

MINUTES
CITY COUNCIL CHARTER MEETING
January 3, 2006
5:30 P.M.
Council Chambers

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald & KAUS. Greg Thompson, Jeff Dahn. Rhonda Kjarland.

Added to the agenda: A resolution approving grant agreement for airport maintenance and operation.

Added to the consent agenda:

Exempt Gambling (raffle): Austin Area Chamber of Commerce @ Bandshell Community Park, July 4

Exempt Gambling (raffle): Austin Area Chamber of Commerce @ Elk's Lodge #414, 102 First Avenue NE, March 3

Renewal Licenses:

Cab Driver: Cynthia Streiff, 1410 6th Avenue NW

Byron Buxton, 707 3rd Street NW

Cigarette: Mickey's Place, 111 2nd Avenue NE

Food: Bamboo Hut, 501 W. Oakland Avenue

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

Moved by Council Member-at-Large Christopherson, seconded by Council Member Nordin, to pull the Cab Driver and Cab Owner licenses and place on the agenda as a separate item.

Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, approving the council minutes of December 5, 2005 and December 19, 2005. Carried.

The City has received the Certificate of Achievement in Excellence in Financial Reporting from the Government Finance Officers Association. Since 1980, the City has submitted its annual comprehensive financial report to the Government Finance Officers Association in Chicago. This organization checks for compliance with governmental regulations. Achieving their Certificate of Achievement helps during bond issuance. City Finance Director Tom Dankert recognized Rhonda Kjarland, who was in attendance, whose primary responsibility is this reporting.

Council Member Dick Pacholl questioned why there are two tattoo licenses on the consent agenda. City Attorney David Hoversten explained that one license is for the artist himself, the other license is for the establishment.

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

Additional 2006 license renewals:

- Cigarette: Arcade, 107 4th Avenue NE, Austin
 - Trader Exchange, Inc., PO Box 612, Austin
 - Austin's Families Restaurant, 3401 W. Oakland Avenue, Austin
- Concrete: Roger & Sons, PO Box 756, Austin
- Excavation: Roger & Sons, PO Box 756, Austin
- Food: Arcade, 107 4th Avenue NE, Austin
 - Dollar Tree Stores, 500 Volvo Parkway, Cheapeake, VA
 - Target Corp, PO Box 9471, Minneapolis, MN
 - Trader Exchange, Inc., PO Box 612, Austin
 - Austin's Families Restaurant, 3401 W. Oakland Avenue, Austin
 - Garbage Hauler, Triple JJJ Disposal, PO Box 279, Brownsdale, MN
- Gas Station: Austin's Families Restaurant, 3401 W. Oakland Avenue, Austin
- Massage Establishment: Golden Tress Salon, 104 11th Avenue NW, Austin
- Master Plumber: Dave's Plumbing, Box 173, Rose Creek, MN
 - Mike Carstens Plumbing & Heating, 16376 880th Avenue, Glenville, MN
 - Schmitz Electric Co., 308 Main Street, PO Box 340, Adams
- Novelty Machine Owner: Theisen Vending, 229 Jackson St, Anoka, MN
- Novelty Machine Premise: Trader Exchange, PO Box 612, Austin
 - Theisen Vending, 229 Jackson Street, Anoka
- Pool Table: Arcade, 107 4th Avenue NE
- Tattoo Artist: Steven Kish, 107 1st Street NW, Apt 1, Austin
- Tattoo Establishment: Lori Willert dba Unusual Expressions, 105 1st Street NW, Austin
- Claims:
 - a. Pre-list of bills.
 - b. Thomas Jarvis, 1700 5th Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
 - c. Norman Johnson, 700 1st Drive NW. This claim has been referred to the city attorney to protect the city's interest.

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Greg Thompson, 502 6th Street SW and owner of AB Taxi, spoke to Council regarding the licenses for Mr. Lecakis. Mr. Thompson objected to Mr. Lecakis' use of a vehicle in town. Mr. Thompson said Mr. Lecakis is using metallic signs on his cars, which is forbidden. He also said Mr. Lecakis was running shuttles with no insurance, who says his reasoning is that he is driving out of town. Mr. Thompson also said Mr. Lecakis is doing beer delivery. Mr. Thompson said he does not have a problem with another cab company in town, but that he should have to run his business the same way AB Taxi is run.

Council Member Dick Pacholl said he has received a call on this also and believes that Mr. Thompson has "legitimate complaint." Council Member Dick Pacholl doesn't know about insurance. As for running shuttles, there may be different rules for that, but he still should have insurance. He would like to have this looked in to.

Council Member McAlister said he agrees that this should be further investigated, but these are allegations. They should be referred to the Police Department to deal with. The allegations may not necessarily be true, and if they are true there isn't any paper proof right now.

City Attorney David Hoversten concurred with Council Member McAlister. There is no demonstrable evidence here, including no objection from the Police Department or the City Clerk's office. This could be further investigated, but if there would be evidence that the rules are being followed, Mr. Lecakis has the right to a public hearing. He added that not every violation would be reason for cancellation. He should be given the opportunity to correct any deficiencies. He has the right to due process.

Mr. Thompson said he just wanted to bring it to the attention of Council.

Jeff Dahn, former owner of AB Taxi, said this has been going on for two years; how many warnings does Mr. Lecakis get?

Mayor Rietz said this matter would be referred to the Police Department for further investigation.

Council Member-at-Large Christopherson, seconded by Council Member Scott Pacholl, to approve the following licenses but refer the matter to the police for further investigation.

Cab Driver: Samuel J. McDonald, 302 37th Street SW, Austin
Constantine W. Lecakis, 107 4th Avenue NE, Austin
Cab Owner: Constantine W. Lecakis dba Austin Cab Company, 107 4th Ave NE

5-2. Carried. Council Members Nordin and Dick Pacholl voted nay.

The following resolutions must be approved on an annual basis.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution designating depositories for checking and investments of public funds for 2006. 7-0. Carried.

The following resolution must also be approved annually to designate the official newspaper for 2006. The Austin Daily Herald is the only paper that qualifies by state statute according to the home office stipulation. Council Member Baker questioned the rates. City Finance Director said he believed these rates had gone up.

Moved by McAlister, seconded by Council Member Hecimovich, designating the official newspaper for the City of Austin for the year 2006. 7-0. Carried.

The following resolution sets wage rates for employees who are not covered by any contract. There will be no increase in the wage rates this year; however, most employees who return a following season receive a 50¢. This is indicated in the resolution.

Council Member Dick Pacholl questioned why ticket takers receive more per game (\$25/night) than ticket takers (\$15/night).

Mayor Rietz requested Park and Rec Director Denny Maschka to look into this.

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.

Tom Dankert proposed a new lease agreement for the Mower County Senior Citizens Center. The City has budgeted \$60,000 to pay all operational costs, with \$30,000 of this coming from Mower County. The Senior Center would be responsible for their own operations. This agreement will be renewed on an annual basis. Mr. Dankert said the Senior Center Board has reviewed this draft agreement and has agreed to it.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution approving the lease agreement with Mower County Seniors Inc. 7-0. Carried.

Tom Dankert requested approval to set up a Senior Citizens Center Department of the General Fund. All revenues would be deposited into this department, and all operational

expenditures would be paid from it. If any of the \$60,000 is not used yearly, it would be kept in this fund for future expenditures.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution authorizing the establishment of a special department of the General Fund for the purpose of administering and disbursing funds for the Mower County Senior Center. 7-0. Carried.

Trader Exchange was late with their liquor license renewal papers and fee. It must be approved here separately.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution approving on-sale hard liquor and 3.2 beer off-sale liquor renewal for Trader Exchange, Inc. 7-0. Carried.

Main Street Project, Inc. has a draft Agreement for Services for City Council's approval. The City would give \$10,000 in 2006 to the Main Street Project in exchange for services. This amount for was agreed upon at a previous work session and has been budgeted for.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution approving the Agreement for Services with the Austin Main Street Project, Inc. 5-2. Carried. Council Member Baker and Council Member-at-Large Christopherson voted nay.

A contract for video services with Shawn Martin was presented to Council. This position is not covered under the temporary/seasonal employee pay scale. He is being offered a 50¢ increase (\$12.00/hr with a guaranteed minimum of 2.5 hours pay).

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the contract with Shawn Martin. 7-0. Carried.

City Engineer Jon Erichson asked Council to request feasibility reports, which are part of the 2006 Capital Improvement Program. The first step in the street/sidewalk projects is to request the feasibility reports. The following reports are requested:

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| Misc | 1) 2006 Sidewalk Replacement Program | 2-C-06 |
| Street | 2) Burr Oak Area | 1-A-06 |
| Street | 3) 2 nd Street NE (1 st Avenue to 4 th Avenue) | 2-A-06 |
| Street | 4) East Side Lake Area Project
(11 th Street NE to 15 th Street and 5 th Avenue to 8 th Avenue) | 3-A-06 |
| Street | 5) Wildwood Park Area
(4 th Street NE – 16 th to 18 th Avenue) | 9-A-00 |

Street 6) 3rd Avenue NE (1st Street to 4th Street NE) 7-A-05
Street 7) 1st Avenue SE (2nd Street to 4th Street) 12-A-05

Moved by Council Member Nordin, seconded by Council Member-at-Large Christopherson, adopting a resolution ordering preparation of report on improvements. 7-0. Carried.

Moved by Council Member Dick 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 1418 7th Avenue NW, Sorgine property. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1924 6th Avenue NW, Gust property. Carried.

Moved by Council Member Dick Pacholl, 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 607 5th Avenue NW, Ahles property. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 601 21st Avenue NW, Trowbridge property. Carried.

Moved by Council Member Nordin, seconded by Council Member Dick Pacholl, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 817 2nd Avenue NE, Weires property. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, setting a public hearing for January 17, 2006 for preliminary plat review of property to be known as *Morem Addition*. Carried.

The City of Austin is eligible to receive reimbursement for certain costs that the city incurs for maintenance at the airport. The maximum reimbursement for 2006 and 2007 is \$39,319, up from the 2004-2005 maximum of \$33,921. The increase is due to the increased length of the runway.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution approving the grant agreement for airport maintenance. 7-0. Carried.

Ann Hokanson, director of the Austin Public Library, reported circulation for the year 2005 was 334,06. She said the national average is seven items per capita; we had 9 items per capita, which was a 6% increase over the year before.

Council Member Hecimovich, speaking for the Community Service Committee, said that at 2:00 on Thursday, Senator Dayton would be at the Community Learning Center to award the school with the School of Excellence award.

Council Member Hecimovich noted he is helping to organize a committee to help the returning troops re-integrate into society. He would like to see something structured with the mental health community, police and ministers of the community; this would be considered a preventive program.

Mayor Rietz reminded everyone to remember our soldiers on January 11 at 11:00. There are still several soldiers in Iraq and Afghanistan, and 13 to 15 soldiers will soon be going over.

Mayor Rietz reminded everyone that the next council meeting and work session will be Tuesday, January 17.

Council Member Hecimovich said January 14th is the kick-off date of the Sesquicentennial, and everyone is invited to attend at Oak Park Mall. Events will be happening every month.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adjourning the meeting to January 17, 2006.

Adjourned: 6:11 p.m.

Approved: January 17, 2006

Mayor: _____

City Recorder: _____