

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

MEMBERS PRESENT: Mayor Stiehm. Council Members McAlister, Dick Pacholl, Scott Pacholl, Hecimovich, and Martin. Council Member-at-Large Christopherson.

MEMBERS ABSENT: Council Member Austin

STAFF PRESENT: Jim Hurm, Jon Erichson, Craig Hoium, Tom Dankert, Jeanne Howatt, David Hoversten, Dan Wilson, Ann Hokanson, Denny Maschka, Paul Philipp, and Steven Lang.

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

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

Moved by Council Member Hecimovich, seconded by Council Member Martin, approving the council minutes of October 15, 2007. Carried.

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

Licenses:

Master Plumber transfer: Williams Plumbing from John Williams to Joe Davidson
Concrete: Adam B. Meyer Construction Co. LLC, 2907 17th Street SE

Claims:

- a. Pre-list of bills.
- b. Helen Powell, 211 11th Avenue SW. This claim has been referred to the city attorney to protect the city's interest.
- c. Lois Detwiler, 700 1st Drive NW. This claim has been referred to the city attorney to protect the city's interest.
- d. Accident report on police car. Driver: Douglas Menuey, 1000 6th Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
- e. Marie Barr, 700 1st Drive NW. This claim has been referred to the city attorney to protect the city's interest.

- f. Betty Dugan, 2202 W. Oakland Ave. This claim has been referred to the city attorney to protect the city's interest.

Carried.

A public hearing was held on amendments to the liquor ordinances. The amendments include the authorization for clubs or charitable, religious or nonprofit organizations to be able to sell intoxicating liquor on a temporary basis; an amendment allowing on-sale liquor within 350 feet from the high schools; and a fee increase for the off-sale liquor licenses. Off-sale liquor license fees would be raised to \$560 but may be reduced to \$480 with incentives to prevent sale to minors. The incentives include training and identification requirements. Temporary on-sale license fees will be \$75. Council Member Dick Pacholl questioned if the \$75 fee would be annual. City Attorney David Hoversten said the fee would be per each time.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, for preparation of the ordinance. 6-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, for adoption and publication of the ordinance. 6-0. Carried.

A public hearing was held on the assessment for sidewalk reconstruction in the NW quadrant and miscellaneous locations, Project 1-C-07. Assistant City Engineer Steven Lang explained the annual sidewalk program. This is the only project that is assessed after the work is done because some property owners request additional work. The project for 2007 included an area between Oakland Avenue to the hospital and Main Street to 4th Street NW. The Street Department installed sill on the back of some curbs. Around some large trees, sidewalk panels were removed and "pinned" to adjacent panels to prevent heaving. The project included boulevard sidewalk and regular sidewalk, but only deficient sidewalk was replaced. The Street Department also does some grinding of sidewalk to limit cost to remove potential trip-and-fall hazards. Four options of payment were explained. The cost for 4" sidewalk is \$91.14 per panel and \$109.80 per panel 6" sidewalk. Grinding was \$35.25 per panel. Two hundred parcels were affected, and 1050 panels were repaired.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution declaring the cost to be assessed. 6-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, adopting the assessment roll. 6-0. Carried.

Public Works Director Jon Erichson noted no one in attendance at the public hearing, which he said was a testament to the good job that his department does. City Administrator Jim Hurm concurred, saying that many communities struggle with this type of project.

A public hearing was held on the reassessment of a forfeited property. A portion of the assessment was paid, but \$433.80 remains on the property.

Moved by Council Member Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving a resolution adopting the reassessment of the forfeited property. 6-0. Carried.

A public hearing was held on the assessment for 2006-2007 snow removal. The Street Department charges \$.50 per linear foot for the removal of snow. These charges are assessed if they are not paid.

Council Member Dick Pacholl questioned if the charges were paid directly to the city. Mr. Erichson said citizens have one month to pay these assessments before they are placed on property taxes.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting the 2007 assessment for snow removal. 6-0. Carried.

The Minnesota Department of Transportation is requesting that the City sign a 'Master Partnership Contract'. The agreement would provide a way to request services through each other in an efficient manner and prevents delays in projects. The types of services requested by either party include professional and technical services (testing for certain road materials, routine highway maintenance, construction and administration). The agreement is for 5 years.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a Master Partnership Contract. 6-0. Carried.

The City of Austin entered into a lease in 1957 with Hormel Foods for property that is used by the Hope Street Lift Station. This major sanitary sewer lift station is west of Packer Arena. In 1982 the lease was extended for 25 years, and is up for renewal again. Public Works Director Jon Erichson recommends extending this agreement for another 25 years. All costs for the lift station are paid by Hormel Foods.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution extending the lease agreement. 6-0. Carried.

Moved by Council Member Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, adopting a resolution setting a public hearing for November 19 for final plat approval for *Good Samaritan Addition*. 6-0. Carried.

An agenda item to set a public hearing for November 19 for sale of property located in Lot 2, Block 1, NE Industrial Park, Austin has been cancelled. This item will be on the November 19 agenda setting a hearing for December 3. No action was taken.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, resolving the City Council into the Board of Adjustments and Appeals. Carried.

The City has received a request from St. Olaf Church to approve an off-street parking appeal within a Central Business District. Community Development Director Craig Hoium said enough

off-street parking exists within the 300 feet radius. Mr. Hoium identified an area west of the church which will be a new parking area providing 43 off-street parking stalls. Also, the number of stalls in four parking lots far exceed the requirement for off-street parking. There are 38 stalls in the old library lot, 72 stalls in the Austin Drug lot, 38 in the Nemitz' lot, and 34 in the Methodist Church lot.

Council Member Hecimovich questioned how many stalls were leased in the four parking lots. Mr. Hoium read the following summary of on-site and surrounding parking areas:

St. Olaf Church property	43 stalls provided
Library lot	38 stalls/16 leased to business people M-F
Austin Drug lot	72 stalls/9 of 12 leased to business people M-F
Nemitz lot	38 stalls/2 of 8 leased to business people M-F
Methodist lot	104 stalls/6 of 44 leased to business people M-F

Mr. Hoium said these stalls are primarily used during the business week and according to a recent Engineering Dept parking study, there would be no conflict.

Council Member Dick Pacholl questioned why the parking appeal is needed now. Mr. Hoium said the church must come into compliance with the pending building addition.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the parking appeal. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adjourning the Board of Adjustments and Appeals and resolving back in the City Council. Carried.

A petitioner, D&R Property Management, has applied for a subdivision. Mr. Hoium identified the area located as 201 1st Avenue SE, the site of what had been the Austin Motel. The developer is currently remodeling this property for market-rate apartment rentals. D&R Property Management is requesting the subdivision for a proposed visitation center for a portion of the property. Mr. Hoium said he did not receive any objections from the local utilities. He did, however, receive one comment from the city engineer, which was a request that the drive-off from 1st Street be eliminated. The petitioner has agreed with this request. Mr. Hoium recommended approval along with the necessary easements included.

Moved by Council Member Dick Pacholl, seconded by Council Member Martin, adopting a resolution approving the subdivision of property. 6-0. Carried.

Another subdivision has been requested for property located between Double K and Culvers. This parcel may be acquired to be developed as a retail strip center. The petitioner has requested the subdivision in order to proceed with the sale of property. Mr. Hoium requested necessary easements if approved.

Council Member Dick Pacholl questioned where parking would be located. Mr. Hoium said the action was for subdivision only. Any development would need to meet development standards.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the subdivision. 6-0. 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 406-408 9th Street NE, Talamantes property. Carried.

Jon Erichson presented a draft agreement for Individual Control Mechanism for G&R Truck Wash Ltd. The facility is located at 4th Avenue and 11th Street NE, north of Vel Ved. The individual control mechanism agreements are used to control the amount and strengths of sewage into the sewer, and the user is charged for any “overs”. Mr. Erichson said he believed neither excesses would happen with this business as they own what he referred to as sophisticated equipment which recycles water and changes strength.

Council Member Dick Pacholl questioned if this operation was similar to the previous one at the site. Mr. Erichson said the truck wash that had been at that site has been relocated next to McFarland’s. He added that the company specializes in livestock truck washing, and they saw an opportunity with Hormel located here.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the agreement. 6-0. Carried.

The federal government is requesting a noise analysis for the Oakland Avenue Underpass Project. Mr. Erichson said a request for proposals went out and two bids have been received:

SEH, Inc.	\$ 6,023.00
WSB & Associates	\$ 8,760.00

Mr. Erichson said the study will be conducted before the project is done, and it will be based on the volume of traffic. He said there are not a lot of trucks; he does not anticipate much change after the project is completed. He said 80% of the project cost would be paid through the federal gas tax.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution awarding the bid to SEH, Inc. 6-0. Carried.

The next item on the agenda awarding bids for the flood project Phase 8 will not be acted on this evening and should be placed on the next meeting agenda.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, tabling the bid awards for the flood project Phase 8 to November 19. Carried.

REPORTS:

Council Member Hecimovich said that Sunday is Veterans Day and announced the events for the day.

Council Member Scott Pacholl reminded everyone to vote at the School Board elections.

Mayor Stiehm announced four vacancies on Boards and Commissions and requested citizens apply for the openings if interested.

Council Member Hoium said Yaggy Colby will attend the next Planning Commission meeting to bring their report on proposed changes to the Comprehensive Plan as directed by Council in late summer '07. The City Council is invited to attend. No action will be taken that night.

The City has received the \$3000 grant from the Hormel Foundation to be used for the smoke alarm program.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Martin, adjourning the meeting to November 19, 2007.

Adjourned: 6:20 pm

Approved: November 19, 2007

Mayor: _____

City Recorder: _____