

MINUTES
CITY COUNCIL CHARTER MEETING
February 7, 2005
5:30 P.M.
Council Chambers

MEMBERS PRESENT: Mayor Rietz. Council Member-at-Large Christopherson, Council Members McAlister, Jorgenson, Dick Pacholl, Nordin, Scott Pacholl, and Hecimovich.

MEMBERS ABSENT: None.

OTHERS PRESENT: Post Bulletin and Austin Daily Herald. Liliana Silvestry. John Martin. Mary Ellen Mueske. Taylor and Mark Bliese. Sandy Forstner.

Moved by Council Member Jorgenson, seconded by Council Member Pacholl, approving the agenda as amended. Carried.

Page 6 of January 3, 2005 Minutes were amended in the last paragraph to remove one second motion by Council Member Jorgenson.

Moved by Council Member Hecimovich, seconded by Council Member Jorgenson, approving the minutes of January 3, 2005 and January 18, 2005. Carried.

Liliana Silvestry, Director of the Welcome Center, gave a report to Council. The Welcome Center began in 2000 and serves to connect people to resources in the community. The Welcome Center also works within the community to fill the gap in providing services. The Center does interpreting and offers several other services, including providing citizenship classes.

John Martin spoke to Council regarding Charter Communications. Mr. Martin asked why Charter has the legal right to charge late fees in the manner that it does. City Administrator Jim Hurm said Tucker Carlson, government representative for Charter Communications, had promised Mr. Martin references of previous court cases on the matter. Mr. Hurm will contact Mr. Carlson again to provide that material.

Council Member Pacholl said cities used to have the authority but since the federal government deregulated cable companies, basically the costs are "out of our hands". The contract with Charter Communications is due next year; the Cable Committee will be meeting before then and discuss this issue.

Moved by Council Member Christopherson, seconded by Council Member Nordin, approving the Consent Agenda as follows.

Licenses:

Concrete: Meyer Construction, 27154 540th Avenue, Austin
Tree Removal: Meyer Construction, 27154 540th Avenue, Austin
Master Plumber: Quality Plumbing & Heating, 6301 Bandel Road NW, Ste 605,
Rochester
Cab driver: Benjamin LaVallie, 609 5th Street NW, Austin
Temporary liquor: Austin Area Catholic Schools at St. Edward's Corcoran Center,
2001 2nd Avenue NW, April 16
Temporary gambling (raffle): Austin Area Catholic Schools at St. Edward's
Corcoran Center, 2001 NW 2nd Avenue, April 16
Massage therapist: Naomi Thompson, 5555 SW 9th Street, Des Moines, Iowa

Claims:

- a. Finance and Investment reports.
- b. Pre-list of bills.
- c. Michael Cook, 2600 16th Avenue SW, Austin. This claim has been referred to the city attorney to protect the city's interest.
- d. Betty J. Jorgenson, 214 15th Street NW, Austin. This claim has been referred to the city attorney to protect the city's interest.
- e. Virginia Esse, 1911 E. Oakland, Austin. This claim has been referred to the city attorney to protect the city's interest.
- f. Teresa Arnold, 401 18th Street SE, Austin. This claim has been referred to the city attorney to protect the city's interest.
- g. Vernon Bolstad, 700 1st Drive NW, #123. This claim has been referred to the city attorney to protect the city's interest.
- h. Allysha Corscadden, 801 6th Avenue SE, Austin. This claim has been referred to the city attorney to protect the city's interest.
- i. Debra Eikenberry, 200 1st Avenue NE, Austin. This claim has been referred to the city attorney to protect the city's interest.
- j. Ryan Rugg, 1717 3rd Avenue NE. This claim has been referred to the city attorney to protect the city's interest.
- k. Michael Frederick, 1300 – 1400 N. Main. This claim has been referred to the city attorney to protect the city's interest.
- l. Terry Rutledge, 4116 Oak Avenue W., Austin. This claim has been referred to the city attorney to protect the city's interest.
- m. Lloyd V. and Ramona E. Swenson, 301 16th Street NW, Austin. This claim has been referred to the city attorney to protect the city's interest.

Carried.

The Festival Committee has proposed its plans for the Fourth of July events and is requesting Council approve the plans and various street closings. One addition is the Hog Jog event at East Side Lake on July 2. Chamber of Commerce Director Sandy Forstner introduced Mary Ellen Mueske, volunteer director for the Festival; Taylor and Mark Bliese who are handling all the sound and lighting for the festival, and Ron Meyer who will be helping with concessions. This will be the 20th anniversary of the festival. Mr. Forstner noted that the committee has opted on a change of venue by holding all activities in the Bandshell/Lafayette parks area.

The new parade route will begin at 8th Avenue NW, proceed south on Main Street and end at the Marcusen Park area. Council Member Pacholl questioned whether two intersections would remain open for the parade. Mr. Forstner said barricades would be at all intersections. He said barricades would be removed at Oakland in the event of an emergency. Council Member McAlister questioned the intersections of Main and Oakland and Main and 1st Avenue SW being blocked for about two hours. Chief Philipp thought that those intersections would be kept clear of bystanders.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, approving the requests in connection with the Fourth of July festival. Carried.

The Engineering Department has provided feasibility reports for the twelve street and sidewalk projects of 2005. Public Works Director Jon Erichson pointed out that the 4th Avenue NE project (Project 15-A-05) would be a new street; 100% of those costs would be assessed. This information will be relayed at the informational street meetings.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution receiving the feasibility reports and calling a public hearing for March 21, 2005. 7-0. Carried.

In the last few years, the City has set assessed rates prior to the actual construction of the projects. Street reconstruction rates as proposed are the same as the 2004 rates; sidewalk and curb/gutter rates are slightly higher than the 2004 rates.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution approving the street reconstruction assessment rates for 2005. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, to remove 'Autolaunch Study' from Matters In Hand. Carried.

A signal light upgrade at the intersection of 1st Avenue SW and South Main Street is included in the capital improvement projects for 2005. This project will begin after the Fourth of July festival activities. The Engineering Department is recommending that the signal light design be done by Bolton Menk at a maximum cost of \$16,500. Bolton Menk has provided the signal light design for the last two such projects at 14th Street NW at Riverland College entrance and at 10th Avenue and 4th Street NW.

Council Member Pacholl questioned what signal light designs means. Mr. Erichson said they design the electrical plan, which includes ten items of service. One item that they would do is the signal light justification report, which is a requirement. Mr. Erichson said the new signal lights would be designed over the street, similar to the signals at 10th Avenue and 4th Street. These lights would also have a preemptive system which emergency vehicles would use.

Moved by Council Member Jorgenson, seconded by Council Member Pacholl, adopting a resolution awarding signal light engineering to Bolton Menk. Carried.

The City Council annually sets the policy and wages for seasonal and part-time positions not covered by a contract.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution setting positions and policy for the administration of wage rates of seasonal and part-time positions not covered by a labor agreement. 7-0. Carried.

Mayor Rietz is recommending the following people to the respective boards:

Jay Nelson is presently a member of the Housing and Redevelopment Board. He was appointed in 2000, and his term ends February 7, 2005. She is recommending that Jay be reappointed for another five-year term. He is the Executive Vice President – Chief Credit Officer of Sterling Bank.

Valentina Gallegos has asked to go off the Human Rights Commission. Her term ends December 31, 2005. She is recommending Susan Stevenson, 1204 NW 10th Street, to fill the rest of the term. She teaches at Austin High School and was active in helping to organize the Martin Luther King Holiday celebration this year.

Robert Magambo has been transferred through his work and thus is no longer available to serve on the Police Civil Service. She is recommending Doug Myers, 2501 SW 10th Avenue, to fill the term which ends December 31, 2007. Doug was the superintendent of the Austin Public Schools, and he is now retired.

Council Member Pacholl questioned if there is a problem with Doug Myers also being on the Mower County Health Board. Mayor Rietz said that that position is not a city-appointed position. City Attorney David Hoversten said there would be no conflict of interest.

Moved by Council Member Pacholl, seconded by Council Member Jorgenson, approving the appointments. Carried.

Council is being requested to sign an agreement with UAW – Parks and Rec in connection with a full-time temporary position at the Park and Rec Department. Currently there is an employee on military leave. The agreement states that this position will be filled temporarily for fifteen months, but the person hired would not receive seniority rights. The agreement also states that the temporary position be offered to Terry Corkill, currently an hourly seasonal employee.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution authorizing the Mayor and City Recorder to sign an agreement with the UAW Park and Recreation Department. 7-0. Carried.

The new Public Works Warehouse is underway, and the City has issued work directives to the contractor changing the scope of the work. These work directives are consolidated into a change order. The change order changes the contract and must be approved by

Council. Public Works Director Jon Erichson said the total of the work directives is actually a savings of \$1,819.

Moved by Council Member Pacholl, seconded by Council Member Jorgenson, adopting a resolution approving Change Order No. 2 for the Public Works Warehouse. 7-0.
Carried.

Moved by Council Member Pacholl, seconded by Council Member Jorgenson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 910 11th Avenue SW, Petersen property. Carried.

Moved by Council Member Pacholl, seconded by Council Member McAlister, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1211 9th Avenue SW, Schied property. Carried.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 205 12th Street SE, Durham property. Carried.

Moved by Council Member Pacholl, seconded by Council Member Jorgenson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 2701 8th Avenue SW, Lockie property. Carried.

REPORTS:

City Administrator Jim Hurm said the City has received the \$35,000 check from the Hormel Foundation for flood engineering studies.

Council Member Pacholl reported on the Mower County League of Cities meeting in Sargeant. Tom Thiene from the League of Minnesota Cities spoke. He said one of the main points the League is working on is legislation of underground utilities. Currently private companies will do work and cities have to pay. Daryl Franklin also spoke on the county's Hazardous Comp Plan, and Garry Ellingson gave a jail update. A grant is being sought for the Shooting Star Trail. And the auto pawnshop concept was discussed. Council Member said a resolution on Hwy 56 was passed. The City of Austin is host for the next League of Cities meeting scheduled for April 21.

Council Member Jorgenson said the HRA is developing the railroad properties and relocating these businesses to that location: The Eagles, the B&J Bar, and Jim's Super Value. A retail center has also been planned for the area.

Council Member McAlister attended the last jail committee meeting. Concept ideas were reviewed, and some sites were looked at. Input was given from our LEC. Council Member McAlister will visit to the Steel County jail sight with some county commissioners.

Council Member Nordin noted that the City has received a letter from State Auditor Pat Anderson commending the city for staying within the recommended percentage for the fund balance.

Mayor Rietz announced that the annual Joint City Elected Officials meeting is scheduled for March 29 at 5:30.

The Volunteer Recognition night is scheduled for April 7 at 5:30 – 7:30 pm. This year the Nature Center, Austin Public Library and city volunteer recognition will be held jointly on this night.

April 14 from 7:00-9:00 pm is the date and time set for Take Part III. That event will be held at the Paramount Theatre.

The next council meeting is scheduled for Tuesday, February 22. The work session will be held on the same night after the council meeting.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adjourning the meeting to February 22, 2005.

Adjourned: 6:19 p.m.

Approved: February 22, 2005

Mayor: _____

City Recorder: _____