

MINUTES
CITY COUNCIL CHARTER MEETING
April 7, 2008
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: Jim Hurm, Jon Erichson, Craig Hoium, Tom Dankert, Jeanne Howatt, David Hoversten, Dan Wilson, Ann Hokanson, Denny Maschka, and Paul Philipp.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Public. Mary Henry and Lou Beckel. Janet Anderson, Mollie Mickelson and Jeffrey Lu. David Milton.

Mayor Stiehm asked for a moment of reflection in honor of former mayor Tom Kough, who served from 1981 to 1982. Mr. Kough was also a council member from 1966 through 1969 and again in 1983 through 1986. Mayor Stiehm said Kough lead Austin through “probably the most difficult time in the city’s history”, during the Hormel strike. He gave his sincere condolences to the family.

The following item has been removed from the agenda: granting the Planning and Zoning Department the power to contract for the removal of dog feces at 1410 10th Avenue NW.

Added to the agenda: Hard liquor on-sale license transfer for The Ville.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting the agenda. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the minutes of the March 17, 2008 council meeting. Carried.

Lou Beckel and Mary Henry announced this year’s Austin Pride Day, a communitywide cleanup effort and asked for volunteers. Last year there were 200 volunteers that picked up 1.84 tons of garbage in the parks, along the trails, and at other public areas. The City of Austin is paying the expenses.

The Human Rights Essay Award winners were announced by Human Rights Commissioner Janet Anderson. They are: 1st place - Mollie Mickelson, Ellis Middle School; 2nd place – Kyung Sil Kang, Pacelli (a foreign exchange student); and 3rd place – Jeffrey Lu, Ellis. Mollie and Jeffrey were in attendance and read their essays.

Council Member Martin requested one license applicant, Superior Plumbing & Heating from Rochester (Master Plumber) be removed from the consent agenda and considered separately.

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

Licenses

- Cab Driver: Michael Grant, Austin
- Concrete: Northern States Masonry Co., Glenville, MN
- Concrete: Roger & Sons, Austin
- Excavation: Roger & Sons, Austin
- Exempt Gambling (raffle): Chamber of Commerce @ Bandshell Community Park, July 4
- Food/Mobile: Mimi's Cones, Austin
- Food: Marcusen Park Baseball Association, Austin
- Food: Riverland Women's Volleyball @ Todd Park, Austin
- Massage Establishment: Essential Life-Mark Raiman, 610 1st Avenue SW, Austin
- Master Plumber: Albert Lea Mechanical Inc., Albert Lea, MN
- Master Plumber: Dimension Plumbing & Heating, Rochester, MN
- Master Plumber: Jim & Dudes Plumbing & Heating, Albert Lea, MN
- Master Plumber: Route 52 Plumbing & Heating, Chatfield, MN
- Master Plumber: Tesch Companies, Rochester, MN
- Sign Installer: Bird Sign, Inc., Dubuque, IA

Claims:

- a. Pre-list of bills.

Carried.

A Master Plumber license for Superior Plumbing & Heating from Rochester, Minnesota was considered separately. Council Member John Martin noted the company had a "huge communication problem with some clientele," which is costing money. City Attorney David Hoversten advised Council that the granting of licenses must be consistent with state law and as interpreted by the courts. Licenses cannot be denied by arbitrary or capricious conclusions. If Council desires, they could hold this over for more investigation. He said this is not to be critical of Council Member Martin's remarks, but Council must be within the law for granting licenses. If denied, the license applicant would need the opportunity for a hearing. Mr. Hoversten said Council must determine

for itself if the criticisms indicate that the applicant is not capable of performing the functions of plumber.

Mayor Stiehm asked Mr. Hoium if he has received any complaints. Mr. Hoium said he has only dealt with the applicant regarding commercial or industrial issues. He hasn't experienced any complaints, at least in that aspect.

Council Member McAlister made a motion to approve.

Council Member Dick Pacholl said if Council could deny this because of some complaints, there could be many more to deny in our area. Council Member Martin noted the company brought a lawsuit against someone and then didn't show up in court. Council Member Austin said he wasn't questioning the validity of Martin's point, but this would be borne out in the marketplace. We can't deny the license, but word may get out about this company, and it would take care of itself.

The motion was seconded by Council Member Dick Pacholl. 6-1. Carried. Council Member Martin voted nay.

Council is being asked to award asbestos abatement on properties the City has acquired as part of flood mitigation: 1712 1st Avenue NE, 511 East Oakland Avenue and 515 East Oakland Avenue.

One property is the last parcel at the Wildwood Park property. The other properties are commercial on East Oakland and are actually the same structure. Bids are as follows:

Safe Air Systems	\$ 13,940.00
Mavo Systems	\$ 18,840.00

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution awarding the bid to Safe Air Systems. Carried. 7-0.

The 2008 Sidewalk Improvement project is in the southwest this year. The City took six bids on April 3:

Concrete Idea	\$ 88,172.00
Gary Groh Construction	\$ 104,557.50
Ti-Zack Concrete	\$ 107,825.00
Jim Cummings Conc.	\$ 115,147.50
Pember Companies	\$ 133,055.25
TRCKA Construction	\$ 134,715.00
Engineer's Estimate	\$ 114,625.00

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution awarding the bid to Concrete Idea. 7-0. Carried.

The Blazing Star Trail has not incurred many expenses and therefore the auditors have recommended that both parties of the agreement officially waive the required audit for this last year. On March 24, Albert Lea waived an audit.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Austin, waiving the audit of the Blazing Star Trail Joint Powers Agreement. Carried.

Council is requested to approve carryover budget items to 2008. On March 17, the Committee-of-the-Whole reviewed the request and recommended approval.

Moved by Council Member Hecimovich, seconded by Council Member Austin, adopting a resolution approving the Budget Adjustment #1. 7-0. Carried.

In anticipation of the 2008 farm bill, USDA is requesting authorization for signature authority if documents are signed by a city officer other than the mayor and city clerk. In the past, Jon Erichson has signed these documents, which authorize participation in the farm program.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, authorizing Jon Erichson to sign for the USDA farm bill documents. Carried.

Council is requested to approve the driving privileges policy to become part of the Employees Handbook. Among other things, the policy addresses the loss of driving privileges when possession of a license is a requirement of his/her job. The recommended policy was approved unanimously by the Council of the Whole.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, approving the driving privileges policy. Carried.

After discussion at the council retreat, the following Council Vision Statement, Organizational Values, and Primary Goals are recommended for approval:

Vision Statement

PLANNING FOR AND INVESTING IN OUR FUTURE BY...

- Providing a safe, high quality community to raise children, which will encourage generations to remain in (or return to) Austin
- Coordinating and focusing efforts to create well paying jobs
- Respecting and understanding the values and cultures of all our citizens
- Encouraging a healthy, diverse economy and a vibrant, attractive central business district
- Creating a high level of recreational and quality of life opportunities for all ages
- Partnering with other elected entities and the private sector to “grow our community together”

Organizational Values

In the City of Austin, the way we do business is as important as the business we do. Those who work for and on behalf of the City must be trustworthy, dependable, honest and have a high degree of personal integrity.

Through our actions, the citizens we serve should feel that their input and participation is appreciated, that their city government is responsive and that they have been treated fairly, professionally, and with respect.

The Mayor and City Council value:

- Working as a team, making decisions collectively
- Providing positive, progressive leadership
- Providing government services efficiently
- Treating employees with respect.

2008 Council Primary Goals

- Flood mitigation implementation
- Police Department location/work with County
- Revise City Charter
- Prepare a succession plan for key personnel
- Take a leadership role to reduce the communitywide carbon footprint and to encourage development of alternative energy sources
- Economic development
 - a) Revise Comprehensive Plan: Park use of flood lands, improve 10th Drive SE area, and identify new commercial land
 - b) Bring industry to Cook Farm Industrial Park
 - c) Emphasis on centralizing economic development efforts
 - d) Seek bioscience corridor designation
 - e) Main Street Project – emphasis on blighted property

Moved by Council Member Hecimovich, seconded by Council Member Austin, approving the Council Vision Statement, Organizational Values, and 2008 Primary Goals. Carried.

Upon the completion of 16th Avenue NE and the installation of decorative street lights, Hormel Foods and the Hormel Institute have expressed interest in the installation of banners on the street light poles. Similar action has been approved for the Farmers Market banner. Mr. Erichson said the banners would be helpful in highlighting events in that area, such as a planned key educational event at the Institute next year.

Council Member Dick Pacholl asked if these banners would be permanent. Mr. Erichson said they would only be for a period of time, and the City reserves the right to review what is on them.

Council Member Hecimovich said there will also be an international conference at the Institute in October.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, approving the decorative banners along 16th Avenue NE. Carried.

Council is requested to approve an amended ordinance for rezoning. The ordinance omitted the exact rezoning of property (I-1 Limited Industrial to R-1 Single Family Residential). This property is by Woodson School.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, to prepare the ordinance. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, for adoption and publication of the ordinance. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, authorizing two vehicles (1987 Dodge Dakota and 1991 Dodge Dakota) to be put up for sale at the next police auction. Carried.

With the completion of the airport project, the City is required to update zoning associated with the airport expansion. Jon Erichson has reviewed requirements of the Airport Zoning Board, which requires a resolution be passed to create the Joint Airport Zoning Board. This resolution provides for the opportunity of impacted townships to participate in the zoning if they so choose. The resolution also appoints the current members on the board.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution authorizing the creation of the Joint Airport Zoning Board and appointing Chuck Enger and Ed Wells as the city representatives on that board. 7-0. Carried.

The City has secured a federal grant in the amount of \$295,640 (80% of the project) to build an extension of the Wildwood Trail. The grant money is to be used for completion of the design, environmental mitigation, wetlands replacement, archaeological mitigation, and the acquisition of property. The trail would link Todd Park with Wildwood Park. Council is requested to approve purchase of 4.12 acres of property west of Todd Park and owned by the Morse family for this extension. This property acquisition has been in the planning for 1-1½ years, and an agreement has been reached involving providing a farm lease at the Austin Municipal Airport (valued at \$9000), plus a cash payment of \$10,000 so the total value of the property is a little less than \$20,000. This is the last piece to move the trail project forward. (The offer of an easement had been given but the property owner rejected that.)

Council Member Hecimovich questioned the status of property that was the Cottage Inn. Mr. Erichson said that property is outside the city limits in Lansing Township. He has talked to the County a little regarding this property but because of some issues including existence of asbestos, nothing has been done. There have been some efforts to clean up the property.

Moved by Council Member Dick Pacholl, seconded by Council Member McAlister, adopting a resolution approving the acquisition of the property. 7-0. Carried.

Robin & Robert Hanson have requested a subdivision of their property at 1801 20th St, which is located in an R-1 district. The new parcel – Lot 2 – meets all setback requirements. Austin Utilities has requested one 10-ft easement along the north edge of the property.

Moved by Council Member Hecimovich, seconded by Council Member McAlister, adopting a resolution approving the subdivision. 7-0. Carried.

The Zoning Department has requested Council classify a property located at 300 19th Street NE as hazardous upon a complaint received by the office. The property is owned by David Milton. Upon inspection, the department found the detached garage to be structurally substandard. A follow-up letter was sent to the property owner identifying its deficiencies. Mr. Hoium said he met with Mr. Milton and in a verbal agreement the Mr. Milton was to provide a plan correcting the deficiencies the following week. The Zoning Department has not yet received such report. If Council approves the proposed resolution declaring a hazardous property, the owner has 60 days to make correct the problems. If at the end of 60 days nothing is done, then the matter is sent to the city attorney's office.

David Milton spoke to Council saying the garage was built when there were no building permits. Mr. Milton said if it is substandard, then there are many like it in the northeast section of the city so he questions why he is being singled out. He acknowledged that he has not given a written proposal yet, but said he does want to fix the garage doors, paint, and do other repairs. He said the roof sags but contends it is not a hazard. He said he cannot do much about the structure of the garage.

Council Member Hecimovich asked if he could make the corrections within the 60-day limit. Mr. Milton said he hadn't been told exactly what to do, adding that he would fix the bottom panels of the garage door and fasten up or replace the siding. Mr. Milton contended that the garage is not falling down.

Mr. Hoium noted that the photographs explain the problems and that there are some structural deficiencies. He added that the letter that was sent out did state that he needed to respond within ten days. This next step (declaring the structure hazardous), is our only alternative.

Council Member Dick Pacholl asked Mr. Hoium if everything needs to be completed within the 60 days. Mr. Hoium said he would work with the property owner if that was the situation.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, deeming the detached garage at 300 19th Street NE as hazardous. 7-0. Carried.

The Zoning Department has requested Council classify a property located at 500 19th Street NE as hazardous. This property owner, Leo Schafer, has been given a letter identifying deficiencies, who in turn met with the Zoning office last Friday. Mr. Schafer has since made arrangements for a contractor. The proposed resolution would give the property owner sixty days for corrections.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, deeming the detached garage at 500 19th Street NE as hazardous. 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 1401 10th Avenue NW, Homecomings Financial property. Carried.

Moved by Council Member Austin, 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 909 3rd Avenue NE, Zacarias 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 604 11th Avenue SW, Garcia property. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving application for gambling premises permit renewal for the Eagles Club at the Eagles Club, 107 11th Street NE. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving application for gambling premises permit renewal for the Eagles Club at the B&J Bar, 112 4th Avenue NE. 7-0. Carried.

Moved by Council Member Scott Pacholl, seconded by Council Member-at-Large Christopherson, adopting a resolution approving transfer of license for on-sale hard liquor at The Ville: Keith and Kimberly Smith dba The Ville to Jason Legried dba The Ville, 119 2nd Avenue NE. 7-0. Carried.

REPORTS:

Council Member Dick Pacholl requested the garage sale sign issue in Matters In Hand be discussed at a work session as soon as possible.

On April 17, Austin will be hosting the League of Cities dinner meeting at the Mower County Senior Citizens Center. DCA Executive John Garry will be speaking, and a representative from the LMC will give a legislative update.

The library will hold its spring sale on May 2 and 3.

The annual meeting of the DCA will be held Wednesday at the Country Club. Gov. Tim Pawlenty will be speaking.

The annual Volunteer Recognition event will be held at the Nature Center on April 22.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Scott Pacholl, adjourning the meeting to April 21, 2008.

Adjourned: 6:38 pm

Approved: April 21, 2008

Mayor: _____

City Recorder: _____