

MINUTES
CITY COUNCIL CHARTER MEETING
July 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, Paul Philipp, Denny Maschka, and Jeanne Howatt.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Public. Mr. and Mrs. DeBoer.

The following agenda item were added to the agenda: A motion adopting a resolution approving Sunday On-Sale Liquor License for the B&J Bar, and to the Consent Agenda: A license for Temporary 3.2 Beer On-Sale, Marcusen Park Baseball Assoc., July 6.

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

Minutes of June 18, 2007 were corrected regarding approval to submit a grant for development of a 'success center'. Motion was changed to a resolution.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the minutes of June 4, 2007 and June 18, 2007 as amended. Carried.

Dustin DeBoer has won the annual city art contest. It is a photograph is entitled "The Roosevelt Bridge." His parents were in attendance to display the picture.

Tom Dankert introduced Kim Hansen, the new accounting technician in the Finance Department.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, approving the Consent Agenda as follows:

Consent Agenda

Licenses:

Cigarette: Hari Food Mart, 709 21st Street NE
Food: Hari Food Mart, 709 21st Street NE
Gas Station, Hari Food Mart, 709 21st Street NE
Temporary Food: Godfather's Pizza for July 4th

Mobile Food: HyVee Food Stores, 1001 18th Avenue NW
Sign: Waitt Outdoor, Omaha, NE
Temporary Food: Dave's Concessions, 25134 555th Avenue
Temporary Food: Earl's Ice Cream, 1411 1st Avenue SW
Temporary Food: Faye's Concessions, 804 19th Avenue NE
Temporary Food: Kathie's Concessions, Watertown, MN
Temporary 3.2 Beer On-Sale, Marcusen Park Baseball Assoc., July 6

Claims:

- a. Pre-list of bills.
- b. Tyler Hoban, 702 2nd Avenue NE. This claim has been referred to the city attorney to protect the city's interest.
- c. Teven Anderson, 400 2nd Street SE. This claim has been referred to the city attorney to protect the city's interest.
- d. Amber Klingfus, Brownsdale, MN. This claim has been referred to the city attorney to protect the city's interest.
- e. Brandon Zorate, 408 5th Place NW. This claim has been referred to the city attorney to protect the city's interest.
- f. David Rubio, 2020 3rd Avenue NE. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Council is requested to extend an offer of conditional employment for a full-time fire prevention specialist/firefighter to one of the top three candidates from the eligibility list. The offer is contingent on successful testing, including a medical examination. Fire Chief Dan Wilson said this would be the last position filled, bringing the number to ten fulltime positions.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, approving a conditional job offer for one fire prevention specialist/firefighter. Carried.

Council is requested to approve the final resolution regarding a vacation of public right-of-way in Burbank Addition. This vacation is associated with the Walmart development. Eighth Street NW will be made into a ring road to connect with 21st Avenue NW.

Council Member Dick Pacholl questioned if 21st Avenue NW is private, belonging to WalMart. Mr. Erichson said 8th Street and 21st Avenue NW is a public right-of-way and always has been. This was in the city's transportation plan. The City shared that transportation plan with the developer (WalMart), and now Walmart is required to pay for that road. Mr. Erichson clarified that there is an access driveway to Village Cooperative that *is* private. Mr. Hurm added that the ring road will be constructed to city specifications.

Moved by Council Member Hecimovich, seconded by Council Member McAlister, adopting a resolution approving the Report of Commissioners for vacation of right-of-way in Burbank Addition. 7-0. Carried.

The City has received the annual request for exchange of services from the County Fair Board. Mr. Erichson said many of the services the County provides extend beyond the fair dates, such as use of the fairgrounds for soccer fields. He noted that all department heads are recommending approval.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving requests of the Mower County Fair Board in exchange for services during the Mower County Fair August 7-12. Carried.

The IC&E Railroad will be upgrading their tracks and crossing surfaces. They have proposed to the City the cost of upgrading the crossing surfaces to concrete. Mr. Erichson said there are four at-grade crossings: 8th Avenue SE, 8th Avenue NE, 10th Drive SE, and 5th Place SE. The current crossings are rubber or plank, and Mr. Erichson noted that some of the crossings are rough. The city's share to upgrade these crossings would be \$88,500. \$35,000 would come from the existing budget and the remaining \$53,500 would come from the Southern Minnesota Rail Shippers Association or our Municipal State Aid account. They are expected to be replaced in late 2007 or in 2008.

Council Member Hecimovich questioned whether the crossing at 5th Place SE would be done during the school year. Mr. Erichson said that may happen, in which case a detour would be developed or the work would be done during "off" hours.

Council Member Dick Pacholl asked for clarification on the project. Mr. Erichson said the plank-style crossings deteriorate rapidly. Concrete is safer and more durable. He added that some of the crossings are rubber, but they have been found to fail prematurely. They are not as durable.

Council Member Martin questioned when the last time the crossings were done. Mr. Erichson thought it was some time in the '80s.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving agreement of services with IC&E Railroad for railroad crossing upgrades. 7-0. Carried.

Mr. Erichson added that there are two additional crossings – at 8th Avenue & 8th Street NE and another at Hormel Drive – but these are the responsibility of the Hormel company. They pay for these crossings as they are a private spur.

A public hearing will be held on July 16 which is in relation to a rezoning petition. The rezoning request is for a proposed expansion of the Austin Vet Clinic to the north of the current clinic. The Comprehensive Plan must be amended to do this.

Moved by Council Member Dick Pacholl, seconded by Council Member McAlister, setting a public hearing for July 16 for an amendment to the Comprehensive Plan to expand future land use to an arterial commercial land use. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution setting a public hearing for July 16 for a rezoning of property from R-1 to B-2, petitioned by Wolfgang Bauman and Austin Veterinary Clinic to accommodate a proposed commercial business expansion. Carried.

Mr. Erichson is requesting Council set a public hearing for July 16 on an orderly annexation of property north of Austin currently in Lansing Township. The Council has previously reviewed possible annexation for property owners in Lansing Township for the purpose of city sewer services, and it was recommended that the City pursue an orderly annexation agreement.

Moved by Council Member McAlister, seconded by Council Member Austin, setting a public hearing for July 16 for orderly annexation of designated property in Lansing Township. 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 Arens property, 1215 5th Avenue NW. 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 1418 7th Avenue NW. Carried.

Moved by Council Member-at-Large Christopherson, 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 JP Morgan Chase Bank property, 1605 4th Avenue SE. Carried.

The B&J Bar has moved and are adding a restaurant to their new location. They are requesting a Sunday liquor license, of which there are no limits.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Hecimovich, adopting a resolution approving a Sunday On-sale Liquor License to Patricia & Tim Ball for the B & J Bar. 7-0. Carried.

REPORTS:

Council Member Hecimovich urged everyone to attend the Freedom Fest parade on the 4th of July. A short program honoring all veterans will follow at the bandshell. On July 15, there will be a send-off ceremony for the 334th Brigade which will leave for Kosovo on July 18. Families are invited to the dinner, and everyone is invited to the ceremony at 6:00 pm.

Mr. Hurm noted that the City has received a check from the Hormel Foundation for \$53,621.72 for purchase of a new John Deere tractor for the Nature Center.

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

Adjourned: 6:02 pm

Approved: July 16, 2007

Mayor: _____

City Recorder: _____