

MINUTES
CITY COUNCIL CHARTER MEETING
February 6, 2006
5:30 P.M.
Council Chambers

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald & KAUS. Bob Dahlback and Larry Stoltz. Detective Brian Krueger.

Added to the agenda: A motion calling a public hearing for February 21 regarding authorization of a revolving loan for Fraternal Order of Eagles Aerie #703 for relocation in the Railroad Revitalization Project Area; and a motion calling a public hearing for February 21 regarding authorization of a revolving loan for B&J Bar Inc. for relocation in the Railroad Revitalization Project Area

Removed from the agenda: Finance and Investment reports under 'Claims'.

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

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, approving the council minutes of January 17, 2006. Carried.

Bob Dahlback spoke to Council regarding Oakland Park, the mobile home park. The residents at the park received notice from the management saying they must provide a closure statement nine months before closing. The residents would be given 90 days to relocate within 25 miles of the park. He said this would be too expensive for most of the residents who are average to low-income. The owners are not required to compensate for relocation costs. Mr. Dahlback said other cities have ordinances in place to protect residents of mobile home parks in such situations.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, placing the issue in Matters in Hand. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Nordin, approving the consent agenda as follows. Carried.

Licenses:

Food: St. Olaf Lutheran Church, 301 1st Street NW
 Salvation Army, PO 480
 Food: The Brickhouse, 412 3rd Avenue NE
 Queen of Angels Church, 1001 Oakland Avenue East
 Excavation: Kestner Electric, PO Box 457
 Cab Driver: Thomas O. Paukner, 408 W. Main St, Brownsdale
 Jessica J. Jones, 605 21st Street NE
 Consume & Display: The Brickhouse, 412 3rd Avenue NE
 Master Plumber: Williams Plumbing & Hearing, 303 5th Place NW
 Kelley Plumbing & Heating, 923 S. Broadway, Albert Lea
 Concrete: Vernon D. Neitzell, 509 1st Avenue NW
 Hutch & Sons Builders, PO Box 632
 Sign Installer: Precision Signs, 209 S. Main Street
 Soft Walter Installation: Driessen Water I, Inc., PO Box 1024

Claims:

- a. Pre-list of bills.
- b. Earl & Shari Gwin. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Bids were received for a Special Incident Response Vehicle. They are as follows:

Contractor	Bid Amount
LDV, Inc. Burlington, WI	\$147,652.00
Dodgen/Bornfree Motorcoach Inc. Humboldt, IA	\$122,215.00
Sirchie Vehicle Division Medford, NJ	\$121,479.00
Custom Command Systems LLC Grand Rapids, MI	\$106,872.00

Council Member Pacholl said this low bid is \$4000 less than what the projected cost was.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, adopting a resolution awarding the bid to low-bidder Custom Command Systems LLC.

Additional comments were made prior to the roll call.

Council Member-at-Large Christopherson questioned if there would be a rental agreement with the county. Captain Rude said the Police Department is currently in open negotiations with the Sheriff's office regarding use of the vehicle. His understanding is that there will be an agreement that the county will be billed for use.

Council Member Baker asked for the breakdown of funding for the vehicle. Finance Director Tom Dankert said \$26,363 will be coming from the forfeited vehicle account, \$78,000 will come from Designated Fund balance in the General Fund, and \$2509 will come from outside sources.

Council Member Baker questioned if there would be additional costs. Detective Brian Krueger, who was involved in the selection of the vehicle, said the Police Department will be trying to get as much electrical equipment on it as possible (extra phone lines, TV). Mayor Rietz questioned if the local service clubs will be solicited for these additional costs. Det. Krueger said the Southeastern Minnesota Task Force have agreed to provide the difference in cost.

Council Member Baker asked for assurance that the department would not be coming back to Council for additional funds. Captain Rude said they would not be coming back.

Roll call taken. 6-0. 1-abstain. Council Member Hecimovich abstained.

Council has previously approved a resolution in 2005 for assessment on a sanitary sewer. The amount for the assessment should have been \$2414.69; it was approved at \$2941.87 and Council is requested to amend the resolution.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Nordin, adopting a resolution amending Resolution No. 12847. 7-0. Carried.

Park and Rec Director Denny Maschka introduced a program of the governor's called the Governor's Fit City Program. He believes the City of Austin would meet several of the criteria and is asking council to approve a resolution on it.

Council Member Dick Pacholl said the city tried to create signs once before. Mayor Rietz stated that these were design guidelines, not signs. City Engineer Jon Erichson said the streets are being designed wide enough for pedestrians and bicycles.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution affirming activity-friendly commitments. 7-0. Carried.

The Moose Lodge #1180 has applied for a renewal of their gambling premises permit. City Finance Director Tom Dankert reported that the Moose is not in compliance with our ordinance requirement on donations as they are short for the two-year period by \$5,583.97; however, they still have technically a few months left to make expenditures. Mr. Dankert recommended approval of the renewal contingent on the city receiving adequate documentation showing that additional required donation.

Larry Stoltz, gambling manager for the Moose, conceded that the club is low on donations and this was due to their primary focus of placing internal controls. Mr. Stoltz said there would be a gambling meeting tomorrow (February 7) and they would then be able to show that the donations are coming in.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution approving the gambling premises permit renewal for the Moose Lodge #1180 contingent on the city receiving documentation of additional donations. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Christopherson, adopting a resolution approving gambling premises permit renewal for the Eagles Club at 510 E. Oakland. 7-0. Carried.

Moved by Council Member Nordin, seconded by Council Member-at-Christopherson, adopting a resolution approving gambling premises permit renewal for the B&J Bar. 7-0. Carried.

The Police Civil Service Commission has made changes to their rules which would allow a one-year leave of absence without pay. The City Council must now approve the leave of absence requested by Office René Phan for a period of one year beginning in 2006.

Council Member Hecimovich questioned if Officer Phan is committed to the one year leave away or could he choose to come back early. City Administrator Jim Hurm said he could come back early.

Council Member Dick Pacholl noted that there is a possibility of retirement in the department so he won't likely lose his position. Captain Curt Rude said the department is anticipating four retirements in the near future. He said that during interviewing, the department would be forthright and share this information. He noted that any temporary positions would nonetheless help the new candidate(s) gain experience.

Council Member Hecimovich questioned if the city would be responsible for medical or psychological benefit once they come back. City Attorney David Hoversten said Officer Phan would be covered by insurance with the company who he will be working for. The city would only be responsible for those costs provided within the provisions of our health insurance.

Council Member Nordin said she would like to see a limit of two people who would be allowed this same year-long leave of absence. City Attorney David Hoversten said the structure of our leave of absence policy takes care of that; each leave is under the discretion of the city council. It is his opinion that the city council already has the necessary flexibility.

Moved by Council Member Nordin, seconded by Council Member Dick Pacholl, approving the one-year leave of absence for Rene Phan from the Police Department. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, setting a public hearing for February 21 regarding authorization of a revolving loan for Lakeside Properties (Super Valu) for relocation in the Railroad Revitalization Project Area. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, setting a public hearing for February 21 regarding authorization of a revolving loan for Order of Eagles, Aerie #703 for relocation in the Railroad Revitalization Project Area. Carried.

Moved by Council Member Nordin, seconded by Council Member Dick Pacholl, setting a public hearing for February 21 regarding authorization of a revolving loan for B&J Bar Inc. for relocation in the Railroad Revitalization Project Area. 7-0. Carried.

Public Works Director Jon Erichson has several work directives which have been incorporated into a Change Order for the Main Lift Station at the Wastewater Treatment Plant. Changes to the contract are as follows:

<u>Description</u>	<u>Amount</u>
1. Deduct equipment allowance	- \$10,000.00
2. Sluice gate extension	+ 1,717.63
3. Electrical modifications	+ 1,570.80
4. Deduct roof modifications	- 512.00
5. Deduct hatch	- 1,861.86
6. Deduct electrical brackets	- 210.00
7. Deduct railing	- 517.00

Council Member Baker questioned item one. Mr. Erichson said this is for certain underwater equipment which was found not to have needed replacement. The funding was in place in the event this equipment did need replacing.

Moved by Council Member Hecimovich, seconded by Council Member-at-Christopherson, adopting a resolution approving Change Order No. 2 for the Main Lift Station at the Wastewater Treatment Plant. 7-0. Carried.

The City is scheduled to receive a \$1.5M grant for the apron at the airport. Now Council is requested to approve engineering services from SEH for the design work of the apron. Their costs would be \$84,000 and would be 95% reimbursable as part of the grant.

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

The Building Department has notified the property owner of 802 7th Place NE that the property is hazardous. The owner has failed to make necessary repairs and Council is requested to declare the property as hazardous according to Minnesota Statutes.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution declaring a structure at 802 7th Place NE as hazardous. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Scott Pacholl, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1010 13th Avenue NE, Dieser property. Carried.

Moved by Council Member Scott 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-at-Large Christopherson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 304 2nd Avenue SW, Hoy property. Carried.

The tax abatement for Double K Unlimited, Inc., which was approved October 4, 2004, is no longer required; the original development project has been dropped. Council is requested to rescind the original resolution approving the tax abatement.

Moved by Council Member-at-Christopherson, seconded by Council Member Nordin, rescinding Resolution No. 12624.

REPORTS

City Administrator Jim Hurm reported that the city has received a check for \$25,000 from the Hormel Foundation to be used for a flood study of the Turtle Creek watershed.

Ann Hokanson said the library is having a Valentine's Day fundraiser to raise money to replace their puppets. The fundraiser will run through the 14th.

Council Member Hecimovich said the welcoming home ceremony for the Bravo Company of the 434th Battalion was successful. The event recognized all veterans.

Council Member Dick Pacholl reported on the League of Cities meeting, which was at Elkton. Jim Hurm, Council Member McAlister, Scott Pacholl and he attended. Margene Gunderson spoke on the flu situation. The avian flu was discussed, but it is not a threat in our area. The pandemic flu was discussed; our county does not have a vaccine yet. There should be one available in 6-9 months. Tom Thielen from the League of Minnesota Cities attended and discussed the League's insurance, including its history.

County Commissioner Dave Hillier spoke on the proposed ethanol plant. And Commissioner Garry Ellingson updated everyone on the jail/justice center. Woody Vereide reported that the new election machines have arrived and training will be provided for the operators.

Mayor Rietz reminded everyone to remember our troops at 11:00 on the 11th of February. The Family Readiness Group has given the Mayor and Council a certificate thanking them for their support.

The next council meeting will be on a Tuesday – February 21.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adjourning the meeting to February 21, 2006.

Adjourned: _____ 6:16 p.m. _____

Approved: _____ February 21, 2006 _____

Mayor: _____

City Recorder: _____