

MINUTES
CITY COUNCIL CHARTER MEETING
August 2, 2010
5:30 pm
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Brian McAlister, Jeff Austin, Dick Pacholl, Steve King, Marian Clennon and John Martin. Council Member-at-Large Janet Anderson.

MEMBERS ABSENT: None

STAFF PRESENT: Jim Hurm, Tom Dankert, Jeanne Howatt, Jon Erichson, Craig Hoiium, David Hoversten, Mickey Healey, Kim Underwood, Ann Hokanson and Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Public.

Added to the agenda: A motion granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 906 13th Avenue NE, Allgood property; a motion approving the Fire Department's participation in the MDA Fill-the-Boot campaign on August 18, 19 and 20 at 3:00-7:00 pm; a motion approving the appointment of Detective Brian Krueger to police chief, contingent upon successful psychological testing; and a motion approving a change of location request from Farmers Market beginning August 26.

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

Correction to the 7-19-10 draft minutes: page 6 – “kind” to replace “king”, and on page 3 – reference to 15 years, rather than 5 years on the assessment payment timeframe.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, approving the minutes of July 19, 2010 as amended. Carried.

Matt Simonson, 607 7th Avenue SE, spoke to Council. Mr. Simonson referred to Mayor Stiehm's previous race for mayor, recalling that the Mayor's platform was on the illegals. Mr. Simonson said nothing has been done on the issue. He noted that a city attorney has said there are 2000 illegals in Austin. Mr. Simonson objected to public funds that are used to “subsidize illegals but don't help poor house owners.”

Elizabeth Wefel from the Coalition of Greater Minnesota Cities gave a PowerPoint presentation as an annual report to the Council. The report is attached to these minutes.

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

Licenses:

- Massage Therapist: Ruth DeWitt, 302 1st Street SW, Austin
- Sign: Mankato Sign Service, 1310 S. Victory Dr., Mankato, MN
- Tattoo Establishment: Ivy's Ink Tattoo & Apparel, 111 4th Avenue NE, Austin
- Food/Mobile: Taco Yolis, Austin
- Excavation: T-Ray Construction, 13535 Johnson St., Ham Lake, MN
- Excavation: Herrick Irrigation, 1309 3rd Avenue SW, Austin
- Williams Plumbing & Heating, 303 5th Place NW, Austin

Claims:

- a. Pre-list of bills.
- b. Harold Trimble, 608 3rd Avenue NW, Austin. This claim has been referred to the city attorney to protect the city's interest.
- c. Anna Miller, 708 3rd Avenue NW, Austin. This claim has been referred to the city attorney to protect the city's interest.
- d. LoraLee Bauer, 309 6th Street NW, Austin. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Three separate bids were received in May 2010 for the northeast sanitary sewer project in. Bids for the properties on the east side of the Cedar River were as follows:

<u>Contractor</u>	<u>Amount</u>
Heselton Construction	\$ 1,271,763.65
Sorenson Bros., Inc.	\$ 1,320,182.50
Wagner Construction	\$ 1,374,935.00
Minger Construction, Inc.	\$ 1,380,278.20
SJ Louis Construction	\$ 1,459,305.00
Engineer's Estimate	\$ 1,356,763.30

Moved by Council Member McAlister, seconded by Council Member Austin, adopting a resolution awarding the bid for East River Phase CP 1-B-07 to Heselton Construction. 7-0. Carried.

Bids for properties on the west side of the Cedar River were as follows:

<u>Contractor</u>	<u>Amount</u>
-------------------	---------------

Sorenson Bros, Inc.	\$ 1,069,576.25
Heselton Construction	\$ 1,220,665.95
Friedges Contracting	\$ 1,259,946.25
Northdale Construction Co.	\$ 1,269,834.60
Minger Construction, Inc.	\$ 1,384,693.75
Engineer's Estimate	\$ 1,186,968.00

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution awarding the bid for West River Phase CP 1-B-07 to Sorenson Bros., Inc. 7-0. Carried.

Bids for properties requiring a low pressure system were as follows:

Ellingson Companies	\$ 221,392.26
GM Contracting	\$ 260,253.28
Wagner Construction	\$ 308,665.00
MinnComm Underground	\$ 318,550.00
Engineer's Estimate	\$ 350,990.00

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution awarding the bid for Low Pressure Phase CP 1-B-07 to Ellingson Companies. 7-0. Carried.

Council Member Pacholl commented on the engineer's estimates being lower than the bids and asked what affect that would have on the cost of the assessments. City Engineer Jon Erichson said the assessments were based on the low bids so there is no affect. He added that a preconstruction meeting will be held this week and the first phase (East River) of the project will begin soon.

A public hearing for Cosmos 2000 was scheduled for a violation of the liquor code. The citation has since been reviewed by the Police Department and city attorney's office and a better citation has been issued which pertains to different sections of the ordinance (allowing liquor after hours rather than the sale of liquor after hours). Thus, the need for this public hearing should be removed, the new citation has been issued, and a new public hearing may be set at a future date.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, adopting a resolution approving Sunday Liquor for the Hormel Historic Home, Inc., 208 4th Avenue NW. 7-0. Carried.

An additional resolution is required in connection with the refunding of bonds for Chauncey Apartments. City Administrator Jim Hurm provided a revised resolution.

Moved by Council Member Pacholl, seconded by Council Member Austin, adopting a resolution acknowledging provisions for debt service reserve fund replenishment in connection with the Chauncey Apartments refunding. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution setting a public hearing for August 16 for a rezoning of property petitioned by Jim and Jayna Hiemark, 1707 28th Street NE, from the existing zoning classification of an R-1 Single Family Residence District to a PDR Planned Development Residential District. 7-0. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, setting a public hearing for August 16 for a preliminary plat review petitioned by Jim and Jayna Hiemark, 1707 28th Street NE, for the subdivision to be known as *Dobbins Creek Estates*. 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 junk and/or illegally stored vehicles at 906 13th Avenue NE, Allgood property. Carried.

Local 598 has submitted a letter to allow the Fire Department to participate in the MDA Fill-the-Boot campaign. This is the second year for project. The two locations where firefighters would be stationed would be at the corners of Oakland Avenue and 12th Street NW, and 4th Street and 10th Avenue/1st Drive NW. Fire Chief Healey said the firefighters would be participating during their off-hours. He noted that last year the Department was awarded the golden ax for their donations.

Council Member McAlister said that while the cause is great, the method has much to be desired. He believes this project is disruptive and unsafe; it could cause accidents.

Chief Healey stated the MDA carries liability for this event; we are covered under them. He has also talked to the Austin Daily Herald so that they can advertise for this event. Also, there was an accident at one of the signals last year but it was not related to the drive.

Mayor Stiehm thought this project should remain fluid; we can improve upon it every year if need be.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving participation of Local 598 in the MDA drive. Carried.

Mayor Stiehm announced that last Thursday the Police Interview Committee made a unanimous choice for police chief: Sgt. Brian Krueger. Approval is contingent on successful completion of psychological testing.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, appointing Brian Krueger as police chief contingent on successful completion of psychological testing. Carried.

The Farmers Market vendors have requested a change of location to the municipal pool parking lot when the pool closes for the year. The first date at the new location would be August 26.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, approving the change of location for Farmers Market to the municipal pool beginning August 26. Carried.

REPORTS:

Council Member-at-Large Anderson announced the Relay for Life event scheduled for Saturday, August 7 at the Bandshell/Veteran's Pavilion.

Park & Rec Director Kim Underwood announced the one last free swim date for July 9. This is being sponsored by a SHPP grant.

Minnesota Public Radio interviewed Mayor Stiehm approximately three months ago. The report will be aired on MPR August 9, 10, and 11 on "All Things Considered". Mayor Stiehm said the show is not about Austin, but we will be prominently featured. This can also be seen on the MPR website.

Moved by Council Member-at-Large Austin, seconded by Council Member King, adjourning the meeting to August 16, 2010.

Adjourned: 6:08 pm

Approved: August 16, 2010

Mayor: _____

City Recorder: _____