

**M I N U T E S**  
**CITY COUNCIL MEETING**  
**January 22, 2013**  
**5:30 pm**  
**Council Chambers**

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

**MEMBERS ABSENT:** Michael Jordal.

**STAFF PRESENT:** Jim Hurm, Craig Hoium, Jon Erichson, Steven Lang, David Hoversten, Mickey Healey, Kim Underwood, Brian Krueger.

**OTHERS PRESENT:** Austin Daily Herald. Marian Clennon. John Gray, Laura Helle. Public.

Moved by Council Member Boughton, seconded by Council Member King, adopting the agenda. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the minutes of January 7, 2013. Carried.

Marian Clennon, former council member, stated she attended the Local Government Innovation Awards presentation in Minneapolis last Wednesday. At the presentation, reports were given on all the finalists. LMC President Jim Miller sends his congratulations.

Jeff Weaver, representing Mower County, presented the City with the traveling plaque for winning the annual City/County food drive. The County submitted 1124 pounds of food, the City weighed in at 915 which combined totaled 2039 pounds donated to the food shelf.

Mayor Stiehm presented Tom Dankert with the Certificate of Achievement for Excellence in Financial Reporting. He thanked Tom and the Finance staff for their good work.

Mayor Stiehm noted a short reception was given for Public Works Director Jon Erichson who is retiring. Mayor Stiehm said he was impressed with the grasp he had of the Engineering Department and with the way he treated the public. He learned a lot from him. On behalf of the Public Works Department, Assistant City Engineer Steven Lang presented Jon Erichson with a couple signs which say "Erichson Pl" and "Jon's Way". Mr. Lang also presented Mr. Erichson with a certificate acknowledging Jon's 35 years of service in Austin and Shakopee. Mr. Lang commented on how he had learned some people skills from Jon, noting that Jon treated everyone fair and that he was never too busy to discuss anything with him.

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

Licenses:

Cigarette: Jim's Market Place Food, 301 11<sup>th</sup> Street, Austin  
Commercial Hauler: Waste Management of S. MN, Clarks Grove, MN  
Commercial Hauler: Y Waste Removal, Austin  
Concrete: Hutch & Sons Builders LLC, Austin  
Concrete: Wallace Bustad Crane Service, 24000 US Hwy 218, Austin  
Excavation: Hickory Tech, Mankato, MN  
Excavation: Wallace Bustad Crane Service, 24000 US Hwy 218, Austin  
Exempt Gambling (raffle): Austin Area Chamber of Commerce @ Bandshell Community Park, July 4  
Exempt Gambling (raffle): Austin Area Chamber of Commerce @ Eagles Aerie 703, March 7  
Food: Queen of Angels Church, 1001 E. Oakland Avenue, Austin  
Food: Salvation Army, Austin  
Food: Schwan's Home Service, Marshall, MN  
Food: Jim's Market Place Food, 301 11<sup>th</sup> Street, Austin  
Food-Mobile: Hawaiian Shaved Ice/Romlyn Superette, 901 W. Oakland  
Garbage Hauler: Bustad Roll-Off, 24000 US Hwy, Austin  
Garbage Hauler: Waste Management of S. Mn, Clarks Grove, MN  
Garbage Hauler: Y Waste Removal, Inc., Austin  
Master Plumber: Albert Lea Mechanical, Inc. Albert Lea, MN  
Master Plumber: C&C Mechanical, Oronoco, MN  
Master Plumber: Dave's Plumbing, Heating & Refrigeration, Rose Creek MN  
Master Plumber: Dimension Plumbing & Heating, Inc., Rochester, MN  
Master Plumber: HiMec, Rochester, MN  
Master Plumber: Jensen Heating, AC & Plumbing, Geneva, MN  
Master Plumber: Jim & Dudes Plumbing & Heating, Albert Lea, MN  
Master Plumber: Kasper Plumbing, Inc., Owatonna, MN  
Master Plumber: Kelley Plumbing & Heating, Albert Lea, MN  
Master Plumber: Lone Star Plumbing, Adams, MN  
Master Plumber: MJ O'Connor, Inc., Austin  
Master Plumber: Owner's Plumbing, Rochester, MN  
Master Plumber: Route 52 Plumbing & Heating, Inc., Byron, MN  
Master Plumber: Superior Mechanical, Rochester, MN  
Master Plumber: Voigt Plumbing & Heating, Grand Meadow, MN  
Master: 1<sup>st</sup> Class Plumbing & Heating, Inc., Rochester, MN  
Tree Removal: Bell Aerial, LC, St. Ansgar, IA  
Tree Removal: Carr Tree Service, Ottertail, MN

Claims:

- a. Investment Report.
- b. Pre-list of Bills.
- c. Credit Card Report.
- d. Silverstone Group for BRHB, Inc. dba Godfather's Pizza. This claim was forwarded to the city attorney to protect the city's interest.

Carried.

John Gray, Vision 2020 Steering Committee member and chair of the Gateway to Austin Committee, spoke to Council. Last November, he, Jon Erichson, County Commissioner Mike

Ankeny, and Kelly Lady from Austin Utilities visited with MnDOT on the committee's four goals: 1) an iconic overpass preferably between 4<sup>th</sup> Street NW and 14<sup>th</sup> Street NW, 2) a visitors center, 3) signage, both within the city and outside the city, and 4) improving the image of I-90 at the Austin exits. He noted that the MnDOT representatives said that just like front yards are the first thing noticed in a home, the same thing is true of I-90 and the community. Mr. Gray said these areas are very drab, not really appealing. The discussion with MnDOT also included refacing some bridges to make them more attractive. MnDOT is more than willing to work with us, he noted, and they suggested a reimbursement program for community roadside landscaping. MnDOT will assist in landscaping, and we would use the services of their landscape architect. If Austin is awarded this grant, we could be awarded between \$10,000 and up to \$30,000 per year for supplies (not labor). We could potentially receive \$30,000 every year through 2020. Mr. Gray said the committee is working with landscapers and Spruce Up Austin will spearhead the project. They are looking to work with other groups. This application must go through the municipality. This will not cost the City anything.

Council Member-at-Large Anderson said this is a great opportunity, and a good chance to have a relationship with MnDOT.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, adopting a resolution authorizing the City to apply for a MnDOT Community Roadside Landscaping grant for Vision 2020. 6-0. Carried.

Laura Helle, Vision 2020 director, said she is asking for authorization for the City to apply for a Safe Routes to Schools MnDOT grant. Ms. Helle said this request is similar to the previous MnDOT grant application, but with bikes.

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution authorizing the City to apply for a Safe Routes to Schools grant (MnDOT). 6-0. Carried.

City Engineer Jon Erichson requested Council approve an increase to the street improvement assessment rates for 2012. Last year, 34% of the street improvement costs were assessed, and that was down from previous years. The increase in rates is attempting to get to the goal of 50% of the project cost being paid by assessments. The urban residential costs would be increased \$1.75 per linear foot. Mr. Erichson gave the following example: With an average lot size of 75 feet, the total increase on an assessment would be \$90. And that additional amount over a 15-year assessment life would be \$6.00 per year.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution setting the street improvement assessment rates for 2013. 6-0. Carried.

The County will be conducting a burn of the grandstand. The City should approve an agreement which states that the City has control of the burn and if they deem it unsafe, then the burn would be halted. The agreement also states that the burn will be used as a firefighting exercise. Mower County is responsible for removing the debris. The agreement also indemnifies the City from any liability other than workers compensation, which would be covered under city employment.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving a hold harmless agreement for the grandstand burn. 6-0. Carried.

Council is requested to approve the replacement of the adult services librarian which was recommended for approval at the last work session.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, authorizing the replacement of the adult services librarian. Carried.

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution authorizing \$5000 from Contingency to help pay for the cost of the recreation center feasibility study for Vision 2020. 6-0. Carried.

Council is requested to approve a joint electronics recycling event with Mower County to be held this spring. The date of May 4 is tentative.

Moved by Council Member King, seconded by Council Member Austin, approving a joint electronics recycling event with Mower County, scheduled tentatively for May 4. Carried.

Moved by Council Member King, seconded by Council Member Austin, authorizing the replacement of two relief operator positions at the Waste Water Treatment Plant. Carried.

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson, approving the following council appointments on boards and commissions.

**AUSTIN/MOWER COUNTY HOMEOWNERSHIP BOARD**

1. Jeff Austin
2. Jeremy Carolan

**AUSTIN/MOWER COUNTY TRANSIT (AMCAT) BOARD**

1. Judy Enright
2. Steve King (vice chair)

**BLAZING STAR TRAIL JOINT POWERS BOARD**

1. Michael Jordal
2. Janet Anderson
3. Jeremy Carolan

**CABLE TV COMMITTEE**

1. Michael Jordal

**CHAMBER OF COMMERCE BOARD**

1. Judy Enright

**CITY/COUNTY HEALTH BOARD (County Appointment)**

1. Steve King

**COMMUNITY EDUCATION ADVISORY COUNCIL**

1. Vacant

**CONVENTION & VISITORS BUREAU**

1. Steve King

**DCA BOARD**

1. Roger Boughton

**FAMILY CONNECTIONS**

1. Steve King

**HOUSING AND REDEVELOPMENT AUTHORITY BOARD**

1. Janet Anderson, 1<sup>st</sup> Ward:
2. Roger Boughton, Second Ward
3. Judy Enright, Third Ward

**LEC COMMITTEE**

1. Tom Stiehm
2. Judy Enright
3. Jim Hurm
4. Brian Krueger
5. Mickey Healey

**LIBRARY BOARD**

1. Steve King

**MAIN STREET PROJECT BOARD OF DIRECTORS**

1. Michael Jordal

**MOWER COUNTY WATER MANAGEMENT COMMITTEE**

1. Jeff Austin

**PARK AND RECREATION BOARD**

1. Jeff Austin

**PORT AUTHORITY OF AUSTIN**

1. Roger Boughton
2. Jeff Austin

**RENTAL HOUSING ORDINANCE COMMITTEE (TEMPORARY)**

1. Vacant until after the Council Retreat

**SENIOR CENTER BOARD OF DIRECTORS**

1. Roger Boughton

**SUSTAINABILITY TASKFORCE**

1. Janet Anderson (representing City Council)
2. Judy Enright (representing Riverland Community College)

**YELLOW RIBBON COMMITTEE**

1. Judy Enright

Carried.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution accepting December 2012 donations to the Austin Public Library. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of refuse and junk at 1300 1<sup>st</sup> Place SE, Leverington property. Carried.

A grant for the Turtle Creek flood mitigation and Dobbins Creek flood mitigation was submitted last summer. The DNR then notified the City of a potential \$500,000 matching grant which was approved at work session level. Since that time, the City has worked with the DNR and they have increased the matching grant award to \$1 million. Public Works Director Jon Erichson said the matching funds would be funded out of the local option sales tax proceeds. The grant has now been divided into two different grants of \$550,000 each, with a matching \$550,000, a \$1.1 million project. Mr. Erichson said originally the estimated cost of this project was \$4.5 million and included property acquisition, infrastructure protection and engineering costs. This grant will be used for acquisition in the Turtle Creek area and the grant money for the Dobbins Creek mitigation (in the area on 10<sup>th</sup> Drive SE commonly known as the Ponderosa), will be used for the replacement and removal of the sanitary sewer lift station by the railroad tracks as well as other property acquisition.. The project is under tight time constraints as the grant expires at the end of 2014.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution authorizing the acceptance of a DNR Flood Damage Reduction Grant Assistance for Turtle Creek. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution authorizing the acceptance of a DNR Flood Damage Reduction Grant Assistance for Turtle Creek. 6-0. Carried.

Moved by Council Member Boughton, seconded by Council Member Austin, approving the LELS contract for 2012. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member Boughton, approving the LELS contract for 2013-2015. 6-0. Carried.

Public Works Director Jon Erichson asked Council to authorize the acquisition of property on North Main Street for flood control. The City has been trying to acquire the Sinclair property for some time for the flood mitigation project. The North Main flood project was set up in twelve phases. We have completed Phases 2,8,9,10, 11 and 12. Phase one is associated with the downtown power plant, so that phase is on hold. Scheduled for 2013 are phases 3,4,5,6, and 7, covering the west side of the Cedar River from the swimming pool to I-90. The North Main project includes a number of grants – a \$5,000,000 federal grant and a DNR grant. The project total cost is estimated over \$12 million. According to federal regulations, the City must have ownership or easements on all impacted properties before plans can be submitted for review. Mr. Erichson said acquisition for this Sinclair property has been very complicated due to underground pollution from the underground tanks left by Sinclair. An MPCA determination has been made that to June 25<sup>th</sup> 2012 the party that generated the pollution would be responsible for pollution and if anyone disturbs the ground, that party would be responsible. Knowing that the

ground *would* be disturbed, negotiations have been ongoing with Sinclair and the MPCA. The current proposed purchase agreement states that the seller would remain liable and responsible for any pollution on that site. If it becomes disturbed, the City would be responsible. Mr. Erichson estimates the potential costs to mitigate pollution at \$250,000, half of which might be shared with the DNR. The proposed plan to be reviewed by the MPCA states that the dry side of the contamination site would remain in place. The MPCA has indicated that they need 90 days in which to make their decision, but, Mr. Erichson stated, if the City waits 90 days, we would lose the 2013 construction season. Mr. Erichson stated that at some point, we need to move forward. That, combined with the risk tolerance of undergoing another flood, would be unacceptable. The proposed agreement minimizes material that would be disturbed. Mr. Erichson thought that steel sheet piling could be used. Mr. Erichson recommended to proceed with the acquisition, but also noted the concerns from the attorney's office over risk factor associated with pollution. The purchase price of the Sinclair property is \$60,000, which is less than the appraisal.

Council Member-at-Large Anderson asked if we could move on with phases 3-7 while we're waiting. Mr. Erichson said we could not because once the property is acquired, the design will go through that property; we can't just start at the other end. He added that the MPCA will likely take more than 90 days to review. He said one option for the city would be to build a wall around the outside of the property and have the parcel of property on the wet side of the berm, but "we would look really stupid doing that," he commented.

Mayor Stiehm confirmed with Mr. Erichson that all the costs would come from the local option sales tax. Mr. Erichson added that as far as the local tax, we are where we should be. The tax is in place up on 20 years, but we are way ahead of schedule. We will be breaking ground with this North Main project in the latter part of the summer.

Council Member Enright stated we should move forward with this project.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution authorizing the acquisition of property on North Main Street for the flood control project. 6-0. Carried.

## REPORTS

Council Member Enright reported on several fundraising activities for the Beyond the Yellow Ribbon campaign. On Thursday, there will be a fundraiser at Applebee's. The VFW is sponsoring a dart tournament in February. And a breakfast is planned at the American Legion on February 6. She attended her first Chamber of Commerce Board meeting. The Board is working on their 2013 priorities: Grow Minnesota; Buy Mower, Grow Mower; and Vision 2020. At noon on Tuesday, the Business Friendly Committee of Vision 2020 will be sponsoring a speaker on "Equipping Entrepreneurs for a Better Bottom Line".

Council Member King thanked Jon Erichson. He remarked that he has truly been a public servant as shown by his work with the public. Council Member King said he appreciated his explanations and trusted his opinion.

Council Member Austin also thanked Mr. Erichson for his advice and help. He also admired his people skills.

Council Member Boughton remarked that the HRA is very fortunate to get Mr. Erichson for their executive director. It will be a good transition, and the timing is good, he noted.

Council Member-at-Large Anderson reported that the Sustainability Taskforce met recently. Their main focuses currently are recycling and how we can collectively do more of that, and also the taskforce is looking to develop more of a relationship with the AHS Going Green Club. Council Member-at-Large Anderson thanked Mr. Erichson for his skills and incredible patience. She said she was amazed at how well he explained things. At times, he took the heat and frustration from the public very well. She commended him on his great leadership on so many projects.

Community Development Director Craig Hoium said 60 local entrepreneurs will be attending the Business Friendly meeting Council Member Enright that reported on. He said he could report about this event at the next council meeting and asked anyone who would be attending to contact Vision 2020 Director Laura Helle.

Mayor Stiehm presented Jon with a key to the city. He remarked that Jon received the Engineer of the Year Award for 2011 last year from the State of Minnesota – impressive since this award is given by his peers. He noted he learned a lot from Jon, and that Jon handled the sometimes angry public as well as he's every seen.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to February 4, 2013.

Adjourned: 6:25 pm

Approved: February 4, 2013

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

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