

M I N U T E S
CITY COUNCIL MEETING
October 15, 2012
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, Steven Lang, Craig Hoium, Craig Byram, Kim Underwood, Mickey Healey, Ann Hokanson and Brian Krueger.

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

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

Item No. 18 will be moved up on the agenda to accommodate someone from out of town who is here for that item.

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

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving the minutes of October 1, 2012. Carried.

Matt Simonson spoke to Council saying that the manner in which the City is assessing may be breaking the law. He told Council it is dangerous to ignore the law, and they should be protecting civil rights.

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

Licenses: *None*

Claims:

- a. Pre-list of bills.
- b. Credit Card, Financial & Investments Reports.

Council Member Clennon voted nay. 6-1. Carried.

The City of Austin received bids for the demolition of the downtown restrooms on October 9. The project is included in the CIP at a cost of \$20,000 for asbestos abatement, demolition and restoration. Due to the late season work, the costs for restoration will need to be carried over to 2013. Three bids were received:

H&L Brothers, Inc.	\$1,990
Bustad Excavation Service	3,900
Hansen Hauling & Excavating, Inc.	4,420

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution awarding the bid to H&L Brothers, Inc. 6-1. Council Member Clennon voted nay. Carried.

The FCC has required the City to switch from wide band frequency to narrow band. This change has required us to upgrade 95 mobile radios. There is \$70,000 in the Park & Rec and Public Works' department budgets for this. The funds will be used to replace as many radios as possible. The remaining radios will be replaced when those vehicles are replaced. Council Member Clennon questioned why the need for 95 radios when there are only 140 employees. Assistant City Engineer Steven Lang said there are multiple vehicles that are not used on an every day basis (snow plows, for example) which explains the need for 95. Council Member Clennon asked if they considered portable radios. Mr. Lang said they decided on the fixed because the portable ones have issues with battery life, more susceptible to damage. The fixed radios were decided on as a long term solution, he said.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution awarding the bid for radio system upgrades for Public Works and Park & Rec. 7-0. Carried.

A public hearing was held on the expenditure of Police PERA funds. In 1999, the retirement funds for police were merged into the PERA system. An amount was then rebated to the City as the funds were actuarially valued higher than what was needed. The City must hold a public hearing when these funds are spent. The last of these funds (approximately \$800,000) are earmarked for the LEC remodel.

No comments were made.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving the expenditure of the funds. 7-0. Carried.

A public hearing was held for the preliminary plat review for the location of 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. On October 9, the Planning Commission reviewed the preliminary plat to be known as *The Wunderlich Addition*. This property is adjacent to the municipal airport. The subdivision will be approximately 2.86 acres in area. The property will consist of two parcels, 1 and 2, and extension of 22nd Street SE. The location is the proposed site for the Mower County Humane Society facility. The preliminary plat was recommended for approval with 10 conditions by an 8-0 vote from the Planning Commission.

No comments were made.

Moved by Council Member Austin, seconded by Council Member King, approving the preliminary plat to be known as *The Wunderlich Addition*. Carried.

The City has received a petition from Wal-Mart for the subdivision of its property into two parcels: Parcel A, which is adjacent to 18th Avenue, and Parcel B, which is where the Wal-Mart property is located. The reason for the request is for an AutoZone site development in Parcel A. Community Development Director Craig Hoium said the proposed drive access would be through the Wal-Mart parking lot; this would eliminate any direct access to 18th Avenue NW. An easement is requested for a proposed sign. Mr. Hoium asked that if Council approves the subdivision, they do so with any necessary easements required. Mr. Hoium said he is contacting all the utilities to give them an opportunity to acquire any needed easements.

No comments were made.

Moved by Council Member Enright, seconded by Council Member Austin, approving the subdivision of property with any necessary easements. 7-0. Carried.

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

A public hearing was held for a variance governing the minimum lot frontage in an R-1 Single Family Residential District, petitioned by Matira Balsley and David Champlin, 501 1st Street SW. The property is surrounded to the north, east and west by residential districts, and to the south by a public park. The reason for the request is to subdivide the property, which is a request of the property owners' refinancing institution. The petitioners are seeking a variance from the 60 feet of lot frontage required by Code. This request was reviewed by the Planning Commission which recommended approval by an 8-0 vote.

Council Member McAlister confirmed with Mr. Hoium that there is a new garage on the property which exits onto 1st Street.

No other comments were made.

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

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

A public hearing was held to review the Austin Floodplain Progress Report and Management Plan. Mr. Hoium said the public hearing is a necessary part of the recertification of the CRS program. This document gives the history of activities the City has undergone to minimize flooding in the community. The activities include property protection, emergency services and floodplain management, along with activities and goals for 2012 and 2013.

Council Member Clennon asked why these are reviewed by the Army Corps of Engineers from Illinois rather than from St. Paul. Assistant City Engineer Steven Lang said Austin is on the line and St. Paul does not cover our district.

Council Member Clennon noted that residents in the floodplain were mailed out information but questioned why those in the flood fringe do not receive the material. Mr. Hoium stated those in the flood fringe also receive the notice. Council Member Clennon questioned why her

neighborhood area was not considered in the flood fringe. Mr. Hoium replied that this is determined by FEMA and the Army Corps of Engineers. The boundary was just east of 1st Street NE, he said. There are proposed changes to the floodplain map, but that map has not been adopted yet, he added.

Council Member Clennon noted that the only flood warnings she has received have been the police coming around with bull horns at 3:00 am. She asked if they considered using the reverse 911 system. Mr. Hoium said the emergency notices were administered by the Police Department. They have very specific warning steps they take depending on the level of flooding. These were all approved by FEMA, the Army Corps of Engineers and the DNR and updated 1-2 years ago.

No other comments were made.

Moved by Council Member Austin, seconded by Council Member Boughton, adopting a resolution approving the Floodplain Progress Report and Management Plan. 7-0. Carried.

The City has received a federal grant for the construction of a pedestrian trail along the south side of the Hormel Nature Center. During the review from various agencies, an area of 1.6 acres has been identified as having characteristics similar to a wetland. The City has received quotes from engineering firms to perform a field delineation, prepare a report and conduct meetings onsite to review. The City received three bids; the low bidder was Yaggy Colby:

Yaggy Colby Associates	\$2445
Bolton & Menk, Inc.	\$2500
McGhie & Betts, Inc.	\$3600

Council Member McAlister asked how big the area is. Mr. Lang stated it is by the freeway from 21st Street to 28th Street. Mr. Lang said the alignment of the trail will be based upon the delineation report.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution approving engineering services for wetland delineation at the Nature Center. 7-0. Carried.

Council is requested to approve a development agreement with Mower County Humane Society. The development will be in *The Wunderlich Addition*. The agreement spells out the responsibilities of the City and Mower County Humane Society. The Humane Society's responsibilities will include the platting and recording of the property. The agreement provides an option for the Humane Society to acquire the property in Lot 2, Block 1 for \$20,000.

Council Member Enright asked about the \$20,000 option to purchase. Mr. Hoium said the agreement offers Lot 2, Block 1 for a purchase price of \$20,000 for a period of three years from the execution of the agreement.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution approving the Development Agreement with Mower County Humane Society. 7-0. Carried.

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution approving petitions from Austin Utilities and City of Austin for constructing gas, water and electric infrastructure. 7-0. Carried.

Bids were received for sanitary sewer for 22nd Street SE in *The Wunderlich Addition*. Bids are as follows:

Hansen Hauling & Excavating	\$ 17,806.50
Blitz Construction	\$ 19,887.00

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution awarding the bid to Hansen Hauling & Excavating. 7-0. Carried.

Council is requested to approve the installation of wireless internet at City Hall with funding to come from Contingency which was discussed and approved at the previous work session.

Council Member Clennon questioned if staff considered just doing wireless in Council Chambers as it would be cheaper. She noted the first item is quoted at \$2825, but she could find a similar item at Best Buy for \$496 and at Sears for over \$500. Administrative Services Director Tom Dankert said the bid is for five boxes that Council approved and requested for City Hall. This was Council's direction. The five boxes would cover the Clerk's Office, the Engineering Office, Finance, Council Chambers and the Conference Room. Council Member Clennon confirmed with Mr. Dankert that this is not intended to cover Austin Utilities' side. Council Member Clennon noted there are only two laptops at City Hall. Mr. Dankert replied that the wireless is also useful for consultants and our auditors.

Moved by Council Member Enright, seconded by Council Member King, approving the installation of wireless internet at City Hall. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Austin, seconded by Council Member Boughton, authorizing the closing of City Hall and the Park & Rec office on December 24. (Employees may still come in to work.)

The City has received a donation to be used for the Nature Center trail project which is scheduled for 2013. The estimated trail cost is \$270,000 with 80% coming from a federal grant. Council must by law approve all donations by resolution.

Council Member Enright noted that this was one of our Hormel Foundation grant applications. She asked if this amount would cover the needed funds. Mr. Dankert said the stock cash value after fees is about \$57,000; the local match is \$53,000 or \$54,000.

Council Member Clennon questioned if the City could accept the donation being that it is anonymous. City Attorney Craig Byram said yes, and the City accepts anonymous donations routinely. He said he could not think of any legal hurdle.

Council Member Clennon asked what would happen if someone were to ask who gave the donation, to which Mr. Byram replied that the information would still be kept private.

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, adopting a resolution accepting the stock donation for the Nature Center trail. 6-1. Carried. Council Member Clennon voted nay.

Council previously approved two fuel tank removals. Now, an underground fuel tank was discovered in the parking lot of the LEC. The tank needs to be removed in association with the LEC remodel. A contract is currently with B&H Petroleum for removal of two tanks. City Engineer Jon Erichson has requested a change order to the B&H Petroleum job, adding the removal of this last tank. The cost of the removal would be \$11,686.91, 14% which would need to be paid by the City (the remaining 86% to be paid by the County). The estimated cost to the City would not exceed \$2100.

Council Member Clennon questioned if the County Board had approved this. Mr. Lang said a committee of their board has approved it; it has not yet come before the full board. He added that the Council would just be committing to the 14% portion. If the County Board does not approve it, it will die because of lack of funding.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution approving the change order. 6-1. Carried. Council Member Clennon voted nay.

Council is requested to approve a sign appeal at Simplified Technology Solutions. The petitioner would like to place wall signage on the north and west sides which do not face a public right-of-way. The signs would be 4'x8' non-illuminating, aluminum wall signs. Mr. Hoium stated the appeal is allowable under City Code 4.50. The Planning Commission has recommended approval by an 8-0 vote.

Moved by Council Member Austin, seconded by Council Member King, approving the sign appeal petitioned by Simplified Technology Solutions. 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 illegally stored vehicles at 2004 3rd Avenue NE, Majerus property. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving a Gambling Premises Renewal Application for the Eagles at the Eagles Club, 107 11th Street NE. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving a farm lease renewal with the Morse family for farming at Austin Municipal Airport. 7-0. Carried.

REPORTS

Council Member Austin stated that the Park & Rec Board recently met. They have planted trees in the boulevards and are asking those citizens who have the newly planted trees to water them.

Council Member Clennon attended a LMC meeting in Faribault at which they were given a legislative update. She has sent this information to Mr. Hurm which includes the League's proposed policies. If anyone has comments, they should pass them on to the League. Also at the

meeting was a report on the League's insurance trust (LMCIT). The good news, she said, is that there are dividends from the Worker's Comp fund which will be distributed. The meeting also included a legislative forum. Also discussed at the meeting was some discussion on paperless agendas, a timely topic. She noted that others were surprised that our council decided not to pursue this. Various members from the League were in Lanesboro and then stopped in Austin and visited the Spam Museum and the Tendermaid.

Council Member Clennon asked about setting up a committee for the parking problem around the Hormel Historic Home. Mayor Stiehm said a meeting has been set up for October 22. The committee includes Steve King and the police chief.

Council Member Clennon asked if work sessions could be replayed on the city website. She said some citizens are asking because nothing is ever really discussed at council meetings. Mayor Stiehm replied that this could be discussed at work session.

Council Member Clennon started some discussion on the need for council members to be reporting on their various committees. Mayor Stiehm said this could be discussed later; now is the time for reports.

Mayor Stiehm announced a meeting to be held the next day which is sponsored by the Coalition of Greater Minnesota Cities. The meeting will be held at the senior center at 11:00. The Mayor from St. Paul and officials from Albert Lea will be in attendance. The purpose of the meeting is to thank the LGA program, and a discussion on why we need it. The city council is invited.

Mayor Stiehm attended an event last Wednesday at which the governor of a large province in China along with a delegation from China and Governor Dayton attended. The event marked the start of an agreement between China and The Hormel Institute.

Craig Hoium announced a fundraising event for Vision 2020 to be held at the Country Club on November 3. Updates on Vision 2020 will be given. Tickets are available at the Chamber of Commerce.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to November 5, 2012. Carried.

Adjourned: 6:22 pm

Approved: November 5, 2012

Mayor: _____

City Recorder: _____