

M I N U T E S  
CITY COUNCIL MEETING  
August 17, 2015  
5:30 PM  
Council Chambers

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

MEMBERS ABSENT: Council Member David Hagen

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

OTHERS PRESENT: Austin Daily Herald, Post Bulletin, Chris Maddox, Public

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

The following items were added to the agenda:

- (mot) 24. Authorizing \$500 in support towards the Bike Friendly Community Designation from contingency funds.
- (res) 25. Amending the findings of fact and order in regard to the dog "Rock" owned by Sofia Smith.

The following item was removed from the agenda:

- (res) 20. Declaring the property located at 1913 2<sup>nd</sup> Avenue NW a hazardous structure.

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

Moved by Council Member King, seconded by Council Member Enright, approving the minutes of August 3, 2015. Carried.

CITIZENS ADDRESSING THE COUNSEL

Marian Clennon, 1711 3<sup>rd</sup> Street NE, spoke in opposition to the proposed 2016 levy increase and the need to bring back Coffee with the Council.

CONSENT AGENDA

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

Licenses:

Concrete Contractor: AB Crete, LLC, 308 4<sup>th</sup> Street NE, Grand Meadow

Exempt Gambling (raffle): Austin Morning Lions Club at the Eagles on October 30, 2015

Massage Establishment: Impact Martial Arts & Fitness, 1300C 18<sup>th</sup> Avenue NW

Master Plumber: Raimann Construction, LLC, 54524 175<sup>th</sup> Street, Austin

Claims:

a. Pre-list of bills.

b. Investment Report.

Event Applications:

MDA Fill the Boot Campaign on August 19-21, 2015

Danny Strong Fun Run on August 29, 2015

Carried.

PUBLIC HEARINGS:

Planning and Zoning Administrator Holly Wallace requested the Council authorize the annexation of Turtle Creek 2. The area is approximately 143 acres and was initiated for the residents to obtain municipal sanitary sewer services. There are currently 4 parcels out of 40 that have compliant septic systems in the area. The annexed properties will be given up to ten years to connect to the municipal sewer system.

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson, adopting a resolution annexing Turtle Creek 2 into the City of Austin. Carried 6-0.

Planning and Zoning Administrator Holly Wallace requested the Council approve a PUD plan and zoning ordinance for Torgerson Properties, Inc. for a new hotel to be built on their property. The Planning Commission reviewed the matter on May 18, 2015 and August 11, 2015 and approved the final plans for the project with conditions that the building may be 48 feet tall, a variance of three feet from the code, the property can have 15.8% green space and the final plan shall include all exhibits to the document presented to the Planning Commission.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving a PUD plan for Torgerson Properties, Inc. Carried 6-0.

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

Moved by Council Member Austin, seconded by Council Member King, adoption and publication of the zoning ordinance. Carried 6-0.

Planning and Zoning Administrator Holly Wallace requested the Council approve an application from James Dugan, 400 15<sup>th</sup> Street SE, for a 15 foot variance from the rear yard setback requirement for a detached garage structure. The Planning Commission reviewed the matter on August 11, 2015 and approved the variance since it fits within the general purpose and intent of the zoning ordinance.

Moved by Council Member King, seconded by Council Member Carolan, approving an application from James Dugan, 400 15<sup>th</sup> Street SE, for a 15 foot variance from the rear yard setback requirement for a detached garage structure. Carried 6-0.

#### PETITIONS AND REQUESTS:

Director of Administrative Services Tom Dankert requested the Council approve the Hormel Foundation rankings that were reviewed by the Council at the August 3, 2015 work session. He noted that the HRA is also submitting an application for their Business Encouragement/Enhancement Partnership (BEEP) in the amount of \$75,000. That application would be submitted to the Foundation without a ranking.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, approving the rankings for 2016 Hormel Foundation grant applications. Carried.

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 authorize the City be the fiscal agent for the Community Band. The City has done this in the past and the Band may receive additional funding if the City is the fiscal agent.

Moved by Council Member Austin, seconded by Council Member Enright, authorizing the City of Austin to be the fiscal agent for the Community Band. Carried.

Director of Administrative Services Tom Dankert requested the City approve a purchase agreement with Austin Utilities for their portion of city hall that is owned by Utilities along with the back parking lot and the Riverside Arena parking lot. In exchange, the City will pay Austin Utilities \$275,000 plus 4 acres of land in the Cook Farm site for a future water tower.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution approving a purchase agreement with Austin Utilities for their portion of City Hall and parking lots. Carried 6-0.

Police Chief Brian Kruger requested the Council authorize an agreement for police liaison services with the School District for officers in Austin High School and Ellis Middle School. The school would pay for eighty percent of the officers' salary and benefits for the services.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, adopting a resolution approving a police liaison officer agreement with Austin Public Schools. Carried 6-0.

City Attorney David Hoversten presented seven proposed amendments to the Charter which would eliminate the long job descriptions in the Charter for appointed officials of the City. Rather, the Charter would refer to a resolution or ordinance which would set forth the descriptions for the positions. If the Charter commission approves the changes then it will return to the City Council for a public hearing and adoption by ordinance.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution recommending changes to the Austin City Charter to the Charter Commission. Carried 6-0.

Public Works Director Steven Lang presented the plan for the State of Minnesota's mill and overlay project on Highway 105 on Oakland Avenue West from 12<sup>th</sup> Street to I-90 and on 12<sup>th</sup> Street SW from Oakland Avenue to the Turtle Creek Bridge. The project would begin in May of 2016. The City would have approximately \$300,000 in costs on the project which would include work on the signals, parking lanes, manholes, pedestrian crossing signs and bike symbols. Mr. Lang stated MN Dot is requiring resolutions authorizing the City work and requested the Council pass the resolutions.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution authorizing shared Lane Bike Symbols as part of MN DOT Hwy 105 reconstruction project. Carried 6-0.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution authorizing pedestrian Activated Rectangular Rapid Flashing Beacon as part of MN DOT Hwy 105 reconstruction project. Carried 6-0.

Public Works Director Steven Lang requested the Council authorize two easements for construction of the Turtle Creek 1 Sanitary Sewer project which would extend municipal services to the area. The property owners requested hold harmless language in the easements which requires Council approval.

Moved by Council Member Enright, seconded by Council Member Austin, adopting a resolution approving a permanent easement for public infrastructure with Arlen R. Schamber and Mary J. Schamber. Carried 6-0.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution approving a permanent easement for public infrastructure with Kenneth Overocker and Aniceta Overocker. Carried 6-0.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution calling for a public hearing for September 8, 2015 for sanitary sewer and water improvements for scattered properties recently annexed into the City of Austin. Carried 6-0.

City Administrator Craig Clark requested the council authorize extending a contract to KSMQ for video streaming community interest segments. The City previously had CGI Communications complete the segments but were unhappy with their high pressure marketing tactics associated with selling advertising. The City requested quotes and KSMQ came in the lowest at \$5,800 with advertising sales in the video. Funding for the video segments would come from 2015 contingency funds.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution authorizing a contract for video streaming community interest segments with the funding in the amount of \$5,800 coming from 2015 contingency funds. Carried 6-0.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution declaring the property located at 911 12<sup>th</sup> Avenue NE a hazardous structure. Carried 6-0.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution declaring the property located at 1402 1<sup>st</sup> Pl SE a hazardous structure. Carried 6-0.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution declaring the property located at 1209 15<sup>th</sup> Avenue SW a hazardous structure. Carried 6-0.

Moved by Council Member Enright, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for the removal of refuse, junk and/or illegally stored vehicles at 1801 1<sup>st</sup> Avenue NE, Morgan Property. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, granting the Planning and Zoning Department the power to contract for the removal of refuse, junk and/or illegally stored vehicles at 605 9<sup>th</sup> Avenue SW, Pfohl 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 refuse, junk and/or illegally stored vehicles at 1009 10<sup>th</sup> Avenue SW, Hommerding Property. Carried.

Moved by Council Member Austin, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for the removal of refuse, junk and/or illegally stored vehicles at 1014 11<sup>th</sup> Avenue SW, Novak Property. Carried

Moved by Council Member-at-Large Anderson, seconded by Council Member Carolan, authorizing \$500 towards the Bike Friendly Community Designation from contingency funds. Carried.

Mayor Stiehm spoke about the “Rock” the dog issue stating that after the last meeting he was contacted by No-Kill New York who offered to come to Minnesota and pick up the dog. However, that story changed over time and the organization appeared to be trying to solicit donations for the rescue when it originally stated it would not do so. The City decided not to work with No-Kill New York. Mayor Stiehm stated he received another call from a different

rescue that would take the animal with no fundraising involved. That organization was Ruff Start Rescue out of Princeton, Minnesota. They came down and tested the dog and felt the dog could be rescued, trained and placed in a home without additional incidents. Mayor Stiehm requested the Council consider releasing the dog to Ruff Start Rescue. He added that this is a unique circumstance and this option will not be applicable to every future dangerous dog case.

City Attorney David Hoversten stated the previous order would be amended to provide that the dog would be released to Ruff Start Rescue and not destroyed. The dangerous dog designation under the Austin City Code would remain and the dog would need to be removed from Mower County and never returned.

Mayor Stiehm added the owner is supportive of this plan and will sign any documents to release the dog.

Chris Maddox, from Ruff Start Rescue, stated he is confident Rock can be placed in a good home. His organization takes animal rescue very seriously and would properly train and neuter the dog prior to placing it in a home.

Council Member-at-Large Anderson asked how the Council could be assured that Rock would not come back to Mower County.

Mr. Maddox stated Rock's story would be shared with any future owner. He would also be microchipped.

After additional discussion, moved by Council Member King, seconded by Council Member-at-Large Anderson, amending the findings of fact and order in regard to the dog "Rock" owned by Sofia Smith to allow for the dog's rescue. Carried 6-0.

## REPORTS

Council Member-at-Large Anderson stated the Art Works Festival is August 22-23<sup>rd</sup> at the downtown power plant site. Also, a community sings event will be held on Tuesday, August 18<sup>th</sup> at 6:30 in Band Shell Park.

Police Chief Brian Krueger stated former Austin Police Department Officer Joe Carpenter passed away yesterday.

Moved by Council Member Austin, seconded by Council Member Carolan, adjourning the meeting to September 8, 2015. Carried.

Adjourned: 6:11 p.m.

Approved: September 8, 2015

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

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