

**MINUTES**  
**CITY COUNCIL ADJOURNED MEETING**  
**MONDAY, OCTOBER 19, 2009**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

MEMBERS PRESENT: Mayor Stiehm. Council Members McAlister, Austin, Pacholl, King, Clennon and Martin. Council Member-at-Large Anderson.

MEMBERS ABSENT: None.

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

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

The meeting was called to order at 5:30 pm.

The following items were added to the agenda: a motion authorizing the donation of a retired police squad car to the police reserves.

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

Moved by Council Member Pacholl, seconded by Council Member Austin, approving the minutes of October 5, 2009. Carried.

Matt Simonson spoke extensively to Council objecting to two of his cars being confiscated. After much discussion, Mr. Simonson said he would like his cars returned. Council Member-at-Large Anderson said she would rather talk about this in a work session. Mayor Stiehm told Mr. Simonson that last year he was told to make arrangements with Mr. Hoium for getting his cars back. Mr. Simonson said one of his cars is licensed and insured. Mr. Hoium said that in order for Mr. Simonson to get his cars back, he would need to pay the towing fee plus storage costs. City Attorney David Hoversten reaffirmed that the city council has previously taken action on this (the removal of his two cars), and staff has followed through. Mr. Hoversten said if Simonson has a claim, he should make it. Mr. Hoium noted that the issue was not just that the vehicles were not licensed; the vehicles must be operable. Mayor Stiehm advised Mr. Simonson to file a claim.

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

Licenses:

Temporary Liquor: Hormel Historic Home @ 208 4<sup>th</sup> Avenue NW, November 20

Claims:

- a. Financial and Investment Reports.
- b. Pre-list of Bills.
- c. Kretta Menuey, 407 1<sup>st</sup> Street SE. This claim has been referred to the city attorney to protect the city's interest.

Next on the agenda was a promissory note from G&R Truck Wash. They will pay back to the City payments owed plus interest at market-rate.

Moved by Council Member McAlister, seconded by Council Member Austin, adopting a resolution approving the G&R Truck Wash Promissory Note. 7-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member Austin, for preparation of an ordinance to allow service dogs to be off-leash. Carried.

Moved by Council Member Pacholl, seconded by Council Member Austin, for adoption and publication of the ordinance. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, removing the following from Matters in Hand: Revising ordinance for service dogs to be off-leash. Carried

The next item on the agenda was a motion to remove an amendment to the dangerous/potentially dangerous dog ordinance. No action was taken. This item will be discussed in the work session following this meeting.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the City's participation in the Phased Retirement Option through PERA. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member-at-Large, adopting a resolution approving Phased Retirement Option for Anita Bruggeman. 7-0. Carried.

On February 17, 2009, Council approved an amendment to the Fox Pointe Developer's Agreement. The revisions to the original agreement included the following items:

- Extended completion deadline for Phase I
- Re-established boundaries for Phase I
- Temporary driveways design to provide access to condo units
- Revised security amounts for private and public improvements associated with the development.

Community Development Director Craig Hoium maintained that the developer, Roger Derrick, did receive a draft of the revised agreement prior to it going to Council. After Council approved the revised amendment. Mr. Derrick objected to the security amount and returned the agreement unsigned. Staff recommends rescinding the resolution which approved the amended developer's agreement.

Moved by Council Member McAlister, seconded by Council Member Austin, rescinding Resolution No. 13576, Approving the Revised Development for Fox Pointe Addition. 7-0. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, resolving the City Council into the Sign Board of Appeals. Carried.

On October 13, the Planning Commission reviewed a sign appeal from Bradley Operations to erect a freestanding ground sign which would exceed the maximum 100-square-foot sign face area. The proposed sign would be located on the southwest corner of Highway 218 and 18<sup>th</sup> Avenue NW and would be an added sign to an existing sign for Target, Aldi Foods and Staples. The existing sign was approved by Council in 1999 for use in a B-2 District. The petitioner is working with the retailer to lease property.

Moved by Council Member Austin, seconded by Council Member King, approving the sign appeal. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, adjourning the Sign Board of Appeals and resolving back into the City Council. Carried.

Moved by Council Member Austin, seconded by Council Member King, approving a job offer to a police officer candidate, conditional upon successful completion of psychological and medical testing. Carried.

Chief Paul Philipp has asked the Council to approve the donation of a retired squad car to the police reserves. The Police Department has several squad cars that are scheduled to come out of service and sold at auction this year as they are well over the 100,000-mile mark. These vehicles usually are sold for approximately \$2000-\$3000, and that money goes into the City's general fund. Currently the police reserves drive a 1992 Chevrolet Suburban. The reserves program is a joint agreement between Mower County and the City. The County provides storage, maintenance and insurance on the vehicle.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson, approving the donation of a retired police squad car to the police reserves.

#### REPORTS:

Council Member Pacholl reported on the League of Cities meeting in Lyle. The speaker was from the ethanol plant in Lyle, and he gave an update. Tom Theilen of the League of Minnesota Cities was in attendance. He said new legislature policies are on the League's website now. Dustin Heckman from the Mower County Historical Society gave an

update. Council Member Clennon volunteered and was nominated as a board member. The next meeting is January 21 in Mapleview.

Council Member Clennon called for a review of the city administrator. Council Member moved, Council Member Martin seconded, to hold the review in closed session on November 16 at 4:45 pm. 7-0. Carried.

The Coalition of Greater Minnesota Cities' Fall Conference will be held November 18, 19 and 20 in Alexandria.

Mayor Stiehm read a proclamation proclaiming October 17, 2009 as READ TO ME! day.

Moved by Council Austin, seconded by Council Member-at-Large Anderson, adjourning the meeting to November 2, 2009. Carried.

Adjourned: 6:04 pm

Approved: November 2, 2009

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

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