

MINUTES
CITY COUNCIL CHARTER MEETING
September 4, 2007
5:30 P.M.
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members McAlister, Austin, Dick Pacholl (5:35 pm), Scott Pacholl, Hecimovich, and Martin. Council Member-at-Large Christopherson.

MEMBERS ABSENT: None.

STAFF PRESENT: Steven Lang, Craig Hoium, Tom Dankert, David Hoversten, Ann Hokanson, Jeanne Howatt, and Jim Hurm.

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

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

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the council minutes of August 20, 2007. Carried.

Moved by Council Member Scott Pacholl, seconded by Council Member-at-Large Christopherson, approving the consent agenda as follows.

Licenses:

Master Plumber: 1st Class Plumbing & Heating, Rochester, MN

Claims:

- a. Pre-list of bills.
- b. Rodney Nelson, 2300 22nd Drive SW. This claim has been referred to the city attorney to protect the city's interest.

Carried.

At the August 20 work session, the Committee-of-the-Whole recommended for approval the 2008 preliminary tax levy and budget. The proposed tax levy of \$3,460,000 has a 7 percent increase from what was levied in 2007, but 4 percent of that increase is expected to be recaptured from new construction paying taxes for the first time. The proposed budget is \$28,515,613. A Truth In Taxation hearing will be set for December 4 with a continuation hearing if needed on December 17. The levy may not be increased after September 15 – except for certain, more rare occasions; the budget may be increased or decreased.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving proposed property tax levy and adopting a proposed budget for 2008. 7-0. Carried.

The following three items related to a potential Smythe development in the Cook Farm Industrial Park. The first item is a request to amend the TIF District No. 6. City Administrator Jim Hurm asked Council not to take action on this item until a tax abatement hearing and subsequent approval of that tax abatement on September 17.

The second item is approval of the 27th Avenue NW infrastructure project. The proposed resolution lays out actions of the City, Port Authority and Austin Utilities for installing the public facilities along 27th Avenue NW in the Cook Farm Industrial Park from where the road currently ends west to 4th Street NW. A special assessment hearing will be necessary as the Port Authority will be assessed.

Council Member-at-Large Christopherson questioned the arrangement for the assessments. Mr. Hurm said the Port Authority has agreed to sell to the DCA at a discounted rate. They will not be recouping 100% of the infrastructure costs. This was verbally agreed to in 2006.

Moved by Hecimovich, seconded by Council Member McAlister, approving the 27th Avenue NW public infrastructure project. 7-0. Carried.

The last item for this development is calling a public hearing for September 17 for tax abatement on this property.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution setting a public hearing on tax abatement for September 17. 7-0. Carried.

Council is requested to approve the fall yard waste program for 2007. The Cook Farm Industrial Park site will again be the site for disposal. The program will run September 29 through November 19 seven days a week, from dawn to dusk. Leaves, grass and plant material will be accepted. Compost will be available free of charge.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the fall yard waste program. Carried.

Council is requested to approve the replacement of personal alert safety system (PASS) devices on 33 self-contained breathing apparatuses. The department has been having some problems with these devices and would like to replace them. The newer versions have some upgraded technology. The Committee-of-the-Whole unanimously recommended the upgrades at a cost of \$19,522.72. The funding would come from the 2007 Fire PERA fund.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the purchase of 33 PASS devices, funded from the Fire PERA account. Carried.

Community Development Director Craig Hoium asked to set a public hearing for September 17 to review and approve the city's flood management plan. In order to participate in the Community Rating System program, the City must undergo recertification. Participation in this program provides flood insurance for residents at a reduced rate.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, setting the public hearing for September 17. 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 1401 10th Avenue NW, Miller property. Carried.

Moved by Council Member Dick Pacholl, 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 800 8th Street SW, Fairclough property. Carried.

Moved by Council Member Austin, 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 503 8th Avenue SE, Wakefield property. Carried.

Moved by Council Member Austin, 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 1913 6th Avenue SE, Mortgage Electronic System property. Carried.

Moved by Council Member Dick Pacholl, 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 1213 9th Avenue SW, Mickelson property. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, declaring a hazardous structure at 204 12th Street SE, owned by Mike Hemann. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Austin, declaring a hazardous structure at 800 8th Street SW, owned by Ruth Fairclough. 7-0. Carried.

It has been five years since the City last accepted bids for employee life and long term disability insurance. The current provider has increased rates for 2008; the City hopes to obtain lower prices.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution to initiate the process for RFPs for employee life and long term disability insurance. Carried.

For several years now, the City has received the Safe and Sober grant through the Department of Public Safety. The grant pays for detection materials and driver safety education materials. Council should approve the acceptance of another grant.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution approving the Safe and Sober grant. 7-0. Carried.

City Attorney David Hoversten has drafted an agreement to be used when police services are requested for private events. The practice has been done in the past without such a contract. Mr. Hoversten said it is worthwhile having the police present as it could discourage certain activities which could lead to illegal actions. Officers work extra hours or off duty from their regular city schedule. These services are at no cost to the city; no benefits or wages provided by the city.

Council Member Hecimovich questioned the city's liability. Mr. Hoversten said the police officers would still be working for the city and would therefore come under workman's compensation. In these situations, he said, the city is acting as an independent contract. The practice is widely used throughout the state.

Council Member Dick Pacholl questioned the process. Mr. Hoversten said private parties would not be hiring the police officers, rather they would be hiring police *services*. The Police Department would calculate the cost on an hour-hour basis.

Council Member Dick Pacholl questioned who would be paid. Mr. Hoversten said the private parties hire the police services through the city; the police officers are then reimbursed. Mayor Stiehm said some cities hire cops independently; but it is better this way. No one is taken off the street.

Council Member Hecimovich questioned if we would be competing with private security companies. Mayor Stiehm said this may happen occasionally. Local events like football games are always an overtime thing anyway. Council Member Dick Pacholl said citizens can still hire private security services if this want; we are "not stepping on anyone's toes. That's their choice."

Moved by Council Member Dick Pacholl, seconded by Council Member McAlister, adopting a resolution approving form for contract of private police services. 4-3. Carried. Council Member Hecimovich, Martin and Council Member-at-Large Christopherson voted nay.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, approving the street closing for the Moose Lodge on October 6. Carried.

The City has received a grant for instrumentation installation at the Austin Municipal Airport. The Engineering Department has now received a proposal from SEH for design engineering services for that project. Their costs would be reimbursed 100% by the grant. Council is requested to approve the proposal.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution accepting the proposal from SEH. 7-0. Carried.

The Engineering Department is reconstructing 16th Avenue from 4th Street to 8th Street NE. They are proposing changes to improve traffic flow. Several options were looked at including a different corporate entrance. A right turn lane on 16th Avenue has been added. The following changes are proposed:

1. Stop conditions for both east and west-bound traffic flow on 16th Avenue
2. Yield condition on 16th Avenue southbound lane

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, approving the traffic control plan. Carried.

The Committee-of-the-Whole voted unanimously at the last work session to keep the Police Department downtown. The Committee also wished to encourage all the other police/sheriff-related activities to remain downtown: detectives, dispatch, records, patrol, evidence room and training activities. The Committee-of-the-Whole also agreed that they would be willing to partner with the County via staff and finances should they decide to stay downtown.

Mayor Stiehm read the following motion:

In response to Mower County, I move

- That the City of Austin's Police Department remain in downtown Austin no matter the final location decision of the county jail/justice center;
- That the City encourages the County to keep detectives, dispatch, records, patrol, evidence room, and training activities downtown with the police department; and
- That the City is willing to partner with Mower County in the form of staff and financial resources should they decide to remain with us in downtown Austin.

The motion was moved by Council Member Hecimovich, seconded by Council Member Austin. 6-0. Council Member Dick Pacholl abstained. Council Member Pacholl's said he was abstaining because he "wanted to see if the County wants to keep dispatch where they (the County) are."

Mayor Stiehm read the second motion:

Secondly, I move that although the City will not participate with the County financially in a "green site", we intend to cooperate with Mower County in any annexation process.

Mayor Stiehm added that the County would be required to pay fees for annexing, just like any business that is opening. This is what the Committee-of-the-Whole had agreed to. If we do not agree to annexation, they could build the justice center there. The City is not taking that approach. But the City will not put any money into it.

Council Member-at-Large Christopherson said the City is not putting our Police Department out there.

Mayor Stiehm said the purpose for the motion is to let the County know they can annex; they have that answer.

Council Member Dick Pacholl questioned that the City may be putting money into the land. City Attorney Hoversten clarified that the motion is *only* to indicate that the City will agree to annexation if requested. The Council could remove reference to financing.

Moved by Council Member Dick Pacholl, seconded by Council Member Austin to remove phrasing on any reference to finances in the motion. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member McAlister, that the City intends to cooperate with Mower County in any annexation process. 4-3. Council Members Hecimovich, Martin and Council Member-at-Large Christopherson voted nay.

REPORTS:

Council Member Hecimovich reminded everyone of the 6th anniversary coming up of the 9-11.

City Administrator Jim Hurm thanked the family of Olaf Hansen, who gave donation for the 2008 flower fund.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adjourning the meeting to September 17, 2007.

Adjourned: 6:17 pm

Approved: September 17, 2007

Mayor: _____

City Recorder: _____