

**MINUTES**  
**CITY COUNCIL CHARTER MEETING**  
**February 2, 2009**  
**5:30 P.M.**  
**Council Chambers**

**MEMBERS PRESENT:** Mayor Stiehm. Council Members Brian McAlister, Jeff Austin, Dick Pacholl, Steve King, Marian Clennon and John Martin. Council Member-at-Large Janet Anderson.

**MEMBERS ABSENT:** None.

**STAFF PRESENT:** Jim Hurm, Jon Erichson, Craig Hoium, Tom Dankert, Jeanne Howatt, David Hoversten, Dan Wilson, Ann Hokanson, Kim Underwood, and Paul Philipp.

**OTHERS PRESENT:** Post Bulletin, Austin Daily Herald. Boy Scout Troop 109. Warren Gillis and dog Lurch. Public. Lee Hanson, Steve and Angie Davis.

The following items were added to the agenda:

Additions to Consent Agenda: License (Taxi cab): Daniel Konken, Austin  
Additions to Petitions and Requests: #6, Appointing Dick Nordin for vacation commissioner, Third Ward; and #14, a resolution in support of a Veterans Affairs community-based outpatient clinic.

Moved by Council Member-at-Large Anderson, seconded by Council Member McAlister, approving the agenda as amended. Carried.

Moved by Council Member Austin, seconded by Council Member King, approving the minutes of January 20, 2009. Carried.

Warren Gillis, 301 1<sup>st</sup> Avenue NW, spoke to Council requesting a change to the ordinance. Gillis was cited by Law Enforcement for not having his dog on a leash. Gillis has a PSD (service) dog. He contends federal law allows these types of dogs to be off-leash. The citation was dropped by the judge, but he was told to make a request to the City for the ordinance to be changed. Mr. Gillis said any service dog is off their leash when they are doing their jobs. His dog is a trained, certified dog, and half of its training is done off-leash. City Attorney David Hoversten said he has had discussions with the city prosecuting attorney, Tom Baudler. They are working on a change to the ordinance to make it consistent with federal law. The animal ordinances were done over time, and the result is "piecemeal." We need to bring the ordinance up to the times for good enforcement, he said. Mayor Stiehm told Mr. Gillis that the City would

schedule this matter for an upcoming work session and invite him and his dog. He also requested that the Police Department not write any more tickets for this. Mr. Gillis noted there are other service dogs in town, including a service dog for a diabetic and two guide dogs for the blind.

Mayor Stiehm recognized Boy Scout Troop 109 with Scout Master Vern Ehmke. The scouts are working on their citizenship badge for the Eagle project.

Fire Chief Dan Wilson and Council recognized and awarded honorary firefighter helmets to some people who helped during the recent downtown fire: Lee Hanson, a local contractor, who provided a backhoe and Steve and Angie Davis, who provided pizzas and a “rehab center” at their new location in the Granle’s building.

Moved by Council Member Pacholl, seconded by Council Member Austin, approving the consent agenda as follows.

Licenses:

Cab Driver: Randy Arnold, Austin

Master Plumber: Robert Embrickson, Austin

Cab Driver: Kenneth Dobs, Austin

Exempt Gambling (raffle): United Catholic Schools Foundation @ St. Edward’s  
Corcoran Center, April 25, 2009

Cab Driver: Daniel Konken, Austin

Claims:

- a. Pre-list of bills
- b. Jeanne Steinbrink, Lyle, MN. This claim has been referred to the city attorney to protect the city’s interest.
- c. Vickie Davis, Austin, MN. This claim has been referred to the city attorney to protect the city’s interest.

Carried.

A public hearing was held relating to the vacation of a public right-of-way. The right-of-way to be vacated is 3<sup>rd</sup> Avenue NE between 1<sup>st</sup> and 2<sup>nd</sup> Streets. This vacation is for the purpose of the jail/justice center development. The City is responsible for acquisitions for the development. Acquisitions have occurred, and the vacation of the street is the next step. When this street is vacated, it will go to the adjacent property owner, which is the City. Council is requested to appoint the following vacation commissioners:

First Ward  
Second Ward  
Third Ward

Charles E. Fawver  
David Bumgarner  
Richard Nordin

Moved by Council Member Austin, seconded by Council Member Clennon, adopting a resolution appointing the vacation commissioners. 7-0. Carried.

The Lansing Township annexation agreement has been approved by the Township and the City. Mr. Erichson noted the next steps to be taken as provided in the backup material. He requested Council approve the first step, a feasibility study. The study will outline costs associated with the project, what the improvements will be, and an outline of the project.

Moved by Council Member McAlister, seconded by Council Member Austin, adopting a resolution ordering preparation of a report on improvements. 7-0. Carried.

The City has received a proposal for providing two-foot contours of the Lansing Township annexation area to be used in the development of a comprehensive sanitary sewer plan. The Engineering Department had looked into doing this work with their own field crew, but the proposed method is more cost effective. The proposal will use control points from aerial photography done in 2006. The (revised) estimate for this work is \$8100, which will become part of the project cost and will be assessed back to the property owners. Mr. Erichson said the Todd Park area will be included in this project. The north section of the park is not serviced, and they would like to look at the potential of servicing it. The ideal is to have a sanitary sewer system based on gravity, but because of the flatness of this area, we maintain several lift stations. He added that the goal is to reduce or eliminate lift stations which are costly to have and to maintain.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution accepting the proposal from Jones, Haugh & Smith Inc. for topography mapping of the Lansing Township annexation area. 7-0. Carried.

The City reviews assessment rates annually, with the goal of the City providing 50% of the cost and assessing 25% to each side. Mr. Erichson does not recommend increasing or decreasing rates that were set in 2008, but recommends adding a new category (for mill and overlaying) specifically for two projects this year.

Council Member Martin asked who decided on this 50/25/25 goal, and why these percentage amounts. Mr. Erichson said he was not sure when Council decided on this goal but believed it was a policy from the 1970s. Since then, the policy has been modified and updated. One significant change made to the policy was put in place in 2000 when the City started assessing after project completion. Prior to that time, the City assessed the actual costs in the spring before construction; now the assessing is a set rate per foot. The advantage is that there are now no surprises with assessment amounts because costs can change for a number of reasons and the public was given only an estimate during the hearings. Also, the City has a corner lot policy in which residents pay only an average of their frontage length. Mr. Erichson also touched on the street expectancy of 35 years. If a street needs to be rebuilt earlier, the property owner is given a pro-rated credit. The new mill-and-overlay projects would be handled the same way, he said.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution establishing a mill-and-overlay rate and re-establishing the assessment rates from 2008. Rates are as follows:

Residential:

Sidewalk (4" thick)	\$ 3.60/ Sq. Ft.
Sidewalk (6" thick)	\$ 4.20/ Sq. Ft.
Concrete Curb	\$ 10.50/ Lin. Ft.
Urban Street Reconstruction	\$ 36.00/ Lin. Ft.
Rural Street Reconstruction	\$ 27.50/ Lin. Ft.

Commercial:

Sidewalk (4" thick)	\$ 3.60/ Sq. Ft.
Sidewalk (6" thick)	\$ 4.20/ Sq. Ft.
Concrete Curb	\$ 10.50/ Lin. Ft.
Urban Street Reconstruction	\$ 51.50/ Lin. Ft.
Rural Street Reconstruction	\$ 41.00/ Lin. Ft.

Industrial:

Sidewalk (4" thick)	\$ 3.60/ Sq. Ft.
Sidewalk (6" thick)	\$ 4.20/ Sq. Ft.
Concrete Curb	\$ 10.50/ Lin. Ft.
Urban Street Reconstruction	\$ 51.50/ Lin. Ft.
Rural Street Reconstruction	\$ 41.00/ Lin. Ft.

The mill-and-overlay rates are as follows:

Residential: \$10.00/Lin. Ft.  
Commercial/industrial: \$17.50/Lin. Ft.

7-0. Carried.

Moved by Council Member King, seconded by Council Member Pacholl, adopting a resolution approving the agreement for city attorney, effective February 1, 2009. 6-1. Carried. Council Member Martin voted nay.

Moved by Council Member Pacholl, seconded by Council Member Austin, removing the city attorney agreement contract from Matters In Hand. Carried.

The Austin Employees Association has requested a revision to their contract terms relating to participation in the Post Retirement Healthcare Savings Plan. The addendum allows the deposit

of funds from accrued sick leave to go toward the Post Retirement Healthcare Savings Plan for employees who retire prior to February 28, 2009. There is no cost to the city.

Moved by Council Member Pacholl, seconded by Council Member Austin, adopting a resolution amending the AEA contract terms relating to the Post Retirement Healthcare Savings Plan. 7-0. Carried.

With the current and pending LGA cuts, City Administrator Jim Hurm has proposed reducing his salary to the 2008 level effective February 8, 2009. The proposed resolution affects salary for 2009; it does not address the 2010 salary.

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution amending the employment agreement of the city administrator by adjusting salary back to the 2008 level, effective February 8, 2009. 7-0. Carried.

City staff has met with some county officials in an effort to urge the Veterans Administration to locate a proposed clinic in Austin. The County has approved a resolution in support of this proposal. Council is requested to support this endeavor also. The clinic is proposed for Austin, Albert Lea or Owatonna.

Moved by Council Member Austin, seconded by Council Member Pacholl, in support of a VA clinic in Austin. 7-0. Carried.

#### REPORTS:

Council Member McAlister thanked Mr. Hurm for his example of reducing his salary.

Council Member Pacholl reported that the Mayor, Jim Hurm, the city attorney and police chief met to discuss a proposed change to the sign ordinance. (This issue was raised by Council Member Pacholl in 2008 and discussed at council work sessions with no conclusion.) The issue relates to handling all signs in the public right-of-way equally, including garage sale signs, auction signs and real estate signs. Council Member Pacholl reported that the outcome of the staff meeting was that all agreed no signs can be placed on the public right-of-way and that no changes to the ordinance should be made. The recommendation was to leave things as they are.

Council Member Anderson questioned how this affects realtors holding open houses. City Attorney David Hoversten said that, according to the city ordinances, they are not allowed; however, realtors can make arrangements with the property owner. Council Member-at-Large Anderson and Council Member McAlister objected to not having an open meeting for those realtors and other citizens to give input when they were told that we would have that meeting. Council Member-at-Large Anderson said Council was very clear that the people could be present. Mayor Stiehm said we could contact those people still and have a meeting, but we do not foresee changing the ordinance. He indicated that most communities do not have a sign ordinance for the public right-of-way. And this is not aggressively enforced, he added. Council Member Pacholl asked if Council would like to remove this issue from Matters In Hand.

Council Member-at-Large Anderson said she would like to keep this issue on the list. Mayor Stiehm agreed; this issue should stay on Matters In Hand until we talk to the citizens at a meeting.

Moved by Council Member Pacholl, seconded by Council Member-at-Large Anderson, tabling the issue of removing the sign ordinance issue from Matters In Hand until the next meeting.

Council Member Clennon said she met with Congressman Tim Walz, who held a meeting in Rochester with elected officials regarding the stimulus plan. She said the actual grants have been awarded to the State, but there will be a decision process on who will be receiving the funding and who will be making these decisions.

Council Member-at-Large Anderson attended the first DCA and Southern Minnesota Initiative Fund-sponsored biobusiness initiative meeting.

The City has received checks from the Hormel Foundation for the Austin Main Street Project and for AMCAT.

Council Member Pacholl said the Committee-of-the-Whole could administratively handle Matters In Hand. City Attorney Hoversten said this is true unless a matter is brought forth at the regular council meeting for Matters In Hand. In that case, the Council would need to remove the matter.

Mayor Stiehm urged citizens to contact legislators on LGA so as to “keep damage to the budget to a minimum.” This issue is largely dependent on public participation.

Moved by Council Member Austin, seconded by Council Member Pacholl, adjourning the meeting to February 17, 2009. Carried.

Adjourned: 6:30 pm

Approved: February 17, 2009

Mayor: \_\_\_\_\_

City Recorder: \_\_\_\_\_