

M I N U T E S
CITY COUNCIL MEETING
October 20, 2014
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Steve King, Michael Jordal, Roger Boughton, Jeremy Carolan, Judy Enright and Jeff Austin.

MEMBERS ABSENT: Council Member-at-Large Janet Anderson

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, Park and Rec Director Kim Underwood, Planning and Zoning Administrator Holly Wallace and City Clerk Ann Kasel

OTHERS PRESENT:

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

Added to the agenda:

28. Approving a settlement agreement with Jim Hurm.

29. Approving an employment agreement with Craig Clark.

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 Enright, approving the minutes of October 6, 2014, October 4, 2014 and September 20, 2014. Carried.

CITIZENS ADDRESSING THE COUNCIL

Roger Boughton expressed his sadness over the passing of Dr. Richard Schindler. Dr. Schindler made many valuable contributions to the City and the community of Austin as a whole.

Chief Brown Bol, 201 31st St SW #202, expressed his concerns about problems the Sudanese are experiencing in the Community, mainly educational issues due to cultural and communication barriers.

Mayor Stiehm stated he has met with the Sudanese and will work with them for solutions.

Sandra Ewing, Coordinator for Mower County's Toward Zero Deaths' (TZD) campaign, presented on seat belts and child restraints. TZD's goal is to reduce deaths on Minnesota roads to zero. Last year there were three fatalities in Mower County. She noted law enforcement is currently enforcing the Click it or Ticket campaign to enforce seat belt use and child seat use.

Chief Krueger added it is an excellent program and the Austin Police Department is very involved.

Matt Simonson showed a photo difference of Horace Austin Park and the current Main Street. He disagreed with the current use of the park and surrounding area.

AWARDS AND RECOGNITIONS

Mayor Stiehm read a Proclamation declaring the week of October 20, 2014 as Early Childhood Family Education Week.

Amy Baskin, with Early Childhood Family Education, thanked the Mayor for the Proclamation and noted EFCE is having a party Saturday, October 25, 2014 from 10:00 a.m. to 1:00 p.m. to celebrate.

CONSENT AGENDA

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

Licenses:

Cab Driver: Patti Lang, 1503 5th Street SE
Cab Driver: Robert Morgan, 1309 10th Avenue NW
Cab Driver: Daniel Konken, 612 11th Avenue SW
Master Plumber: B and C Plumbing and Heating, Inc. 9934 30th Street SE
Eyota, MN

Event Applications:

Sterling State Bank, Christmas in the Southwest on December 4, 2014.
Harvest 5k Fun Run and Walk on November 8, 2014.

Claims:

- a. Pre-list of bills.
- b. Investments Report.
- c. Doran Schroeder, 811 12th Avenue SW. The matter has been forwarded to the City Attorney to protect the City's interest.
- d. Sandra Sanchez, 1311 8th Avenue SW. The matter has been forwarded to the City Attorney to protect the City's interest.
- e. Judy Enright, 101 12th Street NE. The matter has been forwarded to the City Attorney to protect the City's interest.

Carried.

PUBLIC HEARINGS

A public hearing was held for 2014 junk, garbage and debris removal assessments. This hearing was continued from the October 6, 2014 Council meeting in regard to two parcels, 34.916.0220 (Parnett) and 34.916.0111 (Briggs). Written and verbal objections were filed for both parcels at the October 6, 2014 hearing and the matters were continued for additional investigation.

Planning and Zoning Director Holly Wallace provided additional information to the Council for each parcel in question.

In regard to 34.916.0220, the Parnett parcel, junk was removed from the property and during the removal there was a confrontation between the Parnett family and law enforcement. Two of the Parnetts were charged criminally with obstructing legal process. A trial on the criminal matter was held. The Court order addressed a criminal charges and did not address any civil matters. At the Monday, October 6, 2014, City Council meeting, the Council received a written objection, signed Meshet Scabby Robe Parnett, stating that “it was found by (sic) Judge that this was not legal process and that you as the city didn’t uphold your end of the verbal contract.” A representative appeared for Mr. Parnett, who could not attend the meeting in person. The representative mentioned an “injunction” but did not provide any documentation. There was no language in the Court’s order which would impact the junk removal assessment and therefore it is recommended that assessment be adopted.

Kathi Scabby Robe Parnett spoke on behalf of her son, the property owner, stating he cannot afford to pay the amount as a one year assessment and requested the Council extend the assessment over a ten year period.

City Attorney David Hoversten stated the assessment can be spread over ten years at the discretion of the Council.

Mr. Dankert noted the City doesn’t have enough time to re-notice the property owner of the change in terms of the length of the assessment and get it on taxes for the 2015 tax year so if the Council wished to change the term of the assessment it could do so tonight.

Moved by Council Member Austin, seconded by Council Member King, to adopt a resolution for parcel 34.916.0220 for garbage, junk and debris removal in the amount of \$3,194.56 at 4.75% interest over a ten year period, subject to an agreement signed by the property owner. Carried 6-0.

Holly Wallace presented in regard to 34.916.0111, the Briggs parcel, stating junk was removed from the Briggs property by the City of Austin in 2014. At the City Council meeting October 6, 2014, Cindy LaCann objected to the assessment. After speaking to Ms. LaCann, she indicated she has been living at the property since December 2013 and is not able to buy the property from Ms. Briggs until the taxes are paid. Ms. LaCann did not want the assessment to be added to the taxes. Ms. LaCann was informed that if the assessment was paid by October 31, 2014, they would not be added to the property taxes. It is recommended that the assessment be adopted.

Moved by Council Member Austin, seconded by Council Member Enright, adopting assessment for 2014 junk, garbage and debris removal. Carried 6-0.

PETITIONS AND REQUESTS

Moved by Council Member Austin, seconded by Council Member Enright, resolving the Council into the Sign Board of Appeals. Carried.

Planning and Zoning Director Holly Wallace requested the Council approve a sign appeal from Fairway Outdoor Advertising for a sign that exceeds the height limit by 8 feet. There is currently a billboard sign at the location but the Petitioner wants to modify the billboard to be dynamic on the north face of the sign. The Planning Commission met on October 14, 2014 and recommended approval subject to the same conditions as the existing dynamic sign Fairway owns on Oakland Avenue West.

Moved by Council Member Boughton, seconded by Council Member Austin, approving a sign appeal from Fairway Outdoor Advertising. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adjourning the Sign Board of Appeals and resolving back into the City Council. Carried.

Fire Chief Jim McCoy requested approval to enter into a contract to purchase a fire truck prior to October 31, 2014 due to a manufacturer's cost increase effective November 1, 2014. It would save the City approximately \$8,400. The truck would not have to be paid for until 2015 where it is currently budgeted.

Moved by Council Member King, seconded by Council Member Austin, authorizing a contract for the purchase of a fire truck budgeted for 2015 prior to October 31, 2014 to utilize cost savings. Carried.

Public Works Director Steven Lang presented a request from residents at 1402, 1404 and 1406 19th Avenue SW for their sidewalk to be removed. The sidewalk is a standalone section located on the North side of 19th Avenue SW. There is a complete sidewalk located on the South side of 19th Avenue SW which is a designated section on the Safe Routes to School map. Mr. Lang recommended removing the sidewalk if the residents are responsible for all costs associated with removal and shall be completed with a licensed contractor or with the 19th Avenue SW construction project scheduled for 2015. The cost could be assessed to the property owners along with the street project. Mr. Lang added that there may be a time that a sidewalk would be put back in here and requested an additional condition be added that the property may be subject to sidewalk placement in the future.

Moved by Council Member Boughton, seconded by Council Member King, granting a sidewalk removal request for 1402, 1404 and 1406 19th Avenue SW subject to the residents responsible for all costs associated with the removal, the removal being completed by a licensed contractor and the property may be subject to sidewalk placement in the future. Carried.

Public Works Director Steven Lang presented a request from the Vision 2020 Bike/Walk Committee for a bike repair station located at the old Eagles site and additional bike racks to be located where the existing downtown kiosks, which are scheduled to be removed in 2015, are located. The bike repair station would be approximately \$1,500 with City crews doing some of the work and the bike racks have an estimated total cost of \$1,200.

Moved by Council Member Austin, seconded by Council Member Enright, authorizing funding for a bike repair station and bike racks from the 2014 budgeted Vision 2020 funds. Carried.

Public Works Director Steven Lang requested authorization from the Council to move forward with the hiring process for the zoning/building inspector and water quality specialist.

Moved by Council Member Austin, seconded by Council Member Enright, authorizing the hiring process for the zoning/building inspector position. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, authorizing the hiring process for the water quality specialist. Carried.

Director of Administrative Services Tom Dankert requested the Council authorize the transfer of Community Development Fund 24000 in the amount of \$350,000 to the Building Fund to help cover some of the costs in the upcoming capital improvement program. The Community Development Fund has little activity due to the Local Option Sales Tax and the City would be able to use the funds in the account for other building projects and needs.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution authorizing the transfer of \$350,000 from the Community Development Fund 24000 into Building Fund 48000 - budget amendment # 5. Carried 6-0.

Moved by Council Member Boughton, seconded by Council Member Austin, adopting a resolution authorizing increasing the clerk's position to the top of the step scale thereby eliminating any intermediary anniversary steps for the position. Carried 6-0.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution accepting donations to the City of Austin. Carried 6-0.

Director of Administrative Services Tom Dankert requested the Council accept a donation from the Hormel Foundation for the purchase of the Oak Park Mall in the amount of \$3,236,935. The Foundation has appropriated up to \$3,500,000 for the transaction.

Moved by Council Member Austin, seconded by Council Member Boughton, adopting a resolution accepting Hormel Foundation donation for the purchase of Oak Park Mall. Carried 6-0.

Park and Rec Director Kim Underwood requested the Council approve a sick leave donation request to donate up to 16 hours of sick leave per employee, up to 160 total hours, to Valerie Pitzen.

Moved by Council Member Austin, seconded by Council Member King, approving a sick leave donation request. Carried.

Public Works Director Steven Lang requested the Council approve a sidewalk petition agreement wherein a home owner has requested the City complete sidewalk replacement and the City would assess the amount for the work on their taxes for 10 years at a 5% interest rate. The City has used this process to assist property owners to finance the cost.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution approving an agreement with Tracy L. Wylie for sidewalk improvements. Carried 6-0.

Planning and Zoning Administrator Holly Wallace presented the preliminary plat for Cedar Ridge No. 2. The plat is proposed to create 6 lots and 4 outlots in the Lansing Township area.

The Planning Commission unanimously recommended approval of the plat at their October 14, 2014 meeting with the condition that the plat include utility easement and a park dedication or fee in lieu of land be included.

Moved by Council Member Enright, seconded by Council Member Austin, approving preliminary plat for Cedar Ridge No. 2. Carried.

Moved by Council Member Austin, seconded by Council Member King, calling a public hearing on November 3, 2014 for the final plat approval for Cedar Ridge No. 2. Carried.

Director of Administrative Services Tom Dankert requested the Council authorize the City complete accounting services for the Austin Part-Time Firefighters Association (AFRA). In March of 2013, the Council authorized the Finance Department to do so but the AFRA tried to do the services internally. Now the individual that completed those services is retired and the AFRA is in need of help with those functions. The goal would be to train AFRA members so they could complete this work on their own eventually.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution authorizing an agreement with the Austin Part-time Firefighters Relief Association for accounting services. Carried 5-0 with Council Member Carolan abstaining.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving a transfer of on-sale liquor, Sunday on-sale liquor and 3.2% beer off sale from the New Smitty's Tavern to Hoot and Ole's, LLC d/b/a the New Smitty's Tavern, subject to the transfer of business assets and insurance requirements. Carried 5-0 with Council Member Enright abstaining.

Planning and Zoning Administrator Holly Wallace requested the Council adopt a resolution declaring 1508 8th Street SE as a hazardous structure. There is no mortgage on the property but the owners have abandoned the property and cannot be located. The property is frequently trespassed upon and squatters inhabit the building. Upon approval of the resolution the property would be secured so no additional trespass would take place.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution declaring the property located at 1508 8th Street SE a hazardous structure. (Sucha and Welke property.) Carried 6-0.

Director of Public Works Steven Lang requested the Council authorize a change order with West Central Environmental Consultants for work being performed at 501 West Oakland Avenue. The Minnesota Pollution Control Agency is requiring the installation of additional monitoring wells and two addition rounds of groundwater testing and West Central Environmental Consultants has provided a quote in the amount not to exceed \$11,944.95. The funding for the additional work would come from the Petroleum Tank Release Compensation fund (90%) and escrow from the original purchase of the site (10%).

Moved by Council Member Enright, seconded by Council Member Carolan, adopting a resolution approving a change order with West Central Environmental Consultants. Carried 6-0.

Director of Administrative Services Tom Dankert requested the Council set a public hearing on December 1, 2014 for the proposed establishment of tax increment financing district no. 13 and adoption of the a tax increment financing plan. The proposed district would be used to repay the City, County, Port Authority and other entities for the Oak Park Mall development.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution setting a public hearing for December 1, 2014 for the proposed establishment of tax increment financing district no. 13 and adoption of the a tax increment financing plan therefor. Carried 6-0.

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 602 6th Avenue NW, Sletten and Graff Property. Carried.

Moved by Council Member Enright, seconded by Council Member Austin, granting the Planning and Zoning Department the power to contract for removal of junk and/or illegally stored vehicles at 311 4th Street SE, Sheriffs Youth Program Property. Carried.

Moved by Council Member Enright, seconded by Council Member Austin, granting the Planning and Zoning Department the power to contract for removal of junk and/or illegally stored vehicles at 1402 4th Avenue SW, Day Property. Carried.

Moved by Council Member Enright, seconded by Council Member Austin, granting the Planning and Zoning Department the power to contract for removal of junk and/or illegally stored vehicles at 1102 16th Avenue NE, Marsolek Property. Carried.

Director of Administrative Services Tom Dankert requested the Council approve a resolution which would allow Charter Communications to change the channel number for the public access channel.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving the change in the channel number for the City's public access channels. Carried 5-1 with Council Member Boughton voting nay.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving a settlement agreement with Jim Hurm. Carried 6-0.

Moved by Council Member Enright, seconded by Council Member King, approving an employment agreement with Craig Clark. Carried 4-3 with Mayor Stiehm casting the deciding vote and Council Members Austin, Jordal and Carolan voting nay.

REPORTS

Council Member Enright noted she attended the Chamber of Commerce annual meeting recently and the Beyond the Yellow Ribbon Christmas party will be held December 6th at the armory.

Council Member Austin expressed his condolences for the passing of Dr. Schlindler.

Director of Administrative Services Tom Dankert thanked the many people involved in it the Oak Park mall transaction.

Police Chief Krueger stated he received a resignation letter from Chris Stein. The Department has a current list of candidates and hopes to hire soon.

Moved by Council Member Austin, seconded by Council Member Carolan, adjourning the meeting to November 3, 2014. Carried.

Adjourned: 6:28 pm

Approved: November 3, 2014

Mayor: _____

City Recorder: _____