

M I N U T E S
CITY COUNCIL MEETING
January 5, 2015
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, 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 and City Clerk Ann Kasel

OTHERS PRESENT: Jeff Weaver, Sue Register, James Meyer, Sylvia Stier, Austin Daily Herald, Public

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

Director of Administrative Services Tom Dankert administered the oath of office for Council Members David Hagen, Jeff Austin, Judy Enright and Janet Anderson.

Director of Administrative Services Tom Dankert administered the oath of office for the City Attorney David Hoversten, City Engineer Steven Lang and City Treasurer Tom Dankert.

Added to the agenda:

5. Consent Agenda Addition:

License: Exempt Gambling (Raffle): Mower County Habitat & Pheasants Forever, February 21, 2015 at the Holiday Inn.

21. In support of the 2015 Safe Routes to School Infrastructure Grant Application.

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

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, approving the minutes of December 15, 2014 and December 30, 2014. Carried.

AWARDS AND RECOGNITIONS

Jeff Weaver from Mower County presented the food drive award plaque to the City in the annual friendly competition between the two entities. The City and County donated 3,187 pounds of food donated it to local food shelves.

CONSENT AGENDA

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

Licenses:

Concrete: Hill Concrete & Masonry, 50425 115th Street, Lyle
Excavation: Jordan Drilling Solutions LLC, 11941 Baypoint Dr.,
Burnsville
Excavation: Harty Mechanical, Inc., 1600 1st Avenue NE, Austin
Exempt Gambling: NWTF Cedar River Longbeards at Holiday Inn on
January 31, 2015
Exempt Gambling (Raffle): Mower County Habitat & Pheasants Forever,
February 21, 2015 at the Holiday Inn
Food: Burger4U LLC d/b/a Culvers, 1800 8th Street NW, Austin
Food: Marcusen Park Baseball Association, Austin
Food: Rottinghaus Co, Inc. d/b/a Subway, PO Box 356, Onalaska, WI
Food: Rottinghaus Co, Inc. d/b/a Subway, PO Box 356, Onalaska, WI
Food: Rottinghaus Co, Inc. d/b/a Subway, PO Box 356, Onalaska, WI
Food Wagon: Faye's Concessions, 804 19th Street NE
Massage Therapist: Amy Cook, 313 Main Street, Austin
Massage Therapist: Christina Tracy, PO Box 91, Rose Creek, MN
Master Plumber: 1st Class Plumbing & Htg, Inc, PO Box 7077, Rochester
Master Plumber: Harty Mechanical, Inc., 1600 1st Avenue SE
Sign Installer: SignArt Co., Inc., 2170 Dodd Road, Mendota Heights, MN

Claims:

- a. Pre-list of bills.
- b. Financial Report and Credit Card Report.
- c. Claims: Steven Langan, 604 11th Street NW. The matter was forwarded to the City Attorney to protect the City's interest.

Carried.

PUBLIC HEARING:

Public hearing was held for sanitary sewer and water improvements in the Turtle Creek 1 Area (31st Street NW – Oakland Avenue to Cedar Avenue) Project 1-B-13. Public Works Director Steven Lang gave a power point presentation for the public hearing.

As history, in April of 2013, Ellingson Companies presented the Community Assessment Report to the residents of Turtle Creek 1 and the Austin Township Board. This report detailed that 26 of the 28 septic systems in the area were not in compliance. The residents and Township decided that it would be best to move forward to get hooked up to the City sewer system at that time. In May of 2013, the City Council authorized staff to work with the Township to develop an orderly annexation agreement. In January of 2014 the property was annexed into the City of Austin. In June 2014, bids were requested for the sewer project but none were received. That put the project on hold and now the process is beginning again.

The sanitary sewer would connect into the City system at the intersection of 2nd Avenue and 27th Drive NW and boring would take place under the interstate. Easements would need to be acquired in specific areas for the construction of lines. The system would consist mostly of gravity lines but low pressure systems with grinder pumps would be required at three properties. Once the project is complete, all property owners would be responsible to work with a licensed contractor to install the service connection from the structure to the property line, remove the existing septic tank, and install a meter on the well to monitor water usage.

Properties with a current compliant septic system would have up to five years to hook into the City. All other parcels would have varying time to hook into the system, depending on the degree of non-compliance of the current septic system.

Water service to the area is also being proposed. Austin Utilities would be installing a looped water main system to the area. Mr. Lang reviewed a map of the proposed water main layout.

There are 27 residential structures and one church in the area and each of the buildings have been assigned one residential equivalency unit.

The assessment policy for Turtle Creek 1 was adopted at April 7, 2014 Council meeting. The project is proposed to be assessed to each parcel equally with the assessment being spread over a 15 year period at 4.75 percent interest. The assessment has the following payment options: pay in full by October 31, 2015, pay at least half by October 31, 2015 with the balance being placed on the real estate taxes over 15 years, or pay nothing and the entire assessment would be placed on the real estate taxes over 15 years.

The estimated cost for one sewer connection is \$26,330.48. Parcels that need the grinder pumps would be an additional \$2,500. The water connection is estimated at \$12,286.93. The road paving is estimated at \$5,117.73. Each parcel total varies depending on which services are needed. The project is eligible for a Point Source Implementation Grant which would cover up to half of the cost of the sewer fee. Therefore, as long as the grant is received, the cost of the sewer will be less than currently estimated. The amount of the grant cannot be determined until the project is bid.

The project has already been submitted to the Minnesota Pollution Control Agency. The next steps are to finalize the plans and specifications, advertise for bids, receive bids and submit the project to the MPCA for final approval and grant determination. Once the grant is awarded, the final assessments can be calculated and the final assessment hearing held. After the final assessment hearing the project would begin.

Council Member King asked if the water portion of the project would go forward if some residents didn't want water service.

Mr. Lang stated a large majority of the residents would need to want water service for it to be included in the project.

Sue Register, 502 31st Street NW, was concerned about the cost of the project and that it has increased from the original amount. She stated she does not want the project to move forward.

James Meyer, 600 31st Street NW, stated his house is in compliance and does not want to pay for another system.

Mr. Lang stated there is a five year grace period with an additional 3 year extension available to those properties that are in compliance.

Sylvia Stier, 708 31st Street NW, wanted to know if they will be given the opportunity to vote if they would like to hook into water.

Mr. Lang stated once the grant is reviewed and awarded then the group will have the option to move forward with water.

Council Member Austin asked what happens if the City does not move forward with hooking up the septic systems.

Mr. Lang stated 16 of the 28 parcels are an eminent danger to public health. Those parcels are eligible to be fined from the MPCA but are not currently due to the pending project status. If the project is no longer pending then the MPCA will fine the property owners. In addition, 10 parcels are non-compliant and those homes could not be sold without upgrades to the septic systems.

After additional discussion, moved by Council Member King, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specification and ordering advertisement for bids for Turtle Creek 1, Project 1-B-13. Carried 7-0.

PETITIONS AND REQUESTS:

Director of Administrative Services Tom Dankert requested the Council designate accounts for the deposit, checking and investment of public funds for 2015.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution designating depositories for checking and investments of public funds for 2015. Carried 7-0.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, designating the official newspaper for the City of Austin for the year 2015. Carried 7-0.

Moved by Council Member Enright, seconded by Council Member Jordal, adopting a resolution setting the mileage reimbursement rate for 2015. Carried 7-0.

Director of Public Works Steven Lang requested the Council accept the \$150,000 Mighty Ducks Grant from the Minnesota Amateur Sports Commission for Riverside Arena upgrades.

Moved by Council Member Austin, seconded by Council Member Carolan, adopting a resolution approving a grant agreement with the Minnesota Amateur Sports Commission for the Mighty Ducks grant. Carried 7-0.

Director of Public Works Steven Lang requested the Council award engineering design services for 3rd Avenue NE to Jones, Haugh & Smith. The plaza is being restored to a public roadway due to the Spam Museum project. Funding for the services will come from engineering department vacancies.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving design engineering services for the 3rd Avenue NE project. Carried 7-0.

Director of Public Works Steven Lang presented the feasibility report for the reconstruction of 19th Avenue SW (12th Street to 16th Street) and 16th Street SW (19th Avenue to 22nd Avenue), Project 2-A-15 and requested Council call a public hearing for February 17, 2015 on the project.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution receiving feasibility report and calling for a public hearing for February 17, 2015 for street improvements on 19th Avenue SW (12th Street to 16th Street) and 16th Street SW (19th Avenue to 22nd Avenue), Project 2-A-15. Carried 7-0.

Director of Public Works Steven Lang presented the feasibility report for the reconstruction of South Crane Addition, Project 7-A-09 and requested Council call a public hearing on February 17, 2015.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution receiving feasibility report and calling for a public hearing for February 17, 2015 for street improvements in the South Crane Addition, Project 7-A-09. Carried 7-0.

Director of Public Works Steven Lang presented the feasibility report for street improvements on 3rd Avenue NE (N. Main Street to 1st Street), Project 1-A-15 and requested the Council call for a public hearing on February 17, 2015.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution receiving feasibility report and calling for a public hearing for February 17, 2015 for street improvements on 3rd Avenue NE (N. Main Street to 1st Street), Project 1-A-15. Carried 7-0.

Director of Public Works Steven Lang presented the feasibility report for street improvements on the alley located west of North Main Street (1st Avenue to 2nd Avenue), Project 2-C-13 and requested the Council call for a public hearing on February 17, 2015 on the project.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution receiving feasibility report and calling for a public hearing for February 17, 2015 for street improvements on the alley located west of North Main Street (1st Avenue to 2nd Avenue), Project 2-C-13. Carried 7-0.

Planning and Zoning Administrator Holly Wallace requested the Council adopt an ordinance for the application, administration and enforcement of the Minnesota State Building Code which will go into effect in early 2015. The Codes are mandatory to enforce and Ms. Wallace drafted the ordinance so it will automatically adopt future updates without the need to adopt another ordinance.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, for preparation of the ordinance. Carried.

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

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution accepting gifts to the City of Austin. Carried 7-0.

Moved by Council Member Jordal, seconded by Council Member-at-Large Anderson, adopting a resolution approving a gambling premises application for the Mower Council for the Handicapped at the Bakery Lounge, 113 2nd Avenue NE. Carried 7-0.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution declaring the property located at 1804 9th Street NE a hazardous structure. (Mildenstein Property.) Carried 7-0.

Moved by Council Member Austin, seconded by Council Member Enright, granting the Planning and Zoning Department to the power to remove junk and/or illegally stored vehicles at 1005 5th Avenue NE, Crews Property. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, granting the Planning and Zoning Department to the power to remove junk and/or illegally stored vehicles at 109 12th Street NE, Jones Property. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, granting the Planning and Zoning Department to the power to remove junk and/or illegally stored vehicles at 1307 11th Avenue NW, Wylie/Cenobio Property. Carried.

Moved by Council Member Enright, seconded by Council Member Austin, granting the Planning and Zoning Department to the power to remove junk and/or illegally stored vehicles at 1917 5th Avenue SE, Rivas Property. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, granting the Planning and Zoning Department to the power to remove junk and/or illegally stored vehicles at 603 8th Street NW, JL Properties Property. Carried.

Director of Public Works Steven Lang requested the Council pass a resolution in support of the Safe Routes to School initiative. A study was completed and it was determined that two pedestrian intersections need to be placed near Ellis and IJ Holton schools to make the routes to school safer for children. A grant is being applied for the cost of the crossing beacons at the pedestrian intersections.

Moved by Council Member Enright, seconded by Council Member King, for support of a 2015 Safe Routes to School Grant application. Carried 7-0.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, appointing City officers. Carried 7-0.

REPORTS

Mayor Stiehm welcomed Council Member Hagen to the Council.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to January 20, 2015. Carried.

Adjourned: 6:54 p.m.

Approved: January 20, 2015

Mayor: _____

City Recorder: _____