

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

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. KAAL. Kirsten Lindbloom. Gerald Kelly. A+ Builders LLC.

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

Minutes of October 16, 2006 were amended to read (on page 3): *Mr. Erichson said the City of Austin, as a city with a population greater than 5,000, currently receives 9% from gas tax.*

Minutes of October 23, 2006 were amended to read ( on page 3 ): Stated by Council Member Dick Pacholl: *If we don't go with it, the County will go out to the airport, adding that that is not the best site due to the railroad situation and the flooding.*

Moved by Council Member Hecimovich, seconded by Council Member Nordin, approving the minutes of October 16, 2006 and October 23, 2006 as amended. Carried.

Kirsten Lindbloom of the Parenting Resource Center updated Council on a joint effort between the PRC and the Austin Area Meth Taskforce. The partnership involves a PowerPoint presentation on teen drug use which is being presented to parents 48 times prior to various schools events at Ellis Middle School and Austin High School such as sports sign-ups and concerts throughout the year. The goal of the Power Point presentations is to encourage parents and teach them some skills in this area.

Gerald Kelly spoke to Council objecting to the City spending \$25,000 for a railroad crossing. He said there has never been an accident there.

City Engineer Jon Erichson said Mr. Kelly is referring to the railroad crossing at 5<sup>th</sup> Place and 4<sup>th</sup> Avenue NE by Ellis Middle School. He said this area has been identified for railroad crossings due to the poor visibility in part due to the many buildings in the area, the high traffic volume, the road going upgrade to the tracks, and the school buses that use this road. The City received notice that we would be receiving the \$182,000 grant for the railroad crossings; the City's share

is \$18,000. Mr. Erichson said even though there may never have been any accidents at this location, his goal is to prevent any future accidents; the money is well spent.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Nordin, approving the Consent Agenda as follows:

Licenses:

Master Plumber: TruMechanical, 716 120<sup>th</sup> Avenue SW, Byron, MN  
Exempt Gambling (raffle & paddlewheel): Austin Morning Lions Club @ the Elks, Jan 26, 2007

Claims:

- a. Pre-list of bills.
- b. Jason DePaul, 27063 N Hwy 218. This claim has been referred to the city attorney to protect the city's interest.
- c. Fern Everson, 301 W. Oakland Avenue, Apt. 6. This claim has been referred to the city attorney to protect the city's interest.
- d. D.J. Gorman and Brigitte Rambadt, The Brickhouse Coffee House. This claim has been referred to the city attorney to protect the city's interest.
- e. Helen Morwood, 1922 4<sup>th</sup> Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
- f. Bonnie's Hallmark, 413 N. Main St. This claim has been referred to the city attorney to protect the city's interest.

Carried.

A public hearing was held for final plat approval of property to be known as *Murphy's Creek 2<sup>nd</sup> Addition*. Community Development Director Craig Hoium said the Planning Commission and City Council have reviewed the preliminary plat. The developer is proposing sites for 11 single-family lots plus infrastructure. Eleven conditions are recommended with approval of this plat, including one condition for a Developer's Agreement. The Developer's Agreement includes the public improvements, which the developer will pay for. Mr. Hoium said the Developer's Agreement has been reviewed and approved by Austin Utilities. The developers, A+ Builders, have received approval to buy the property from the Austin HRA, which is a condition of the final plat.

No comments were made.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the Developer's Agreement for *Murphy's Creek 2<sup>nd</sup> Addition*. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Nordin, adopting a resolution approving the final plat for *Murphy's Creek 2<sup>nd</sup> Addition*. 7-0. Carried.

In the Spring of 2006, the City Council approved an ordinance allowing sidewalk cafes on public right-of-ways. After this ordinance was passed, the City Attorney was requested to draft an ordinance allowing for the consumption of alcoholic beverages on public right-of-ways when the licensee has both a sidewalk café license and a liquor license that allows for the sale of liquor outside its structure.

Council Member Dick Pacholl objected to the proposed ordinance saying our City Code does not allow consumption or sale of liquor in the public right-of-way. City Attorney clarified that the amending ordinance allows for the consumption and sale on the conditions of having a license which allows the sale of alcohol outside the license holder's premises plus a sidewalk café permit.

Council Member Nordin questioned another ordinance that approved alcohol sales outside with a fence. City Attorney said this ordinance allows for service outside in the public right-of-way with the stated conditions and upon recommended approval of the Police Chief.

Council Member Hecimovich questioned whether this ordinance would require two separate licenses. Mr. Hoversten said approval of alcohol sales in the public right-of-way would be part of the alcohol sales license.

Council Member Dick Pacholl said he is still against this ordinance. To serve outside is still against our ordinances, he said. He noted this looks like the request is for the B&J, which is also asking for a variance tonight.

City Attorney David Hoversten said this ordinance would approve liquor sales outside upon request for *any* restaurant which has a liquor license. The establishment must have a liquor license with approval to serve outside, plus a sidewalk café license. Serving in the public right-of-way would have the same restrictions as private establishments that serve alcohol outside. He said there are certain situations – such as downtown – where establishments do not have the room outside their business and would want to serve outside.

Council Member Dick Pacholl questioned the ability of Torge's serving on their own private property. Mr. Hoversten said the proposed ordinance does not require any other permit that wasn't in before. Businesses such as Torge's would still operate as they currently do.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Hecimovich, for the city attorney to prepare the ordinance. 6-1. Council Member Dick Pacholl voted nay.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Hecimovich, for adoption and publication of the ordinance. 6-1. Council Member Dick Pacholl voted nay.

It was noted that the proposed ordinance is at the first reading, and is therefore not approved. The ordinance will be on the November 20 agenda.

City Attorney David Hoversten said he was asked to prepare another ordinance eliminating the fee for a sidewalk café permit.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, for the City Attorney to prepare an ordinance amending the City Code so as to eliminate the requirement of a fee for a sidewalk café permit. 6-1. Council Member Dick Pacholl voted nay. The ordinance is at the first reading, and is therefore not approved. The ordinance will be on the November 20 agenda.

Council Member Nordin noted that this last ordinance was just to remove the fee. Council Member Dick Pacholl said he is not against the sidewalk cafés, just against alcohol outside.

City Finance Tom Dankert said the League of Minnesota Cities is requiring a resolution which states that the City allows workmen's compensation benefits for elected and appointed officials. The Council has provided for workmen's compensation before but no resolution has been required.

Council Member Baker questioned how much the premiums are. Mr. Dankert said he thought they were about \$20 per person. Council Member Baker asked if there had ever been a worker's compensation claim from this group. Mr. Dankert said that with the amount of time spent by council members and the amount a claim could be, the premiums are worth it.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution allowing workmen's compensation benefits for elected and appointed officials. 7-0. 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 1211 9<sup>th</sup> Street NE, Reteria property. Carried.

Moved by Council Member-at-Large Christopherson, 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 409 2<sup>nd</sup> Street SW, Janning property. Carried.

Moved by Council Member Dick Pacholl, 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 711 9<sup>th</sup> Avenue SW, Valladaries & Arista property. Carried.

Moved by Council Member-at-Large Christopherson, 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 703 2<sup>nd</sup> Avenue SW Carried.

The Council received a Report of Commissioners relative to the vacation of public right-of-way in Kenevan & Kings/Jacobs and Lacom Addition. No action was taken. This item will be on the November 20 agenda.

City Administrator Jim Hurm said staff has analyzed the cost of the health insurance for 2007 with MMSI and is recommending a 2% increase for premiums.

Council Member Baker questioned what the current national rate increase is for premiums. Finance Director Tom Dankert said the Wall Street Journal reported averages of 6% to 15% increase in premiums. He said MMSI has actuaries which come up with the cost of the health insurance. The city's fund balance currently is healthy. He added that in 2005, there was a 0% increase in health insurance costs.

Council Member McAlister noted that employees are upset with the cost of health insurance, as is everyone. Council has given some lip service to some adjustments in some medical coverage. He would like to see the City actively pursue representatives after elections. Our costs are difficult for people to cover.

A request was made to table this matter to the next meeting. Mr. Dankert said there is no contract stipulation that we do need to set these rates now; however, approval now gives employees time to sign up for health coverage for 2007.

Moved by Council Member Hecimovich, seconded by Council Member McAlister, adopting a resolution setting plans, qualifications and rates for City of Austin health insurance effective January 1, 2007. 7-0. Carried.

Tom Dankert presented a resolution adopting health insurance plans and required employee contribution for 2007. The resolution sets the same parameters, and there is no increase in cost to the City.

Moved by Council Member Nordin, seconded by Council Member-at-Large Christopherson, adopting a resolution adopting health insurance plans and required employee contribution for said plans for non-bargaining unit employees of the City of Austin for 2007. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution amending the terms and conditions for exempt non-union management positions for eligibility, terms and conditions for participation in the Minnesota State Retirement System Healthcare Savings Plan. 7-0. Carried.

Additional property (ten feet) is requested from the City to facilitate the sale of the Silver Bullet building.

Council Member Dick Pacholl asked if this would affect the parking lot. City Engineer Jon Erichson said the parking lot will be changed from angle parking to 90 degree parking. Driving in the parking lot will be one way off 4<sup>th</sup> Avenue. These changes will reduce the parking in the lot by four spots. This action requires a unanimous vote.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution transferring a 10-foot strip of land to the Port Authority to facilitate the sale of the Silver Bullet building. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, setting a public hearing for November 20 for variances for minimum from yard setback and for yard encroachments petitioned by Gary Corcoran, 203 10<sup>th</sup> Avenue NW. Carried.

Moved by Council Member Hecimovich, 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 203 10<sup>th</sup> Avenue NW, Merchants Bank-Winona property. Carried.

Moved by Council Member Nordin, 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 1605 East Oakland Avenue, Inboua property. Carried.

Issuance of a Certificate of Completion for the Milwaukee Railroad property to Gary Groh was approved by the HRA Board and now needs approval by the City Council.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, authorizing issuance of a Certificate of Completion to Gary Groh. Carried.

#### REPORTS:

Tom Dankert said we have been having difficulty with some of the microphones; they are not interfacing correctly. Staff is looking at different makes and will be acquiring some new ones.

The next meeting will be a joint meeting with the Austin Port Authority to approve bond sales for the Hormel Institute expansion project. Full Council is needed for a unanimous vote.

Library Director Ann Hokanson said the library has replaced their old computers with new ones. The old computers are going to the Park & Rec Department for the Youth Activity Center.

Council Member Dick Pacholl attended the last Mower County League of Cities meeting, which was held in Lyle. Discussion was on a new radio tower and jail. Attendees also were given a tour of the new Lyle school.

Council Member-at-Large Christopherson encouraged everyone to vote on November 7, noting that many veterans have died for our right to do that.

Council Member Hecimovich said there are several events planned for Veterans Day. On Friday, November 10 at 7:30 am, there will be a breakfast for all veterans at all the schools. There will be a speaker at Ellis and the high school. A Veterans Day program will be held at Austin High School at 11:00 in Knowlton Auditorium. There will be a program at 12:30 at the American Legion, and at 3:00 at the VFW to recognize MIAs and POWs. At 5:00, there will be a demonstration on how to correctly dispose of a flag. And a display of memorabilia may be seen at the Oak Park Mall.

Moved by Council Member Nordin, seconded by Council Member-at-Large Christopherson, adjourning the meeting to November 20, 2006.

Adjourned: 6:29 p.m.

Approved: November 20, 2006

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

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