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution accepting a proposal from Paetec for the monthly phone service. 7-0. Carried.

Moved by Council Member McAlister, seconded by Council Member Austin, approving a street dance on August 28 and September 25 in the 400 block of N. Main Street, contingent on the police chief's approval. Carried.

Moved by Council Member King, seconded by Council Member Austin, approving the use of the downtown plaza and fire site area, and use of city streets for hay wagon rides on Wednesday, October 31. Carried.

The City has received a request from a property owner at 703 1<sup>st</sup> Avenue SW for signage to limit parking in front of the residence. An autistic child at that location must be picked up and dropped off daily. Frequent long term parking in front of the house prevents buses from picking up the

child at that location. City Engineer Jon Erichson has recommended two-hour parking in front of the home.

Mayor Stiehm asked if there is a process for the resident to notify the City if they move. Mr. Erichson replied that there is nothing in place, but he hopes that would happen. Discussion followed on restricting parking and allowing handicapped parking. Mr. Hoversten said the city council has the ability and power to set traffic and parking limitations whether it is for a resident, a handicapped individual, or policy of permit for downtown; those are policy decisions that can be made by Council.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, approving two-hour parking in front of 703 1<sup>st</sup> Avenue SW. 6-0. Carried. Council Member Clennon abstained.

Upon the completion of construction and with no 5<sup>th</sup> graders now at Banfield Elementary to patrol intersections, the school has requested additional signage.

Moved by Council Member-at-Large Anderson, seconded by Council Member Boughton, approving additional stop signs at Banfield School. Carried.

Fire Chief Mickey Healey has requested the proceeds from the sale of the 1975 Ford fire truck be used to a) reimburse the fleet account due to the exceeded cost of the new truck, and b) purchase loose equipment to outfit the new fire truck.

Moved by Council Member Clennon, seconded by Council Member King, approving expenditure of funds from sale of fire trucks. Carried.

Fire Chief Mickey Healey has requested Council approve a proposal for a diesel exhaust extraction system at the Fire Station. This item is budgeted.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution accepting a proposal from G&G Heating & Air Conditioning for a diesel exhaust extraction system at the Fire Station. 7-0. Carried.

Fire Chief Healey is requesting use of Fire PERA funds to be used to clean the ceiling of the apparatus bays at the Fire Station.

Moved by Council Member Enright, seconded by Council Member Clennon, adopting a resolution accepting a proposal from Service Master by Viehauser for cleaning the Fire Station ceiling. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 916 5<sup>th</sup> Avenue NE, Sturm 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 1012 10<sup>th</sup> Avenue SW, Roberts property. Carried.

Moved by Council Member Enright, seconded by Council Member Enright, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 701 12<sup>th</sup> Avenue NW, Ubaldo property. Carried.

Moved by Council Member King, seconded by Council Member Boughton, approving use of Riverside Arena parking lot, requested by Austin Bruins for September 18 and September 29. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, approving Outside 3.2 Beer On-Sale License for Austin Bruins at Riverside Arena parking lot, September 18 and 29. Carried.

#### REPORTS:

Council Member-at-Large Anderson reminded everyone of the Austin ArtWorks Festival on August 25 and 26.

Council Member Clennon reminded everyone to attend Tuesdays on Main. Last Wednesday, Council Member Clennon attended the LMC annual meeting of Women in City Government at which they announced the Women in Leadership awards.

Council Member Clennon asked Chief Krueger if there was a policies update from Capt McKichan. Chief Krueger said he was not aware of any and would ask Captain McKichan.

Park & Rec Director Kim Underwood announced that the pool would be open through Thursday, August 23. The annual doggie dip will be held on Friday from 6:00 to 7:30 pm.

Moved by Council Member Boughton, seconded by Council Member Austin, adjourning the meeting to September 4, 2012.

Adjourned: 6:48 pm

Approved: September 4, 2012

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

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