

**MINUTES**  
**CITY COUNCIL ADJOURNED MEETING**  
**TUESDAY, FEBRUARY 19, 2008**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

MEMBERS PRESENT: Mayor Stiehm. Council Members McAlister, Austin, Dick Pacholl, Scott Pacholl, Hecimovich, and Martin. Council Member-at-Large Christopherson.

MEMBERS ABSENT: None.

STAFF PRESENT: Jon Erichson, Craig Hoium, Tom Dankert, Jeanne Howatt Dan Wilson, Craig Byram, Paul Philipp, Denny Maschka, Ann Hokanson, and Steven Lang.

OTHERS PRESENT: Austin Post Bulletin, Austin Daily Herald. Marv Repinski. Ron Mecklenberg. Ron Rysavy. David Garnatz. John Lenway.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the agenda. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the council minutes of February 4, 2008. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, approving the consent agenda as follows:

Licenses:

Concrete: RK & T Construction, Inc., Owatonna, MN

Food: Arby's, Austin, MN

Food: Domino's Pizza, Mankato, MN

Massage Therapist: Rebecca Wageman, 400 20<sup>th</sup> Street NW, Austin

Master Plumber: Harty Mechanical, Austin, MN

Master Plumber: James McDermott & Sons, Austin, MN

Master Plumber: Kelley Plumbing & Heating, Albert Lea, MN

Master Plumber: Tonna Mechanical, Inc., Rochester, MN

Temporary Gambling (raffle): Council of Catholic Women @ St. Augustine's, July 20

Tree Removal: Lumberjack Tree Service, Wells, MN

Claims:

- (a) Financial and Investment Reports.
- (b) Pre-list of Bills.
- (c) Annalisa Wadley, 215 4<sup>th</sup> Avenue NE. This claim has been referred to the city attorney to protect the city's interest.
- (d) Cristian Gonzalez, 402 14<sup>th</sup> Street SE. This claim has been referred to the city attorney to protect the city's interest.
- (e) Affito Amerro, 1208 3<sup>rd</sup> Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
- (f) Carol Whalen, 1602 28<sup>th</sup> Street SW. This claim has been referred to the city attorney to protect the city's interest.
- (g) Brenda Putz, 1105 4<sup>th</sup> Street NW. This claim has been referred to the city attorney to protect the city's interest.
- (h) Jennifer Vaderplas, 703 9<sup>th</sup> Avenue SE. This claim has been referred to the city attorney to protect the city's interest.
- (i) Lynda Schmitz, 500 Lincoln St., Adams, MN. This claim has been referred to the city attorney to protect the city's interest.
- (j) Ryan Walker, 602 10<sup>th</sup> Avenue SW. This claim has been referred to the city attorney to protect the city's interest.

Carried.

A public hearing was held on rezoning from R-1 to B-2 in connection with the Menards development. Community Development Director Craig Hoium noted that there are three actions regarding the Menards development. He referred to a map and indicated the proposed area for the development. The development area is surrounded by I-90 to the South, Hwy 218 is to the east, CSAH 27 (18<sup>th</sup> Avenue NW) is to the north. The surrounding area is primarily agricultural land and wetlands. To the west is the Seven Springs development, to the south is Riverland Community and Technical College; the other surrounding area is commercial. Mr. Hoium noted that the site plan sits at an angle west of Target. The development area includes Outlot A scheduled to be rezoned to R2; Outlot C, which is planned for future commercial development; and Lot 1, Block 1, which is the planned area for the construction of a 162,000-square-foot Menards building and an area for parking. Lot 2 would be a future development site and would be platted at the time of development. Outlot B includes a stormwater retention pond. Outlot E is planned for future commercial use and also includes a stormwater retention pond. The only two sites which will be ready for development now will be Lot 1 (the Menards building site) and Lot 2. The others will be platted at a later time when those areas are developed. The development also includes right-of-way extensions and intersections.

Council Member Dick Pacholl Dick asked how far the development would be from 18<sup>th</sup> Avenue. Mr. Hoium said this area is on the north side of I-90 and west of the Target property. He guessed it would be 300-350 feet to I-90. Mr. Hoium said the developers did not want to get into the wetlands area; that is why the proposed site is located where it is. Council Member Dick Pacholl noted, then, that the development is not directly west of Target, but is more southwest.

Mr. Hoiium identified the area on the map to be rezoned from R-1 to B-2 rezoning. Mr. Hoiium also referred to the land use map. Orange (which includes the area to be rezoned to B-2) is designated as future business areas and green (which includes the area to be zoned R-2) is designated for future high density residential. He reported that the Planning Commission had also talked about the transportation plan which has been approved by Council. The Planning Commission did recommend rezoning.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, to prepare the ordinance for rezoning R-1 to B-2. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, for adoption and publication of the ordinance. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution approving the Findings of Fact for the previously approved rezoning. 7-0. Carried.

A public hearing was held on rezoning from R-1 to R-2 in connection with Menards development.

The same property owners who requested the previous rezoning have also requested the R-2 designation for a narrow strip of land just west of previously approved rezoned area. This is 250 feet from a proposed right-of-way extension. Staff is requiring this area as a necessary transitional area to the Seven Springs addition. This will be designated as high density residential. The Planning Commission, by a vote of 9-0, has recommended the rezoning, noting the Comprehensive Plan, the Future Land Use Map, and testimony at the public hearings.

Council Member Scott Pacholl asked if this means apartments. Mr. Hoiium said high residential could mean apartments, townhomes, or condos. Before they are developed, the area must be platted so those plans would come before the Planning Commission and City Council.

Marv Repinski noted his approval of this development, saying this means another great expansion for city. He said this also shows that Austin is moving north and west. He suggested another north/south entryway for Menards and another entry onto Hwy 218 as the intersection at Hwy 218 and 18<sup>th</sup> Avenue NW is already very constricted. With this development, he said, the flow of traffic would be intensified.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, to prepare the ordinance for rezoning R-1 to R-2. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, for adoption and publication of the ordinance. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution approving the Findings of Fact for the previously approved rezoning. 7-0. Carried.

A public hearing was held on preliminary plat review of property to be known as *Menards Addition*.

Community Development Director Craig Hoiium said Mr. Repinski's points regarding the transportation issue were well taken. He referred to an aerial photo map of the area and indicated the identified transportation plan. The plan includes the extension of 17<sup>th</sup> Street. The curve along CSAH 27 would be straightened and made into a 90 degree turn. There would be a traffic study with the project. Public Works Director Jon Erichson said the study would include impacts on all the nearby intersections involved. Also included would be a ring road around the development: 18<sup>th</sup> Avenue NW, 17<sup>th</sup> place NW, 16<sup>th</sup> Place NW and 24<sup>th</sup> Street. A future road may be constructed going east-west north of 18<sup>th</sup> Avenue. Mr. Hoiium said numerous discussions have taken place with MnDOT, who have given their preliminary approval. The final plan would require MnDOT's approval and Mower County's approval.

Council Member Scott Pacholl asked when the proposed northern road would be constructed. Mr. Hoiium said that would be dependent on development in that area.

Council Member-at-Large Christopherson asked who pays for the traffic study. Mr. Hoiium said the developer would pay, and they would hire their own consulting firm. Once it is completed, the city engineer and county engineer would need to approve. Mr. Erichson said 27<sup>th</sup> may be eligible for gas tax funding. He said we may want to have that road become a local road and in that event, there would be some city responsibilities. He said all the property south of 18<sup>th</sup> Avenue has been annexed. When we expand we would go north, and would annex that property also. The Planning Commission has recommended approval of the preliminary plat. A conditional use permit was also approved by the Planning Commission which includes 32 conditions for the use; the conditions are typical for this type of development. Mr. Hoiium noted that the developer would need to enlarge the green space to meet requirements. Mr. Hoiium requested Council, on approving the preliminary plat, include the 32 conditions, plus requests as stated in two memos from Jon Erichson. Conditions are as follows:

- 1) All easements are entered into the plat per the Austin Utilities and Engineering Department's request.
- 2) Developer must acquire all easements outside the plat which are necessary for the extension of utilities to the plat
- 3) Provide street lighting to meet the approval of the City of Austin Engineer. Decorative street lighting shall be utilized within the road improvement area of 18<sup>th</sup> Avenue NW and all other newly developed right-of-way
- 4) Obtain approval from City of Austin Engineering Department and Soil/Water Conservation Office for storm water run off and management plan
- 5) Obtain sanitary sewer extension permit from the Minnesota Pollution Control Agency

- 6) Enter into Developer's Agreement with the City of Austin addressing all aspects of this proposed development and the responsibilities thereof
- 7) Design of all infrastructure within development shall meet the approval of the City of Austin Engineer, Austin Utilities, and Mower County Engineer
- 8) Developer shall obtain petitions approved by the Austin Utilities relating to the installation of municipal water, gas, and electric utilities and the cost thereof
- 9) Wetland delineation shall be conducted to identify any wetlands within this proposed development in accordance to routine on-site determination method. Developer shall obtain approval for any applicable regulations from the Mower County Soil/Water Conservation Office
- 10) Wetlands shall be mitigated in accordance to US Army Corps of Engineers, Section 404 of Clean Water Act Standards
- 11) Developer shall conduct traffic analysis of surrounding area, which shall identify necessary roadway redesign work relating to this proposed 78 acre development as specified in attached memo
- 12) All minimum development standards shall be met for this requested zoning change to a "B-2" Community Business District
- 13) Developer shall obtain approval from MnDOT and Mower County Highway Engineer relating to this proposed plat
- 14) Compliance to conditions listed on letters from the attached City and County Engineers
- 15) Conditions recommended by staff during this public hearing included the pedestrian trail extension to be developed within this area to be known as the Menards Addition
- 16) Developer shall be responsible for 100% of the costs to construct the ring road and improvements to 18<sup>th</sup> Avenue NW
- 17) All curb and gutter within the public right-of-way shall be B624
- 18) Minimum street width of 36 feet
- 19) Street section not identified. Minimum of 8" Class 2 or 5 and 8" asphalt in three lifts. Subgrade corrections will be based upon soil test results.
- 20) Trail alignment to be approved by City Engineer
- 21) Storm sewer design calculations to be submitted for sizing
- 22) Provide documentation for catch basin numbers and location
- 23) All publicly owned storm sewer shall be RCP pipe
- 24) Storm water retention pond to be privately owned and maintained
- 25) Obtain agreement to allow storm water from public right-of-way to drain into private retention pond and MnDOT I-90 ditch
- 26) All structures shall meet the City of Austin's standard specifications
- 27) Sanitary sewer design to be submitted
- 28) Plat does not show new right-of-way of 19<sup>th</sup> Drive NW adjacent to north side of Menards Building
- 29) Public right-of-way extensions shall be named as follows:
  - 24<sup>th</sup> Street NW
  - 16<sup>th</sup> Place NW
  - 17<sup>th</sup> Place NW
  - 19<sup>th</sup> Drive NW

- 30) Obtain lease agreement for tower company for right-of-way extension of 16<sup>th</sup> Place NW
- 31) Public right-of-way and infrastructure shall be completed in one phase excluding south end of 24<sup>th</sup> Street NW
- 32) Adjust Lot 1, Block 1, site area to obtain 20% greenspace requirements

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, approving preliminary plat with conditions. Carried.

A public hearing was held on street improvement, 17<sup>th</sup> Avenue SW (4<sup>th</sup> Drive to 12<sup>th</sup> Street), Project 8-A-04

Public Works Director Jon Erichson clarified that the public hearings for the 2008 sidewalk reconstruction project will be held on March 3. The City Council is scheduled to approve the street projects tonight. Once Council approves, we will advertise for bids. These projects are all part of the Capital Improvement Program. The projects started when the city council adopted the CIP. In December, Council requested the feasibility reports. The feasibility reports were approved on January 7. Public informational meetings were held on February, and they were very well attended. If approved, the assessment hearings will be held March 17. Mr. Erichson went through several common items of the projects. The City's goal is for the adjacent property owners to pay 50% and for adjacent property owners on each side of a street pay 25%. Recently it has been difficult time to keep those rates; the City has paid closer to 60% and the adjacent property owners have paid 40% (20% on each side). Assessments costs are based on fixed rates. There is a corner lot policy for residents only. A property owner on a corner would only be responsible for the average length. There is also a credit for life expectancy; streets are expected to last 35 years. And property owners are responsible to pay for curb and gutter only once. Repairs and reconstruction to curb and gutter are at no additional cost. Arterial streets are constructed wider, but property owners are not responsible for the additional cost. Mr. Erichson explained the five different methods for paying assessments. One change has been made to this policy, which is that property owners have until October 31 to pay their assessments with no added interest, although a \$46 lien fee may be charged. The interest rate for this year's projects is 5.5%, and this is based on the city borrowing funds.

Ron Mecklenberg from Stivers Nursery spoke to Council. The nursery, owned by Richard Stivers, owns property on the south side of 17<sup>th</sup> Avenue SW. Mr. Mecklenberg asked about the proposed traffic study. Mr. Erichson said that at the recent public informational meetings, most of the discussion was on the 17<sup>th</sup> Avenue project. Since the meeting, some proposed changes have been made to the project. The engineering department had originally looked at a connection of 19<sup>th</sup> Avenue SW to 12<sup>th</sup> Street, but that will not be done. In addition, 17<sup>th</sup> Avenue SW had been proposed to be closed off as a connection to 4<sup>th</sup> Drive SW. The new proposal is for a temporary one-year shut down of the easterly portion of 17<sup>th</sup> Avenue SW beginning on June 8. Prior to that time a baseline traffic study would be done.

It is the engineering department's contention that much traffic is coming from the west side of 12<sup>th</sup> Street SW. A cul de sac may be constructed on 17<sup>th</sup> Ave and the street may be permanently removed. Mr. Erichson said that street is very narrow with sharp curves and has a steep drop off. If the road is permanently shut off, a pedestrian trail system would be built there. 19<sup>th</sup> Avenue SW is a road identified for the capital improvement projects in 2009. Mr. Erichson said there is one concern for 19<sup>th</sup> Avenue, and that is that a lot of kids walk down that street. The engineering department would consider placing sidewalk along the street in 2009.

Steven Lang showed photos of existing conditions of the roads. The sharp curve makes for limited visibility. The condition of the existing asphalt is poor. Mr. Lang said the engineering department would look at correcting drainage along 17<sup>th</sup> Avenue. At 10<sup>th</sup> Street to 12<sup>th</sup> Street, the road would be widened to 36 feet.

Council Member-at-Large Christopherson asked how they would measure the traffic pattern. Mr. Erichson said traffic counts would be taken on adjacent streets. Currently there are 450 cars per day on 17<sup>th</sup> avenue. The engineering department will also track the accident history and try to compare to other similar streets. He anticipates people using 12<sup>th</sup> Street verses the local road to 19<sup>th</sup> Avenue.

Council Member Dick Pacholl said the consensus at the (public informational) meeting was that they were not in favor of the cul de sac. He has some questions, though, on the sharp curve on 17<sup>th</sup> Avenue. He suggested that perhaps we could get an agreement from the cemetery to straighten the sharp curve. The majority did not want 17<sup>th</sup> Street cut off from 4<sup>th</sup> Drive. He said, personally, he can't see the purpose of cutting it out. Mr. Erichson said that when the original proposal was made, he received very few comments. He was surprised at the responses that came out of the informational meetings. Notices were sent to affected parties, plus 99 additional notices were sent out as his office wanted input. He said usually we would try to rebuild, but the geometrics are not good. There are very sharp curves and blind corners. The potential for accidents is high. Plus, there is a steep bank which has had much erosion. There are difficult views as well. This is an area where many pedestrians walk, and it is hazardous for them. By law, we cannot assess the federal government and cemeteries so that portion of the project would need to be paid by the city. By not redoing that part of 17<sup>th</sup> Avenue, we would save \$150,000 to \$200,000. Mr. Erichson has met with the cemetery association. The board presented a plan to provide access only to the cemetery via 4<sup>th</sup> Street and 17<sup>th</sup> Avenue.

Council Member Dick Pacholl questioned why street lighting couldn't be installed for safety; that would help on the sharp turn.

Council Member McAlister said he thinks the proposal to temporarily block off 17<sup>th</sup> Avenue is very wise. We would not be doing damage, and if it does not work out, we can always do something later. It would allow us to see where traffic goes. It would be a good opportunity to do something without having irreversible damage. Council Member-at-Large Christopherson noted that the idea came from a lady at the informational meetings.

Council Member Hecimovich noted that 19<sup>th</sup> Avenue opens up to the service road. Mr. Erichson said it would remain that way.

Ron Rysavy asked if 17<sup>th</sup> Avenue would be worked on next year. Mr. Erichson said 17<sup>th</sup> Avenue would be worked on, but very little would be done. We would establish a baseline traffic study before we close the road and then do another study after it is completed. Mr. Rysavy thought 17<sup>th</sup> Avenue north of the cemetery could be widened 12 to 14 feet. He thinks keeping 17<sup>th</sup> Avenue SW at that location is a good project, and the City could find money if they wanted to.

Vern Ehmke, 1805 9<sup>th</sup> Street, applauded the idea for a traffic study. He would like to see 17<sup>th</sup> Avenue (north of the cemetery) saved. He said it is a scenic drive (including the wildlife), and this town does not have many. He said it is worth his taxpayers' money. He urged the council members to approve the construction now as the cost for the project will go up; it will never go down. He said Bustad Addition property owners like this area, and the residents there pay high taxes.

Council Member Austin asked Mr. Ehmke if he'd rather be forced to change habits. He said the city is going to see how traffic is going to go, what would be the best option.

Mr. Ehmke said he would propose to leave 17<sup>th</sup> Avenue open. The best thing to do would be to fix the road and do it right. As for coming onto 4<sup>th</sup> Drive from 19<sup>th</sup>, the visibility is poor there.

Council Member Dick Pacholl confirmed with Mr. Ehmke that he suggests doing the construction on 17<sup>th</sup> Avenue now and not creating a cul de sac on 17<sup>th</sup>.

Ron Mecklenberg also stated that the study would not be a good study while the road is under construction. He also stated his objections on behalf of Stivers Nursery to the cost of improvements – “huge costs” – compared the neighborhood. The land is run as agricultural right now. It would seem to be a “fair burden” for Stivers. He suggested the city do construction later as he has concerns for the business. There are some other issues of drainage that need to be addressed... Mr. Mecklenberg expressed concern that the road would be closed for access to the business. Mayor Stiehm requested Mr. Mecklenberg speak with Mr. Erichson to resolve some issues. Mr. Erichson reiterated that the study would not occur during construction. The City would do a baseline study before construction and then no counts would be taken until after it is rebuilt. Mr. Erichson said the street department works very hard in working with adjacent property owners during construction; however, sanitary sewer will be placed on 17<sup>th</sup> adjacent to Stivers which will cause the road to be fully closed for a while.

Randy South noted that the adjacent property owners were all in favor originally.

Viril Layton, 1913 9th St SW, said he agrees with the recommended changes. He said 17<sup>th</sup> Avenue is very dangerous and there is much water there during the year. He supports the proposals.



Jeff Anderson, vice chair for the board of Faith Evangelical Free Church, spoke to Council. He said he can't speak for the board as the board has not met since the notice, but he speaks as a representative of the church. Mr. Anderson objected to the short notice. The congregation, he said, is supported by contributions, and this could adversely affect our ministry as it is a nonprofit entity. He said financially for us, it could be very difficult. Mr. Anderson expressed concerns that two of their accesses to their 1805 property would be closed during construction.

Council Member Dick Pacholl questioned the process for 17<sup>th</sup> Avenue. Mr. Erichson said he proposes closing 17<sup>th</sup> Avenue between the 'Y' and 4<sup>th</sup> Drive SW. On the eastern portion off of 4<sup>th</sup> Drive, there would be a road which would serve as an access to the cemetery. The street department would not put in a cul de sac until we know what we're going to do with 17<sup>th</sup> Avenue. He said the key point is that we're not going to do the study during construction.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. Motion includes modified plans for 17<sup>th</sup> Avenue project. 6-1. Carried. Council Member Dick Pacholl voted nay.

A public hearing was held on street improvement, 16<sup>th</sup> Avenue SW @ House #1000, Project 5-A-08.

Mr. Erichson clarified that 16<sup>th</sup> Avenue would be closed off and a cul de sac created. The decision for a trail would wait. No other street improvement would be done on this project.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held on street improvement on 13<sup>th</sup> Avenue SW (4<sup>th</sup> Street to 10<sup>th</sup> Street), Project 4-A-05.

Assistant City Engineer Steven Lang showed on a map where these proposed projects were located. This project would include adding sidewalks.

David Garnatz, 1800 13<sup>th</sup> Avenue SW, said he is in the middle of a double block and there is only one streetlight. Mr. Garnatz also asked if there would be access to the residents' houses during construction. Mr. Erichson said city policy is to provide only one additional streetlight in a double block so no additional lights are planned. As for access, he said, the City works hard to allow access in and out; however, in this project there is underground work which at times will make access difficult. The City does provide handicapped signs. The curb and gutter here will stay in place, although certain places it will be replaced. The City plans to do one avenue and then the other (12<sup>th</sup> and 13<sup>th</sup>). New water main and gas lines will be put in place which will have some impact, but hopefully that will be short term.

John Lenway, 711 13<sup>th</sup> Avenue, noted an issue with a light across from his home. Mr. Erichson said we would need to take a look at that.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held on street improvement on 12<sup>th</sup> Avenue SW (4<sup>th</sup> Street to 10<sup>th</sup> Street), Project 3-A-08.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held on street and sidewalk improvement on 1<sup>st</sup> Place SE (12<sup>th</sup> Street to 14<sup>th</sup> Street) and 1<sup>st</sup> Avenue SE (14<sup>th</sup> Street to 16<sup>th</sup> Street), Project 1-A-08.

Mr. Lang showed photos of 1<sup>st</sup> Place/Avenue SE, 2<sup>nd</sup> Avenue SE, 18<sup>th</sup> Street SE and 17<sup>th</sup> Street SE. There is currently no curb and gutter, and pavement has deteriorated. Mr. Lang discussed the project scope.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held on street improvement on 2<sup>nd</sup> Avenue SE (16<sup>th</sup> Street to 21<sup>st</sup> Street), and 18<sup>th</sup> Street SE (1<sup>st</sup> Avenue to 2<sup>nd</sup> Avenue), Project 4-A-08.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held on street improvement on 4<sup>th</sup> Street SE (8<sup>th</sup> Avenue to 16<sup>th</sup> Avenue), Project 5-A-05.

Mr. Lang discussed drainage issues and deteriorating pavement on 4<sup>th</sup> Street SE. This street has more traffic so it is proposed to widen this street from 33 feet to 38 feet, which is the standard for MnDOT roadways. We will maintain parking on the west side. Mr. Lang discussed the project scope. Qwest has some cable here that connects to the Lyle area, and we will need to work with them on that.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution approving parking restrictions on 4<sup>th</sup> Street SE. 7-0. Carried.

A public hearing was held on street improvement on 17<sup>th</sup> Street NE (3<sup>rd</sup> Avenue to 5<sup>th</sup> Avenue), Project 7-A-08.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held on final plat approval of *Good Samaritan Addition*.

Community Development Director Craig Hoiium said this public hearing is for a final plat which relates to the development of Comforcare. The Planning Commission and City Council have previously reviewed the preliminary plat and approved it with conditions. The plat will accommodate two subdivisions. The adjacent right-of-way will be dedicated to the City of Austin. The City has received a letter from the Mower County land surveyor which cites some deficiencies. These issues have all been resolved.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving final plat. 7-0. Carried.

Moved by Council Member Scott Pacholl, seconded by Council Member-at-Large Christopherson, adopting a resolution setting a hearing for March 17, 2008 on proposed assessments for Projects 8-A-04, 5-A-08, 4-A-05, 3-A-08, 1-A-08, 4-A-08, 5-A-05, and 7-A-08. 7-0. Carried.

The City Council has reviewed a draft joint resolution with at a previous work session. The joint resolution is with the HRA Board. It approves a special request of the Legislature to allow tax increment funding from TIF No. 9 to pay back the HRA for clean-up at the railroad site. Mr. Hurm noted a minor change to the resolution which was recommended by the TIF attorney. The clarification is shown in the 3<sup>rd</sup> paragraph.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, adopting a resolution approving joint resolution with the HRA requesting special legislation. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, appointing Kirsten Lindbloom to the Human Rights Commission. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, approving street closing for VFW Post 1216 on May 17. Carried.

Moved by Council Member Scott Pacholl, seconded by Council Member Dick Pacholl, approving street closings for Bobee Jo's Bar on July 3, July 4 and September 6. Carried.

Moved by Council Member Scott Pacholl, seconded by Council Member Dick Pacholl, appointing Lindy Rider from the Austin Board of Realtors to the Austin/Mower County Homeownership Board. Carried.

Moved by Council Member Scott Pacholl, seconded by Council Member Austin, appointing Steve Leif from Mower County to the Austin/Mower County Homeownership Board. Carried.

The City has come to an agreement with AFSCME (supervisors). Mr. Hurm said this is the 7<sup>th</sup> of 8 labor agreements to be approved. He recommends approval.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution approving the AFSCME labor agreement. 6-1. Carried. Council Member Martin voted nay.

The LELS contract requires a point of clarification. This item has been agreed to with the LELS. The item refers to how employees are paid for court preparation outside of their regular work hours. Mr. Hurm said this action institutionalizes what we have been doing.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson approving the Memorandum of Agreement with LELS. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving gambling premises permit application for the Elks Lodge #414 at Paradise Island, 117 2<sup>nd</sup> Avenue NE. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, granting the Planning and Zoning Department the power to contract for the removal of illegally stored vehicles at 1211 10<sup>th</sup> Street NW, Flanagan property. Carried.

Council is requested to approve city-provided basic life insurance for non-bargaining unit employees.

Council Member Martin asked if there would be an increase in premiums. Mr. Hurm said there would, but it would be small. He noted he would get this information to Council.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving city-provided basic life insurance for non-bargaining unit employees. 7-0. Carried.

The DCA has applied for an off-street parking appeal for the Smythe Building (Lot 1, Block 1, Cook Farm Industrial Park). Mr. Hoium displayed a map showing the building's location in the industrial park, which is in the northwest portion close to the

main entrance. The building will be 35,000 square feet and there are 42 off-street parking spaces planned, plus an area for additional spaces for future growth. Fifty-one spaces are required for this facility; the DCA is proposing 42.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the off-street parking appeal for 1201 27<sup>th</sup> Avenue NW (Lot 1, Block 1, Cook Farm Addition), requested by the DCA. Carried.

The last item on the agenda, receiving and awarding bids for the Wastewater Treatment Plant, will be tabled until the next meeting.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, tabling the bids for the WWTP to the next meeting. Carried.

#### REPORTS:

Council Member McAlister questioned the street closing request on the east side, particularly blocking off 4<sup>th</sup> Avenue in middle of block. Mr. Erichson said the area is adjacent to the public parking lot which ties into the alley. He said the engineering department can place an advisory sign at the intersection of 4<sup>th</sup> Avenue and 9<sup>th</sup> Street. This is the same request as in the past.

Council Member Dick Pacholl said he was a little disappointed with the letter from the County Commissioners regarding the City's request to wait on the Robbins block. They want our cooperation, he said, yet they can't cooperate on holding off on their plans a little. My understanding is that the \$1.5M was supposed to go for the jail, not for other lots for parking. Council Member Dick Pacholl also said he was sorry the downtown planners could not get their ideas across. Council Member Dick Pacholl said he was very disappointed with the county commissions. He said if he had his way, he would take the \$1.5M and use it somewhere else.

Council Member Martin said at a recent work session he misspoke and said "jail" instead of "LEC". Now he said he feels that we *should* have built a new law enforcement center, and let them build their own jail.

Council Member Hecimovich said he felt the same as Council Members Dick Pacholl and Martin. He said the City gave them money to build and keep costs down, not to do this.

Council Member Scott Pacholl reported that the yearly financial report for AMCAT transit is done; they are still doing well.

Council Member-at-Large Christopherson noted that Val Pitzen from Park & Rec has received a "Women in Achievement" award from the State.

Council Member-at-Large Christopherson also spoke on the recent actions of the County regarding the justice center. Yes, he said, it is water under the bridge, but are any

contracts signed? Are we bound? Is this a question for our attorneys? The justice center is not built yet, he said, and we need to investigate if we are, in fact, bound. Council Member-at-Large Christopherson requested the city attorney's office to look into the city's legal obligation in regards to the recently approved developer's agreement.

Mayor Stiehm objected, saying if we start back treading now, it would be a huge mistake. We would be opening ourselves up to a lot of ridicule by the County. What they did was no surprise by anyone involved with the negotiations. It was no surprise to us. The County tried to convey to us that they may take the Robbins block.

Council Member Dick Pacholl said we are not backing off on a jail downtown, but what is our legal right when our money is not being used the way we intended it to be used?

Mayor Stiehm noted a letter by a citizen, Nancy Maloney, that was written to Council. Ms. Maloney recently visited library and stated she was very impressed with the library and with Jeanne Steinbrink.

**REPORTS:**

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adjourning the meeting to March 3, 2008. Carried.

Adjourned: 7:40 pm

Approved: March 3, 2008

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

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