

**MINUTES**  
**CITY COUNCIL CHARTER MEETING**  
**April 2, 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.

**STAFF PRESENT:** Jon Erichson, Craig Hoium, Tom Dankert, Dan Wilson, David Hoversten, Curt Rude, Denny Maschka, Ann Hokanson, Trish Wiechmann and Jeanne Howatt.

**OTHERS PRESENT:** Post Bulletin, Austin Daily Herald. Viril Layton, Mary Henry and Lou Beckel. Jim Mattice and several active, retired, and paid/on-call firefighters. Troy Holtz. Marv Repinski. Public.

Items were added to the agenda: Approval for the Planning and Zoning Department to contract for removal of junk at a) 304 2<sup>nd</sup> Avenue SW, Hoy property; b) 911 12<sup>th</sup> Avenue NE, Hebl property, c) 1211 9<sup>th</sup> Street NE, Renteria property. Approval for street closing on Main Street from 2<sup>nd</sup> Avenue to 4<sup>th</sup> Avenue on Saturday, April 21 for Farmers Market Kids Day.

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

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the minutes of March 19, 2007. Carried.

Viril Layton spoke to Council about Austin Community Pride Day. He introduced Lou Beckel and Mary Henry, who have been cleaning parks and trails for the last several years. They are coordinating a project scheduled for April 28 for community volunteers to clean up parks and riverbends, Mower County Fairgrounds, and the like. Twenty-four businesses are participating, with some volunteering employees. Bags will be provided by Cash Wise; coffee, hot chocolate and doughnuts will be provided by HyVee. Schools will participate by way of Earth Week activities and a clean-up of Wescott Field. Volunteers are asked to sign up with Park & Rec prior to the day. The event will begin at the gazebo by the Mill Pond at 8:30. Mr. Layton said the event should go as planned in the event of light rain; however, it may need to be rescheduled if it is heavily raining.

Troy Holtz spoke to Council regarding the firefighter open position. Mr. Holtz said he is a four-year resident of Austin and currently a paid, on-call firefighter and is the first on the list of certified candidates. He said he has already spoken with Tom Stiehm, Tom Dankert and Jim Hurm on the matter. Mr. Holtz said that since the hiring of Terry Peterson, the City Council has always picked the first person on the certified list of candidates.

City Attorney David Hoversten asked Council not to enter into discussion or comments which should not be made public under the Data Privacy Act. The list of eligible people has been considered by the Fire Civil Service. He told Council that further discussion on this matter may lead to legal liability. Mr. Hoversten also gave Mr. Holtz a similar warning.

Mayor Stiehm told Mr. Holtz that he had legitimate concerns, and also that the City is following the state laws. Mr. Holtz referred to his credentials and that he has always opted for more education at every opportunity. He said he understands that the City Council has the final decision.

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

#### Consent Agenda

3.2 Beer Temporary: Mower County Agricultural Society @ Mower County Fair, Aug 7-12  
Food: CineMagic 7 Theatre, 1301 18<sup>th</sup> Avenue NW  
Theatre: CineMagic 7 Theatre, 1301 18<sup>th</sup> Avenue NW  
Concrete: Crete Construction, 807 19<sup>th</sup> Street SW  
Temporary On-Sale Liquor: Christ Episcopal, 301 3<sup>rd</sup> Avenue NW, April 20

#### Claims:

- a. Pre-list of bills.
- b. Sterling Thompson, 700 1<sup>st</sup> Drive NW. This claim has been referred to the city attorney to protect the city's interest.
- c. Peggy Miller, 1812 E. Oakland Avenue. This claim has been referred to the city attorney to protect the city's interest.
- d. Susan Radloff, 306 20<sup>th</sup> Street SW. This claim has been referred to the city attorney to protect the city's interest.
- e. Kim Myers, Sargeant, MN. This claim has been referred to the city attorney to protect the city's interest.
- f. Alfin Jorde, Blooming Prairie. This claim has been referred to the city attorney to protect the city's interest.
- g. Philip Ryks, 306 6<sup>th</sup> Street NE, Austin. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Council received bids for the 2007 Sidewalk Improvements. The bids are as follows:

Contractor	Bid Amount
Gary Groh Construction	\$109,950.00
Ron Kassa Construction	\$118,945.00
Ti-Zack Concrete	\$123,345.00
Concrete Idea	\$138,820.00
Doyle Conner Co.	\$164,615.00
Engineer's Estimate	\$140,615.00

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution awarding the bids for 2007 Sidewalk Improvements – Project 1-C-07. 7-0. Carried.

Rene Phan has been with the Austin Police Department for 10 years, has worked as a canine officer and is on the Special Response Team. Captain Rude recommends Rene Phan for the open sergeant position.

Moved by Council Member McAlister, seconded by Council Member-at-Large Christopherson, approving promotion of René Phan to police sergeant. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Austin, approving a street closing for a section of 4<sup>th</sup> Avenue NE on July 3 for the East Side Street Dance. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, approving a street closing for a section of 3<sup>rd</sup> Avenue NE on May 19 for VFW Car Show. Carried.

Lieutenant Matt Holten, who is covered under the police supervisory group, has been assigned to the canine duties on the night shift. The duties of a canine handler are not covered under the police supervisory labor group. Therefore, it is recommended that Council approve the additional compensation of \$50.00 per week, which is consistent with the language in the LELS contract.

Council Member McAlister asked how many dogs the Police Department and Sheriff's Department have. Captain Rude said Jeff Ellis (Sheriff's Department), Eric Blust and Terese Amazi have canines. This will be the second in the Police Department.

Council Member Hecimovich questioned City Attorney David Hoversten if a current contract could be amended. Mr. Hoversten said yes, it could, if both parties agree on the amendment.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution approving Addendum to Supervisory Employees of the Austin Police Department contract. 7-0. Carried.

The Fire Civil Service has certified the top three highest ranking candidates for a full-time firefighter position. Background investigations have been completed and the Fire Chief has interviewed these candidates. City Administrator Jim Hurm said a second job offer will most likely be on the April 16 council agenda.

Council Member Hecimovich asked if we would be setting a precedence; he asked if the City had done this before. Trish Wiechmann said that prior to her employment, the Fire Civil Service and Police Civil Service have both recommended other than the top candidates.

Council Member-at-Large Christopherson questioned why they would pick the number two candidate. Fire Chief Wilson said they looked at who would best fit with the current department. Chief Wilson said that at this point, all three candidates rank at the same level. He referred to the previous council's work session with the author of *Good to Great*, who talked about "getting the right people on the bus." He added that this is *not* a negative statement on the other two candidates.

Council Member Dick Pacholl said he couldn't understand why the number one candidate would not be recommended by the Civil Service.

Marv Repinski, 105 14<sup>th</sup> Street SE, said he thought it was "odd and inappropriate that only one candidate gets to campaign." He said if it was appropriate, Mr. Holtz's comments should be scratched from the minutes.

Council Member McAlister asked why the Civil Service only certified three candidates for one opening. (Another opening will occur in a couple of weeks.) Mr. Hurm said it was the Fire Civil Service's determination to only take one candidate at a time.

Council Member Dick Pacholl questioned if the remaining two candidates would be included in the next certified list of the top three candidates. Mr. Hoversten said they would, plus the next highest on the list would be moved up. He added that the law does not require that the top candidate be chosen; any of the top three may be picked.

Council Member Hecimovich asked if, due to the Data Privacy Act, Council is prohibited from not knowing who the other candidates are. Mr. Hoversten said if you request the names, you could obtain them.

Council Member Dick Pacholl questioned what would happen if the recommended candidate is not approved. Mr. Hoversten said the Fire Civil Service Commission and the Police Civil Service Commission are governed by Minnesota laws. Testing is done and candidates are ranked with weighted scores. The civil service commission then certifies to Council the top three according to those test scores. Council can then choose candidate number one, two or three. Council can also seek the recommendation of the department head, but does not need to heed it.

Jim Mattice, retired firefighter, told Council they have heard all the issues, but there is "controversy in the system." He said Council has a right to interview the candidates. He asked them to consider tabling this matter until they do so.

Council Member Dick Pacholl made a motion to table the item. The motion died for lack of a second.

Moved by Council Member McAlister, seconded by Council Member Martin, approving a job offer for one full-time firefighter contingent on successful physical testing. 5-2. Carried. Council Members Dick Pacholl and Austin voted nay.

The Minnesota Department of Natural Resources wishes to abandon the game refuge around the Nature Center, part of which belongs to the City. The DNR must follow the same procedures to abandon as they did setting up the game refuge. Park and Rec Director Denny Maschka said this will mean the City will not need to post 'no hunting' signs. In addition, if we choose to have another deer hunt sometime in the future, we would not need to go through the DNR. The DNR said there would be no effect on any future grants we could obtain.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution authorizing the Mayor and City Recorder to sign a petition for the Minnesota DNR to abandon a game refuge. 6-1. Council Member Martin voted nay.

The following three requests are for clean-up of property. Community Development Director Craig Hoium said certified letters have been sent to the last two; the first one is more recent and will be sent a certified letter tomorrow.

Council Member Dick Pacholl questioned if all the properties are owner-occupied. Mr. Hoium said they were. One property had been temporarily unoccupied.

Moved by Council Member McAlister, 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 304 2<sup>nd</sup> Avenue SW, Hoy property. Carried.

Moved by Council Member Hecimovich, 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 911 12<sup>th</sup> Avenue NE, Hebl property. Carried.

Moved by Council Member Austin, 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, Renteria property. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving street closing on Main Street from 2<sup>nd</sup> Avenue to 4<sup>th</sup> Avenue on Saturday, April 21 (8:00 am to noon) for Farmers Market Kids Day. Carried.

Items 12 & 13, receiving and awarding bids for seasonal supply of oil for street maintenance and seasonal supply of asphalt, will be tabled to the next meeting.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, tabling the bid awards to the next meeting. Carried.

**REPORTS:**

KSMQ TV will run a program focusing on Austin on Tuesday, April 3.

Council Member McAlister has been contacted by Dick Nordin who would like discussion on the Spamtown Belle. It is requested that this be on the next work session agenda.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, to place the following matters in Matters In Hand:

- Park dedication policy
- Sign ordinance on the placement of garage sale signs

Carried.

Congressman Tim Walz will be speaking at the DCA Annual Conference to be held at the Austin Country Club on Wednesday, April 4 at 5:30. He will also be speaking to all veterans at 7:00 pm at the VFW.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, closing the meeting pursuant to MS § 13D.03. Carried.

**CLOSED SESSION**

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, reopening the meeting.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving amended 2005-2007 AFSCME Agreement.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving settlement agreement with AFSCME.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adjourning the meeting to April 16, 2007.

Adjourned: 6:50 pm

Approved: April 16, 2007

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

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