

MINUTES
CITY COUNCIL ADJOURNED MEETING
MONDAY, MARCH 19, 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. Nancy Clark, Janet Anderson and Trish Wiechmann. Christina Sforza, Gabe Ramirez, and Cody Carlson. Mr. and Mrs. Morem.

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

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

The Human Rights Commission Essay Contest winners were announced. They are Christina Sforza, 1st place; Gabe Ramirez, 2nd place; and Cody Carlson, 3rd place.

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

Licenses:

Excavation: Austin Electric, 1901 11th Street SW
Exempt Gambling (raffle): United Catholic Schools Foundation @ St.
Edward's Corcoran Center, June 22
Concrete: Bliss Concrete, 24273 546 Avenue
Mobile Food: Mimis Cones, 813 12th Avenue SE

Claims:

- a. Financial and Investment Reports.
- b. Pre list of Bills.
- c. Brenda Wangen, 22519 860th Avenue, Albert Lea. This claim has been referred to the city attorney to protect the city's interest.
- d. Ioane Leeman, 2000D Burr Oak Drive. This claim has been referred to the city attorney to protect the city's interest.
- e. Dorothy Owens, 2104 W. Oakland. This claim has been referred to the city attorney to protect the city's interest.

- f. Jayna Heimark, 1707 28th Street NE. This claim has been referred to the city attorney to protect the city's interest.

Carried.

City Engineer Jon Erichson gave a brief re-cap of the 2007 capital improvement projects. Requests for the feasibility reports began last December with the feasibility reports being received by Council in January. Public hearings on the projects were held in early February. Informal public meetings were held in late February. The goal is to have property owners be responsible for 25% of their footage, with the City being responsible for the middle 50%. Due to rising construction costs during 2006, residents benefited and actual costs for the assessments in 2006 were closer to 20%. The City has a fixed assessed rate. Curb and gutter is \$10.50 per linear foot. For street reconstruction, residents are assessed \$35 per foot, and commercial property owners are assessed \$50 per foot. Mr. Erichson explained various assessment policies for corner lots, life expectancy, curb & gutter, and width & thickness. Mr. Erichson also explained the four methods of assessment payment.

A public hearing was held regarding street improvement assessment 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 comments were made.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution declaring the cost of the assessment at \$188,353.32. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting the assessment roll. 7-0. Carried.

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

No comments were made.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution declaring the cost of the assessment \$132,773.83. 7-0. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, adopting the assessment roll. 7-0. Carried.

A public hearing was held regarding street improvement assessment for Project 2-A-05, 22nd Street NW (Oakland Avenue to approximately 250 feet north of 6th Avenue).

No comments were made.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution declaring the cost of the assessment at \$146,530.65. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting the assessment roll. 7-0. Carried.

A public hearing was held regarding street improvement assessment for Project 3-A-05, 9th Street NW (13th Avenue to 15th Avenue).

No comments were made.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution declaring the cost of the assessment at \$38,998.17. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting the assessment roll. 7-0. Carried.

A public hearing was held regarding street improvement assessment for Project 1-A-07, 12th Avenue NW (4th Street to 5th Street).

No comments were made.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution declaring the cost of the assessment \$25,200.76. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting the assessment roll. 7-0. Carried.

A public hearing was held regarding street improvement assessment for Project 2-A-07, 2nd Street NE (Oakland Avenue to 1st Avenue).

No comments were made.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution declaring the cost of the assessment \$13,317.97. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, adopting the assessment roll. 7-0. Carried.

A public hearing was held regarding street improvement assessment Project 4-A-07, 16th Avenue NE (4th Street to 8th Street).

No comments were made.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution declaring the cost of the assessment at \$79,142.48. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting the assessment roll. 7-0. Carried.

A public hearing was held on a preliminary plat to be known as *Morem Addition*. The property is located in a residential district south of Riverland Community College. This plat is being designed for six single-family homes. Also included in the plat is a storm water retention plan. Community Development Director Craig Hoium said Qwest is requesting an easement for a telephone line that is currently on this property. The Engineering Department has also requested an easement for a 42" storm sewer line. Staff is also requesting two storm water retention ponds at this location. There are eight conditions for approval. Mr. Hoium recommends approval with the eight conditions and the easement rights. The Planning Commission recommended approval by a 6-0 vote.

Council Member-at-Large Christopherson asked if dividing the storm water retention pond would suffice. Mr. Hoium said there are design requirements of area and depth which would need to be met.

Council Member Dick Pacholl questioned the need for the park dedication (Condition #5) as this parcel is not far from a park. Mr. Hoium said they must provide a park or the cash value of park land. County Attorney David Hoversten said this is required by ordinance.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the preliminary plat of *Morem Addition*. Carried.

A public hearing was held on a preliminary plat to be known as *Morem 2nd Addition*. The 4.96-acre parcel is east of the American Legion and is being designed for seven single-family homes plus a storm water retention pond. The surrounding area is residential except for two businesses. The Planning Commission recommended approval by a vote of 6-0.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the preliminary plat of *Morem 2nd Addition*. Carried.

City Administrator Jim Hurm presented an Agreement for Consulting Services with the DCA. This is an annual agreement for \$30,000 for consulting services above the \$50,000 budgeted amount.

Council Member-at-Large Christopherson questioned the approval of this agreement and the current discussion of consolidating economic development.

Mr. Hurm said the \$30,000 has already been budgeted. Any consolidation will be discussed with the DCA and especially their new board coming on in April. The Council should, in good faith, approve this amount.

Council Member McAlister noted that Council all recognizes that some kind of consolidation should be done, however; the DCA is only one of those groups. This should be our goal for the next year or two.

Moved by Council Member McAlister, seconded by Council Member Scott Pacholl, adopting a resolution approving the agreement for consulting services with DCA. 5-2. Carried. Council Members Dick Pacholl and Council Member-at-Large Christopherson voted nay.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the agreement with the Minnesota Department of Revenue for collection of the local sales and use tax. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, waiving an audit for 2006 for the Austin/Albert Lea Joint Powers Agreement for the Blazing Star Trail. Carried.

VFW Post 1216 has requested a resolution approving a renewal of their gambling permit. Finance Director Tom Dankert said they are currently a little behind in their required donations, but they have until June 30 on their existing license.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, adopting a resolution approving gambling premises permit renewal for VFW Post 1216 at 300 4th Avenue contingent on 80% of their net income being donated within the trade area. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, approving \$2008.50 for a new copier for the LEC. Carried.

Finance Director Tom Dankert has requested a budget adjustment. There are some projects from various departments which were not accomplished in 2006 for some reason or another. Those projects are being requested for inclusion in the 2007 budget.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution approving Budget Adjustment #1. 7-0. Carried.

City Administrator Jim Hurm presented an ordinance which removes wording in the city ordinances prohibiting full-time police officers to serve as part-time firefighters. Some police officers are currently serving as part-time, on-call firefighters. This is basically a clean-up ordinance.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, for the city attorney to prepare the ordinance. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, for adoption and publication of the ordinance. 7-0. Carried.

As part of the development of the Todd Park—Wildwood Park trail, the City was required to identify impacted wetlands. It was determined that 11,747 square feet of wetlands will be impacted, and the State is requiring the City mitigate these wetlands on a 2 for 1 basis and for the mitigation to be on-site. The City is required to have a mitigation plan and to monitor that plan. We received a proposal for these services from Lawler Environmental.

Council Member Hecimovich asked if these lands can be used for anything else in addition. Mr. Erichson said the City currently owns this land, but it is subject to flooding. Council Member Hecimovich asked if this is all part of the floodplain. Mr. Erichson said it was; it is the same area where some homes have been removed.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution authorizing services for wetland mitigation. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, 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 Paddock property, 1017 11th Avenue SW. Carried.

Moved by Council Member-at-Large Christopherson, 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 Musel property, 308 16th Avenue SW. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at Tanner property, 800 9th Avenue SW. 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 Whittington property, 804 9th Avenue SW. 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 Hennessy property, 1006 5th Avenue NE. Carried.

Community Development Director Craig Hoium has requested approval for demolition of substandard structures for four properties. He noted that these properties have previously been classified as hazardous structures, and this action is pursuant to state statutes. There are a number of notifications and hearings prior to this approval. The district judge has approved this action.

Council Member-at-Large Christopherson asked what the timeline for this is. Mr. Hoium said the process could be completed by mid May.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, accepting the proposal for the demolition of substandard structures. Carried.

Moved by Council Member Austin, seconded by Council Member Dick Pacholl , reaffirming the Council Commitments. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Austin, reaffirming the Vision Statement. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, reaffirming the Organizational Values. Carried.

Reports:

City Administrator Jim Hurm noted that the goals would be further discussed at the work session on Tuesday night.

Council Member Austin reported on the Mower County Health Advisory meeting. The County has scheduled a pandemic flu exercise for April 4. Council Member Austin also received an annual activity summary. Community Health has done a public opinion survey and identified areas of concern. Those concerns include the misuse and abuse of alcohol, the use of drugs, and drinking while driving. Council Member Austin also reported that the schools are crediting this year's flu mist given to students as the reason for fewer absences this year.

Council Member Hecimovich said Tim Walz will hear concerns of veterans on April 4 at 7:00 at the VFW.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adjourning the meeting to April 2, 2007. Carried.

Adjourned: 6:30 pm

Approved: April 2, 2007

Mayor: _____

City Recorder: _____