

**M I N U T E S**  
**CITY COUNCIL MEETING**  
**July 1, 2013**  
**5:30 pm**  
**Council Chambers**

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

**MEMBERS ABSENT:** Roger Boughton.

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

**OTHERS PRESENT:** Austin Daily Herald. Elizabeth Wefel, Coalition of Greater Minnesota Cities. Bob Clark, Oak Park Village. Public.

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

Added to the agenda: Three additional junk removal requests for 1402 4<sup>th</sup> Avenue SW, Day property; 802 9<sup>th</sup> Street SE, Kvam/Viehauser property; and 1711 4<sup>th</sup> Avenue SE, Anderson property.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the amended agenda. Carried.

Bob Clark spoke to Council. He had attended the recent Conversations with the Council regarding ongoing garbage problems with the restaurant at the end of the Walmart strip mall. Even more than the garbage problems is the noise from an LP heater in the back of the truck, he said, which is stationed 60 feet from his bedroom window. Mayor Stiehm acknowledged his original complaint from the Conversations with the Council and is assuming his issues are being addressed. Mr. Clark said he had contacted the LEC but no one showed up. Chief Krueger said officers were sent out on two occasions. He stated that obviously there is a language barrier but that the second time, there had been an understanding that the LP heater was shut off. No other calls were made to the LEC so it was their understanding that the noise had stopped. Mayor Stiehm stated that if it happened again, perhaps that would be grounds for a citation.

Meshet Scabby Robe Parnett stated that there had been an understanding with the City pertaining to the junk on his property and that the City would be inspecting it every two weeks. Mr. Scabby Robe Parnett said now three buildings and all of the contents are gone. He added that there is a water problem on the southeast end of his property; it sits in the ditch and they cannot mow the ditches. Mr. Scabby Robe Parnett also stated that the City made the road bigger and now it is caving in and is dangerous. Also, ground water is leaking from a broken casing on a well on the property. Mayor Stiehm directed him to speak with Community Development Director Craig Hoium and Public Works Director Steven Lang, adding that as long as he is moving forward

(addressing the code violations), there should be no problem. Mr. Scabby Robe Parnett said the road has become a raceway; they need a lower speed limit. He noted that some vehicles, including school buses have been fish tailing around the corner. Mayor Stiehm stated he visited the property and noted the Scabby Robe Parnetts have some legitimate complaints, but he advised that they limit their complaints as they have too many. He said they could talk more later.

Elizabeth Wefel from the Coalition of Greater Minnesota Cities, reported to Council on the Coalition's efforts this last legislative season. The new LGA formula was its most significant achievement, and the greater Minnesota cities have not been hit as bad as they might have been. Ms. Wefel gave a Powerpoint presentation which included where the new budget dollars are coming from. Also, the Coalition defeated an annexation bill which would have greatly weakened annexation by ordinance. The Coalition appreciates the support from Austin.

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

Licenses:

Food Mobile: Carter Rosenthal dba The Mudd Pie Factory, LLC, Freedom Fest and Mower County Fair

Temporary Food: Austin Youth Hockey, Freedom Fest, July 4

Claims:

- a. Pre-list of bills.

Carried.

Bids were received for the construction of two 1.5-million gallon storage tanks for excess flow at the Waste Water Treatment Plant. Bids were as follows:

<u>Contractor</u>	<u>Amount</u>
Wapasha Construction Co., Inc.	\$ 2,800,000
Gridor Construction	\$ 2,890,900
American General Contractors, Inc.	\$ 2,900,000
The Joseph Company	\$ 2,920,000
Staab Construction Corporation	\$ 2,937,000
Rice Lake Construction Group	\$ 3,035,800
Magney Construction, Inc.	\$ 3,224,800
Engineer's Estimate	\$ 3,200,000

Carried.

Moved by Council Member Austin, seconded by Council Member Jordal, adopting a resolution awarding the bid to Wapasha Construction Co., Inc. 6-0. Carried.

The Committee-of-the-Whole discussed a formula change to the Austin Community Fire Protection Association. Due to the reformulation of property valuation, the Association would owe approximately \$150,000. Yet in past years, the Association paid approximately \$128,000 in

2010, approximately \$127,000 in 2011 and approximately \$132,000 in 2012. The new agreement does away with the formula and sets the fee to the Rural Fire Association as follows:

2013	\$130,000
2014	\$130,000
2015	\$130,000

Moved by Council Member Enright, seconded by Council Member King, adopting the Rural Fire Association Agreement for years 2013 through 2015. 6-0. Carried.

Gary Ray has donated for improvements to the Austin skateboard park. In addition, some citizens have held a competition and fundraiser and raised funding. Council is requested to approve the donations.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, adopting a resolution accepting donations for the skateboard park. 6-0. Carried.

Moved by Council Member King, seconded by Council Member Austin, authorizing a simple amendment of the Police Department 2013 budget for the purchase of in-squad computers instead of in-squad cameras. Carried.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution authorizing \$21,600 from Contingency Fund for squad car cameras. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member Carolan, adopting a resolution approving agreement with Baudler, Maus, Forman, Kritzer & Wagner, LLP for prosecutorial services from January 1, 2014 to December 31, 2016. 5-0. Council Member King abstained. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, authorizing \$10,000 from 2013 Contingency Fund for use by the DCA for promoting, advertising, improving and developing the economic resources of the City, with the understanding that the DCA will utilize Vision 2020 to assist in fulfilling these functions. 6-0. Carried.

Moved by Council Member Austin, seconded by Council Member King, approving street closing on 3<sup>rd</sup> Avenue NW from 4<sup>th</sup> Street to 5<sup>th</sup> Street for August 23 to August 26. Carried.

Moved by Council Member Enright, 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 928 4<sup>th</sup> Avenue NE, NC Real Estate 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 406-408 9<sup>th</sup> Street NE, Talamentes 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 712 9<sup>th</sup> Avenue NW, Riley 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 1203 11<sup>th</sup> Avenue NW, Dennison 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 1209 11<sup>th</sup> Avenue NW, Raimann property. Carried.

Moved by Council Member Enright, 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 12<sup>th</sup> Street NW, Obub property. Carried.

Moved by Council Member Enright, 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 305 1<sup>st</sup> Street SW, Rodenbough property. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 507 11<sup>th</sup> Street SW, Diggins property. Carried.

Moved by Council Member King, seconded by Council Member Enright, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1402 4<sup>th</sup> Avenue SW, Day 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 802 9<sup>th</sup> Street SE, Kvam/Viehauser property. Carried.

Moved by Council Member Enright, 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 1711 4<sup>th</sup> Avenue SE, Anderson property. Carried.

Bellisio Foods, Inc. is buying out Austin Packaging Company and must now enter into an Individual Control Mechanism (ICM) agreement for the waste water treatment plant. The ICM regulates the flow, strength, suspended solids and pH level. The agreement will expire July 1, 2014 and flows will be re-evaluated at that time.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving an ICM agreement with Bellisio Foods, Inc. 6-0. Carried.

The City purchased the former Budget Oil gas station on June 17, 2011. At that time, the purchase agreement included a \$25,000 escrow account for the seller to cover costs related to the site cleanup. Ten percent of the costs for environmental cleanup will come out of the escrow account and ninety percent of the costs will be funded from the Petroleum Tank Release Compensation Fund. The agreement had expired June 1, 2012 and Council then extended the agreement to June 1, 2013 for more testing. Work is ongoing with the MPCA and West Central Environmental Consultants and therefore another one year extension is requested for the

purchase agreement. The retainage would be \$10,000 (not \$15,000 as noted in Steven Lang's memo to Council included in the backup material).

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution to amend the Budget Oil gas station purchase agreement. 6-0. Carried.

## REPORTS

Council Member-at-Large Anderson attended the annual LMC conference last week. The City of Austin was recognized for obtaining Step 3 as a GreenStep City. She was a presenter for a talk on "Financing Energy Projects with Little or No Money" and used the Riverside Arena retrofit as an example project.

Council Member King noted Ann Hokanson was honored by Rotary as achieving Excellence in Government. Also, Sgt. McCormack received an All Star award for a high number of DWI arrests.

Park & Rec Director Kim Underwood reminded everyone that youth programs will break until July 7. There will be no swimming lessons on the 4<sup>th</sup>. Val Pitzen received an Award of Merit from the Austin All Stars at the Austin Youth International Baseball Tournament last Friday.

Moved by Council Member Austin, seconded by Council Member Jordal, adjourning the meeting to July 15, 2013.

Adjourned: 6:15 pm

Approved: July 15, 2013

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

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