

MINUTES
CITY COUNCIL ADJOURNED MEETING
TUESDAY, FEBRUARY 20, 2007
5:30 P.M.
COUNCIL CHAMBERS

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Austin Post Bulletin, Austin Daily Herald. Steven Lang. Tom Purcell. Rhonda Kjarland, Judy Stark and Don Tomlinson. Anthony Slowinski. Scott Mayo. Captain Curt Rude. City Attorney Craig Byram.

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

Moved by Council Member Austin, seconded by Council Member-at-Large Christopherson, approving the council minutes of February 5, 2007. Carried.

Tom Purcell said the State Legislature is talking about a \$1 Billion property tax relief, which he doesn't believe. He said they are also talking about a \$2 Billion "monster", which is our county jail problems. He said the Department of Corrections is demanding up to 34 counties provide jails. This would be by State mandate and would cost \$30M on average. Take a 30-year tax exempt bond plus \$832M in interest. If counties act independently, he said, people will be "swimming in debt."

Mayor Stiehm said these issues at the Legislature are up in the air. He is aware of this and is in agreement with Mr. Purcell. We must wait to see what the County (Mower County) does.

Mr. Purcell said he has an idea for a solution to the problem, which is a statewide problem. We've been providing incarceration but no rehabilitation. When Hurricane Katrina hit, Minnesota had the capacity to house 5000 people, but no one came. The excellent facility is still there, which could be used for non-violent drug offenders. Mr. Purcell suggested Minnesota use the Camp Ripley military base and concentrate on rehab.

Mayor Stiehm said he has talked to the county commissioners; they have looked into many, many ways to solve this problem, including drug courts, etc. Mayor Stiehm offered to meet with Mr. Purcell on this issue.

Council Member Dick Pacholl noted the jail/justice center issues will be discussed at the City-County Committee at 3:15 on Wednesday.

Council Member Hecimovich said a few of us did go to the Legislature and told them the same thing. If the State is demanding these things, they should pay for a prototype. He concurs with Mr. Purcell one hundred percent. Council Member Hecimovich also noted that Owatonna and Albert Lea jails are not full; we could be working with them.

Mayor Stiehm presented a 'Certificate of Achievement for Excellence in Financial Reporting' plaque from the Government Finance Officers Association to Tom Dankert, Rhonda Kjarland, Judy Stark and Don Tomlinson. Mr. Dankert said this is the 21st consecutive year the City has received this award. Dick Benzkofer, the City Finance Director earned the first award the City received in the 1980s.

Moved by Council Member Dick Pacholl, seconded by Council Member Austin, approving the consent agenda as follows:

Licenses:

Excavation: Sorenson Bros., Albert Lea, MN
Master Plumber: HiMec, Inc., 1901 4th Street NW
DMC Plumbing & Heating, Pine Island, MN
Kasper Plumbing, Inc., Owatonna, MN

Food: Austin Dairy Queen, 1200 W. Oakland

Temp Liquor: Austin Area Catholic Schools @ St. Edward's Corcoran Center, March 24

Claims:

- (a) Financial and Investment Reports.
- (b) Pre-list of Bills.
- (c) David Miller, 200 1st Avenue NE. This claim has been referred to the city attorney to protect the city's interest.
- (d) Nathaniel Stahl, 607½ 5th Street NW. This claim has been referred to the city attorney to protect the city's interest.
- (e) Thomas L. Andrews, 602 7th Avenue SE. This claim has been referred to the city attorney to protect the city's interest.
- (f) Joseph McBean, 401 8th Street NE. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Assistant City Engineer Steven Lang briefly explained the 2007 street improvement projects. These projects were identified in the Capital Improvement Plan. The Council requested feasibility reports in December 2006, and those reports were received by Council on January 2, 2007. Informational meetings for the public were held on February 7, and these were well attended. The goal for the Street Department is to have 50% of the projects' costs paid by the City, and the other 50% (25% from each side) paid by the abutting property owners. Mr. Lang explained the street assessment policies, which have been in place for a number of years, including the corner lot policy and a street life expectancy guarantee of 35 years. The City assesses only once for curb and gutter; any replacement curb and gutter is paid by the City. A maximum width for residential properties is assessed if a property is on a commercial road (i.e., no greater than 36 feet or eight inches of asphalt

or concrete). The interest rate for 2007 will be 6%. Citizens have four payment options, and Mr. Lang explained these. Mr. Lang explained the particulars of the various projects, and these are included with the feasibility reports.

A public hearing was held on street improvement for Project 9-A-00 – 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). No public comments were made.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held on street improvement for Project 1-A-05, 13th Avenue NW (4th Street to 12th Street).

Anthony Slowinski, 1003 13th Avenue NW, asked if the deferred payment option defers interest. Mr. Dankert said the interest is not deferred and he would be willing to talk to Mr. Slowinski about the program further if he so desires.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held on street improvement for Project 2-A-05, 22nd Street NW (Oakland Avenue to approximately 250 feet north of 6th Avenue. No public comments were made.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held for street improvement on Project 3-A-05, 9th Street NW (13th Avenue to 15th Avenue). No public comments were made.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing on street and sidewalk improvement was held for Project 1-A-07, 12th Avenue NW (4th Street to 5th Street). No public comments were made.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held for street improvement on Project 2-A-07, 2nd Street NE (Oakland Avenue to 1st Avenue). No public comments were made.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held for street improvement on Project 4-A-07, 16th Avenue NE (4th Street to 8th Street). No public comments were made.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

A public hearing was held for street improvement on Project 1-C-07, 2007 Sidewalk Project NW Quadrant.

Mr. Lang noted that sidewalk reconstruction began in 2003, and this year the concentration is in a portion of the northwest quadrant. The goal of these projects is to reduce the number of trip-and-fall claims. This project is assessed in the fall. Owners of corner lot properties are responsible for both sides. Mr. Lang said the City marks sidewalk panels which have been heaved, have significantly deteriorated, or have been hand-patched, cracked or separated. The sidewalk assessments run for 10 years; the street assessments run for 15 years.

Council Member Dick Pacholl questioned the stairs on Oakland Avenue. Mr. Lang said those would be removed. Mr. Lang also noted that the Oakland Avenue reconstruction project would look similar to 1st Avenue NE by Chauncey Apartments. The road would be at-grade.

Council Member McAlister questioned what happens if a property owner is assessed for street repairs and then sells their property. Mr. Dankert said street assessments historically must be paid up or there would be an arrangement at the time of sale that the new property owner would take on the assessments.

Scott Mayo, owner of property at 309 1st Avenue NW, questioned the notice he received. Mr. Lang explained that all properties within the designated northwest quadrant received notices even though some property owners do not have sidewalk. This is done so that in the event error is found in the initial surveying or a sidewalk is on a property line, all properties are legally notified.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids. 7-0. Carried.

Mr. Lang said now that Council has approved all the projects, they are requested to set a hearing for March 19 on the assessments. Another hearing notice will be sent out for these hearings.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution setting a hearing for March 19, 2007 on proposed assessments for Projects 9-A-00, 1-A-05, 2-A-05, 3-A-05, 1-A-07, 2-A-07, 4-A-07, and 1-C-07. 7-0. Carried.

In connection with the Oakland Avenue underpass project, the County and City must approve an agreement for the preservation of the Roosevelt Bridge. Mr. Lang noted that that project (the Roosevelt Bridge) is *not* on the 2007 schedule. The Minnesota Department of Transportation Cultural Resources Unit has found the bridge should be protected and has set forth stipulations for the County and City toward its preservation. The stipulations include devising a plan for its preservation, seeking funding in that regard, and establishing a temporary exhibit on the underpass in a public place such as the library and permanent housing at the Minnesota Historical Society.

Council Member Dick Pacholl asked if everything was done now on the Oakland Avenue project and the Roosevelt Bridge. Is it all in the agreement?

City Engineer Jon Erichson said we are working with the county staff on this agreement and would be presenting it to the county officials at the end of February. Council Member Dick Pacholl questioned what would happen if they don't agree to it. Mr. Erichson said he doesn't anticipate that they would not approve this agreement; several agencies have worked together to draft this agreement.

Moved by Council Member Hecimovich, seconded by Council Member-at-Christopherson, adopting a resolution approving the Memorandum of Agreement for the Oakland Avenue Bridges project. 7-0. Carried.

Mike Kruse, 2309 12th Avenue SW, has petitioned for a subdivision. His property in Austin Acres was developed when it was in Austin Township. These properties are large – up to three acres. Mr. Kruse is hoping to sell the property which includes city services. Community Development Director Craig Hoium said he received no objection from Austin Utilities.

Council Member Hecimovich questioned if the second tract was large enough. Mr. Hoium said that tract is over one acre and meets the minimum lot acreage and minimum lot frontage.

Council Member Dick Pacholl questioned why this was not heard by the Planning Commission. Mr. Hoium said our city code provides for minor subdivisions, which waives normal subdivision requirements. The City Council has approved numerous minor subdivisions in the past.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution approving the minor subdivision petitioned by Mike Kruse. 7-0. Carried.

Last spring, the City Council approved a leave for Officer René Phan. He recently came back from Iraq for a week to apply for the police sergeant position. Because of this, he needs to extend his one-year commitment in Iraq by one week and is therefore requesting one-week extension of his unpaid leave. Captain Rude said this has not caused a hardship in the department.

Mayor Stiehm asked Captain Rude if he agreed with this request. Captain Rude said he did. He said the reason for the extension was for an exam to receive a promotion which will ultimately benefit the City. He said the police chief fully supports this.

Council Member McAlister said he would make the motion to approve but at the same time asks Administration to review this policy. There have been a lot of coming and going in the department,

and it would have been better if it had not been done. After we approve this, we should review the policy.

Moved by Council Member McAlister, seconded by Council Member Austin, approving the extension of leave of absence for Officer René Phan.

Council Member Dick Pacholl said he did not want to see this as setting precedence.

Council Member Hecimovich said he agreed with Council Member Dick Pacholl; by setting precedence, we might have a problem.

City Attorney Craig Byram said he did not think this would be making any precedence. This action is granting the leave for this employee, this circumstance.

Roll taken. 4-3. Voting nay: Council Members Hecimovich, Martin and Council Member-at-Large Christopherson.

Council has reviewed an agreement with Mower County Humane Society for their services for \$2500 per year.

Council Member Dick Pacholl questioned if the City has done this before. City Administrator Jim Hurm said this is the first time; it was included in the budget.

Council Member-at-Large Christopherson asked if this is for 2007 or would it be ongoing? Mr. Hurm said the agreement is for 2007; we would have to approve it every year.

Mayor Stiehm said we would spend money, but they do save us money also. Captain Rude said the Society does help adopt out animals as well.

Moved by Council Member Austin, seconded by Council Member Dick Pacholl, adopting a resolution approving the agreement with Mower County Humane Society. 6-1. Council Member-at-Large Christopherson voted nay.

REPORTS: Park and Rec Director Denny Maschka said the Park & Rec Board has decided to bring back one tennis court to South Grove Park. Work will take place this spring. The park will retain the four nets for basketball.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, adjourning the meeting to March 5, 2007. Carried.

Adjourned: 6:37 pm

Approved: March 5, 2007

Mayor: _____

City Recorder: _____