

MINUTES
CITY COUNCIL CHARTER MEETING
June 6, 2005
5:30 P.M.
Council Chambers

MEMBERS PRESENT: Mayor Rietz. Council Members McAlister, Jorgenson, Dick Pacholl, Christopherson, Nordin, and Scott Pacholl.

MEMBERS ABSENT: Council Member Hecimovich.

OTHERS PRESENT: Post Bulletin and Austin Daily Herald.

Item No. 4a was amended to read: Introduction of new fire personnel. Items 24 and 26 will be moved up the agenda to follow Item No. 13. A revised resolution for Item No. 14 was presented to Council.

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

Moved by Council Member Jorgenson, seconded by Council Member Dick Pacholl, approving the minutes of May 16, 2005.

Sara Grewing, representative from the Coalition of Greater Minnesota Cities, gave a report on the legislature. Regarding LGA, she said there are three plans currently in the legislature. There is the House tax bill. This would cut \$17M from St. Paul and Minneapolis and would shift that money to outstate cities. The CGMC opposes this plan because it is perceived as a dismantling of the entire program. With this plan, there would be \$176,000 gain in LGA.

The Marquart Amendment is the second plan. Its intent is to close corporate loopholes, which would keep revenues in Minnesota. This would raise \$65M, which would go toward LGA. With this plan, there would be a \$223,000 gain in LGA.

The Senate tax bill is the third plan. It would increase taxes by \$86M into the general fund. With this plan, there would be a \$732,000 gain in LGA.

The CGMC supports the Senate tax bill or the Marquart Amendment.

The potential LGA increase with these plans is still significantly less than what was cut in 2003.

Regarding annexation, CGMC lobbied to table the issue. Ms. Grewing said townships had initiated legislation, which would hinder or prohibit annexation, such as property owner petitions. CGMC will be holding interim hearings to listen to people directly involved with annexation. Council Member Nordin questioned if this is mostly the Twin Cities. Ms. Grewing said this is not exactly just for the Twin Cities. Rochester, Chisago City, St. Cloud, St. Joseph and Waite Park and some of the outstate communities dealing with this issue.

Regarding economic development, there is \$10M in the bonding bill. This legislation was introduced by Sens. Dorman and Langseth.

Regarding the environment, the Clean Water Legacy Act has the CGMC concerned on the impact to cities. The Act carried with it a lot of unfunded mandates. She said this would mean a \$36 per year per residence fee on usage. The legislature has problems with the funding structure. She guesses that this will not be passed this year.

Regarding transportation, the CGMC supported at least a 7¢ increase for highways. Both the House and the Senate voted for a 10¢ increase. This was opposed by the Governor. The CGMC opposed legislation that would have the metropolitan area paying 6.25% in sales tax, with .25% going to trains and buses in the Cities. The Governor also vetoed that plan. The CGMC would like a 5¢ increase for a highway user fee. Highways need fund now, she said. It is vital for economic development.

Council Members Nordin and Pacholl noted that State Highways 218 and 56 need repair. Ms. Grewing said that the CGMC has made the point that funding for highways is an issue of safety as well.

Ms. Grewing summed up by saying that the CGMC is urging legislators to not vote for a tax bill unless there is \$160M of LGA increase in it.

Sixty-four percent of the transportation budget goes toward metro transit. That is the second highest for state payment of a regional system. The metro transit should be paid by a regional sales tax or some other regional funding. In 2001, more than 20% went to metro transit; 2004, 61% went to metro funding; and currently we are at 64%.

Vicki Spyhalski, 111 6th Street NW, told Council she would like to see a 4-way stop sign at the intersection of 1st Avenue and 6th Street NW. There are currently stop signs on 6th Street. She said there is a 3-block stretch with no stop signs and especially during the school year there is a lot of speeding. Mayor Rietz referred this matter to Assistant City Engineer Steven Lang who will report to City Engineer Jon Erichson.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the consent agenda as follows:

Consent Agenda

Licenses:

Master Plumber: Mike Bell, 1985 N. Broadway, Rochester

Temporary Food: Culver's, 1800 8th Street NW, June 18
 Food: Advance Auto Parts, 309 West Oakland Avenue
 Temporary Food: Order of Eastern Star, July 14
 Changing Temporary Food License to Mobil Food License: Duren Concessions
 Temporary Food: Accentra Credit Union, June 30, July 1, Sept 1-2
 Food: Bamboo Hut, 501 W. Oakland Avenue
 Temporary Food: Marcusen Park Baseball Assoc., June 30 – July 3
 Temporary 3.2 Beer On-Sale: Marcusen Park Baseball Assoc., June 30 – July 3

Claims:

- a. Pre-list of bills.
- b. Auto, Brian Capretz, 2021 1st Avenue NE. This claim has been referred to the city attorney to protect the city's interest.
- c. Lorraine Plunkett, 500 Oakland Place NE. This claim has been referred to the city attorney to protect the city's interest.
- d. Mary Baker, 200 1st Avenue NE. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Bids were received for on May 19 for housing demolition and site restoration for City Project 5-C-03, Phase IV. This is the final phase for flood demo. The bids were received for the removal of thirteen residences and one commercial property. Bids are as follows:

Contractor	Bid Amount
Wallace Bustad	\$ 65,500
Bolander and Sons	106,263
Landwehr Construction	108,000
Engineer's Estimate	\$ 77,000

Assistant City Engineer Steven Lang said one residential property at 701 2nd Street SE had to be removed from this list, changing the bid of Wallace Bustad to \$65,500. This property will require a different operation for demolition and will be bid by itself under a separate contract. Mr. Lang said these properties are scattered over the flood plain. Council Member Christopherson said the Park and Rec Board has recently talked about clean-up of the property north of Marcusen Park. Mr. Lang said the project involves demolition and removal of infrastructure and street, which will not be needed. The timetable for this project is late summer.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution awarding the bid of Wallace Bustad at \$65,500. 6-0. Carried.

Bids were received on May 19 for a pre-engineered cold storage building, City Project 6-C-05. This structure will house police-impounded vehicles. The bids were for a 60' x 60' building plus an alternate which is for a 20' extension. This project has been budgeted from the Central Garage budget. A bond has been issued against it.

Bids are as follows:

Contractor	Bid Amount	Alternate #1
Wagner Construction Co.	\$ 58,000.00	\$ 12,500.00
Holland Contracting	58,610.00	12,980.00
Broskoff Structures	68,883.00	13,544.00
Engineer's Estimate	\$ 64,800.00	\$ 15,000.00

Moved by Council Member Jorgenson, seconded by Council Member McAlister, awarding the bid to Wagner Construction Co. 6-0. Carried.

Bids were received on May 19 for bituminous street reconstruction, City Projects 2-A-96, 6-A-04, 6-A-05, 10-A-05, and 15-A-05 and State Aid Project 104-150-01.

Bids are as follows:

Contractor	Bid Amount
Ulland Bros.	\$ 1,103,362.90
Engineer's Estimate	\$ 1,117,907.50

Moved by Council Member Jorgenson, seconded by Council Member Nordin, awarding the bid to Ulland Bros. 6-0. Carried.

Bids were received for concrete street reconstruction for 4th Street NE, S. Main Street, and 1st Avenue SW (State Aid Projects 104-120-02, 104-117-06, and 104-116-03).

Bids are as follows:

Contractor	Bid Amount
Doyle Conner Co.	\$ 444,896.28
Engineer's Estimate	\$ 466,665.50

Moved by Council Member Nordin, seconded by Council Member Jorgenson, awarding the bid to Doyle Conner Co. 6-0. Carried.

Community Development Director Craig Hoium requested Council approve an amendment to a final plat for The Meadows. The original final plat was approved on March 21, 2005. The plat was for 146 single family homes and 22 twin homes and improvements to the public right-of-ways. This plat will be built in six different phases so the petitioner is now requesting an amendment to the final plat. This is allowable according to the city code. The new final plat will consist of what was to be Phase I, which will include 25 twin homes lots and 17 single-family homes. The plat will also include Outlot A, which is the west and north portion and Outlot B, which will contain the stormwater retention pond. Mailings were sent out and the notice was published in the paper. Petitioner Dave Hillier said this will be a 10-year project. The first 14 acres will be developed now and the other 63 acres will remain in agricultural production and assessed as agricultural land. The rest of the acreage will be platted at a future time. Mr. Hoium said minor modifications may be made, but the plan for the development would be mostly the same.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution approving the amended final plat for *The Meadows*. 6-0. Carried.

A plat for Sheedy's Second Subdivision is requiring a correction to the legal definition. A dimension of the plat was noted at 200.60 feet and should be corrected to read 150.00 feet.

Moved by Council Member Jorgenson, seconded by Council Member McAlister, adopting a resolution approving a land surveyor's certificate of correction to plat. 6-0. Carried.

Due to the four additional Take Part presentations to the seniors, high school students, college students and Hispanic group, the downtown consultants have submitted a proposed amendment to the consulting agreement in the amount of \$2500.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution approving the agreement. 6-0. Carried.

Community Development Director Craig Hoium presented the Developer's Agreement for the Meadows Addition. Mr. Hoium noted some changes to the agreement. In the first paragraph, Dave and Carolyn Hillier's names should be removed. 'Exhibit G' should be added in the second paragraph. Also in the second paragraph under Item 4, the installed PVC piping should be televised. Under Item 5, the petitioner's costs will be higher and this will be reviewed by the Utility Board at their June 14 meeting. Mayor Rietz questioned if approval should be contingent on the Utility Board approving. City Attorney said that is correct. Under Item 10, Phase I should be deleted.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, adopting a resolution approving the developer's agreement for The Meadows, contingent upon approval of the developer's agreement by all parties, including Austin Utilities. 6-0. Carried.

A minor subdivision has been petitioned by Larry Sunderman. Community Development Director Craig Hoium noted that Qwest and Austin Utilities are requesting necessary

easements. Mr. Hoium recommended approval with the condition that all necessary easements are included.

Moved by Council Member Jorgenson, seconded by Council Member Nordin , adopting a resolution approving the subdivision of property with the conditions noted above. 6-0. Carried.

Moved by Council Member Nordin, 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 710 8th Street NE, Schied property. Carried.

Moved by Council Member Nordin, 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 1504 8th Avenue NE, Hermann property. Carried.

Moved by Council Member Nordin, 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 807 7th Avenue SE, Kauffman property. Carried.

Moved by Council Member Nordin, 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 1107 12th Avenue NE, Raimann property. Carried.

The City Council as the Committee-of-the-Whole has discussed and agreed to approve Option C relating the AMCAT transit building project. City Administrator Jim Hurm noted a revised resolution, which includes a legal description of the property, plus specific actions of the city council.

Council Member McAlister said that as long as the City is stuck with the property, at least we are not investing so much money into it.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution authorizing disbursement of certain funds from the City of Austin downtown revitalization capital account (Building Fund) to the HRA. 6-0. Carried.

City Engineer Jon Erichson has proposed contracting for mosquito control again this year. The City has contracted with Moore's Ag Center and the cost would be the same price as last year. The company recommends four applications. This has been budgeted at \$25,000. Council Member Scott Pacholl questioned if there would be alternate dates for rain. Assistant City Engineer Steven Lang said that the City Engineer works with the company regarding application times.

Moved by Council Member Dick Pacholl, seconded by Council Member Jorgenson, approving mosquito control for the 2005 season. Carried.

Karounna Thiravong and Theuthmany Suphantavong dba The Bamboo Hut, 501 W. Oakland Avenue, have applied for wine/strong beer, Sunday wine and 3.2 Beer On-Sale licenses. Council Member Dick Pacholl questioned why they are applying for Strong Beer along with the Sunday 3.2 Beer. Can they prove they are serving just 3.2 beer on Sunday? Mayor Rietz recommended this be approved and have this explained by the City Clerk Lucy Johnson later.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution approving the licenses. 6-0. Carried.

Moved by Council Member McAlister, seconded by Council Member Jorgenson, setting a public hearing for June 20 for a variance from the maximum 40% lot coverage in an R-2 Multi-Family Residential District, petitioned by Austin Medical Center. Carried.

A raise in fees for animal impoundment has been requested by the police department. It has been several years since these fees were raised.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution approving revised impounding and maintenance fees for animals. The fees would be as follows:

First Impoundment	\$20.00
Maintenance	\$ 5.00 per day
Second Impoundment	\$30.00
Maintenance	\$ 5.00 per day
Third Impoundment	\$40.00
Maintenance	\$ 5.00 per day

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution increasing impoundment fees. 6-0. Carried.

Last year some parking fine fees were raised; however, not all parking fines were adjusted. The following is proposed:

\$10.00 fine for each violation
\$ 5.00 additional fine for late payment of original violation fine

Moved by Council Member Jorgenson, seconded by Council Member Dick Pacholl, adopting a resolution approving parking fines. 6-0. Carried.

City Engineer Jon Erichson has issued more work directives for the public works warehouse. Change Order No. 5 is for Work Directives 12 and 13 for a total cost of \$6,880.22. This project is still under budget.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution approving Change Order No. 5 for the warehouse. 6-0. Carried.

The City Council previously approved an agreement with SEH for engineering services at the Wastewater Treatment Plant. This agreement approved Option 1 and 3 for a total cost not to exceed \$108,000. With the recent resignation of Troy Tigner who was to be the inspector on this project, City Engineer Jon Erichson has recommended changing the agreement to Option 2, with a maximum additional cost of \$60,000. This would then be performed by SEH. Council Member Christopherson questioned where the \$60,000 would come from. City Finance Director Tom Dankert said this is paid 50% by Hormel and 50% by the City.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution approving the agreement for Option 2. 6-0. Carried.

The Downtown Austin Association is requesting street closing on Thursday, July 14 for Crazy Days. This is an annual request.

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

Moved by Council Member Dick Pacholl, seconded by Council Member Nordic, affirming the Fire Chief's recommendation of the promotion to commander of Brian Lovik as the highest scoring candidate in the civil service testing. Carried.

REPORTS:

City Administrator Jim Hurm reported for Library Director Ann Hokanson. Ms. Hokanson is pleased with the activity at the library: May's circulation was 23,000. This is a 12% increase from last year.

The City has received a check from the Hormel Foundation. The check is for \$114,453.61. Park and Rec will receive \$89,453.61 for a new stage and \$25,000 will go towards a pedestrian/bike trail.

Finance Director Tom Dankert noted he would like to plan on a 3-hour budget work session and that Council should set a meeting at tomorrow night's work session. The preliminary budget and tax levy is due to the State by September 15.

Council Member Jorgenson questioned if the 12th Street SW project is a city project. Assistant City Engineer said this is a state project between Oakland Avenue and Turtle Creek. It should not be a very long project – perhaps 1 to 1½ weeks.

Council Member McAlister noted that the KSMQ license change-over is still moving along and will hopefully be completed and turned over to the new board this month.

Council Member McAlister also noted a newspaper article from June 1908 which records events of the flood at that time. He passed out copies of the article.

Council Member Christopherson requested that Assistant City Steven Lang have the contractor for the demolition of the flood homes (Wally Bustad) clean up the area around Marcusen Park.

Council Member Dick Pacholl thanked Council for the opportunity to represent them at the Memorial Day celebration. He noted that the crowd was larger this year.

Mayor Rietz encouraged everyone to buy a festival button to support the festival. The Mayor also reminded everyone to take remember our troops on June 11 at 11:00 am.

Moved by Council Member McAlister, seconded by Council Member Jorgenson, adjourning the meeting to June 20, 2005.

Adjourned: 7:15 pm

Approved: June 20, 2005

Mayor: _____

City Recorder: _____