

**MINUTES**  
**CITY COUNCIL ADJOURNED MEETING**  
**MONDAY, JUNE 18, 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, Curt Rude, David Hoversten, Denny Maschka, Ann Hokanson, and Jeanne Howatt.

OTHERS PRESENT: Austin Post Bulletin, Austin Daily Herald. Public

Added to the agenda: Two resolutions approving change orders for the Mower County communications systems project – one for the Police Department and one for the Fire Department. A resolution in support of a 2007 special legislative session to consider the omnibus tax bill.

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

Minutes of the June 4, 2007 council meeting will be ready for approval on July 2, 2007, along with the minutes of this meeting.

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

Licenses:

Temporary 3.2 Beer: Austin Jaycees: Aug 11, 12, 18 19 @ Todd Park;  
Aug 10 & 11 @ The Legion Beer Garden  
Massage Therapist: Jenna Muller, St. Ansgar, IA  
Food – Mobile: Carter Rosenthal & Tina Cox dba Mudd Pie Factory, LLC  
Concrete: Bronner Construction, Dodge Center, MN

Claims:

- a. Pre-list of bills
- b. Finance Report and Investments

- c. Reta H. Miles, 603 8<sup>th</sup> Avenue SW. This claim has been referred to the city attorney to protect the city's interest.
- d. Kathleen Enright, 402 4<sup>th</sup> Street SE. This claim has been referred to the city attorney to protect the city's interest.
- e. Mike Barren, 605 N. Main. This claim has been referred to the city attorney to protect the city's interest.
- f. Alec Bawek, 502C 25<sup>th</sup> Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
- g. Randall J. Fett, 88846 State Line Rd., Glenville, MN. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Bids were received for biosolids removal for the fall of 2007 and for spring and fall of 2008. City Engineer Jon Erichson recommends awarding the bid to Fergus Power Pump, Inc. Bids are as follows:

Fergus Power Pump, Inc., Fergus Falls, MN	\$ 364,200.00
Oyer Trucking, Hayward, MN	368,000.00
DRT Biosolids, Bloomer, WI	368,000.00
Mike Swanson Custom Pumping, Hayfield, MN	Incomplete Bid

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution awarding the bid to Fergus Power Pump, Inc. 7-0. Carried.

A public hearing was held for final plat review of property to be known as *Murphy Creek Meadows Addition*. The plat is to accommodate a proposed 18-unit twin home development. Community Development Director Craig Hoium referred to a revised drawing of the plat which excludes Lot 6, Block 3 from the plat. That lot, he said, is owned by the Mower County Townhomes Partnership. Mr. Hoium said the plat includes a 24' easement for a proposed pedestrian trail. The exterior of the twinhomes will be red brick. These will be single, individual lots. A right-of-way extension of 24<sup>th</sup> Avenue NW is included in the development. The development would also include a stormwater sewer system. Mr. Hoium said this plat was reviewed and approved preliminarily by the Planning Commission and City Council which included 17 conditions. These conditions have been met or addressed in the Developer's Agreement. The development includes \$270,000 of public improvements paid 100% by the developer. The City requires a letter of credit or other security regarding these public improvements. Mr. Hoium added that all the homes will have double garages, permanent brick facing and basements – some with walkout basements.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the final plat for *Murphy Creek Meadows Addition*. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution approving the Developer's Agreement for *Murphy Creek Meadows Addition*. 7-0. Carried.

The League of Minnesota Cities has an agreement for their charter review assistance. The cost of the initial review will be \$75.00 per hour, with a maximum rate of \$750. After the review, the League will generate a written report citing

- Provisions that are outdated and conflict with State law,
- provisions that are internally inconsistent; and
- provisions that are unique or archaic.

Council Member Hecimovich questioned whether the League's service would be a "clean-up" before any major additions are done. City Administrator Jim Hurm said that was correct; more substantial changes would be different.

Council Member-at-Large Christopherson asked City Attorney David Hoversten what is meant by "internal inconsistencies." Mr. Hoversten said that over time, sections of the Charter have been changed, and those changes could have caused inconsistencies from one section to another.

Mayor Stiehm said the Charter has seen many changes over time but asked if it has ever been revamped. Mr. Hoversten said that to his knowledge, the Charter has only been amended. There has never been a comprehensive review.

Mr. Hurm noted that this project could take several months.

Council Member McAlister questioned that whatever the League report states, the Charter Commission would still need to approve any changes and then ultimately be approved by the City Council. Mr. Hurm said yes. Mr. Hoversten said approval could go before the voters.

Moved by Council Member Hecimovich, seconded by Council Member McAlister, adopting a resolution approving the Letter of Engagement with the LMC for charter assistance. 7-0. Carried.

The Austin Utilities Board has approved a resolution for an amendment to their Power Sales Contract with Southern Minnesota Municipal Power Agency (SMMPA). The amendment reflects a change to their points of delivery for power. It is required that the City Council adopt a resolution approving and concurring with this technical amendment.

Moved by Council Member Hecimovich, seconded by Council Member McAlister, adopting a resolution concurring and approving the amendment to Schedule A of the Power Sales Contract with the Southern Minnesota Municipal Power Agency. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Austin, approving the street closing for Downtown Crazy Days for Thursday, July 19. Carried.

Jim Fisher and Ric Berg have requested an extension of a liquor license for the Leisure Bar. The bar has not been open yet this year due to water leakage and structural damage but according to City Code, it must be open for six months plus one day in order to retain the license. The statute does allow Council to grant a waiver if they so choose.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution granting an extension of the liquor license to Leisure Bar. 7-0. Carried.

Tim and Patricia Ball have sold part of the interest in the B&J Bar to Peter Werner and Kari Bissen. The two have been investigated by the Police Department and have been given approval by the Chief of Police. Council is requested to approve by motion adding the two people to the liquor license.

Council Member McAlister asked if this would change anything with the Main Street Program. Mr. Hurm said it would not.

Mayor Stiehm asked if there are other licenses with multiple owners. Mr. Dankert said there are.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the additional liquor license holders for B&J Bar. Carried.

Craig and Angela Stickfort have sold their interest in CARS Enterprises, LLC - Bell Liquor to their partners Robert and Sheri Kokot effective July 1, 2007. Council is requested to pass a motion approving the change in ownership. Mr. Hoversten explained that all partners in a limited liability must be identified, and the license must be changed accordingly.

Moved by Council Member Hecimovich, seconded by Council Member Austin, approving the release of liquor license holders for Bell Liquor. Carried.

Council is requested to authorize the extension of an offer of employment to one of the top three candidates on the eligibility list for the fulltime firefighter position. The offer is contingent upon successful completion of the necessary testing, and a medical examination.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, approving the conditional employment offer for fulltime firefighter. Carried.

Council is also requested to authorize the extension of employment to one of the top three candidates on the eligibility list for the police officer position. The offer is contingent upon successful completion of the necessary testing, plus a medical and psychological examination.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, approving the conditional employment offer for police officer. Carried.

The City has not contracted with safety consultants over the last year. Council is being advised to enter into a one-year agreement with SafeAssure Consultants, safety consultants. They would be contracted to provide employee safety training, department safety inspections and to review our current safety program and policies.

Council Member Hecimovich asked if this is required. Mr. Hurm said it is not required but is recommended by insurance companies; it is “almost required”.

Council Member Dick Pacholl asked how frequently checks are made. Mr. Hurm said there should have been safety checks this year; these should be yearly. Council Member-at-Large Christopherson questioned why it wasn’t done over the last year. Mr. Hurm said there were some problems with the previous gentleman. Park & Rec Director Denny Maschka said the staff didn’t feel like we were getting some services. He said staff team members went to Rochester for some training on safety but felt that it was geared for smaller communities.

Council Member Dick Pacholl asked what is budgeted for this. Finance Director Tom Dankert said this is funded through Risk Management at approximately \$12000 per year. He added that the consulting would not just be a once a year activity. Safety meetings are held once a month as well as safety groups, etc.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution approving the one-year contract for services with SafeAssure Consultants, Inc. 7-0. Carried.

Mr. Dankert said that currently budget funds are being grouped together for approval through budget adjustments. Mr. Dankert is requesting Budget Adjustment No. 3 for 2007. This adjustment is three-fold: Funding for the Spamtown Belle, for the SIRT vehicle and its radio needs, and for the Senior Center parking lot and landscaping. The Senior Center Board had not used a portion of the 2006 budget for some landscaping and are requesting a carryover to 2007 for Phase I of this project. Phase II would be part of the Capital Improvement Plan for 2008.

Council Member McAlister noted that the Senior Center has recently seen “significant improvements” including insulation in their attic, updating of their sprinkling system, new heating, improvements to their drainage, plus they are much better financially.

City Finance Director Tom Dankert agreed that they have taken “significant steps”, adding that the building is actually owned by the City. He said the lighting had been retrofitted, helping to reduce their utility bills by \$800 per month. That savings is being used to help pay for other projects.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution approving Budget Adjustment No. 3. 7-0. Carried.

At MnDOT’s requirement, the City must approve an agreement for maintenance of the portion T.H. 105 that is within the city limits. City Engineer Jon Erichson said this

includes 105 that coincides with 14<sup>th</sup> Street NW from Oakland Avenue to I-90 and a portion that coincides with 12<sup>th</sup> Street SW from Oakland Avenue to (approximately) the Turtle Creek Bridge. With this agreement, the State will pay \$16,512.33 over two years. This is a 2% increase over the previous agreement. Mr. Erichson said that while he doesn't believe the City is adequately paid, he still believes we are better served by the City performing this service. He added that T.H. 105 south of the Turtle Creek Bridge is maintained by MnDOT.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving a routing maintenance agreement for T.H. 105 with MnDOT. 7-0. Carried.

At a previous work session, the Council was presented the concept of a 'success center' for the downtown area. The Council is being asked to authorize the City to apply for grant funds from the 2008 Bonding Bill. Ann Hokanson has looked into various services' needs and Craig Hoium has worked on conceptual drawings for a two or two and a half block area. City Administrator Jim Hurm indicated the project could cost approximately \$6 million. It is hoped that the State and nonprofits would contribute approximately \$5 million towards the project; \$1 million would come from the city's C.I.P.'s Police Department funding. Mr. Hurm said the plan could tie well with working with the County to get the Health & Human Services back downtown. He said the intent would be no city subsidies given for any private entities.

Council Member Hecimovich questioned for sure if this was a conceptual plan and that we would not be moving forward at this point. Mr. Hurm said this project would not be feasible unless we receive funding from the State.

Council Member Hecimovich asked if the County has yet been approached regarding the second level (Health & Human Services). Mr. Hurm said the County has not yet been formally approached.

Council Member Dick Pacholl questioned for clarity that the City was not looking for a bond issue; we are looking for grant funds. Mr. Hurm said that was correct.

Council Member McAlister expressed some reservations about the project, but there are so many excellent projects happening downtown. And a lot of other improvements could happen downtown. This action tonight would not obligate the City. Council Member McAlister added that he does not want citizens thinking we're starting a project which will impact taxpayers. Mr. Hurm added that County Coordinator Craig Oscarson has indicated that their costs alone (for a Health & Human Services building) would be higher. Mayor Stiehm said that if this project were to impact taxpayers, Council should look further into this.

Council Member Hecimovich questioned if the County does not go through with their jail/justice center plan, would the Police Department be attached to this building – as an option. Mr. Hurm said yes.

Council Member Dick Pacholl noted before the vote that he would be voting in favor of the project in order to receive funding, but he is not particularly in favor of the project.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, adopting resolution approving application for grant funds in the 2008 State Bonding Bill for a 'success center'. 6-1. Carried. Council Member-at-Large Christopherson voted nay.

Council reviewed a Report of the Commissioners for the vacation of public right-of-way in Burbank Addition. Mr. Erichson said this is in connection with the WalMart development and is a condition in the developer's agreement. The eastern portion of the cul de sac will be vacated. He said the road would be a ring road connecting to 21<sup>st</sup> Avenue NW behind K-Mart. The road reconstruction is part of Walmart's costs.

Council Member Hecimovich asked if the cul de sac would be removed before the mini mall is built. Mr. Erichson said that it would be done in conjunction with that development.

Council Member Hecimovich asked if this would affect parking. Mr. Erichson said 1-1/2 stalls would be added.

Mr. Erichson said final approval on this will occur on July 2.

The MPCA requires agreements with certain businesses – such as Austin Packaging – to control their strength or flow. Council is requested to approve an Individual Control Mechanism Agreement with APC controlling the volume and strength through the sanitary sewer system.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the Individual Control Mechanism Agreement with Austin Packaging Company. 7-0. Carried.

City Administrator Jim Hurm said the County has worked on the communications system project now for 7 years. It was a big project so this was expected. A mobile computer system had been chosen for the project, but over time the model was replaced with a superior model at a significantly greater cost. The model has a backlit keyboard which is good for the squad cars, especially in the daylight. The additional cost is \$5,473.17 which will come from the Police PERA fund.

Moved by Council Member McAlister, seconded by Council Member-at-Large Christopherson, adopting a resolution approving a change order for the Mower County communications systems project for the Police Department's needs. 7-0. Carried.

A change order for the same project for the Fire Department's needs is requested for approval to provide for a separate transmitter, cable, antenna plus installation and programming of all mobile, portable, base radio transmitters and pagers. It will eliminate any potential interference from the other eight fire departments in the county.

Council Member Hecimovich questioned if they would be receiving 911 calls from the County. Chief Wilson said all calls would go to the LEC. There would be two separate transmitters: one transmitter for Austin, the other transmitter for the eight other fire departments.

Council Member Hecimovich asked if we would have direct communication. Chief Wilson said yes. The County would be on another frequency. But we would have backup with the County. Council Member Hecimovich questioned if we don't monitor county at all. Chief Wilson said we don't.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution approving a change order for the Mower County communications system for the Fire Department's needs. 7-0. 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 1106 12<sup>th</sup> Avenue NE, Watkins property. 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 1205 9<sup>th</sup> Street NE, Gonzalez property. Carried.

Moved by Council Member Dick Pacholl, 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 103 16<sup>th</sup> Avenue SW, Edge property. 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 708 8<sup>th</sup> Avenue SE, Radtke property. 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 808 5<sup>th</sup> Avenue NE, Hegna property. 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 806 5<sup>th</sup> Avenue NE, Erickson property. 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 2018 East Oakland Avenue, Ledesma property. Carried.

A sample resolution has been drafted by the Coalition of Greater Minnesota Cities requesting a special session of the legislature for an omnibus tax bill which would include additional LGA and Hormel Institute funding. If approved, the resolution would be forwarded to the Governor. Council Member-at-Large Christopherson asked what the likelihood is of this happening. Mayor Stiehm said this is just for the Governor's consideration.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution in support of a 2007 special legislative session to consider the omnibus tax bill. 7-0. Carried.

#### REPORTS:

The School District is partnering with the Austin Public Library at Ellis for a summer program. The program is going very well; approximately 80 children are involved.

Council Member Martin congratulated the 2007 graduates. Council Member also announced that the body of a USAF officer from Kenyon who was missing in action was recently found. Council Member Martin said he can now take off the bracelet he wore for him.

Mayor Stiehm announced that the KSMQ 'Cities on the Move' reception and program would immediately follow the council meeting.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adjourning the meeting to June 4, 2007. Carried.

Adjourned: 6:32 pm

Approved: June 4, 2007

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

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