

MINUTES
CITY COUNCIL MEETING
May 16, 2011
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Jeff Austin, Brian McAlister, Steve King, Roger Boughton, Judy Enright and Marian Clennon. Council Member-at-Large Janet Anderson.

MEMBERS ABSENT: None

STAFF PRESENT: Tom Dankert, Jon Erichson, Craig Hoium, Jeanne Howatt, David Hoversten, Mickey Healey, Kim Underwood, and Brian Krueger.

OTHERS PRESENT: Post Bulletin, Austin Daily Herald. Firefighters. Adam Rees, Rod Nordeng, and Tim Schneider, AMC. Sandy Forstner. Public.

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

Moved by Council Member Austin, seconded by Council Member King, adopting the agenda. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving the minutes of May 2, 2011. Carried.

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

Licenses:

Cab Driver: Jeffrey Hoffman, Hayfield, MN
Excavation: Herrick Irrigation, Austin
Food (Mobile): MD Pizza Empire dba Papa Murphy's, 402 1st Avenue SW, Austin
Massage Therapist: Jefferey Blake, LaCrosse, WI
Master Plumber: Randall Holtan dba K&S Heating & Plumbing, Rochester

Claims:

- a. Finance and Investment Reports
- b. Pre-list of bills.

On May 3, the City received the following bids for 4th Avenue NW storm sewer (4th Street to 5th Street). The project was listed in the CIP budget at \$30,000. Bids are as follows:

<u>Contractor</u>	<u>Amount</u>
Jensen Excavating	\$ 31,303.25
Hansen Hauling & Excavating	\$ 31,319.50
SL Contracting, Inc.	\$ 43,741.00
Blitz Construction	\$ 44,010.00

Engineer's Estimate
CIP Budget

\$31,240.00
\$ 30,000.00

Moved by Council Member Boughton, seconded by Council Member McAlister, awarding the bid to Jensen Excavating. 7-0. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member Austin, resolving the City Council into the Board of Adjustments and Appeals. Carried.

A public hearing was held for a variance from the maximum 40% lot coverage for properties located in an R-2 Multi Family Residence District, petitioned by Austin Medical Center. Community Development Director Craig Hoium said this petition and an amendment to the existing conditional land-use permit was reviewed on April 12 by the Austin City Planning Commission. The CUP was approved, and there were no appeals. The variance request relates to a planned 3-story building addition of 81,975 square feet plus off-street parking stalls in the northeast area and a drive-up area. The plan includes the demolition of three single-family dwellings. Storm water drainage is planned for the east corner and an option for another in the off-street parking area. Plans for the development have been submitted to and approved by the Engineering Department. A landscaping plan has also been developed. Mr. Hoium noted there were some concerns at the Planning Commission from neighbors to the north, and they spoke of a buffer or separation from the development. He noted that the Austin ordinances limit tree removal to 47.5%. The AMC proposal will remove 46.9% trees; however, the landscaping plan includes 82 new trees to be planted which far exceeds the amount to be removed, he noted. The plan also includes 126 new shrubs to be planted. Also, the area south of 10th Avenue NW was re-designed to add additional buffer. Also questioned at the Planning Commission was the amount of traffic. The Engineering Department conducted a study. The following counts were recorded, and they are all in compliance with MnDOT standards for a 30/40 mph zone, according to Mr. Hoium:

<u>Street</u>	<u>Actual Daily Trips</u>
1 st Drive & 3 rd Street NW	1600
12 th Avenue NW	1400
3 rd Street to bottom of hill	700

Mr. Hoium noted that the setbacks are all in compliance. Off-street parking will total 484 stalls. The variance request relates to a 3% increase in lot coverage, but, as Mr. Hoium noted, the pervious area will increase by only 0.5% and there will actually be more green space. Due to the related conditional use permit, he felt it was necessary to go through the variance process. The Planning Commission recommended approval unanimously. He noted the new legislation for variances which needs to be taken into consideration when reviewing the request.

Council Member McAlister asked for clarification on the proposed "storm tech chambers". Mr. Hoium said there are option two options here: storm water retention on hard surface or in a vault underneath.

Council Member McAlister said he had no problems with the proposed changes and, in consideration of some area landscaping, we should be concentrating on the quality of green space (rather than the quantity).

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, approving the variance. Carried.

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

A public hearing was held on Dobbins Creek sanitary sewer improvement. This property is between Gerard Academy and the Country Club. It was annexed at the end of 2010 and the property owner is subdividing it into several lots in the far northeast corner. Council is requested to approve the extension of sanitary service. This will be a low pressure trunk line which will serve the property owner's home which is in the city and three additional parcels currently outside the city. The assessments will cover the cost. The three parcels outside the city will have deferred assessments until they are annexed in.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution ordering improvement, approving plans and specifications and ordering advertisement for bids. 7-0. Carried.

Council is requested to approve city services and use of city property for Spamtown USA Freedom Fest scheduled for July 1-4. Chamber of Commerce Director Sandy Forstner said the parade will be rerouted one block west due to construction on Main Street. Mr. Forstner thanked the City Council for their necessary support. He noted the Hormel Institute events are scheduled for Saturday, July 2. There will be two nights of fireworks: July 3rd and July 4th.

Moved by Council Member Enright, seconded by Council Member King, approving city services and use of city property in connection with Spamtown USA Freedom Fest July 1-4. Carried.

The Minnesota Department of Public Safety has asked for an extension of the lease for use of Todd Park for motorcycle training.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution approving the extension of lease. 7-0. Carried.

At a previous work session, Council has recommended to use previous years' budgeting practice to prepare the 2012 budget.

Council Member Clennon objected to this process, noting that Council would not have much interaction through the department heads going through the budget line by line. She highly recommended the public call the council members if they want information.

Moved by Council Member Austin, seconded by Council Member McAlister, setting previous years' budgeting practice as the process for 2012 budget planning. 6-1. Carried. Council Member Clennon voted nay.

Moved by Council Member Austin, seconded by Council Member McAlister, adopting a resolution approving amended contract with Craig Patrick/Austin Bruins for the use of Riverside Arena. 7-0. Carried. The amendment removes the requirement of a letter of credit and asks for payment up front for 2011. Additionally, no food concessions shall be sold by the lessee unless agreed upon by the City and the current concessionaires.

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 1202 8th Avenue NW, Hazen 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 1211 9th Avenue SW, Hall property. Carried.

Moved by Council Member Boughton, 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 1010 11th Avenue SW, Johnson property. Carried.:

Moved by Austin, seconded by Council Member Enright, adopting a resolution extending the transfer station lease with Waste Management for one additional month. 7-0. Carried.

The MPCA is requesting an access agreement for investigation and corrective actions associated with a petroleum leak on property formerly owned by William Engel at 713 11th Street NE and at the former Freeborn County Coop bulk store at 617 11th Street NE.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution approving the access agreement. 7-0. Carried.

Jeff Austin, Chairman of the Fire Committee, reported on their meeting of May 5 in which City Attorney David Hoversten discussed the duties and roles of the Fire Civil Service. Council Member Austin then gave a brief history and background of the Fire Committee and why it was formed. Discussion revolved around scheduling options. He noted that Council Members King and Enright are in favor of returning to the 24-hour schedule. Council Member Austin said he is not, because we do not have all the answers. Also discussed was command structure, and this issue was tabled until the committee received more information on where we are at with the assistant position. That information with the facts and figures was obtained after the meeting, he noted. A 53-hour work week could mean substantial savings to the City.

Council Member King said he didn't need to remind Council of the importance of the process. The firefighters have been the biggest source of internal conflict for some time. He reiterated the history for the need of the Fire Committee. Now we have received the information, but he stated he believes it should be the Chief's decision. This should be cost-neutral to the City. "If this schedule brings healthier, happier employees, I don't see a downside." It also tells the department head that we support him, he noted. Several months ago, Fire Chief Healey wanted to discuss this at a work session, but Mr. Hurm said we needed to go through the process – through the Fire Committee. It could have been resolved at that time so that was offensive to me, he stated. Council Member King said he views this issue of scheduling similar to what the Police Department went through when they determined their own schedule.

Council Member Enright said she would echo Council Member King's comments. She noted she has done some research and has found that the 10/14 is a "horrible shift for your health" as you're working nights and then days. She did note that while most fire calls are during the day (70-80%), going to a day shift would cause a \$600/year increase on her property insurance rates; citizens would not like that. She contends that the 24-hour shift would help with the firefighters

being able to train together. She referred to Acting Fire Chief Dave Schlieck's report that the department was deficient and Mickey Healey has started to correct those deficiencies. It is getting back to a well run department; they have respect for each other and their co-workers.

Council Member Austin said that the department has been on this schedule for a while, and it is not the best. We have looked at a variety of schedules. He said he was not a proponent of the 10/14 or the 24/48, but that this hasn't been discussed to the degree of making a decision. As for the comment relating to health, he hasn't heard of occasions where there is an adverse affect. When the firefighters were first employed, they knew they were not getting into an 8:00-5:00, Monday-Friday position. The firefighting lifestyle is not the ideal situation, but it is a choice, he noted. Also, in light of the budget situation and potential cuts down the road, it would not be prudent to go with the 24-hour schedule. This is no offense to the Chief that he cannot run his department and we do receive recommendations, but we (Council) are authorized to set policy.

Council Member Boughton stated that over the last couple of weeks, he has received more phone calls and has had more conversations on the street than possibly any other issue. He has received two types of calls. Most are from the business community and some were from firefighters and their relatives. He noted that the business community, primarily small businesses, have said that going to the 24-hour shift would be a real detriment to them as there would be less firefighters on the full day shift when their businesses are in operation. Many businesses are doing more with less so why should the Fire Department move toward this? It would mean less work days per month. Some individuals on the street and a family member of a firefighter has called him and asked him to please let the fire chief do his job. Through all the comments, Council Member Boughton noted, all thought the fire chief was doing a good job and has the best interest of the firefighters. After taking everything into consideration, he said, "I am voting 'no'." He has read through lots of documents and researched the internet to see what other communities are doing. He does not believe we are in a good climate to make this change. It will not make the community any safer as most calls are between 11:00 am and 12:00 midnight. "I think this is a labor issue and not a safety issue," he said. He strongly believes this. With a 24-hour shift, there would be fewer firefighters available during the day so there would be less public safety training and fewer fire inspections performed, he said.

Council Member-at-Large Anderson also noted the large amount of citizen feedback on this issue. The question remains on the effects of the training schedule at Hormel or QPP with the 24-hour schedule. Would enough people be available in the daytime for this and for fire prevention training? Her other concern relates to these economic times when we're asking other departments to do more work with less compensation. She does agree that it is important to give the fire chief as much control as possible. This could have been productive to discuss in work session.

Council Member Clennon agreed with Council Members King and Enright and spoke of her brother, a firefighter, who is on a 48-hour schedule. "I understand fire department scheduling," she said. "They're different from any other department in the city." A fire department is like having an insurance policy; even if you never use it, you still have to pay for it. Council Member Clennon said Council needs to support Chief Healey. She noted that one firefighter's spouse works out of town and when she wants to see her husband, she needs to go to the station.

Council Member McAlister said he cannot vote for this change. For all practical purposes, a 24-hour schedule means three days of pay with one of those days productive. The other two days

there may be some training and a call. There is no other business, he noted, that has this kind of schedule and in which employees are hanging around and sleeping on the taxpayer's dollar. With this schedule, for every two days of vacation, they would get eight days off. "This is pretty much the same shift as in 1911, and this is 2011." We need to take a serious look at what they do. Maybe they need to look at nontraditional things to do. One of council goals this year is the green initiatives, and maybe this could be part of the fire department's duties. I can't vote for this, he reiterated. To be fair, he said, he suggested tabling this motion to give Chief Healey time to present, to allow time to read tonight's backup, and to talk again at a work session.

Moved by Council Member McAlister to table the matter and discuss at a work session. Motion seconded by Council Member-at-Large Anderson. Mayor Stiehm suggested that we allow at least a couple weeks to prepare for the next meeting.

Council Member Clennon objected, stating that she has been criticized for micromanaging and now we are micromanaging over a department head.

Council Member Austin replied that it is council's responsibility to set policy, as we did with the previous fire chief. We are not treating this issue any differently.

Referring to some of the comments made, Council Member King said this issue needs more educating and he would like to see a presentation by Chief Healey.

Council Member Clennon said she left Council Chambers because a wife of a firefighter was upset with the (10/14) schedule. "This schedule is about families," she stated.

Roll call was taken for the motion on the table. 3-4. Motion failed. Council Members Enright, Clennon, Austin and Boughton voted nay.

Council Member King motioned to allow Chief Healey to set the schedule. Motion seconded by Council Member Enright. 3-4. Motion failed. Council Members Austin, McAlister, Boughton and Council Member-at-Large Anderson voted nay.

Mayor Stiehm said this schedule could change in the future. "This vote doesn't mean it's never going to happen," he noted.

REPORTS

Council Member Clennon thanked supporters and staff members for her two-day stay at St. Mary's Hospital due to a coronary issue. Due to her stressful weekend, she announced that she would not be attending the work session tonight.

Council Member Clennon questioned Jeanne Howatt on the amount of time spent in researching for the citizens academies. Ms. Howatt replied that it was perhaps eight hours. Council Member Clennon noted that she already had information and that this was an issue of staff time being used excessively.

Council Member McAlister attended the last Library Board meeting in which they conducted usual business. The board did approve gifts to the library. Council Member McAlister noted they held the spring book sale in conjunction with the Friends of the Library last weekend.

Mayor Stiehm announced that the postal carriers picked up approximately 13,000 pounds of food for the food shelf challenge against Albert Lea. We have not heard the results from Albert Lea yet.

Mayor Stiehm also noted that he has received a message from Rand McNally and suggested citizens visit www.bestoftheroad.com. It appears that we are in the running for being one of the best small cities, he said. People need to vote by May 23.

Moved by Council Member Austin, seconded by Council Member Boughton, adjourning the meeting to June 6, 2011. Carried.

Adjourned: 6:36

Approved: June 6, 2011

Mayor: _____

City Recorder: _____