

**MINUTES**  
**CITY COUNCIL CHARTER MEETING**  
**June 1, 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: Jon Erichson, Craig Hoium, Tom Dankert, Jeanne Howatt, David Hoversten, Dan Wilson, Kim Underwood, Ann Hokanson and John Mueller.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald.

Added to the agenda: A resolution approving an application from Lyle American Legion Post 105 to conduct off-site gambling at the Mower County Fairgrounds August 10 through August 17.

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

Moved by Council Member Pacholl, seconded by Council Member Austin, approving the minutes of May 15, 2009. Carried.

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

Consent Agenda

Licenses

Concrete: Greg Wellik Construction, Inc., Rochester, MN

Concrete: Vernon Daniel Company, 509 1<sup>st</sup> Avenue NW, Austin

Excavation: Doug's Electric, 1205 8<sup>th</sup> Street SW, Austin

Exempt Gambling (raffle): Habitat for Humanity, 800 7<sup>th</sup> Street NE, October 15

Food: Tienda Y Taqueria, 301-D 4<sup>th</sup> Avenue NE

Master Plumber: Christianson Plumbing & Heating, Albert Lea, MN

Master Plumber: Williams Plumbing & Heating, 303 5<sup>th</sup> Place NW, Austin

Sign Installer: Scenic Signs, Sauk Rapids, MN

Temporary Beer On-Sale: Eagles Club @ Todd Park – June 13 & 14

Claims:

- a. Pre-list of bills.
- b. Steven Scott, 901 17<sup>th</sup> Street SW. This claim has been referred to the city attorney to protect the city's interest.

Carried.

A public hearing was held on a street improvement assessment for Project 2-A-08 – one parcel (D. Jerry and Jeannette Mayfield, 702 6<sup>th</sup> Avenue SW). This hearing was tabled due to the City receiving a written objection from the Mayfields at the assessment hearings held in March. The objection was based on the question of the bid prices coming in lower, and also on the schedule for the project. Public Works Director Jon Erichson said four bids were received in early May. The full project cost was under \$1M; the bids were within \$25,000 of each other. The goal of the City is to charge 25% to the property owner at a rate of \$36 per foot. In calculating the bid on this project, the rate would be \$53 per foot. Mr. Erichson has contacted the objecting party and explained these numbers.

No other comments were made.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution declaring cost to be assessed and ordering preparation of proposed assessment for Project 2-A-08 – one parcel (D. Jerry and Jeannette Mayfield, 702 6<sup>th</sup> Avenue SW). 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member McAlister, approving the final assessment. 7-0. Carried.

Public comment meeting: The City was approved in mid May for a flood mitigation grant for scattered sites. One condition of that grant is to conduct this public comment meeting. Eight parcels are included in the grant for potential acquisition. This includes six primary properties and two alternates. All parties have signed voluntary acquisition agreements. If we are successful in receiving the grant, offers for acquisition will be made to the six properties. If any of those property owners choose not to have their properties acquired, condemnation will not be used. The offer would then go to the alternate(s).

No comments were made. No action was required.

The Chamber of Commerce has requests for Council in connection with the Spamtown USA Freedom Fest scheduled for July 3, 4 and 5. A few minor adjustments were made due to the I-90 box culvert project and the construction in the post office area; these changes were agreed to by city department heads.

Moved by Council Member Pacholl, seconded by Council Member-at-Large Anderson, approving requests and street closings in connection with the Spamtown USA Freedom Fest scheduled for July 3, 4 and 5. Carried.

The next item on the agenda – a motion authorizing an archeological study and a cultural resources survey for North Main flood project – was recommended to be tabled because it is not ready to be presented to Council.

Moved by Council Member Pacholl, seconded by Council Member McAlister, tabling the aforementioned motion. Carried.

In connection with the justice center project, a portion of 1<sup>st</sup> Street NE had to be vacated. The final resolution approving the Report of Commissioners must be approved. The vacation is from 2<sup>nd</sup> Avenue to 4<sup>th</sup> Avenue. The City owns property on both sides so the street will be vacated to the City and therefore there will be no benefit received. The street will be transferred to Mower County upon completion of the vacation. There will be one more vacation needed in connection with the justice center.

Moved by Council Member McAlister, seconded by Council Member Clennon, adopting a resolution approving the Report of Commissioners relating to the vacation of public right-of-way – a portion of 1<sup>st</sup> Street NE. 7-0. Carried.

Council received and reviewed the city audit report at the last work session.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, accepting the audit report for the year ended December 31, 2008. Carried.

Also discussed at the last work session was the Individual Control Mechanism Agreement for G&R Truck Wash. The truck wash bought a \$250,000+ system for their waste but the system is not handling the waste discharge as was promised. They are incurring charges of \$15,000 in some months for strong waste charges. Mr. Erichson has requested Council give the truck wash more time to become compliant and to work out a payment plan to pay the existing debt off.

Moved by Council Member Austin, seconded by Council Member King, extending the April billing cycle for G&R Truck Wash by an additional 120 days, and to suspend strong waste charges for the 120 days. Carried.

Council was requested to authorize the hiring of a new engineering tech. Council Member Pacholl questioned this action. Mr. Erichson clarified that this is not the wastewater treatment position Council already approved for posting; rather, this request is for the Engineering Department. The additional engineer position requested was eliminated with the recent budget cuts. This position on the agenda is a replacement due to a retirement.

Moved by Council Member Pacholl, seconded by Council Member King, authorizing the hiring for the engineering tech position. 5-2. Carried. Council Members Clennon and Martin voted nay.

Moved by Council Member Pacholl, seconded by Council Member McAlister, adopting a resolution approving 3.2 beer on-sale, 3.2 off-sale and Sunday wine on-sale liquor license for Tienda Y Taqueria Guerrero. 7-0. Carried. This is a renewal license.

The powerline at the south end of the airport runway had to be relocated and reburied as part of the runway expansion. The required soil borings on this relocation found that the foundations needed to be increased in size and depth. This additional design work for the footings cost an additional \$8300. The grant for this project is reimbursed at 95%, but in doing so, a revised scope of work is requested.

Council Member Pacholl questioned the cost of underground burial. Mr. Erichson said these powerlines were buried; the downside is that they generate a tremendous amount of heat which could reduce life expectancy. It is a very expensive project, he noted, the total project cost being approximately \$1.3 million.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the revised scope of services for the airport expansion. Carried.

Moved by Council Member Austin, seconded by Council Member McAlister, setting a public hearing for July 6 on the vacation of a public right-of-way – alley in Block 30, Original Village. 7-0. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member Pacholl, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 702 9<sup>th</sup> Avenue SE, MN Housing Finance Agency property. Carried.

Moved by Council Member Pacholl, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 806 5<sup>th</sup> Avenue NE, Erickson property. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, adopting a resolution approving an application from Lyle American Legion Post 105 to conduct off-site gambling at the Mower County Fairgrounds August 10 through August 17. 7-0. Carried.

## REPORTS

Council Member Clennon reported that City Administrator Jim Hurm, Mayor Stiehm and she interviewed Ellis students for their Career Day. It was a rewarding experience, she said.

The Hormel Foundation has issued a check to the City for \$3000 for fire alarms.

Mr. Erichson updated Council on the 2009 projects: the soccer fields at Todd Park; the Oakland Avenue underpass project, which is expected to open June 12; 4<sup>th</sup> Street SE, a project which began last year and will be paved now; the post office area, which is a summer-long project expected to run to November 1; the Wildwood Park trail, in which the aggregate was just placed and is hoped to be open by July 1; the street project in the Sterling Shopping area; and the city portion of the justice center project, which is close to being done.

Council Member-at-Large Anderson questioned progress on the railroad crossings project. Mr. Erichson replied that the railroad has dropped the rail down, but he has not heard anything else.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, adjourning the meeting to June 15, 2009.

Adjourned: 5:55 pm

Approved: June 15, 2009

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

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