

**M I N U T E S**  
**COMMITTEE-OF-THE-WHOLE WORK SESSION**  
**NOVEMBER 15, 2010**  
**City Hall Conference Room**  
**6:40 pm**

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

**ABSENT:** None.

**STAFF PRESENT:** Public Works Director Jon Erichson, Parks and Recreation Director Kim Underwood, Administrative Services Director Tom Dankert, and City Administrator Jim Hurm.

**ALSO PRESENT:** Austin Post Bulletin and Austin Daily Herald.

Mayor Stiehm opened the meeting at 6:40 pm.

**Item #1. – Repair of wind-damaged Bandshell roof.:** Mrs. Underwood noted a new rubber membrane roof was installed on the Community Bandshell back in 2001. The roof was damaged in the 2010 windstorm but the damage is below our \$25,000 insurance deductible, so if we want to repair the roof it will be 100% our cost. Mrs. Underwood did note that we have patched it for now, since any roof replacement could not occur until the springtime. Mrs. Underwood noted she has received some informal quotes and it appears we can fix the roof with a new rubber membrane for about \$15,000 (Kiker Brothers); however, this could not be done until 2011. The repair of this facility, since it is 100% our cost would come from the Property/Liability Insurance Fund in 2011. Mr. Erichson added that the shape of the roof lends itself better to a rubber membrane roof versus standard shingles.

After further discussion, motion by Council Member-at-Large Anderson, seconded by Council Member Pacholl to recommend the project, but to bring the final bids to Council in 2011 when the project is ready to be constructed. Carried 7-0. Item will be added to a council agenda in 2011.

**Item #2. – G&R Truck Wash request for adjustment of sewer charges:** Mr. Erichson updated Council as to the status of funds that are owed to the City from G&R Truck Wash for their strong waste discharges into the sewer system. Mr. Erichson stated different samples were taken based on the customer's request, and the results of those samples did not materially change the costs associated with their strong waste discharge. In 2009, Council approved a note at 8.25% interest to roll up some of their charges, but G & R Truck Wash has since paid this note off. G & R Truck Wash is now asking for another loan at a lower rate to be amortized over ten years with a balloon payment after two years. Mr. Dankert noted more than likely we will be back here in two years extending the balloon payment out, so it is his preference to just create a five-year note at the same interest rate of 8.25% as the payments would be the same as G & R Truck Wash was paying under the old note agreement.

Council Member Clennon questioned how long we allow this non-payment to go on. Mr. Erichson stated we have strong waste agreements (ICM's) with many entities in town that

discharge strong waste into the sewer system. If we continue to allow this without the agreements, then we can jeopardize our license with the MPCA as we could be exceeding the allowable limits. Mr. Erichson did state this is now the only major truck wash in town.

After further discussion, motion by Council Member Austin, seconded by Council Member King to recommend to Council the 8.25% loan over 60 months on the balance of \$122,103.21. Carried 7-0. Item will be added to the next agenda.

**Item #3. – Street lights for The Meadows:** Mr. Erichson stated a developer's agreement with The Meadows includes public infrastructure that needs to be installed, including street lights. The street lights have not yet been installed, and some of the owners do not want lights installed, while others do. We have told the developer to get them installed, but he is now requesting us wait until after their annual association meeting on December 8 so that the association can vote on the topic as a whole group. Mr. Erichson stated if we wait until after the December 8 meeting we probably won't get the lights installed this year. In fact it may be cutting it close to get them installed this year right now. Mr. Erichson noted the executive board of the association emailed him and told him they decided on installing their lights earlier in the project.

Council Member King questioned who makes the decision as to where the lights go. Mr. Erichson stated the city policy requires street lights at all intersections and at the mid point of a block if the block is a double block (roughly every 300 feet). Mr. Erichson stated we do have the signed and approved developer's agreement requiring the street lights.

After further discussion motion by Council Member King, seconded by Council Member McAlister to wait until we hear from the association after the December 8 meeting as to whether lights should be installed or not. Motion fails 4-3 (Council Members Austin, Pacholl, Clennon, Martin – Nay).

With the motion failing the streets lights will be required to be installed as originally approved by the City Council. No further action needed.

**Item #4. – Budget Adjustment #4 – Market Value State Aid loss:** Mr. Dankert noted we have not yet passed a budget adjustment to cover the unallotment of the Market Value State Aid. The original intent was that vacancies in the Police, Fire, and Street Departments plus some capital outlay reductions cover the cost, 100% of which are through the General Fund. However, Market Value Aid is allocated based on the tax levy, so if we do not pass a budget amendment we will need to short these other tax supported funds their share of the Market Value Aid loss. Instead, Mr. Dankert has proposed a budget adjustment to meet our intention, that 100% of the lost aid will come from the General Fund and will not reduce the budgets in the other funds (Library for example).

After further discussion, motion by Council Member Austin, seconded by Council Member Pacholl to approve budget amendment #4 to cover the Market Value Aid unallotment. Carried 7-0. Item will be added to the next council agenda.

**Item #5. Open discussion:** Council Member Clennon questioned when the non-union contracts (Mr. Hurm and Mr. Dankert) are going to be discussed, and whether Council should discuss these contracts. Council Member King stated they should get what everybody else gets. Mayor Stiehm offered to set up a meeting with the affected staff on the issue. Council Member Clennon

noted her objection to the car allowance and stated we should just pay them mileage based on actual documented costs. Mayor Stiehm stated we could talk about it at the next meeting if need be.

After further discussion it was requested that this be put on the next council work session.

**Item #5. Open discussion:** Council Member-at-Large Anderson questioned the status of Fox Pointe out by Wal-mart. Council Member Austin noted this has been foreclosed upon by the bank and local realtor Charlie Fawver is dealing with the property. The bank takes over December 1 and are very aware of the problems we have outstanding with this property.

**Item #5. Open discussion:** Mayor Stiehm stated we had a violation of the City's Code of Conduct at the last meeting, so we will have a discussion on this at the next work session.

**Item #6. Matters In Hand:** None.

**Adjournment:** Motion by Council Member Austin, seconded by Council Member King, to adjourn the meeting. Motion passed unanimously. Meeting was adjourned at 7:25 pm.

Respectfully submitted,

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Tom Dankert