

MINUTES
CITY COUNCIL CHARTER MEETING
January 2, 2007
5:30 P.M.
Council Chambers

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

MEMBERS ABSENT: Council Member Baker.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Judy Myers, Shannon Hart, Kathy Stutzman, Mike Ruzek, Kelly Lady.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the agenda. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, approving the minutes of December 18, 2006. Carried.

The sesquicentennial committee presented checks for their legacy projects -- \$3500 to Spruce Up Austin and \$14,000 for a 'child university' program.

Mayor Rietz announced that the flower donations for 2007 is \$16,500 so far.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Hecimovich, approving the consent agenda as follows:

Consent Agenda

Licenses:

Additional 2007 license renewals

Exempt Gambling (raffle): Austin Area Chamber of Commerce @ Elks Lodge,
102 1st Avenue NE – March 2, 2007

Claims:

- a. Pre-list of bills.
- b. Cheryl Neitzell, 412 1st Street SE. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Mayor Rietz thanked staff for all their work throughout the years.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, adjourning the meeting.

Mayor Rietz and Council Member Nordin stepped down.

Mayor Thomas A. Stiehm and Council Members Jeff Austin and John P. Martin took their seats.

Mayor Stiehm, Council Member-at-Large Christopherson, First Ward Council Member Jeff Austin, Second Ward Council Member Dick Pacholl, and Third Ward Council Member John P. Martin took oaths of office.

Mayor Stiehm called the meeting to order.

MEMBERS PRESENT: Mayor Stiehm. Council Members McAlister, Jeff Austin, Dick Pacholl, Scott Pacholl, Hecimovich, and Martin. Council Member-at-Large Christopherson.

MEMBERS ABSENT: *None..*

The following items were added to the agenda: a motion approving engineering services for the signal light design for the Oakland Avenue project; a motion setting a public hearing for January 16, 2007 for a variance requested pursuant to City Code Section 11.41 Subd. 5 regarding the minimum 20% greenspace required for property located at 405 Oakland Avenue West, which is located in a B-2 Community Business District, requested by Rockford Construction; a motion setting a public hearing for January 16, 2007 for a variance requested pursuant to Austin City Code Section 12.25 Subd. 3 for a building addition to be constructed at 1118 Main Street North, which is located in a flood fringe district, requested by Jeff Thatcher; and a motion approving extending a third offer of employment for a police officer contingent upon having an open position and the passing of physical and psychological examinations.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Scott Pacholl, approving the agenda as amended.

Gerald Kelly, a resident of Chauncey Apartments, spoke to Council objecting to the planned removal of the Oakland Avenue bridges. Mayor Stiehm said this action has already been decided and said Mr. Kelly could speak with City Engineer Jon Erichson on this issue if he would like.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, approving appointments of Jim Hurm, City Administrator; David Hoversten, City Attorney; Tom Dankert, City Recorder/Treasurer; and Jon Erichson, City Engineer. 7-0. Carried.

The City must annually pass a resolution designating where the city authorizes to make its investments and handle its various checking accounts. Administrative Services Director Tom Dankert said there are no changes from 2006 or 2005. He said services are spread out over several banks and institutions.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, adopting a resolution designating depositories for checking and investments of public funds for 2007. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, designating the official newspaper for the City of Austin for the year 2007. Carried.

The City must annually adopt a resolution which sets wages for seasonal and part-time workers who are not covered by a labor agreement.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, setting positions and policy for the administration of wage rates of seasonal and part-time positions not covered by a labor agreement.

Council Member Dick Pacholl questioned why ticket takers receive more than the ticket sellers. Council Member-at-Large Christopherson said he believes this is because the ticket takers generally stay longer. It was noted that Parks & Rec Director Denny Maschka would be asked this question at the next council meeting as he was not in attendance.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, 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.

Council is requested to approve an agreement for video-taping services with Shawn Martin. The agreement has been approved annually. Mr. Martin is paid a minimum amount per meeting; the contract includes a \$.50-per-hour raise.

Moved by Council Member Hecimovich, seconded by Council Member McAlister, adopting a resolution approving a contract agreement with Shawn Martin. 7-0. Carried.

The following several actions are for the 2007 street improvement projects, which have been identified in the Capital Improvement Plan for 2007. Mr. Erichson said the Council has already requested the feasibility reports; Council then reviews the reports; public hearings will be set for February 20; and prior to those hearings, the public is invited to informational meetings on the street projects. The public informational meetings have been set for February 7. If the projects are approved on February 20, the assessment hearings will be held March 19.

The first project is for street improvement in the Wildwood Park area on 4th Street NE. Estimated cost of the project is \$600,000, which will be paid by assessment bonds and assessed to adjacent property owners.

Moved by Council Member Scott Pacholl, seconded by Council Member Hecimovich, adopting a resolution receiving feasibility report and calling hearing for February 20, 2007 for street improvement for the Hormel Corporate Office North Area – 4th Street NE (16th Avenue to 18th

Avenue); 17th Avenue NE (1st Street to 4th Street); 18th Avenue NE (1st Street to 4th Street), Project 9-A-00. 7-0. Carried.

Moved Dick Pacholl, seconded by Council Member-at-Large Christopherson, adopting a resolution receiving feasibility report and calling hearing for February 20, 2007 for street improvement on 13th Avenue NW (4th Street to 12th Street), Project 1-A-05. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution receiving feasibility report and calling a hearing for February 20, 2007 for street improvement on 22nd Street NW (Oakland Avenue to 6th Avenue), Project 2-A-05. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, adopting a resolution receiving feasibility report and calling hearing for February 20, 2007 for street improvement on 9th Street NW (13th Avenue to 15th Avenue), Project 3-A-05. 7-0. Carried.

Mr. Erichson recommended that the 4th Street SE project, Project 5-A-05, wait until 2008 due to the work volumes created by the Hormel Institute improvement project. He requested Council approve the feasibility report but not set a hearing.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution receiving feasibility report and for street improvement on 4th Street SE (8th Avenue to city limits), Project 5-A-05. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution receiving feasibility report and calling hearing for February 20, 2007 for street improvement on 12th Avenue NW (4th Street to 5th Street), Project 1-A-07. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution receiving feasibility report and calling hearing for February 20, 2007 for street improvement on 2nd Street NE (Oakland Avenue to 1st Avenue), Project 2-A-07. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Martin, adopting a resolution receiving feasibility report and calling hearing for February 20, 2007 for street improvement on 16th Avenue NE (4th Street to 8th Street), Project 4-A-07. Carried.

Mr. Erichson noted that the next project, Oakland Avenue East (1st Street to 4th Street) has been an ongoing project for over five years. The City has received federal funding for this, and it has been a lengthy process. The City has held a number of public meetings on connection with this project, which is the removal of the Oakland Avenue bridges. Seven alternatives have been researched. The Federal Highway Department has extensively reviewed this project and has made their decision on what they said would be feasible and prudent. In connection with this project and receiving of the federal funding, the City must enter into an agreement for

preservation of the Roosevelt Bridge. This will be discussed at the next work session and then brought back to Council in February. The project will consist of the following:

- 1) Removal of the concrete street, sidewalk, and three bridges (at 2nd Street, 3rd Street, and the railroad bridge).
- 2) Construction of an at-grade concrete street with a new signal light at 1st Street, stop condition at 2nd Street, and a new signal light at 4th Street.
- 3) Construction of 8-inch concrete pavement and 6-inch aggregate base.
- 4) Upgrading of the drainage infrastructure, which will include installing new catch basins, laterals and mains. A tile system will also be installed to improve subsurface drainage.
- 5) Televising of sanitary sewers for any needed repairs
- 6) Provision of handicap accessible intersections and upgrading of existing deficient sidewalk.
- 7) Street lighting adjacent to the project would be upgraded to cobra-type lighting.
- 8) Austin Utilities will replace the water main on the south side of Oakland Avenue. The Electric Department will remove and relocate the electrical lines which are suspended under one of the existing bridges.

Mr. Erichson said he is not recommending any assessing on this project. He said the signaling would be similar to that which was installed on 14th Street by the college. He requested Council approve the feasibility report and not set the public hearing for the project.

Council Member Scott Pacholl asked if the Roosevelt Bridge would be a separate project. Mr. Erichson said that was correct. We are being requested to apply for funding.

Council Member Hecimovich referred to Mr. Kelly addressing the Council earlier in the meeting and asked whose responsibility it would be to restore the Oakland Avenue bridges. Mr. Erichson said it would be the county's responsibility. He said any bridge wider than 48 inches would be their responsibility and their expense.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution receiving feasibility report for street improvement on Oakland Avenue East (1st Street to 4th Street), Project 1-A-04. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Scott Pacholl, adopting a resolution receiving feasibility report for 2007 Sidewalk Project NW Quadrant, Project 1-C-07. Carried.

Council Member McAlister stated that all the new additions are being developed without sidewalks and questioned whether the City should be replacing sidewalk at all but rather taking it out and giving residents an extra four feet of yard. He stated that we are spending a lot of time and a lot of money on this project.

City Engineer Jon Erichson said a public hearing will be held on January 10 at 6:30 pm at Ellis Middle School. The Board of Water and Soil Resources is sponsoring the meeting, and the purpose is to receive public comment on the establishment of a Cedar River Watershed District. Mr. Erichson said a regional committee is studying what kind of implementation would work

best and also studying a surface water management plan. This will then be presented to the affected counties.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, adopting a resolution in support of the Cedar River Watershed District. 7-0. Carried.

The City leases a site at the Wastewater Treatment Plant to T-Mobile. T-Mobile is requesting to sublease its structure to Voicemail, and, according to the agreement with T-Mobile, the City would receive 15% profits, or approximately \$225 a month additional revenue.

Council Member Scott Pacholl questioned if this would affect our services. Mr. Erichson said it would not.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving permission for T-Mobile to sublease to Voicemail. 7-0. Carried.

Mr. Erichson has discussed with Council the signal light design for the Oakland Avenue project. The lights would be placed on Oakland Avenue East at 4th Street NE and at 1st Street NE. Mr. Erichson requests Council approve a proposal for engineering services with Bolton & Menk for this project at a rate not to exceed \$21,000. The liability insurance has been increased to \$250,000 at no additional cost.

Moved by Council Member Austin, seconded by Council Member-at-Large Christopherson, approving engineering services for signal light design for the Oakland Avenue project. Carried.

Council was requested to set a public hearing for January 16 for a variance request pursuant to City Code Section 11.41 Subd.5 to the minimum 20% greenspace required for the property located at 405 Oakland Ave West, which is located in a "B-2" Community Business District and requested by Rockford Construction. Community Development Director Craig Hoium said the request is for 3% less greenspace than the minimum requirement.

Council Member Hecimovich asked if there is 20% greenspace currently. Mr. Hoium said there was not, but a variance must be requested for any redevelopment; it is not transferable.

Moved by Council Member Dick Pacholl, seconded by Council Member Scott Pacholl, setting the public hearing for January 16 for the variance. Carried.

Council was also requested to set a public hearing for January 16 for a variance request pursuant to Austin City Code Section 12.25 Subd.3 for a building addition to be constructed at 1118 Main St N. which is located in a flood fringe district, requested by Jeff Thatcher.

Austin Packaging is planning an addition to their facility, which is located in a flood plain and therefore requires a variance.

Council Member-at-Large Christopherson asked if anyone can build in a floodplain. Mr. Hoium said our ordinances allow for building in floodplains under unique situations. The flood berm project is reason for this allowance.

Council Member Martin questioned the insurance requirements. Mr. Hoium said they will need to increase their flood insurance premiums, and there is a procedure involved with that.

Moved by Council Member Dick Pacholl, seconded by Council Member Scott Pacholl, setting a public hearing for January 16 for the variance. Carried.

City Administrator Jim Hurm said the City will be receiving a third resignation in the Police Department and requests Council authorize a third job offer to an officer candidate. Mr. Hurm said having three in orientation at the same time would be prudent. The job offer is contingent on a formal resignation and the successful completion of the physical and psychological testing.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Scott Pacholl, approving extending a third offer of employment for a police officer position contingent upon having an open position and the passing of physical and psychological examinations. Carried.

REPORTS:

Council Member McAlister advised council members to think about what items should be discussed at the upcoming council retreat.

Moved by Council Member Dick Pacholl, seconded by Council Member McAlister, to remove the PEG matter from Matters In Hand. City Administrator Jim Hurm said a memo has been sent to the Mayor and Council which sets a plan for deciding on the usage of the PEG (Public, Educational, Government) cable access funds.

Mayor Stiehm announced that the next meeting would be held on a Tuesday – Tuesday, January 16 – due to the Martin Luther King Day Holiday on January 15.

Council Members are also requested to arrive at 5:00 on January 16 for a formal council picture.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, adjourning the meeting to January 16, 2007.

Adjourned: 6:37 p.m.

Approved: January 16, 2007

Mayor: _____

City Recorder: _____