

M I N U T E S
CITY COUNCIL MEETING
October 1, 2012
5:30 PM
Council Chambers

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

MEMBERS ABSENT: Marian Clennon.

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

OTHERS PRESENT: Austin Daily Herald. Austin Post Bulletin. Public.

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

Added to the Consent Agenda. A temporary liquor license for Friends of the Nature Center at the Corcoran Center, Oct. 27.

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

Moved by Council Member Boughton, seconded by Council Member King, approving the minutes of September 17, 2012. Carried.

Mary Draayer, 605 21st Street NW and owner of *Cats Off Broadway* spoke to Council. Ms. Draayer questioned why other business owners who work out of their home are granted permits, but she has been consistently denied. She stated she is treating the cats correctly including provision for spaying and neutering. She stated that it appears no neighbors have a problem with what she is doing. Tomorrow she will be appearing before a judge for the city violation. Mayor Stiehm acknowledged that she is a good person and is caring for cats in a good manner. He referred to the city attorney. David Hoversten said Ms. Draayer has no options because there is a limitation on the ordinance. She has exceeded the number of cats allowable in a residential district, plus her service does not fall in the category for allowable home occupations for her zoning. The only way to change this, Mr. Hoversten stated, is to change the ordinance. Mayor Stiehm said if we amend the ordinance, we would get complaints against others who are boarding and grooming. Ms. Draayer said she is continuing to lower the number of cats she has. Mr. Hoversten said that did not matter; she is being prosecuted for a violation from a certain point in time. It is up to the judge to lessen any sentence. Ms. Draayer can assert her defense at the time of her hearing.

Pamela Hollrah-Asleson spoke to Council about Project Footsteps, which is an organization to address bullying. She invited Council to a meeting on October 18 at 11:30 am at Steve's Pizza.

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

***Consent Agenda**

Licenses:

Exempt Gambling (raffle): United Catholic Schools Foundation at St. Augustine's Church, 405 4th Street NW, November 7.

Master Plumber: Mike Macken Plumbing, Rochester, MN

Food: Austin Youth Hockey Association for Packer Arena

Temporary Liquor: Friends of the Nature Center at the Corcoran Center, Oct. 27

Claims:

- a. Pre-list of bills.

Carried.

A public hearing was held for assessments on 2011-2012 unpaid snow removal bills.

No comments were made.

Moved by Council Member Boughton, seconded by Council Member Enright, adopting a resolution to adopt assessments for 2011-2012 snow removal. 6-0. Carried.

A public hearing was held on assessments for 2012 junk removal.

No comments were made.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution to adopt assessments for 2012 junk removal. 6-0. Carried.

A public hearing was held on assessments for 2012 weed removal.

No comments were made.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution to adopt assessments for 2012 weed removal. 6-0. Carried.

A public hearing was held on assessments for miscellaneous sidewalk projects.

No comments were made.

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, adopting a resolution to adopt assessments for miscellaneous sidewalk projects. 6-0. Carried.

A public hearing was held on sidewalk improvement assessments for 14th Street NW (Oakland Avenue to 8th Avenue), Project 10-A-11.

No comments were made.

Moved by Council Member Enright, seconded by Council Member Boughton, adopting a resolution declaring the cost of the assessment. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution to adopt the sidewalk improvement assessment roll for 14th Street NW (Oakland Avenue to 8th Avenue), Project 10-A-11. 6-0. Carried.

A public hearing was held on sidewalk improvement assessments for 4th Street NW (3rd Avenue to 10th Avenue), Project 4-A-12.

No comments were made.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution declaring the cost of the assessment. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution adopting the sidewalk improvement assessment roll for 4th Street NW (3rd Avenue to 10th Avenue), Project 4-A-12. 6-0. Carried.

A public hearing was held on the reassessment of tax forfeited properties.

No comments were made.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution to adopt assessments for the tax forfeited properties. 6-0. Carried.

A public hearing was held on deferred sanitary sewer assessments.

No comments were made.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution to adopt assessments for deferred sanitary sewer assessments. 6-0. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, adopting a resolution accepting July and August gifts to the Library. 6-0. Carried.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving an access agreement with John Arens. The access agreement gives temporary permission to use the Wildwood Park trail system to access Hormel Foods property via motorized vehicles for the purpose of cutting trees. 6-0. Carried.

Moved by Council Member Boughton, seconded by Council Member McAlister to set a public hearing for October 15, 2012 for the expenditure of Police PERA funds for the LEC remodel. 6-0. Carried. Council Member McAlister confirmed with Finance Director Tom Dankert that this action would use up the remaining Police PERA funds.

Council was requested to approve the AFSCME agreement for years 2011, 2012 and 2013. City Administrator Jim Hurm said there is nothing new in the proposed agreement from what was discussed with Council before, only minor changes made to the agreement. Increases are the

same as the other bargaining units: 0, 0, and 1.5% increase. Council should approve the agreement contingent on the signature of the union representative.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the AFSCME agreement, contingent on the signature of the union representative. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution approving deferment of special assessments. 6-0. Carried

The City has received an appeal to the denial of a fence permit. The request was made by Joseph Properties, LLC for property at 2003 14th Street NE. Community Development Director Craig Hoium said the building on this property went through extensive redevelopment. The west third of the building houses a business similar to Cedar River Valley Services. In the east third of the building are two living units for an adult care facility. The petitioner is requesting to erect an 8-foot high fence in the corner side yard. The ordinance limits fencing to six feet unless it meets setback requirements on the property. The proposed fence does not meet the minimum setbacks.

Council Member Boughton made a motion to deny the fence appeal for several reasons: The fence is at a busy intersection and people are unable to see around the corner. Council Member Boughton said the owner of the property met with Mr. Hoium but built the fence anyway. He recommends the fence be six feet.

Mr. Hoium said Council has two options: limit the fence to six feet in height or order the petitioner to relocate the fence to meet the setback requirements.

Council Member Enright questioned how far back it would be from the corner. Mr. Hoium said the minimum allowance is 25 feet; it is currently 12.5 feet from 21st Avenue NE. Council Member Enright recommended the fence be set back. With a solid fence, she said, it is hard to see.

Council Member King seconded the motion on the table. Carried.

Council Member McAlister said the person who constructed the fence should know better. Whether it is six feet or eight feet is irrelevant; you're not going to be able to see around either. He stated he agreed with Council Member Enright that the fence should be relocated to the proper setbacks and the appeal denied.

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 611 3rd Avenue NW, Gwin 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 304 3rd Avenue NW, Sensy 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 1306 12th Street NW, Obub property. Carried.

The Vision 2020 Expanded Bike/Walk Trail System Committee is looking to expand or improve our existing bike trails. They have requested approval to improve signage in areas where a trail may end. One recommendation is to place bike symbols on the pavement at five locations.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, approving signage on pedestrian/bike trails. Carried.

Moved by Council Member Austin, seconded by Council Member Boughton, approving the sale of city trucks. These trucks are the older ones in the fleet that have been replaced with new trucks. Carried.

Moved by Council Member Austin, seconded by Council Member King, approving an amendment to the CIP for additional funding for the LEC remodel project. Carried.

Moved by Council Member Boughton, seconded by Council Member Austin, approving the purchase of communication console equipment, pending Mower County Board approval and receipt of grant. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, setting a public hearing for October 15, 2012 for the preliminary plat review of the location for a new Humane Society facility and City animal shelter to be located at the extreme east end of East Oakland Avenue, petitioned by the Mower County Humane Society. Carried.

Moved by Council Member Austin, seconded by Council Member King, setting a public hearing for October 15, 2012 for a variance governing the minimum lot area in an R-1 Single Family Residential District, petitioned by Matira Balsley and David Champlin, 501 1st Street SW, Austin. Carried.

REPORTS

Council Member Enright said Vision 2020 is still looking for members to serve on committees. She is involved with the Embrace and Maintain Our Waterways Committee; they have divided into subcommittees. Citizens should look at the Vision 2020 website. Council Member Enright invited everyone to the groundbreaking for the new early childhood education center at Riverland to be held on Wednesday.

Council Member Boughton said the HRA is interviewing for a new executive director. The new director will be named within 4-5 weeks.

Council Member Austin attended the Mower County Health Advisory meeting on September 20. A presentation was given by Sandy Anderson on Mower Refreshed. He encouraged people to visit mowerrefreshed.org.

Park & Rec Director Kim Underwood announced the Halloween Warm-Up scheduled for this weekend.

Fire Chief Mickey Healey said Fire Prevention Week is next week. There will be an open house on Wednesday, October 10 beginning at 6:00 pm. A car seat clinic will be given on October 9 from 4:00 to 7:00 pm.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to October 15, 2012. Carried.

Adjourned: 6:13 pm

Approved: October 15, 2012

Mayor: _____

City Recorder: _____