

M I N U T E S
CITY COUNCIL MEETING
March 16, 2015
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Steve King, Michael Jordal, Jeremy Carolan, Judy Enright, Jeff Austin, David Hagen 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, Fire Chief Jim McCoy, Police Chief Brian Krueger, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Kim Underwood, Street Superintendent Joe Sunderman and City Clerk Ann Kasel

OTHERS PRESENT: Marv Repinski, Bonnie Reitz, Darya Gemmel, Austin Daily Herald, Post Bulletin, Public

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

Moved by Council Member Austin, seconded by Council Member Carolan, approving the agenda. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the minutes of March 2, 2015. Carried.

AWARDS AND RECOGNITIONS

Darya Gemmel with the Austin Human Rights Commission provided an overview of the 2015 essay contest stating the essay was open to all students in grade 6th-8th grade in the City and the top winner will be forwarded on to State. The top three finalists in the contest received \$50 in Chamber bucks and read their essays for the Council. Victoria Hansen placed third, Isabel Mattick placed second and the first place winner was Katie Lillemon.

CONSENT AGENDA

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

Licenses:

Exempt Gambling (raffle): Austin Area Chamber of Commerce at Bandshell Community Park on July 4, 2015

Claims:

- a. Credit Report and Investment Report.
- b. Pre list of Bills.
- c. US Bank, National Association. This claim was forwarded to the City Attorney to protect the City's interest.
- d. Nancy Donahue, 1400 24th Avenue SW. This claim was forwarded to the City Attorney to protect the City's interest.
- e. Carmen Hotson, 1100 1st Avenue NW. This claim was forwarded to the City Attorney to protect the City's interest.

Carried.

BID OPENINGS AND AWARDS

The City of Austin received bids for the equipment upgrades at Riverside Arena on March 5th, 2015. Mr. Lang stated the following bids were received:

Contractor	Harty Mech., Inc.	Wapasha Const. Co.	Total Mech. Services, Inc.
Base Bid: Dehumidification/HVAC, Chiller, Pumps, Fluid Cooler, Conc. Floor & Piping	\$1,663,000	\$1,995,000	\$1,995,000
Alternate #1: Building Automation	\$ 24,800	\$ 31,950	\$ 46,000
Alternate #2: Boiler	\$129,000	\$122,415	\$ 84,000
Alternate #3: Ductwork	\$ 63,900	\$ 80,940	\$ 22,000
Alternate #4: Deleted			
Alternate #5: Rooftop HVAC, east side	<u>\$ 28,420</u>	<u>\$ 27,200</u>	<u>\$ 24,000</u>
Total Recommendation Base Bid w/ Alternate #1	\$1,687,800	\$2,026,950	\$2,041,000
HGA Design Services	\$ 20,000		
HGA Construction Services	\$ 10,000		
Contingency (4.8%)	<u>\$ 82,200</u>		
Total Estimated Project Cost	\$1,800,000		

Mr. Lang itemized how the project is proposed to be funded.

Project Funding:	2015 CIP Building Fund	\$1,000,000
	2015 Hormel Foundation Grant	\$ 250,000
	Mighty Ducks Grant	\$ 150,000
	2016 Hormel Foundation Request	\$ 100,000
	General Fund Balance	<u>\$ 300,000</u>
	Total Estimated Project Fund	\$1,800,000

Mr. Lang recommended awarding the bid with alternate # 1 to Harty Mechanical, Inc.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution awarding the bid for Riverside Arena upgrades to Harty Mechanical, Inc. Carried 7-0.

PUBLIC HEARINGS

Public hearing was held requested by Tobius Wilking to appeal the designation of the dog "Colt" as a potentially dangerous dog. City Attorney David Hoversten stated on February 18, 2015 Colt bit a mail carrier. The matter was different than a dangerous dog hearing because if the animal is designated as a potentially dangerous there is no risk of putting the animal down. However, if the animal bites again would automatically be a dangerous dog.

Officer James Dugan was the investigating officer and was dispatched to urgent care to interview the mailman. Officer Dugan stated the mailman was delivering mail next to Mr. Wilking's home when the dog bit him in the calf. Photos were taken by Officer Leif after the incident. Mr. Hoversten presented those photographs to the Council along with the Austin Police Department's incident report and the potentially dangerous dog notice. Officer Dugan also served the potentially dangerous dog notice on Mr. Wilking on February 19, 2015. Officer Dugan stated he felt Colt was a potentially dangerous dog.

Mr. Wilking asked Officer Dugan if the mail carrier startled the animal. Officer Dugan stated the delivery was at the house next door and the mail carrier did not startle the animal. Mr. Wilking stated the dog is a small dog and has never had any issues with the dog. He doesn't want his dog labeled as a potentially dangerous animal because felt he may not be able to take his dog to the dog park because of it.

Mayor Stiehm asked the age of dog.

Mr. Wilking stated the dog is 1 ½ years old.

Mayor Stiehm asked if the dog was running loose.

Mr. Wilking stated he doesn't leash the animal but he has a training collar for the animal.

Mayor Steihm stated the dog should be leashed.

Council Member King stated he didn't think the dog being startled was a defense.

Moved by Council Member King, seconded by Council Member Enright, affirming the designation of the dog "Colt" as a potentially dangerous dog. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, directing the City Attorney to prepare findings of fact and an order on the potentially dangerous dog matter. Carried.

A public hearing was held for street improvement assessments for 19th Avenue SW (12th Street to 16th Street) and 16th Street SW (19th Avenue to 22nd Avenue), Project 2-A-15. The amount to be assessed is \$175,921.88 at 4.75% for 15 years. Public Works Director Steven Lang presented the street assessment public hearing. The specific details of each project were presented at the February 17, 2015 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options. The payment options are to pay the assessment in full by the end of October, pay at least half of the assessment by October 30th and have the remainder be amortized over fifteen years with interest on real estate taxes, pay nothing by October 30th and have the entire amount be amortized over fifteen years with interest on the real estate taxes or apply for a senior deferral, if qualified to do so.

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

Don Rush, 1912 12th Avenue NE, doesn't live in affected area would like to find a way to help homeowners out with assessments.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution declaring the cost of Project 2-A-15. Carried 7-0.

Moved by Council Member Austin, seconded by Council Member King, adopting resolution adopting the assessment roll for Project 2-A-15. Carried 7-0.

A public hearing was held for street improvement assessments for South Crane Addition, 12th Avenue NE (8th Street to DOT Turnback/RR), 10th Avenue NE (8th Street to 10th Street) and 10th Street NE (10th Avenue to 12th Avenue) Project 7-A-09. The amount to be assessed is \$177,191.28 at 4.75% for 15 years. Public Works Director Steven Lang presented the street assessment public hearing. The specific details of each project were presented at the February 17, 2015 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options. The payment options are to pay the assessment in full by the end of October, pay at least half of the assessment by October 30th and have the remainder be amortized over fifteen years with interest on real estate taxes, pay nothing by October 30th and have the entire amount be amortized over fifteen years with interest on the real estate taxes or apply for a senior deferral, if qualified to do so.

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

Moved by Council Member King, seconded by Council Member-at-Large Anderson, adopting a resolution declaring the cost of Project 7-A-09. Carried 7-0.

Moved by Council Member Enright, seconded by Council Member King, adopting resolution adopting the assessment roll for Project 7-A-09. Carried 7-0.

A public hearing was held for a variance request from Jeffrey and David Hunn, 702 36th Drive SW. Planning and Zoning Administrator Holly Wallace stated the Planning Commission reviewed the request from Jeffrey and David Hunn on March 10, 2015 for an approximate 17 foot variance pursuant to City Code Section 11.33, Subd.5(c), governing the setback between

manufactured homes, and between other buildings of 20 feet in an “R-M” Residential Manufactured Home District. This variance is requested after a second garage was moved to and improved on the site, without required permits and plan review and placed approximately 3 feet from the mobile home.

After review, the Planning Commission, with nine members present, recommended granting the variance with the condition that the garage not be used for business purposes (use variances are not allowed by law), by an 8-1 vote. Ms. Wallace would like the smaller garage on the property removed by a specific date.

Mr. Hunn stated the proposed resolution would be acceptable to him and added he would not be operating a business out of this property.

Council Member Jordal asked what date the smaller garage needed to be removed by.

Ms. Wallace stated 30 days would be acceptable.

Moved by Council Member King, seconded by Council Member Austin, granting a variance request from Jeffrey and David Hunn, 702 36th Drive SW for a non-conforming larger garage on the structure and the smaller garage being removed within 30 days. Carried 6-1 with Council Member Enright voting nay.

PETITIONS AND REQUESTS:

City Attorney David Hoversten presented an ordinance for the regulation of secondhand smoke including e-cigarettes. The ordinance would prohibit any type of second hand smoke, including e-cigarettes, in public places. This would exclude private vehicles and residences. The Council passed a one year moratorium on April 7, 2014 which allowed the City to do additional research on the topic. It is recommended to move forward with this ordinance at this time. The ordinance was presented at the March 2, 2015 Council meeting but failed to pass for lack of a unanimous vote on the first reading.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, for preparation of the ordinance. Carried 4-3 with Council Members Jordal, Enright and Austin voting nay.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, for adoption and publication of the ordinance. Carried 4-3 with Council Members Jordal, Enright and Austin voting nay.

Fire Chief Jim McCoy presented a revised policy and an agreement for City employees who also serve as paid on-call firefighters.

Moved by Council Member Austin, seconded by Council Member King, approving a policy and agreement for City employees that are also paid on-call firefighters. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, authorizing the \$1,500 from contingency funds for joint membership with the DCA in the Greater Minnesota Partnership. Carried.

Moved by Council Member Austin, seconded by Council Member King, adopting resolution in support of local street funding. Carried 7-0.

City Clerk Ann Kasel stated there were recent changes to State law require the City to have a new policy for the security of not public data and compile a data inventory and update the current policy. She requested the Council adopt the presented data policies and forms to be in compliance with State law.

Moved by Council Member King, seconded by Council Member Carolan, adopting City data policies. Carried.

Director of Park and Recreation Kim Underwood requested authorization to sell various pieces of equipment that the department no longer uses.

Moved by Council Member Austin, seconded by Council Member Carolan, approving the sale of various Park and Rec equipment. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member Enright, appointing Ivan Pollock to the Austin Sustainability Taskforce, term expiring December 31, 2015. Carried.

Moved by Council Member Austin, seconded by Council Member King, setting a public hearing for April 21, 2015 for the annual stormwater public informational meeting. Carried.

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

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution in support of Local Government Aid. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council pass a resolution opposing the imposition of levy limits on cities because those decisions are best left to local government where elected officials can determine what is best for their budgets.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution opposing the imposition of levy limits. Carried 7-0.

Moved by Council Member Enright, 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 207 6th Street NW, Mallan Property. Carried.

Moved by Council Member Enright, seconded by Council Member Carolan, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 503 13th Street NW, Ruble 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 920 2nd Avenue NE, Tabor, Mikkelson & Kruger Property. Carried.

REPORTS

Council Member Enright stated she attended the Recreation Center meeting last week and was pleased with all the citizens participating in the process.

Council Member Austin stated he attended the Park and Recreation meeting and also attended the Community Recreation meeting.

Council Member-at-Large Anderson stated the Austin Sustainability Task Force had a presentation from the energy consulting firm the previous week and there is an upcoming HRA meeting.

Council Member Jordal stated he recently attended the Community Education meeting.

Mayor Stiehm also stated he attended the Community Recreation center meeting.

Moved by Council Member Austin, seconded by Council Member Carolan, adjourning the meeting to April 6, 2015. Carried.

Adjourned: 6:41 pm

Approved: April 6, 2015

Mayor: _____

City Recorder: _____