

MINUTES
CITY COUNCIL MEETING
December 17, 2012
5:30 pm
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Brian McAlister, Jeff Austin, 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, Steven Lang, David Hoversten, Mickey Healey, Kim Underwood, Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Marv Repinski. Public.

Additional backup for sanitary sewer assessment in Dobbins Creek Estates, for the public hearing on an amendment to the Comprehensive Plan, and a revised resolution for the HRA Board make-up were added to the agenda, along with a new item to approve additional funding from the Contingency for the LEC 800 MHz console.

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-at-Large Anderson, approving the minutes of December 3, 2012 and the Truth In Taxation hearing minutes of December 4, 2012. Carried.

Marv Repinski noted that the flags are lowered in response to the shootings in Newtown, CT, and he said a prayer for the victims' families and community.

There were four retirees in 2012. They were:

Dave (Wheels) Schaefer: January 21, 1974 to January 27, 2012 Arena / Waste Water Treatment Plant

Steve Moe: January 27, 1985 to February 29, 2012 Public Works Department

Tom Graff: March 5, 1973 to March 15, 2012, Park & Recreation

George Percival: July 15, 2002 to July 31, 2012, Police Department

Steve Moe and George Percival were in attendance and received their retirement plaques.

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

Licenses:

Temporary 3.2 Beer: Austin Jaycees at Paramount Theatre, Dec 31, 2012

2013 License Renewals (A complete list was made available in Council Chambers.)

Claims:

a. Financial and Investment Reports.

b. Pre-list of Bills.

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

The City accepted bids on December 6 for a signal light replacement on Oakland Avenue West & 1st Street. This project will be funded through the State Aid funds. Bids were as follows:

Mankato Electric, Inc.	\$ 131,077.20
Winkels Electric, Inc.	\$ 157,447.91
Granite Ledge Elect. Contractors, Inc.	\$ 164,112.13
Design Electric, Inc.	\$ 180,177.00
Fox Electric	\$ 194,987.00
Engineer's Estimate	\$ 184,187.25

Moved by Council Member Boughton, seconded by Council Member King, awarding the bid to Mankato Electric, Inc.. 6-1. Carried. Council Member Clennon voted nay.

A public hearing was held on the adoption of the 5-Year Capital Improvement Plan 2013-2017.

No comments were made.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution to adopt the 5-Year Capital Improvement Plan 2013-17. 6-1. Carried. Council Member Clennon voted nay.

A public hearing was held on assessment for sanitary sewer in Dobbins Creek Estates. An agreement with the petitioners provides for the City to hook them to sanitary sewer with the petitioners being assessed. The total cost of the assessment is \$40,866.70. The assessments for those lots outside the city limits will be deferred until those properties are annexed. The lots will be required to purchase a grinder pump when they hook up at a cost to the property owner of about \$6000-\$7000.

Council Member Clennon stated that this cost is considerably lower than the sanitary sewer hookups in the large NE Austin annexed area. Public Works Director Jon Erichson said the cost is very comparable when you add in the cost of the grinder pump. The assessments in the NE Austin area from the Lansing Township annexation were \$15,590.17.

No other comments were made.

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution declaring the cost of the assessment. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Austin, seconded by Council Member Enright, adopting the assessment for sanitary sewer in Dobbins Creek Estates. 6-1. Carried. Council Member Clennon voted nay.

A public hearing was held on assessment for tree removal at 213 4th Avenue NE. No comments were made.

Moved by Council Member Enright, seconded by Council Member Boughton, adopting a resolution approving assessment for tree removal at 213 4th Avenue NE. 7-0. 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. Community Development Director Craig Hoium asked Council to rescind their action taken on this last August. At that time the Planning Commission and Council reviewed and approved this amendment to the Comp Plan. The amendment relates to a request to reclassify the zoning for property at W. Oakland and 14th Street NW, the Mayo annex building and the former Comforcare property. The property is currently low density residential, and the proposed zoning would be arterial business district. The approval on August 20 was by a 4-3 vote. But according to Minn. Statute 462.355, a comp plan amendment must be approved by a two-thirds vote. Mr. Hoium noted that that information was in the backup material for the August meeting but that the vote was not caught at that time. This action relates to the next item on the agenda, which is to rezone the property located in the 200 block of 14th Street NW.

Council Member Clennon questioned the public hearing because Council did not vote to set the hearing. Mr. Hoium stated that the requirement is only that the hearing be publicized, which it was. We are not required to mail notice to adjacent property owners, though this was done.

No other comments were made.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution to rescind Resolution 14408, amending the Comprehensive Plan. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Austin, seconded by Council Member King, adopting a new resolution to amend 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. 6-1. Carried. Council Member Clennon voted nay.

A public hearing was held for the rezoning of property located in the 200 block of 14th Street NW.

There were no comments.

Moved by Council Member Enright, seconded by Council Member King, to prepare the ordinance. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Enright, seconded by Council Member King, for adoption and publication of the ordinance. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution approving the tax levy for the year 2013. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Boughton, seconded by Council Member Austin, adopting a resolution to adopt the budget for the year 2013. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution authorizing the cancellation of certain ad valorem tax levies. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution granting 2013 licenses for sale of hard liquor on-sale, Sunday hard liquor on-sale, Sunday wine on-sale, and 3.2 beer on and off-sale. 7-0. Carried.

Council is requested to act on a resolution waiving or not waiving tort limits for the city insurance. By acting to not waive tort limits, the City Council limits the amount the City can be sued.

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson, to approve not waiving statutory tort limits. Carried.

Moved by Council Member Boughton, seconded by Council Member Enright, adopting a resolution setting the mileage reimbursement rate for 2013 at 56.5¢. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the sale of property owned by Austin Utilities and located in the 500 block of 7th Avenue NW, DRS 9. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving the sale of property owned by Austin Utilities and located in the 600 block of 18th Avenue NW, Plymouth Substation property. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving the sale of property owned by Austin Utilities and located in the 100 block of 4th Street SW, DRS #10. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving the sale of property owned by Austin Utilities and located in the 1300 block of 4th Avenue NW, Grove Substation property. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution confining and releasing an easement for Austin Utilities. The easement is located on the east side of Hwy 218 N, south of the Cedar Valley Conservation Club. 7-0. Carried.

Public Works Director Jon Erichson explained the Individual Control Mechanism agreements. These agreements are for businesses which produce significant discharge to the Waste Water Treatment Plant. These agreements prevent businesses from exceeding volume or strength of discharge, thereby putting the City in jeopardy of violating MPCA rules. The Industrial Plant agreement with Hormel Foods has expired; the City Council should approve a new agreement. Mr. Erichson stated Hormel pays 100% of the costs for improvements to the industrial side. Also, and what has been common practice, Hormel Foods diverts to the domestic side when the industrial side is down for maintenance or whenever it is overloaded. The City then has charged

Hormel based on rates established by Council. Now, the MPCA has mandated additional responsibility when entering into an Individual Control Mechanism. We must now identify the flow and strength. Another ICM must be entered into for the domestic side.

Moved by Council Member Boughton, seconded by Council Member Enright, adopting a resolution approving an Individual Control Mechanism agreement with Hormel Foods for the industrial plant. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving an Individual Control Mechanism agreement with Hormel Foods for the domestic plant. 7-0. Carried.

Council was requested to change the membership of the HRA Board by increasing membership to seven members. This was discussed at length at the last work session; the Committee-of-the-Whole had agreed to three council members on the board, one from each ward. City Administrator Jim Hurm asked Council to amend the resolution to include the council member-at-large and also to clarify the non-elected positions would exclude city council members only, not school board members or county commissioners.

Council Member Clennon said she has researched other HRA boards and most have just one council member and some of those don't have voting rights. She wondered why we are doing something different than other HRAs. Mr. Hurm stated that the City of Austin has always had council representation. It has just been in the last two years that there has been only one council member on the HRA.

Mayor Stiehm stated that the Committee-of-the-Whole agreed to the changes at the last work session. Council Member Clennon stated she did her research since that meeting. She added that too many times the Council has a discussion at the work session level and the public does not hear it.

Council Member King stated that though other HRAs don't have council representation or have just one member and the City of Austin does, does not mean that that is a bad thing. Our HRA is a very robust organization, accomplishing much. Additional council members on the board would not be a bad thing.

Mr. Hurm stated that the idea behind the change is largely due to Vision 2020; some projects of the Vision 2020 program relate to redevelopment which would involve the HRA, such as the redevelopment of downtown.

Council Member Clennon stated that the HRA must comply with HRA rules, and she noted that the 'redevelopment' means 'housing redevelopment'. City Attorney David Hoversten said the HRA does have specific powers under state statute to redevelop certain types of properties and that there are occasions where non-housing projects could require HRA involvement. One example of redeveloped commercial property is the former railroad property, for which we received funds from the federal government.

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution increasing the Austin Housing & Redevelopment Authority Board to seven members. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Austin, seconded by Council Member King, reappointing Shirley Schlieve to the Housing & Redevelopment Authority, 7/18/05 to 12/31/17. Carried.

Moved by Council Member Enright, seconded by Council Member King, reappointing Woody Vereide to the AMCAT board, term expiring 12/31/14. Carried.

The Committee-of-the-Whole has reviewed and recommended a moratorium ordinance on permits for solar panels.

Council Member Clennon said she received a phone call from someone since the last meeting, and the caller did not understand why we are having a moratorium on solar panels. Council Member Clennon said we are a GreenStep city, but this seems like we are going backwards. Council Member Austin said this is a 90-day moratorium while we draft a new ordinance.

Moved by Council Member Enright, seconded by Council Member Boughton, to prepare a moratorium ordinance on solar panels. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, for adoption and publication of ordinance. 6-1. Carried. Council Member Clennon voted nay.

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

Council was asked to grant permission to the Austin School District 492 to use land in Todd Park to construct softball fields. This was reviewed and discussed at the last work session. Park & Rec Director Kim Underwood asked Council to approve the motion to give the School District the go-ahead for the bidding process.

Moved by Council Member King, seconded by Council Member Austin, granting permission to Austin School District 492 for use of land in Todd Park to construct softball fields. Carried.

The City has a DNR flood mitigation grant for funding acquisition, engineering and construction work for the North Main project. The grant expires on December 31, 2012. Due in part to delays with the acquisition of the Sinclair property, the State has agreed to additional time for the grant.

Moved by Council Member Enright, seconded by Council Member Boughton, adopting a resolution extending the DNR grant to December 31, 2014. 6-1. Carried. Council Member Clennon voted nay.

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 1418 7th Avenue NW, Sorgine property. Carried.

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 1407 8th Avenue NW, Hanson property. Carried.

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 1000 4th Avenue NE, Talamantes property. Carried.

Mayor Stiehm questioned if the Talamantes property was a repeat offender, to which Mr. Hoium replied that the owner has several properties, both residential and commercial. He does not know if that specific residence is a repeat offense.

At 5:00 pm, the Committee-of-the-Whole met and discussed additional costs for the LEC 800 MHz radio system. Police Chief Brian Krueger said this dual system will handle VHS and digital. He stated that our county is the last county to go digital. The County has provided the City with a new quote as of a few days ago, and that quote is higher than the first quote by approximately \$45,000. It is recommended that the additional \$45,00 come out of the 2013 Contingency Fund.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution authorizing approximately \$45,000 from Contingency for the 800 MHz radio system.

REPORTS:

Council Member Clennon thanked various individuals and the League of Minnesota Cities for support received while serving as council member. She named various boards she has served on and listed issues she initiated while on council. Council Member Clennon stated her future interest in working with CAB to fight bullying, asserting that she had been bullied while on council.

Council Member Enright welcomed the two newly elected council members.

Council Member Boughton thanked Heather Rule, reporter for the Austin Post Bulletin, who is covering her last council meeting. He said she was accurate and fair. (The Post-Bulletin is closing their Austin office.)

Council Member-at-Large Anderson also wished Heather well. She thanked council members and staff for their work during her present term, and she looks forward to her next term.

Council Member King thanked the retirees once again.

Council Member Austin reported that the Park & Rec Board approved the Friends of the Nature Center budget for 2013. He thanked Council Member Mcalister and Clennon for their service on council. He said we have a great staff and council.

Council Member McAlister thanked council members past and present. There's always been an interesting exchange of information. He thanked staff for their patience with him when he has had questions or needed referrals. He especially thanked citizens of the First Ward for allowing him to serve as their council member for the past eight years.

Park & Rec Director Kim Underwood said Riverside Arena is very busy with hockey tournaments on December 27, 28 and 29. Public skates are scheduled at Packer. And in January, youth hockey tournament will be held at both arenas.

Community Development Director Craig Hoium reported that he received an update on Vision 2020 today and will forward it to Council.

Mayor Stiehm thanked Council Member McAlister for his time on council. He enjoyed Council Member McAlister's time on council and said he was very insightful. Mayor Stiehm also thanked Council Member Clennon for her four years. He acknowledged that she was different than other council members and that there has been frustration. He said he has seen council and staff bend over backwards in answer to her requests and if her needs weren't met, he said he was sorry and perhaps we could do better in the future.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to January 7, 2012.

Adjourned: 6:40 pm

Approved: January 7, 2012

Mayor: _____

City Recorder: _____