

**MINUTES**  
**CITY COUNCIL CHARTER MEETING**  
**March 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. Kelly Mithuen. Sandy  
Forstner and Jeanne Sheehan.

No action will be taken on a proposed ordinance amending the pawnshop ordinance.  
This item will be reviewed again at an upcoming work session.

Moved by Council Member Hecimovich, seconded by Council Member Nordin,  
approving the agenda as amended. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich,  
approving the minutes of February 22, 2005. Carried.

Sesquicentennial Executive Director Kelly Mithuen gave a brief report to Council on  
Austin 150 Inc. The sesquicentennial will be a yearlong event with different themes each  
month. Austin 150 Inc. has received a grant from the Hormel Foundation, as well as,  
contributions from the City of Austin and a private donor. Together they have assisted us  
in our start up expenses. All activities and events that are scheduled for the 2006  
Celebration are to be funded through private and public donations. Chairpersons are  
Sandy Forstner and Jeanne Sheehan, with Mayor Rietz as honorary chairperson. Anyone  
may volunteer to help in this celebration. To volunteer, call 437-4562 or e-mail  
director.austin150@charter.net.

Scott Richardson spoke to Council representing HTI. HTI makes pre-cast tanks (versus  
the cast-in-place tanks). The company would like to submit a bid for the biosolids  
facility at the Wastewater Treatment Plant. The City Engineer had previously reviewed  
this type of tank but made the decision to not include this in the specs. Mr. Richardson  
said this would be a less expensive alternative, approximately \$1M less. HTI is asking  
the City to amend the specs for the bid.

City Administrator Jim Hurm has reviewed this briefly with the City Engineer. Mr. Hurm advised that it would be appropriate to refer this matter to the city engineer for his review. Council Member Dick Pacholl said he agreed with the city administrator.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, to refer the matter to the city engineer for his review. Carried.

Council Member Jorgenson noted that the letter handed out by Mr. Richardson was not signed. He said the letter was written by Carol Haeg from HTI.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the consent agenda.

Licenses:

Food: St. Edward's, 2000 W. Oakland Avenue, Austin  
Temporary Liquor: Hormel Historic Home, 208 Fourth Avenue NW, Austin May 2 and 3  
Tattoo Artist: Steve Kish, 107 1<sup>st</sup> Street NW, Apt. #A  
Tattoo Establishment: Unusual Expressions, 105 1<sup>st</sup> Street NW, Austin  
Exempt Gambling (raffle): Habitat for Humanity at HFH Freeborn/Mower County, 800  
7<sup>th</sup> Street NE, Austin, October 15, 2005  
Soft Water Installation, Driessen Water I, Inc. PO Box 1024, Austin  
Food: Tienda Mexico, 1000 4<sup>th</sup> Avenue NE, Austin

Claims:

- a. Pre-list of bills.
- b. Finance and Investment Reports.
- c. Bernyce Crowder, 300 1<sup>st</sup> Avenue NE, Apt. 210, Austin. This claim has been referred to the city attorney to protect the city's interest.
- d. Automobile claim – police squad car (Rene Phan). This claim has been referred to the city attorney to protect the city's interest.
- e. Automobile claim – Engineer Dept pickup truck (Denny Bissen). This claim has been referred to the city attorney to protect the city's interest.

City Administrator Jim Hurm said the City has taken a leadership role in helping out KSMQ Public Television and keeping the station in this area. The City has helped with the writing of the new articles of incorporation and bylaws as the license is transferred to a nonprofit corporation. The license will be transferred in the very near future. Consultants have determined that KSMQ will need approximately \$600,000 over the next three years to restore its financial health, meet its immediate and mid-range goals, and ensure its recovery and success. The City Council is requested to authorize the \$60,000 for 2005 from the Contingency Line Item and \$60,000 for 2006 from Contingency for KSMQ.

Mayor Rietz recently spoke with Mike Bequette. Mr. Bequette was previously in administration at Riverland Community College and involved with keeping KSMQ in

this area. He is now working with the City of Rochester in support of public television in that area.

Council Member Jorgenson noted that it is important to support KSMQ because if we lose the station, we would not get it back.

Council Member Dick Pacholl agreed with Council Member Jorgenson.

Council Member Christopherson asked how much more would the City be asked to contribute in the future.

Danielle Heiny, Director of KSMQ, said the station does have a business plan. Some of the donors' commitments will be in-kind and equipment. Other members are committing financial contributions. These are one-time contributions. She said the City of Albert Lea is committing all in-kind services. Ms. Heiny also said the station would be involved with grant writing.

Mayor Rietz asked how long the station has been in existence.

Ms. Heiny said it was started in 1973 as part of the vo-tech program, and this is why it was licensed by the school system. She said the station now reaches Faribault, Winona, Mason City and will reach into Wisconsin by next year.

Mayor Rietz asked how many employees KSMQ employs.

Ms. Heiny said there are currently nine full-time employs and about seven part-time employs. This amounts to \$400,000 in wages.

Council Member Scott Pacholl noted that having a public television station is an asset to the community and also provides jobs. It provides a valuable service.

Moved by Council Member Jorgenson, seconded by Council Member Hecimovich, adopting a resolution making a financial commitment to KSMQ Television. 6-1. Carried. Council Member-at-Large Christopherson voted nay.

The Council-of-the-Whole has previously voted recommend the transfer of title of the Silver Bullet building to the Austin Port Authority. This is so that any sale transaction may be handled more easily.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution authorizing the transfer of title of the building formerly known as the Silver Bullet building from the City of Austin tot he Austin Port Authority. 7-0. Carried.

The Marcusen Ball Park Association has agreed to rent the park. This was approved at a previous Park and Rec Board meeting. The association will rent the park for \$1.00 per

year for the first five years and 20% of the costs expended for repairs as a result of the 2004 flood damage in the years six through ten.

Council Member Nordin said this agreement allows the association to financially get on its feet until 2010.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution approving the Marcusen Park agreement. 7-0. Carried.

Council has already approved the location for the future biosolids facility at the Wastewater Treatment Plant. Council must now approve the land trade with St. Mark's Lutheran Home.

Mayor Rietz noted that this transaction would benefit both parties in the event that St. Mark's would want to expand its facilities.

Moved by Council Member Nordin, seconded by Council Member Dick Pacholl, adopting a resolution approving the land trade with St. Mark's Lutheran Home. 7-0. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Christopherson, adopting a resolution setting a public hearing for March 21, 2005 for final plat approval of property to be known as ***The Meadows Addition***. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Hecimovich, adopting a resolution setting a public hearing for March 21, 2005 for the rezoning of property from an R-2 Multi Family Residence District to an I-2 Industrial District as a part of the expansion of the Municipal Wastewater Treat Plant. 7-0. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Jorgenson, setting a public hearing for March 21, 2005 with the Board of Adjustments and Appeals for a frontyard setback variance from City Code for property located at the Municipal Wastewater Treatment Plant. Carried.

A lease has been prepared for the use of the 62 acres at the J.C. Hormel Nature Center. The land will be leased to Roger Levy to plant 62 acres of roundup ready soybeans in the spring of 2005. The lease provides that Levy will give 40% of the crop profit to the City of Austin.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution approving the lease agreement with Roger Levy to plant 62 acres at the nature center. 7-0. Carried

Naturalist Larry Dolphin is requesting that the money from the Roger Levy agreement be used for 62-acre restoration project at the nature center, which is planned for this fall.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, approving the funds for restoration as aforementioned. Carried.

Park and Rec Director Denny Maschka said that three years ago, an agreement was signed with Riverland Community College to construct three ball diamonds. The College has since given the City \$35,000 to upgrade two additional ball diamonds. An agreement needs to be signed at this time to include this amendment.

Council Member Dick Pacholl questioned if this agreement approves easements. Mr. Maschka replied that originally, the college was going to construct two ball diamonds. Since then, the college is putting forth more money to construct another ball diamond, and the agreement must now be amended.

City Attorney David Hoversten said that Council Member Dick Pacholl was correct regarding the need for easements. The agreement also provides for maintenance and the use of the baseball diamonds. This agreement was verbally affirmed and must now be in a written document. MNSCU/RCC will provide for \$35,000, and the City will have the right of access and easement.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, adopting a resolution approving the agreement. 7-0. Carried.

#### REPORTS:

The City has received a \$63,500 check from the Hormel Foundation. The Spamtown Festival will receive \$15,000 for the Sesquicentennial, and \$48,500 is to be used for the Austin/Mower County transit work route.

The Engineering Department has applied for a approximately \$1.5M FEMA grant. The grant would be used for purchase of reoccurring flood properties.

The Committee-of-the-Whole has reviewed an option for the jail/justice center in downtown Austin. The proposal is a three-block area south of Oakland. This idea has been communicated to the County. The Mower County Buildings Committee will establish a meeting time and invite our staff to attend.

Gayle Heimer reported that the city is holding a citywide book-reading. The featured book is The Stories of F. Scott Fitzgerald by Patricia Hampl. Kick-off was March 1 with a drawing for lunch with the author. Various activities will take place and culminate with the author speaking at the library on March 31. Books will be on sale at the Sterling bookstore.

Ms. Heimer also noted that there will be a traveling bus at the library on March 24 on the German POWs in WWII.

Park and Rec Board will meet at 5:15 on March 9.

The DCA Annual meeting is March 15. The meeting will begin at the Spam Museum at 5:30. The tour of Austin Packaging Co. will be included.

Mayor Rietz announced that our troops will be remembered at a ceremony at the 11<sup>th</sup> hour on March 11 at the Veterans War Memorial at the Law Enforcement Center. This is a time to reflect on our troops in Iraq. This event is as a result of the efforts of the Family Readiness Group and Council Member Hecimovich.

Council Member Dick Pacholl requested that this event be publicized on the TV and radio.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adjourning the meeting to March 21, 2005.

Adjourned: 6:15 p.m.

Approved: April 4, 2005

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

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