

MINUTES
CITY COUNCIL ADJOURNED MEETING
MONDAY, DECEMBER 17, 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, Paul Philipp, David Hoversten, Denny Maschka, Ann Hokanson, and Jeanne Howatt.

OTHERS PRESENT: Austin Post Bulletin, Austin Daily Herald. Jim Eppen. Mary Clennon. Jim Mattice, Dave Simonson, and Judy Stark. Steve Eckert. Joel West from Yaggy Colby.

Item No. 21, approving contract agreement with UAW-WWTP was removed from the agenda. Item No. 28 was added: setting a public hearing for January 7, 2008 for submission of a Small Communities Development Program grant application. Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting the agenda as amended.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the Council Minutes of November 26, 2007; December 3, 2007; and Truth In Taxation Hearing Minutes of December 4, 2007. Carried.

Jim Eppen, Southern Minnesota District Representative for Firefighters spoke to Council. Mr. Eppen has assisted with negotiations and has sat in on the newly established fire labor management committee where much of the conversation has revolved around full-time staffing. Mr. Eppen said he was appearing to Council looking for information, and not attempting confrontation. He noted there has “been some confusion as to who knows what’s going on here.” He reminded the Council of a resolution from 2000 which approved of the 24-hour shifts. Approximately one year ago there was a decision made to discontinue the full 24-hours. Currently two days out of three, no one is at the fire station at night. The person has been replaced, but the hours have not.

Mayor Stiehm said he would not go through all the issues tonight. He acknowledged much controversy on this issue and asked Council if they wished to hold a special meeting on this. He advised Mr. Eppen that he may be present should the Council decide

to discuss this further. The Mayor said we need clarification on where we are going. Council should decide if we should go forward with the plan already in place or hold a special meeting next month. Council Member Dick Pacholl noted his desire for more discussion. This is a safety issue; we should have a meeting. Council Member Jeff said his understanding is that these schedules were negotiated through contracts; there shouldn't have been any surprise. City Administrator Jim Hurm said the city has been heading in this direction regarding the changing of schedules. The last contract basically says that all firefighters may be scheduled as the City sees fit. They have been going off the 24 hours all year. He believes that the fire department is heading in the right direction. Council Member Martin expressed his desire for a special meeting as we will be negotiating a new contract. Mayor Stiehm said what he is seeing is that we are not 100% in concert. We need a unified direction. The City itself is not in agreement. We need strong direction from Council. Council Member Dick Pacholl said there have been drastic changes made, and this goes beyond the year 2000. But these are issues that this Council hasn't voted on. Council Member McAlister said he did not see a reason to change that.

Moved by Council Member Martin, seconded by Council Member Dick Pacholl, to set a special meeting to discuss what direction to take pertaining to scheduling in the Fire Department. Carried. 6-1. Council Member McAlister voted nay.

Moved by Council Member Hecimovich, seconded by Council Member Martin to implement the program (allowing a change in scheduling) after January 1, 2008 and agreeing to rescind this motion depending on what is negotiated in IAFF contract 7-0.

Marian Clennon, 1711 3rd Street NE, spoke to Council. She resides two blocks from Wildwood Park where the proposed dog park is planned. She said this area was originally decided to be left natural, not maintained – and that, she said, would be okay. She would like the playground to stay, especially with younger couples coming into the neighborhood now. She asked why there was no money to maintain a neighborhood park but there is for a dog park. She also asked Council if they really believe it would be maintained by the dog owners. If not, who will clean up after them? Mayor Stiehm said her opinion would be considered and that this decision has not yet been made.

There were five retirements in 2007: Jim Lamecker, Dave Simonson, Jim Mattice, Judy Stark and Hank Freese. Dave Simonson, Jim Mattice and Judy Stark were in attendance and received retirement plaques.

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

Licenses:

2008 License Renewals (Copies of complete list is available in Council Chambers.)

Claims:

- a. Financial and Investment Reports.
- b. Pre-list of Bills.

- c. Carol Decker, 1206 9th Avenue SW. This claim has been referred to the city attorney to protect the city's interest.
- d. Lucille W. Hanson, 709 9th Avenue NW. This claim has been referred to the city attorney to protect the city's interest.
- e. Ethel Anderson, 802 9th Street SW. This claim has been referred to the city attorney to protect the city's interest.
- f. Ronald Mulanix, 1203 11th Street NW. This claim has been referred to the city attorney to protect the city's interest.

Carried.

A public hearing was held on a proposed amendment to the Comprehensive Plan. This proposed plan is the first phase of a four-phase project. This first phase involves the northwest retail area north of I-90 and west of Target. It also includes the south and north sides of 18th Avenue NW. The Planning Commission has held two informational meetings on the proposed project and the City has had some discussions with property owners. Also property owners were duly notified of this public hearing. After reviewing some concepts by Yaggy Colby, who have been contracted by the City, the Planning Commission has recommended approval of the change and conceptual traffic plan for the area. Community Development Director Craig Hoium discussed future re-routing of 18th Avenue NW. This is also a county road and we would need approval by county commissioners. Two transportation plans have been proposed – one straightens out the 'S' curve on 18th Avenue NW; the other plan provides for a straight east-west connection that would eliminate the 'S' curve. Mr. Hoium said these are conceptual plans and would be adjusted depending on what comes in. Mr. Hoium noted there is inefficient land use with the first transportation plan. The second option does have options for future and there is potential for temporary connections. This is a better layout with resulting rectangular land uses. Mr. Hoium said the concept plan includes an intersection at CSAH 27 and 18th Avenue NW. If this is not built, left turns would overwhelm that area. Also, during the traffic study for Walmart it was determined that the I-90 and Hwy 218 intersection is already at full capacity so in the future, something will need to change there. Mr. Hoium also spoke to the need to keep a right of way at the 18th Avenue extension. The commercial land use for this area is rising and buffers will need to be included. These could include a townhome development or a combination of the existing trees, townhome development and fencing. Mr. Hoium said this is only a concept right now. It puts people on notice and if there is a potential development, this would be in place to be kept in mind. Under state law, the city would not have to pay for the transportation plan. When this area is developed, public hearings would be held which would specifically spell out where boundaries would be, etc. Mr. Hoium said a plan for pedestrian trails will be included in another phase of the Comprehensive Plan project. Council Member Hecimovich confirmed with Mr. Hoium that 21st Ave NW would be extended to the 21st Avenue on the east side of Hwy 218. Mr. Hoium said MnDot has given verbal agreement for another intersection. Mr. Hoium requested approval of the amendment with the following four conditions:

- Approval would include the Option 2 Transportation Plan
- Future land use maps as written

- Added conceptual design for pedestrian traffic
- Official mapping recorded

Moved by Council Member Hecimovich, seconded by Council Member McAlister, adopting a resolution approving the amendment to the Comprehensive Plan with the four conditions as listed. 7-0. Carried.

The City Council has reviewed the 2008-2012 Capital Improvement Plan including expenditures. Finance Director Tom Dankert said this sets forth for department heads the expenditures for 2008 and gives a good idea for future capital expenditures for the next few years. Planned expenditures for 2008 through 2012 are \$84.9M. Many of these are revenue-driven, particularly through grants.

Moved by Council Member Hecimovich, seconded by Council Member Pacholl, adopting a resolution approving the 2008-2012 Capital Improvement Plan. 7-0. Carried.

The Truth in Taxation hearing was held on December 4, 2007. The tax levy is set at \$3,460,000.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the 2008 tax levy. 7-0. Carried.

The 2008 budget is set at \$28,605,905.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution approving the budget for 2008. 7-0. Carried.

The City must annually cancel certain tax levies which are approved by bond resolutions. These may be cancelled because there is sufficient alternate source for funding the bonds.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution cancelling certain ad valorem tax levies. 7-0.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution granting 2008 licenses for on-sale hard liquor, Sunday hard liquor on-sale, Sunday wine on-sale licenses, and 3.2 beer on and off-sale. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution granting 2008 off-sale liquor license to Star Liquor (Jim Baldus). 6-1. Carried. Council Member Martin voted nay.

The Committee-of-the-Whole has previously recommended granting a tentative liquor renewal license for the Leisure Sport Bar (Jim Fisher). This would be approved on condition that the bar is operational by July 2008. If it is not operational by that time, the liquor license renewal for the remainder of the year would need to be approved by City Council. Council Member Hecimovich questioned that the building is acceptable to

occupy. Mr. Hoiium said there were structural deficiencies but these have been resolved. He does not have any objections to their opening; the building is in compliance with the building code.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution granting the hard liquor on-sale license with condition that the building is operational by July 1, 2008, or if not operational, extension must be approved by City Council. 7-0. Carried.

Council must approve a resolution adopting the 2007 assessment for weeds and grass cutting. Steven Eckert has addressed a letter to Mayor and Council stating his objection to the assessment. Mr. Maschka has reviewed this matter and is recommending that the City waive the administration fee and just charge for mowing. His final revised assessment would be \$62.80.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, adopting the 2007 assessment for weeds and grass cutting (includes \$62.80 assessment for property owned by Steve Eckert). 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting assessment for abating nuisance of garbage and debris. 7-0. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, adopting assessment for tree trimming. 7-0. Carried.

The League of Minnesota Cities Insurance Trust requires the city to pass a tort waiver placing limits on liabilities. If the city approves this, liabilities would be limited to a maximum of \$300,000 per claimant or \$1M per event.

Moved by Council Member Hecimovich, seconded by Council Member Austin, authorizing the city recorder to sign an insurance waiver, which states that the City does not waive statutory tort limits. Carried.

The following resolution is for \$30,000 additional funding for the DCA for consulting services.

Moved by Council Member McAlister, seconded by Council Member Scott Pacholl, adopting a resolution approving consulting agreement with DCA. 5-2. Carried. Council Member-at-Large Christopherson and Council Member Martin voted nay.

Park & Rec is requesting \$7056 for two heating units for the Youth Activity Center. This was not budgeted.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, appropriating \$7056 for two heating units at YAC. Carried. Council Member Martin and Scott Pacholl voted nay.

Health insurance rates and policies must be set for one additional non-bargaining unit employee – Don Tomlinson, MIS Administrator, funding from Contingency. He is no longer in AEA.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, adopting a resolution for health plans and required employee contribution for MIS Administrator. 7-0. Carried.

City Council is requested to approve a benefit amendment to the health insurance plans A, B, D & E to include coverage for chiropractic visits.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, adopting a resolution amending plan documents for city employee health insurance. 7-0. Carried.

City Council is also requested to approve wage increases for non-union, non exempt personnel for 2008-2010.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution setting policy for the administration of wage rates of certain regular full-time employees not covered by a labor agreement. 7-0. Carried.

Austin Utilities is seeking approval for a gas supply contract. Any contract which legally obligates them over five years must be approved by the City Council; this is a provision in the City Charter. The contract allows the Utilities to be included in a pre-paid purchase program for natural gas. General Manager Jerry McCarthy said this would give Austin Utilities yet another tool to purchase gas, but there is no obligation to buy. The program would provide for the purchase of 25% of the winter load only. In doing so, Utilities could realize a savings of \$84,000 per year and \$1.7M over the life of the contract. Mr. McCarthy said other Minnesota communities have approved a similar contract, including Owatonna, New Ulm, Hutchinson and Duluth.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, for the city attorney to prepare the ordinance. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member-at-Large Christopherson, for adoption and publication of the ordinance. 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 1006 5th Street NW, Guyette property. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving gambling premises permit renewal for American Legion at American Legion, 809 12th Street SW. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adopting a resolution approving gambling premises permit renewal for American Legion at Smitty's Tavern, 105 11th Street SE. 7-0. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Scott Pacholl, approving Woody Vereide as Austin/Mower County Area Transit Board Chair. Carried.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, setting a public hearing for January 7 regarding the submission of a Small Communities Development Program grant. The grant would be submitted at end of January. Carried.

REPORTS:

The budget and tax levy will be sent over to Mower County now that it is approved. Council received preliminary budgets previously; these amounts have not changed and therefore new budget booklets will not be printed.

Denny Maschka announced that the ice rinks will be open at Christmastime this year.

The City has received an official letter from Hormel Foundation on grants we will receive for 2008. The grants are as follows:

Austin Main Street Project	\$105,000
Soccer fields (over 5 years)	50,000
Smoke detectors	3,000
Pedestrian trail	20,000
Park & Rec – lawn mower	27,500
Nature Center	10,600
Spamtown USA Freedom Fest	<u>15,000</u>
Total	\$231,100

Mayor Stiehm requested nominations for the Citizens Action Award. Nominations will be accepted through January 10. Presentation will be at the January 22 council meeting

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, adjourning the meeting to December 3, 2007. Carried.

Adjourned: 6:50 pm

Approved: January 7, 2008

Mayor: _____

City Recorder: _____