

M I N U T E S  
CITY COUNCIL MEETING  
October 6, 2014  
5:30 PM  
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Steve King, Michael Jordal, Roger Boughton, Jeremy Carolan, Judy Enright, Council Member-at-Large Janet Anderson and Council Member Jeff Austin at 6:13 p.m.

MEMBERS ABSENT:

STAFF PRESENT: Director of Administrative Services Tom Dankert, Public Works Director Steven Lang, City Attorney David Hoversten, Police Chief Brian Krueger, Fire Chief Jim McCoy, Library Director Ann Hokanson, Park and Rec Director Kim Underwood, Planning and Zoning Administrator Holly Wallace and City Clerk Ann Kasel

OTHERS PRESENT: Rosie Vacura, Randy Kvam, Cindy Lacann, Austin Daily Herald, Austin Post Bulletin

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

Added to the agenda:

Additional Back up for agenda

7. Public hearing on assessments for 2014 junk, garbage and debris removal. Written objection filed.

Additional Bid Award

18. Receiving bids for residential asbestos abatement.  
(res) a. Awarding bid.

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

Moved by Council Member Enright, seconded by Council Member King, approving the minutes of September 15, September 23 and September 25, 2014. Carried.

#### AWARDS AND RECOGNITIONS

Police Chief Brian Krueger introduced Officer Travis Martin who is from Woodbury and officially started earlier in the day. Officer Martin stated he was excited to begin employment with the City.

Public Works Director Steven Lang introduced Holly Wallace, the new Planning and Zoning Administrator. Ms. Wallace stated work October 2<sup>nd</sup> and formerly worked as an attorney in an Albert Lea law firm. She has also been on the Planning Commission since 2011.

Mayor Stiehm noted she was one of the original members of the Dog Park Committee.

Ms. Wallace thanked the Mayor for that recognition and stated she was excited to begin work.

## CONSENT AGENDA

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

### Licenses:

Exempt Gambling: United Catholic Schools Foundation of Austin, MN at St. Augustine's Church, Jennings Hall on November 5, 2014

Taxi Cab Driver: Bonnie Lee Brechtel, 1707 4<sup>th</sup> Avenue SE

Temporary On-Sale: Austin Jaycees, 1211 4<sup>th</sup> Street NW on October 16, 2014

### Event Applications:

Austin High School homecoming parade on October 10, 2014

Austin High School marching band on October 10, 2014

### Claims:

- a. Pre-list of bills.
- b. Credit card report and financial reports.
- c. Century Link, PO BOX 60770, Oklahoma City, OK 73145. The matter was forwarded to the City Attorney to protect the City's interest.
- d. Laura Warnholz, 1703 4<sup>th</sup> Avenue NW. The matter was forwarded to the City Attorney to protect the City's interest.
- e. Allen Orwick, 341 1<sup>st</sup> Street SE, Blooming Prairie. The matter was forwarded to the City Attorney to protect the City's interest.

Carried.

## PUBLIC HEARINGS:

A public hearing was held for assessment of miscellaneous sidewalk and in-drive projects. Director of Public Works Steven Lang noted the proposed assessments are for additional requested work from the homeowner beyond the scope of the current street projects. The assessments would be spread over a ten year period at a rate of 4.75%. Citizens can prepay the assessment before October 31, 2014 with no interest.

*The Mayor took the following comment out of order.*

Rosie Vacura, 3600 11<sup>th</sup> Place NE, owns a property located at 1000 8<sup>th</sup> Street NE, which is on the proposed 8<sup>th</sup> Avenue NE and 8<sup>th</sup> Street NW street improvement project. Mrs. Vacura noted she received a letter that she may have to pay for the replacement of the sidewalk. She asked who owns the sidewalk.

Director of Public Works Steven Lang stated the sidewalk is located in public right of way with the maintenance and upkeep being the responsibility of the adjacent property owners.

Mrs. Vacura didn't feel the homeowners should pay for sidewalk since it is for the use of the public. She felt the City should pay for it. She also expressed her concerns about junk properties in Austin and that they should be cleaned up.

Mr. Lang took her number and will set up at time to meet with her to address her concerns.

*The Mayor took the following comment out of order.*

David Buxton, 819 Second Avenue NE, had concerns about a proposed grass mowing assessment due to his lot expanding when the City took out a service drive on Oakland Avenue. He does not want to mow additional property.

Mr. Lang noted that Mr. Buxton received a benefit from the additional property because there is a larger buffer between his home and Oakland Avenue.

*The Mayor took the following comment out of order.*

Randy Kvam, 2104 1<sup>st</sup> Ave SE, spoke on behalf of his mother, Marian Kvam, who resides at 807 9<sup>th</sup> Street NE, regarding the proposed sidewalk assessment on the 8<sup>th</sup> Avenue NE and 8<sup>th</sup> Street NE project. He inquired if the homeowner would be responsible for all of the sidewalk panels since part of the sidewalk is a bike trail.

Mr. Lang stated the homeowner is only responsible for the 5 foot wide sidewalk adjacent to the property. The other panels will be paid for as part of the street project.

No additional public comments were made.

Moved by Council Member Enright, seconded by Council Member Jordal, adopting a resolution assessing miscellaneous sidewalk and in-drive project assessments. Carried 6-0.

A public hearing was held for assessment for 2014 junk, garbage and debris removal. Mr. Lang stated the homeowners are given many opportunities to clean up the property prior to the City doing it for them. If the homeowners do not bring the property up to code then City completes the clean-up and charges the owner for staff time, equipment cost and cost for disposal of the items. The assessments would be assessed for a one year period at a rate of 4.75%. Citizens can prepay the assessment before October 31, 2014 with no interest.

A written objection was received from Meshetnaglee Scabby Robe Parnett for his proposed assessment on the property located at 1405 28<sup>th</sup> Avenue NE, parcel identification number 34.916.0220. Diana Ross, 807 10<sup>th</sup> Street NE, spoke on behalf of her nephew, stating that there was a recent court order that should be taken into consideration regarding the cleanup.

City Attorney David Hoversten advised the Council to remove this parcel from the assessment roll and continue the hearing to a later date so the matter can be investigated.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, to remove Meshetnagle Scabby Robe Parnett - parcel identification number 34.916.0220 from the assessment and continue the assessment hearing for this parcel on October 20, 2014. Carried.

Cindy Lacann, 1207 30<sup>th</sup> Avenue NE, stated she received an assessment notice for her property, formerly owned by Barbara Briggs. She stated she did not believe she should be responsible for the assessment.

Mr. Lang stated the cleanup may have been completed prior to the transfer of ownership of the property. He asked Ms. Lacann to set up an appointment with him and the matter would be reviewed.

Moved by Council Member Enright, seconded by Council Member King, to remove Barbara Briggs - parcel identification number 34.916.0111 from the assessment and continue the assessment hearing for this parcel on October 20, 2014. Carried.

No additional public comments were made.

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson, adopting a resolution assessing 2014 junk, garbage and debris removal assessments. Carried 6-0.

A public hearing was held for assessment for 2013-2014 snow removal. The assessments would be assessed for a one year period at a rate of 4.75%. Citizens can prepay the assessment before October 31, 2014 with no interest.

No public comments were made.

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution assessing 2013-2014 snow removal assessments. Carried 6-0.

A public hearing was held for assessment for 2014 grass and weed removal. The assessments would be assessed for a one year period at a rate of 4.75%. Citizens can prepay the assessment before October 31, 2014 with no interest.

No public comments were made.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution assessing 2014 grass and weed removal assessments. Carried 6-0.

A public hearing was held for the reassessment of tax forfeited parcels. The assessments would be assessed for a ten year period at a rate of 4.75%. Citizens can prepay the assessment before October 31, 2014 with no interest.

Adam Wradislavsky asked what the assessments were for and how they could be paid.

City Clerk Ann Kasel stated the assessments were reassessing either street or nuisance assessments that happened prior to the tax forfeiture. When the property was offered for sale by Mower County it was disclosed that the City may reassess the old assessments. In Mr. Wradislavsky's case, some of

the purchase price he paid to Mower County was used to pay down the reassessment amount. Mrs. Kasel invited him to stop in the clerk's office to review the exact figures.

No additional public comments were made.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution assessing tax forfeiture reassessments. Carried 6-0.

A public hearing was held for the assessment of deferred sanitary sewer assessments. The assessments would be assessed for a ten year period at a rate of 5%. Citizens can prepay the assessment before October 31, 2014 with no interest.

No public comments were made.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, adopting a resolution assessing deferred sanitary sewer assessments. Carried 6-0.

A public hearing was held for street improvement assessments on 8<sup>th</sup> Street NW (Oakland Avenue to 4<sup>th</sup> Avenue NW) and 8<sup>th</sup> Street SW (Oakland Avenue to 1<sup>st</sup> Avenue SW), project 1-A-13. The amount to be assessed is \$3,300 at 3.75% for 15 years.

There were no comments and there were no written or oral objections.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution declaring the cost for Project 1-A-13. Carried 7-0.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution adopting the assessment roll for Project 1-A-13. Carried 7-0.

A public hearing was held for street improvements on 8<sup>th</sup> Avenue NE (RR ROW to 8<sup>th</sup> Street NE) and 8<sup>th</sup> Street NE (8<sup>th</sup> Avenue to 10<sup>th</sup> Avenue NE), Project 1-A-11. Director of Public Works Steven Lang stated the City typically holds improvement hearings in spring but the City plans to bid this particular project this fall for 2015 construction. The project would entail removing the existing concrete roadway and curb on 8<sup>th</sup> Avenue NE and 8<sup>th</sup> Street NE and replacing it with a road of the same 44 foot width. The concrete boulevard for the East Side Lake bike trail would also be replaced. The City would repair or replace storm and sanitary sewer services as needed along with replacement of underground utilities by Austin Utilities. The street portion of the project will be funded by a federal highway grant with no street assessment to adjacent property owners. Property owners will be assessed for the replacement of deficient sidewalk panels at the adopted 2015 rates. The assessments would be adopted in 2015 with payments beginning in 2016 with the option to pay it all upfront or have the balance placed on taxes over 15 years with interest.

No public comments were made.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution ordering improvement, approving plans and specifications and ordering advertising for bids. Carried 7-0.

A public hearing was held to review the Austin Floodplain Progress Report and Management Plan.

Director of Public Works Steven Lang presented on the Community Rating System Plan as part of the recertification process for the community flood rating system administered by FEMA. This plan is presented at a public meeting on a yearly basis to comply with federal requirements. The highlight of 2013-2014 year was a loss avoidance study which showed 163 homes have been removed from the flood plain at a cost of 14 million dollars. The loss avoidance on that investment is estimated to be 38 million dollars. The City also adopted new flood plain zoning maps for more accurate mapping of the topography of the land. The City provides close to 30 activities and services to the citizens in relation to flooding issues which results in a 25% savings on flood insurance premiums.

Some of the goals for 2015 are to complete the North Main Street project, work to acquire residential and commercial properties impacted by flooding events and to continue work on the Turtle Creek Flood Mitigation project.

No public comments were given.

Moved by Council Member King, seconded by Council Member Austin, approving the Austin Floodplain Progress Report and Management Plan. Carried 7-0.

#### BID OPENINGS AND AWARDS:

The City received bids for residential building demolition for flood buyout structures located at 504 21<sup>st</sup> Street SW, 1700 4<sup>th</sup> Street SW, 1403 12<sup>th</sup> Street SW and 1205 4<sup>th</sup> Avenue SE. Mr. Lang presented the following bids:

Hansen Hauling & Excavation, Inc.	\$19,600
Wallace Bustad Excavating Service	\$20,300
JM Hauling, LLC	\$55,392

He recommended awarding the bid to Hansen Hauling & Excavation, Inc.

Council Member Austin asked why the bids were so much lower than engineer's estimate.

Mr. Lang replied that the original estimate included the demolition of four structures. Three of structures were auctioned off and will be removed which resulted in significant cost savings.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, awarding the bid for demolition of residential structures to Hansen Hauling & Excavating, Inc. Carried 7-0.

#### PETITIONS AND REQUESTS:

Director of Administrative Services Tom Dankert requested the Council approve a purchase agreement with Mower County for the old library lot. The City would use this additional parking lot to help alleviate parking concerns downtown.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving the purchase agreement for the former (Carnegie) library lot from Mower County. Carried 7-0.

Director of Public Works Steven Lang requested the Council approve a Mighty Ducks grant application through the Minnesota Amateur Sports Commission. The \$400,000 grant would help cover the costs of replacing the ice equipment, much of which is original to the Arena which was built in 1973. The City would provide matching funds in the amount of \$1,000,000.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, approving a Mighty Ducks grant application with the Minnesota Amateur Sports Commission for Riverside Arena upgrades. Carried 7-0.

The City of received bids for residential asbestos abatement. The following bids were received:

Safe Air Systems	\$5,600
Twell Environmental	\$7,140
Engineer's Estimate	\$7,500

Mr. Lang recommended awarding the contract to Safe Air Systems.

Moved by Council Member Boughton, seconded by Council Member Austin, awarding the bid for asbestos abatement to Safe Air Systems, Inc. Carried 7-0.

## REPORTS

Council Member Carolan stated the Fire Department's open house is Wednesday, October 8th from 5:00 p.m. to 7:30 p.m.

Fire Chief McCoy added that kids can spray a fire hose, look at the trucks, try on gear, meet Sparky the Fire Dog and there will be an auto extrication at 6:30 p.m.

Council Member Boughton noted that Council Member-at-Large Anderson was recognized as a significant volunteer by the Nature Center.

Council Member-at-Large Anderson stated the Sustainability Task Force will meet Wednesday, October 8<sup>th</sup> at 7:30 a.m.

Council Member Austin reported he attended a Park and Rec meeting on October 1<sup>st</sup> where many upcoming events were approved including a Harvest 5k on November 8<sup>th</sup>.

He also announced the Austin Port Authority, in conjunction with the City of Austin, has reached an agreement to acquire the Oak Park Mall facility from Oak Park Mall Limited Partnership and Oak Park Mall Land Limited Partnership. The purchase agreement includes acquisition of the entire mall facility located at 1301 18th Avenue NW and an additional out lot located along 18th Avenue NW. The estimated cost of the acquisition is \$3.3 million. A grant to the City of Austin by The Hormel Foundation will cover the acquisition cost. The City of Austin approached the Hormel Foundation on funding the acquisition based on numerous complaints from our citizens

on what should be a priority for redevelopment. He thanked The Hormel Foundation on behalf of the City for their generosity towards this project.

Mayor Stiehm recognized and thanked Tom Dankert for all of his hard work on the project.

Library Director Ann Hokanson reported the library's annual book sale will be October 9<sup>th</sup> through October 11<sup>th</sup>. Also, the library just unveiled an iPad rental system where patrons can check out and use an iPad in the library.

Director of Public Works Steven Lang noted leaf collection is available at the Cook Farm site through November 23<sup>rd</sup>.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to October 20, 2014. Carried.

Adjourned: 6:33 pm

Approved: October 20, 2014

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

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