

M I N U T E S
CITY COUNCIL CHARTER MEETING
September 7, 2010
5:30 pm
Council Chambers

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

MEMBERS ABSENT: None

STAFF PRESENT: Jim Hurm, Tom Dankert, Steven Lang, Craig Hoium, David Hoversten, Mickey Healey, Kim Underwood, and Brian Krueger.

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

The following item was removed from the consent agenda as an administrative item and added to the regular agenda: Contract with Minnesota Municipal Utilities Association for safety consultant services.

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

Moved by Council Member King, seconded by Council Member Pacholl, approving the minutes of August 16, 2010 as amended. Carried.

Matt Simonson, 607 7th Avenue SE, spoke again to Council on several issues.

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

Licenses:

Food/Mobile: Jorge Pozos, Austin
Master Plumber: Jeffrey Scherer dba Scherer Plumbing, Prior Lake, MN
Temporary 3.2 Beer On-Sale: Austin Jaycees @ Steve's Pizza for Sept. 17
Concrete: Sean Selmecki Construction, 1608 4th Avenue SW, Austin
Exempt Gambling (raffle): United Catholic Schools Foundation of Austin
St. Augustine's Church, October 27

Claims:

- a. Pre-list of bills.

- b. Karen Kelly, 2006 13th Street SW. This claim has been referred to the city attorney to protect the city's interest.
- c. Dennis Goergen, 201 Water St., Adams, MN. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Moved by Council Member Council Member Austin, seconded by Council Member McAlister, adopting a resolution establishing a proposed tax levy and proposed budget for taxes payable in 2011 and setting the date for the Truth in Taxation hearing for Tuesday, December 7, 2010. 5-2. Carried. Council Members Clennon and Martin voted nay.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving the fall yard waste program. Carried.

Moved by Council Member Austin, seconded by Council Member King, approving a temporary position in the Street Department. Carried.

Moved by Council Member King, seconded by Council Member McAlister, authorizing the sale of four pick-ups to be sold at the police auction in October. Carried.

Kirsten Lindbloom, Chair of the Human Rights Commission, stated that Council approved the submission of a \$50,000 Blue Cross/Blue Shield grant. Since then, Blue Cross/Blue Shield has requested a challenge for community involvement. Now they are offering \$20,000 upfront with \$10,000 cash match and \$10,000 in kind. This funding is now secured with \$3,000 coming from the high school and budgeted Human Rights funding. Ms. Lindbloom said coming up with the cash match is not a challenge to the Commission. And, if the money is not raised, the Commission is not penalized; they just wouldn't receive the second half.

Mayor Stiehm noted the Commission does a great job with a small amount of money.

Council Member Pacholl asked for clarification of the amount of the grant. Originally, it was a \$50,000 grant, Ms. Lindbloom said. Now it is \$40,000.

Council Member Martin asked what the focus areas are for the grant. Ms. Lindbloom said they submitted a very specific work plan; it is all going to education and a community effort.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, adopting a resolution authorizing the Mayor and City Recorder to sign a Blue Cross/Blue Shield grant agreement for the Human Rights Commission. 7-0. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving conditional job offers within the Police Department. Carried.

Moved by Council Member Austin, seconded by Council Member Pacholl, setting a public hearing for September 20 for rezoning of property from an R-1 Single Family Residential District to an I-1 Limited Industrial District, petitioned by Roe Naylor and involves the property located in the 1300 block of 10th Drive SE. Carried.

Moved by Council Member King, 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 903 7th Avenue NE, Maria Cruz Neri property. Carried.

Moved by Council Member King, 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 1207 1st Avenue NE, Richard property. Carried.

Moved by Council Member Austin, 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 712 12th Street NE, Marin property. Carried.

Moved by Council Member Austin, 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 1815 3rd Street NE, Bolinger property. Carried.

Moved by Council Member Austin, 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 607 8th Avenue NW, Thackeray property. Carried.

Moved by Council Member Austin, 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 904 13th Avenue NE, Clow property. Carried.

Moved by Council Member Austin, 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 800 10th Avenue NW, JS2 Properties, LLC property. Carried.

A change of safety consultants is being recommended by Human Resources Director Trish Wiechmann. The recommended company is the Minnesota Municipal Utilities Association, who also consults with Austin Utilities. The organization is expanding and is now working more with cities and not just utilities.

Council Member Martin said he would like this matter tabled for more discussion. He noted that this is the third safety firm since he has been on Council. He said he has asked about the snow plow incidents and related training for employees and has not received an answer; this decision involves money and other issues. City Administrator Jim Hurm said this contract is within the budget. Assistant City Engineer Steven Lang reported that 10 employees went to simulated truck-driving training in Rochester at the MnDOT office. Because of the budget cuts, employees from other departments have filled in for snow plowing. They said this was useful training.

Council Member Martin questioned the size of snow plows vs. the size of our streets. Even if it's in the budget, I know nothing about this company, he said. I was elected to make educated decisions, and this should be tabled. Council Member King disagreed, saying Council is here to govern not manage.

Council Member Pacholl said we can't blame the drivers. Our public knows our snow emergency ordinance. Cars are parking on both sides of the road.

Council Member McAlister noted that the previous company has not been meeting needs as stated in the council memo. What he would like to know is whether the amount of claims for trip-and-falls, traffic accidents, etc. are unusual for a city of our size.

Council Member Clennon agreed with Council Member Martin, saying she didn't know we had an issue with the previous safety firm and she doesn't know anything about this firm. Council Member Martin said he doesn't know what the problems were with the other company. None of us are aware of problems. Mr. Hurm said it was due to scheduling issues; sessions were being cancelled.

Council Member Pacholl questioned if there would be an increase in cost. Mr. Hurm answered that it would be within our budget. The contract would be for one year.

Council Member Martin noted this is the third time in four years we have changed companies. He said this is another example of lack of information given to council members. He noted the Curt Rude issue, the Dan Wilson issue, and the Paul Philipp case in which there was again also a lack of appropriate communication. He noted that some of the council members received phone calls about the issue, but not once did he receive a phone call until the council meeting. There was only a very short, confidential meeting. Council Member Martin said he has pushed for accountability. He said he met with the Mayor 2½ to 3 years ago to review procedures (for department head reviews), and they came up with one. This was then dropped and another procedure was developed by a department head. He disagrees with "sweeping stuff under the rug." This is what the constituents are saying constantly, he noted. At this, Mayor Stiehm said the issue is being sidetracked. These issues can be brought up at a work session. Council Member Martin made a motion to table this issue.

Council Member Austin questioned what the budgeted amount is. Mr. Dankert said it is approximately \$15,000 for the year, the rate being flexible as to amount of training he noted. Also, some training could be done with Austin Utilities so both entities would not need to pay. Council Member Austin said it appears we're getting into micromanaging.

Council Member McAlister said he does not get calls from the Mayor; he occasionally gets calls from Jim Hurm. But, he said, if have questions, I call. He stressed that he makes the effort to call and assumes the others do the same. Council Member Pacholl agreed with Council Member McAlister, noting that in the memos staff encourages Council to call them. Council Member Martin said we are supposed to be a transparent

government. I have called, he said, but get different answers at the time of the vote. The best forum is here, where it is public and televised, so citizens can see and hear – not behind closed doors, not in phone calls.

Council Member Clennon seconded the motion to table the issue. 2-5. Motion failed. Council Members McAlister, Austin, Pacholl, King and Council Member-at-Large Anderson voted nay.

Moved by Council Member Pacholl, seconded by Council Member King, to approve the contract with Minnesota Municipal Utilities Association for safety consultant services.

5-2. Carried. Voting nay: Council Members Clennon and Martin.

REPORTS

Council Member Martin said he would like to discuss the city administrator's job at a work session; he is not doing his job.

Council Member Clennon said she wanted to explain her 'no' vote for the proposed 6% tax levy. She said she has asked questions regarding the increase but didn't get any response for increases in personnel pay, personnel, and equipment purchases that hadn't been planned for. She urged everyone in Austin to contact their council members – not staff – and question why they are voting for the increase. We have until December.

Mayor Stiehm asked Mr. Dankert to respond. Mr. Dankert said the 3% increase citizens will likely see is a guess based on tax valuation and prior history. He noted the recent LELS agreement with 0% increase in wages for 2011 and that that is the goal for the other bargaining units. The budget does include all step increases. He noted that in the event the City does not receive LGA, the earmarked capital projects and vacant positions will not be filled. He added that capital outlay is the primary reason for the increase.

The Truth In Taxation public hearing is set for December 7 and Council must pass its resolution on December 20. Mayor Stiehm agreed that the levy would increase by six percent, but that doesn't mean their taxes will increase. In addition, our city is 224 out of 226 in per-capita taxation. (*Austin is actually 222 out of 224 cities in per-capita taxation.*) And we are in good shape financially.

Council Member Martin confirmed with Director of Administrative Services Tom Dankert that increases on improvement would take two years to show up on taxes. He noted that this is one of the problems that the candidates for governor are discussing. They mention the \$6 billion deficit and a projected \$2 billion more that is being spent. "I can't run my check book that way," he said. Mr. Dankert agreed that the constitutional requirement forces the State to balance its budget annually; not so with the Federal government.

Council Member King, referring to Council Member Clennon's comments, said he felt like this was part of a campaign, and it doesn't sit well with him. Our city staff has nothing but integrity, adding that he only speaks for himself. We *do* have a trustworthy, transparent government.

Mayor Stiehm attended the Annual Coalition of Greater Minnesota Cities meeting and learned more about LGA. He reported that tax rates for cities who do not receive LGA is 28%. For cities that receive LGA, tax rates are at 41%, but if there was no LGA, those cities' tax rates would raise to 64%. So this is not welfare. Of the gubernatorial candidates, Demmer does not want LGA, Dayton wants it to continue, and Horner would have it dispensed to counties who would distribute it, which may not work he said.

City Administrator Jim Hurm announced that the library is accepting books for the fall book sale scheduled for Oct 1 and 2.

Fire Chief Mickey Healey reported on the recent house fire. Firefighters were there for four hours, but the house is not a total loss and some valuables were saved. They were pleased with the service.

City Administrator Jim Hurm announced two street closings:

Main Street (2nd Avenue to 4th Avenue), and 3rd Avenue NW (Main Street to east side of alley) on September 17 for a street dance sponsored by the Main Street Project and Austin Jaycees, and

2nd Avenue NE (Main Street to 1st Street NE) on September 11 for a dedication of the Mower County Veterans Memorial and Walk of Remembrance program, and a Sept 11 Remembrance Day program.

Mayor Stiehm noted that the Police Department has been involved with some major investigations. They have been seamless, and he thanked the Police Chief. In addition, Mayor Stiehm echoed Council Member King, saying we have excellent department heads, and excellent city workers.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to September 20, 2010.

Adjourned: 6:18 pm

Approved: September 20, 2010

Mayor: _____

City Recorder: _____