M I N U T E S
CITY COUNCIL MEETING
December 16, 2013
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

STAFF PRESENT: Director of Administrative Services Tom Dankert, Community Development Director Craig Hoium, Public Works Director Steven Lang, City Attorney David Hoversten, Police Chief Brian Krueger, Library Director Ann Hokanson, Park and Rec Director Kim Underwood and City Clerk Ann Dunlap

OTHERS PRESENT: Jon Erichson, Lucy Johnson, Patrick McGuire, Austin Daily Herald, Public

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

Added to the agenda:

15. Updated Resolution- added Fraternal Order of the Eagles 703

32. Approving two year renewal of a bench rental agreement with United States Bench Corporation.

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

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, approving the minutes of December 2, 2013 and the Truth in Taxation hearing minutes of December 3, 2013. Carried.

CITIZENS ADDRESSING THE COUNCIL

There were no citizens wishing to address the Council.

AWARDS AND RECOGNITIONS

Mayor Stiehm recognized the following individuals for their years of service with the City of Austin:

Linda Anderson, October 25, 1990 to February 28, 2013, Library
Jon Erichson, April 16, 1979 to February 28, 2013, Public Works and Engineering

Raymond (Al) Wigant, July 1, 1980 to May 31, 2013, Sewer Maintenance
Patrick McGuire, October 12, 1976 to June 30, 2013, Waste Water Treatment Plant
Lucy Johnson, March 15, 1978 to July 31, 2013, Clerk's Office
Doug Kelly, November 15, 1973 to November 29, 2013, Parks & Recreation

Public Works Director Steven Lang commented on Jon Erichson's retirement stating Jon worked in public service for 35 years with 13 of those years as the Assistant City Engineer and 21 years as the City Engineer with the City of Austin. Also, when Jon started gas was .76 cents per gallon and Jimmy Carter had just defeated Gerald Ford in the presidential election.

Jon Erichson thanked the City and the City Council for his years of service. He added it was a great place to work and he enjoyed his work every day.

Director of Administrative Services Tom Dankert recognized Lucy's dedication to the Clerk's office adding that she worked in public service for a total of 42 years.

Lucy Johnson worked for 35 years as the City Clerk. She enjoyed her time with the City and expressed her thanks to the City Council.

Public Works Director Steven Lang commented on Patrick McGuire's years of service noting that he worked various positions in the WWTP and was a good employee.

Patrick McGuire also expressed his thanks to the City for his years of employment.

CONSENT AGENDA

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving the consent agenda as follows:

Licenses:
-2014 License Renewals (see complete list attached hereto)
-Exempt Gambling (raffle) – Riverland Community College Foundation on February 14, 2014

Claims:
a. Credit Card and Investment Reports.
b. Pre-list of Bills.

Carried.

PUBLIC HEARINGS:

A public hearing was held on the 5 Year Capital Improvement Plan for the City of Austin. Director of Administrative Services Tom Dankert presented the proposed plan stating over the last few months the City Department Heads and the City Council went through an extensive process to create the capital improvement plan for the next five years. The document details requests for improvements for approximately $100 million dollars. By Council passing the document, it gives staff authorization for purchase the listed items for 2014 and also serves as a guide for the upcoming years.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution adopting the 5 Year Capital Improvement Plan. Carried 7-0.

A public hearing was held for street improvement assessment for 8th Street NW (Oakland Avenue to 4th Avenue) and 8th Street SW (Oakland Avenue to 1st Avenue), Project 1-A-13. The amount to be assessed is $8,700.15 at 3.75% for 15 years.

Director of Public Works Steven Lang presented on the proposed street assessments. This hearing is continuation of an assessment hearing from March 18, 2013 wherein 230 parcels were assessed. At that time there were three parcel owners that objected to the proposed assessments. Those three parcels were removed and the hearing continued to allow the Engineering Department to order appraisals of the properties. Those appraisals have been completed and the parcels are proposed to be assessed as follows:

Property	Street	Sidewalk	Total
101 8th Street NW	$4,700.00	$337.71	$5,307.71
107 8th Street NW	$1,746.38	$170.56	$1,916.94
111 8th Street NW	$1,553.62	$191.88	$1,745.50

The appraisal for 107 8th Street NW and 111 8th Street NW was completed as one document because the same individual owns both properties. The total increase in value from the appraisal of $3,330.00 was divided between the two parcels based on their frontage to the road. The project is complete and the proposed assessments represent 14.8% of the total project cost being assessed to the property owner.

Mayor Stiehm called for any written or oral objections.

There were two written objections filed in the Clerk's Office prior to the hearing, from John Howe and Cynthia Low.

John Howe, 2345 South Oak Drive, Red Wing, owns two of the properties. He questioned why this street was replaced with concrete and the surrounding streets were asphalt and what is the cost difference between concrete and asphalt.

Steven Lang stated each street is evaluated on the level of the roadway, sub-grade materials and traffic patterns for the type of replacement material. He did not know the cost difference.

John Howe inquired if this street was a state-aid street. And if so, how much money did the City receive for it.

Steven Lang stated the street is a state aid street but did not know the amount of aid received.

John Howe also stated the road in front of his parcels was a good road before the work and is now still a good road. He doesn't believe that his property has increased in value as a result of the work. He would like the City to find a better way to handle the assessment and would like to review the appraisal.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution declaring the cost of project 1-A-13. Carried 6-0 with Council Member Carolan abstaining due to a conflict.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution adopting the assessment roll for project 1-A-13. Carried 6-0 with Council Member Carolan abstaining due to a conflict.

A public hearing was held on the rezoning of a property located in the 900-1000 blocks of 15th Avenue NE, 16th Avenue NE and 17th Avenue NE from an R-1 Single Family Residential District to an R-O Multi-Family Residential Office District.

Community Development Director Craig Hoium presented on the rezoning request which was also reviewed by the Austin Planning Commission at their December 10, 2013 meeting. The Petitioner, Leaning Tree, LLC has requested to rezone the property from an "R-1" Single-Family District to an "R-O" Multi-Family Residence Office District to bring the parcel zoning classification into compliance for a proposed re-development associated with the Hormel Institute expansion. The proposed area would be used as an off street parking lot which is needed for the expansion because the newly expanded area of the Hormel Institute is proposed for their current parking lot. Craig Hoium reviewed a map of the area showing that Leaning Tree, LLC owns a significant portion of the parcels and reviewed a conceptual layout of the proposed off street parking. (see map attached to backup materials)

Council Member Boughton questioned why the Petitioner didn't acquire the whole area.

Craig Hoium stated there are additional parcel acquisitions that may be completed and therefore would require additional rezoning requests. The currently requested area will meet proposed development. The "R-O" district will fit the future land use for this area.

He also added that there are specific requirements for off street parking when it is located immediately next to housing and those requirements were reviewed with citizens in attendance at the Planning Commission meeting on December 10th. The Commission recommended approval of the rezoning request with a 5-0 vote because the proposed land-use change is in compliance to the Comprehensive Plan Future Land-Use Plan as a future residential/office district and the requested zoning change is in compliance with the Comprehensive Plan Goals addressing commercial development.

In addition, in April 2011 the City Council took action amending the Comprehensive Future Land Use Map and changed the area in question for future use as an "R-O" district.

Chris Crosby, 1010 15th Avenue NE, who owns a property adjacent to the land being rezoned, wondered how this would change the taxes on his home. Craig Hoium stated the City doesn't determine tax rates. However, his property will stay as currently zoned so there should be no change in taxes.

Additionally, Mr. Crosby inquired who he should talk to about future acquisitions. Craig Hoium stated to contact Joe Fuhrman with Fuhrman Real Estate or Steve Rizzi at the Adams, Rizzi & Sween Law Office.

Moved by Council Member Austin, seconded by Council Member King, for preparation of the ordinance. Carried.

Moved by Council Member Austin, seconded by Council Member King, for adoption and publication of the ordinance. Carried 7-0.

PETITIONS AND REQUESTS:

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution accepting Hormel Foundation Grant awards. Carried 7-0.

Moved by Council Member King, seconded by Council Member Carolan, adopting a resolution approving Findings of Fact and Order relating to the declaration of a potentially dangerous dog owned by Jerry Hicks. Carried 4-3 with Council Members Austin, Boughton and Enright voting nay.

Director of Administrative Services Tom Dankert presented the proposed tax levy of $4,120,000 for the 2014 tax year which is roughly 1 percent less than the 2013 levy.

Moved by Council Member Austin, seconded by Council Member Boughton, adopting a resolution approving the tax levy for the year 2014. Carried 7-0.

Director of Administrative Services Tom Dankert presented the 30.8 million dollar proposed budget for 2014. The matter was discussed at the Truth in Taxation Hearing and its approval was recommended.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution adopting the budget for the year 2014. Carried 7-0.

Director of Administrative Services Tom Dankert stated there are four bond issues that can be cancelled in 2014 and not passed onto taxpayers as there are other revenue sources for the items. By passing the resolution, it tells the County to not tax for those particular items.

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

Director of Administrative Services Tom Dankert Sets proposed the 2014 federal mileage reimbursement rate of 56.5 per mile to reimburse employees that go out of town with their personal vehicles for City business.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution setting the mileage reimbursement rate for 2014. Carried 7-0.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution granting 2014 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. Carried 7-0.

Director of Public Works Steven Lang presented on the Waste Water Treatment Plant succession plan. Jim Samuel is the current Waste Water Treatment Plant superintendent and has worked there for 40 years. He is planning on retiring in 2014. As part of a succession training plan, Chad Heard was promoted to Operations Supervisor and has trained with Jim for the last 12

months. Steven recommended promoting Chad Heard to Plant Supervisor upon Jim Samuel's retirement.

Moved by Council Member Boughton, seconded by Council Member King, approving the succession plan for the Waste Water Treatment Plant with the promotion of Chad Heard to Plant Superintendent upon the retirement of Jim Samuel. Carried.

The promotion of Chad Heard would create a vacancy for the Operations Supervisor position. Steven Lang recommended Norb Eggert be promoted to that position. Norb has worked for the Waste Water Treatment Plant since 1983.

Moved by Council Member Austin, seconded by Council Member Enright, approving the succession plan for the Waste Water Treatment Plant with the promotion of Norb Eggert to Operations Supervisor upon the vacancy created by Chad Heard. Carried.

Director of Administrative Services Tom Dankert presented the proposed 2% wage increase each year for years 2014-2016 for the City Attorney and the Director of Administrative Services. This is similar to the contract of the police supervisors and the firefighters.

Council Member Carolan questioned if the current wages are comparable to other cities.

Tom Dankert stated the Human Resources department reviews job descriptions and salaries on a regular basis and compares them to other cities. Historically, the City has followed the arbitration awards and is consistent with giving the same amount of increase to all employees.

Mayor Stiehm added he recently attended a Coalition conference and felt the wages were comparable to other cities.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving wage rates of certain regular fulltime exempt employees not covered by a labor agreement. Carried 7-0.

Director of Administrative Services Tom Dankert presented the proposed 2% wage increase each year for years 2014-2016 for the Human Resources Director, MIS Administrator, Police Captain and Police Chief adding that this would be similar to the previous resolution.

Moved by Council Member Austin, seconded by Council Member Boughton, adopting a resolution approving wage rates of certain regular fulltime exempt employees not covered by a labor agreement. Carried 7-0.

Director of Administrative Services Tom Dankert presented a proposed 2% wage increase each year for years 2014-2016 for regular fulltime non-exempt employees not covered by a labor agreement.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution approving wage rates of certain regular fulltime non-exempt employees not covered by a labor agreement. Carried 7-0.

Moved by Council Member Austin, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for removal of junk and/or illegally stored vehicles at 1206 12th Street NW, RPD Properties, LLC Property. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for removal of junk and/or illegally stored vehicles at 1300 1st Pl SE, Leverington Property. Carried.

Moved by Council Member Austin, seconded by Council Member King, appointing Jerry McCarthy to the Housing and Redevelopment Authority, 1/1/2014 to 12/31/18. Carried.

Moved by Council Member King, seconded by Council Member Austin, appointing Lyndsey Waletzke to the Human Rights Commission, 1/1/2014 to 12/31/16. Carried.

Moved by Council Member Austin, seconded by Council Member King, appointing Christine Stiehm to the Human Rights Commission, 1/1/2014 to 12/31/14. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, appointing Roland Hanson to the Library Board, 1/1/2014 to 12/31/16. Carried.

Moved by Council Member Austin, seconded by Council Member King, appointing Alex Mayfield to the Library Board, 1/1/2014 to 12/31/16. Carried.

Moved by Council Member King, seconded by Council Member Austin, appointing Helen Jahr to the Park & Rec Board, 1/1/2014 to 12/31/17. Carried.

Moved by Council Member Austin, seconded by Council Member Carolan, appointing Rick Bremner to the Planning Commission, 1/1/2014 to 12/31/15. Carried.

Moved by Council Member King, seconded by Council Member Austin, reappointing Danielle Heiny to the Cable TV Committee, 12/17/01 to 12/31/16. Carried.

Moved by Council Member Austin, seconded by Council Member Boughton, reappointing Glenn Baker to the Fire Civil Services Commission, 5/7/12 to 12/31/16. Carried.

Moved by Council Member Austin, seconded by Council Member King, reappointing Aaron Stewart to the Human Rights Commission, 3/2/09 to 12/31/16. Carried.

Moved by Council Member Austin, seconded by Council Member King, reappointing Kathryn Martin to the Human Rights Commission, 1/1/08 to 12/31/16. Carried.

Moved by Council Member King, seconded by Council Member Austin, reappointing Julie Schramek to the Library Board, 3/15/10 to 12/31/16. Carried.

Moved by Council Member Austin, seconded by Council Member Carolan, reappointing Steve Kime to the Planning Commission, 12/21/09 to 12/31/17. Carried.

Moved by Council Member Austin, seconded by Council Member Boughton, reappointing Holly Wallace to the Planning Commission, 1/1/2011 to 12/31/17. Carried.

Moved by Council Member Austin, seconded by Council Member Carolan, reappointing Doug Myers to the Police Civil Service Commission, 2/7/05 to 12/31/16. Carried.

Moved by Council Member Boughton, seconded by Council Member Austin, reappointing Michaell Bednar to the Port Authority, 6/7/99 to 12/31/19. Carried.

Moved by Council Member Austin, seconded by Council Member King, approving of an extension of the voluntary furlough program. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson approving hours of 8:00 a.m. to 3:00 p.m. for City Offices on Christmas Eve. Carried.

Moved by Council Member Austin, seconded by Council Member Jordal, adopting a resolution accepting gifts to the Park and Recreation Department. Carried 7-0.

Library Director Ann Hokanson stated the Library has received a Library Services and Technology Grant in the amount of $9,600 for arts programs for seniors throughout Mower County.

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson, adopting a resolution accepting Library Services and Technology Grant to the Austin Public Library in the amount of $9,600. Carried 7-0.

Director of Public Works Steven Lang presented the proposed assignment of Individual Control Mechanism agreement from L.L. Parks Livestock, Inc. to LL Parks, LLC. The current agreement with the City has a two year term and L.L. Parks Livestock, Inc. is one year into that agreement. They are proposing to assign that agreement to a different entity, LL Parks, LLC. The assignment had been reviewed by the City Attorney and he has recommended approval.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving an assignment of Individual Control Mechanism agreement with the City of Austin from L. L. Parks Livestock, Inc. to LL Parks, LLC. Carried 7-0.

Moved by Council Member Austin, seconded by Council Member Jordal, adopting a resolution approving a gambling premises permit for the Mower County Council for the Handicapped at Mickey's Place of Austin, 111 2nd Avenue NE. Carried 7-0.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution accepting gifts for November 2013 to the Austin Public Library. Carried 7-0.

Director of Public Works Steven Lang presented on the easement confinement for Austin Utilities. It is a common practice to have a blanket easement for an entire area for utilities when first installing service. Then once the service is installed the utility needs to narrow that legal description to specifically describe exactly where the lines are located.

Moved by Council Member Austin, seconded by Council Member Carolan, adopting a resolution approving an easement confinement for Austin Utilities. Carried 7-0.

Director of Financial Services Tom Dankert stated AMCAT is currently in the process of merging with Cedar Valley Services to provide transit in Austin and Mower County. When AMCAT was originally established, a Joint Powers Agreement for the Operation of a Public Transit System between the City of Austin and Mower County was established. Since the transit will no longer be in existence, the Joint Powers Agreement needs to be dissolved by resolution effective December 31, 2013.

Moved by Council Member Boughton, seconded by Council Member Austin, adopting a resolution approving the dissolution of the Joint Powers Agreement for Operation of a Public Transit System. Carried 7-0.

Director of Public Works Steven Lang proposed a two year renewal of a bench agreement with United States Bench Corporation. There are currently 15 benches located in the City right-of-way. United States Bench Corporation is proposing a rate of $36 per bench, per year renewal.

Council Member Carolan inquired if this is competitive to other markets? Steven Lang did not have any comparable market data.

Moved by Council Member Austin, seconded by Council Member Boughton, approving a two year renewal of a bench rental agreement with United States Bench Corporation.

REPORTS

Mayor Stiehm thanked the Council for the good year adding that this is the best Council he has worked with.

Park and Recreation Director Kim Underwood reported the warming houses at Kaufman and Galloway Parks will open Friday at 6:30. There is also registration for soccer beginning in January and the open skate times at Packer Arena are listed on the City website.

Director of Administrative Services Tom Dankert reported the new police officer and Fire Chief are anticipated to begin on January 6, 2014.

Moved by Council Member Austin, seconded by Council Member Carolan, adjourning the meeting to January 6, 2013. Carried.

Adjourned: 6:22pm

Approved: January 6, 2014

Mayor: _____

City Recorder: _____