

M I N U T E S
CITY COUNCIL MEETING
November 19, 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 (5:35). Council Member-at-Large Janet Anderson.

MEMBERS ABSENT: None

STAFF PRESENT: Tom Dankert, Jeanne Howatt, Steven Lang, Craig Hoiium, Marty Helle, Mickey Healey, Brian Krueger and Kim Underwood.

OTHERS PRESENT: Austin Daily Herald. Austin Post Bulletin. Matt Simonson. Lani Seiver, Bill Rollie. Public.

Mayor Stiehm called the meeting to order at 5:30 pm.

The following additions were added to the agenda: a revised resolution granting 2013 off-sale liquor licenses, club on-sale licenses and wine on-sale licenses; a resolution setting a public hearing on assessment for December 17, 2012 for sanitary sewer in Dobbins Creek Estates; a resolution setting a public hearing on assessment for December 17, 2012 for tree removal at 213 4th Avenue NE; and a resolution assigning a site lease agreement with T-Mobile at the Waste Water Treatment plant.

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

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, approving the minutes of November 5, 2012. Carried.

Matt Simonson, 607 7th Avenue SE, stated that a Newsweek article said families headed by people under age 35 are almost 70% poorer today than they were in 1984. He referred to attacking or looting by Council. Mr. Simonson also complained about the foul smell from Hormel Foods, saying that it is a violation of the Clean Air Act.

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

Licenses: *None*

Claims:

- a. Credit card, financial and investment reports
- b. Pre-list of bills

Carried.

A public hearing was held for the rezoning of property located in the 200 block of 14th Street NW. This is the previous location of Comforcare. The area is surrounded by residential and commercial (B-2, R-2 and R-1 Districts). Community Development Director Craig Hoium noted the area on the future land use map is currently designated as a future arterial commercial district. Mr. Hoium referred to an aerial photo which shows where public parking had been located. He listed provisions of a B-1 Neighborhood Business District which are to “encourage the establishment of small convenience goods and personal service centers located in close proximity to residences which are so arranged and designed as to be a functional and harmonious part of a residential neighborhood.” Permitted land uses for a B-1 District include retail and service, eating and drinking places, offices, signs, dwelling units, and some other uses. Mr. Hoium said the site area is just under 65,000 sf.; the minimum requirement for a B-1 is 6000 sf. Mr. Hoium stated there is a potential development for the property. Council is not required to approve the site plan, but the proposed development does meet all the standards for a B-1. A vegetative screen or berm is planned for the west side between the development and the condominiums. A service drive will be made on the back (west) side. The whole development will include 4-5 tenant lease spaces. There will be a 4-foot grade change between the development and the west side – two feet on the condo side and 4 feet on the development side. Coniferous trees are planned for the vegetative screening. The building will be made of brick and stucco with an awning. Mr. Hoium stated the Planning Commission reviewed the rezoning request and recommended approval by a 4-1 vote.

Council Member McAlister asked what the old clinic is zoned at. Mr. Hoium said it is currently an R-2 but it has a future land use as an arterial business district.

Council Member Boughton said the site drawing is very attractive and confirmed with Mr. Hoium that it is from the developer. He asked if the developer is committed to the site plan. Mr. Hoium replied that as long as a development is in compliance with the zoning requirements, there is no requirement that the developer must build to the exact drawing.

Council Member Clennon said her one concern is the traffic coming out of the area. Mr. Hoium said the public service roads are a benefit to the development as there is no direct access to 4th Street. The street can be accessed at three different points.

Council Member Clennon questioned how close the berm would be to the condos. Mr. Hoium said it would be just on the east side of the property line. He estimated that the condos are approximately 25 feet from the property line.

Council Member Clennon questioned possible backup of water during a heavy rain. Mr. Hoium said a grading plan is a requirement of any development. The final plan will be reviewed by the Engineer’s Office.

Council Member Boughton asked if there would be flood lighting. Mr. Hoium referred to the conceptual site plan which shows three lights east of the building. Those lights are downward, canned lights. Two additional lights would be placed by the northwest parking area.

Council Member Austin said the public hearing is for rezoning and questioned if they were getting off point.

Council Member Boughton confirmed with Mr. Hoium that the development would include a retention pond.

Mr. Hoium explained to Council that in order to pass at its first reading, any ordinance would need unanimous approval. If not approved tonight at the first reading, there would be a second reading on December 3 and according to state statute that would require a 2/3rds vote.

Council Member McAlister told the audience that if anyone wants to address the issue for or against, they should express why the development should not happen given that there was a facility there for 40 years and traffic there all the time. He also noted that the request seems reasonable because Walgreens, the athletic field, Tolly's opening again in February, and Sterling State Bank are in the area. It seems to be a reasonably controlled area, he noted. He noted that we do need to keep in mind the area east of Walmart with the restaurant issues.

Lani Seiver, spoke on behalf of her mother at 212 15th Street NW, said she is concerned about a potential garbage problem. Also, she questioned why there is secrecy on the development. For example, she wouldn't want a recreation center for kids there. As for the delivery area, she feels it is too close to the property line. She is concerned about a feeling of being closed in. Will it block their sunlight? Also, she is concerned with potential problem with property values as she will be looking to sell the property in 2-3 years. She stated she is prepared to accept most of the proposal but would like to be heard about her concerns. She questioned the amount of parking spaces planned in the northwest corner of the development. Mr. Hoium noted there are two different parking requirements for office usage and retail; the conceptual drawing shows the maximum parking needed. Mr. Hoium said there are more parking stalls provided on the drawing than what would be required.

Ms. Seiver said the area is currently low residential and she prefers to keep it that way. She indicated that the businesses mentioned such as Walgreens are not even close. She added that traffic is already an issue.

Bill Rollie, owner of 208 15th Street NW, said he is pretty much in favor of the conceptual plan. If something else were planned, he would want to be able to speak on that. He would like to be heard on a few points: that the unloading area be available only 8:00 to 8:00. He is also concerned with potential noise and garbage issues. Also, he asked if the large trees on the property would be staying. Mr. Hoium was unsure if they would be staying but noted that the developers are local people. He has talked with them about the neighbors' concerns. He noted the developers are conscious of their concerns and do not want to do anything to adversely affect the neighbors.

Council Member Enright noted that the minimum requirements for the rear property would be met but asked from what point that is. Mr. Hoium said the setback is from the west exterior wall to the property line.

No other comments were made.

Moved by Council Member Austin, seconded by Council Member McAlister, to prepare the ordinance. 5-2. Carried. Council Members Clennon and Boughton voted nay.

Moved by Council Member Austin, seconded by Council Member Enright, adopting the ordinance and ordering publication. 6-1. Motion failed due to the unanimous requirement of ordinance passage at its first reading. Council Member Clennon voted nay.

A public hearing was held for the preliminary plat of the replat of Dobbins Creek Estates. This property is north of the Country Club. Council has previously approved this subdivision. Now, during the clearing of some trees, it has been discovered that even more trees would need to be cut down than currently proposed. The replat would realign the road to accommodate that. None of the lot boundaries for the five parcels and outlot would change. The only change is the southerly portion of the road extension of 28th Street NE. The Planning Commission has recommended approval with 5 conditions. Mr. Hoium asked Council to approve the replat with the condition that additional minor adjustments may be made to the alignment of the road.

Council Member-at-Large Anderson confirmed with Mr. Hoium that the reason is to save trees.

Council Member Enright confirmed with Mr. Hoium that this is still far enough away from adjacent properties.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving the preliminary plat of the replat of Dobbins Creek Estates with possible additional minor adjustments. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution to set a public hearing for December 17, 2012 on the adoption of the 5-Year Capital Improvement Plan. 7-0. Carried.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, adopting a resolution granting 2013 off-sale liquor licenses, club on-sale licenses and wine on-sale licenses. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Boughton, adopting a resolution accepting results of the general election. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member McAlister, seconded by Council Member Austin, setting a policy for voluntary furlough for 2013. Carried.

Council was requested to approve an agreement with Nationwide Retirement Solutions, the current provider for deferred compensation.

Council Member Boughton asked why the US Conference of Mayors is now endorsing Great West Retirement Services rather than Nationwide. We have been informed the change in endorsements is all about money. Finance Director Tom Dankert said that after review of the funds, it would not benefit the majority of employees. Austin Utilities will also remain with Nationwide as their deferred comp provider.

Moved by Council Member-at-Large Anderson, seconded by Council Member Boughton, adopting a resolution approving an agreement with Nationwide Retirement Solutions for administration of deferred compensation program. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member King, accepting additional donations for flowers. Carried.

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

Council is requested to start the process for the 2013 capital improvement projects by requesting the feasibility reports. The projects have all been identified in the Capital Improvement Program.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution ordering the preparation of report on improvements. 7-0. 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 1509 1st Avenue SE, Granholm property. Carried.

Council Member Enright noted that the owner of the next property has moved the couch off the boulevard and placed it in their backyard. Mr. Hoium said if the sofa is not totally removed off the property, city staff will remove it.

Moved by Council Member Austin, 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 100 12th Street SE, NC Real Estate Property. Carried.

Council is requested to approve a subdivision of property located at 1013 5th Avenue NE. Council has previously approved a variance for lot frontage at this location as well as a minor subdivision. Upon approval of the subdivision, the petitioners went through a title review at the time of sale. A legal description from the land surveyor was found to be incorrect. Council is now requested to approve the subdivision with the amended legal description.

Council Member Boughton said that when the property was split, the owner owns both parcels but he noted no off-street parking on Lot 14. He asked if this was permitted. Mr. Hoium said the petitioner had indicated there would be a new driveway off of 5th Avenue NE and a new garage east of the dwelling.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the subdivision of property at 1013 5th Avenue NE and 603 10th Street NE with the corrected legal description. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution setting a public hearing on assessment for December 17, 2012 for sanitary sewer in Dobbins Creek Estates. 7-0. Carried.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution setting a public hearing on assessment for December 17, 2012 for tree removal at 213 4th Avenue NE. 7-0. Carried.

T-Mobile has asked the City to assign a lease for its cell phone tower at the Wastewater Treatment Plant to T-Mobile USA Tower LLC. Rent charge will remain the same. T-Mobile has offered the City \$1000 to have this approved tonight.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the site lease agreement. 7-0. Carried.

REPORTS

Park & Rec Director Kim Underwood said the department is in discussions with ISD 492 on a ball field arrangement.

Council Member-at-Large Anderson said she attended a Vision 2020 committee meeting for the downtown destination project. She also attended the Minnesota Solar Challenge presentation on Wednesday. Last Thursday morning the Sustainability Taskforce met, and she invited the public to attend the monthly meetings which are held the third Thursday of each month at 7:30 am.

Council Member Enright said she and Council Member Clennon attended the ARMOR meeting regarding the transition to the new radio system at the LEC.

Council Member Boughton said the HRA has affirmed the hiring of Jon Erichson as its new executive director. He will officially begin sometime in February. Council Member Boughton thanked Jim Hurm for his nine years of service there.

Council Member Enright attended a Vision 2020 committee on the waterways. The committee is currently compiling data, taking pictures and making recommendations.

The Truth In Taxation hearing is scheduled for December 4 beginning at 6:01 pm in Council Chambers.

Mayor Stiehm attended the Fall Coalition of Greater Minnesota Cities meeting and will report later on the conference. The LGA is being reformulated, he said, but it appears that we will be receiving most of our scheduled LGA for 2013.

Moved by Council Member Austin, seconded by Council Member Boughton, adjourning the meeting to December 3, 2012. Carried.

Adjourned: 6:23 pm

Approved: December 3, 2012

Mayor: _____

City Recorder: _____