

**MINUTES**  
**COMMON COUNCIL ADJOURNED MEETING**  
**MONDAY, OCTOBER 18, 1999**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

MEMBERS PRESENT: Mayor Rietz, Council Member-at-Large Chaffee, Council Members Jorgenson, Penske, Poppe, Nordin and Lang.

MEMBERS ABSENT: None

OTHERS PRESENT: News Media. Public. Linnea Burtch. Penny Nolta. Mark Preger. Walt Hartman. Scott Richardson. Kathy Gerlach.

Added to the agenda: 1) Appointing Council Member Penske to the HRA Board 2) A resolution declaring costs for street improvement on 19<sup>th</sup> Street, and 3) A resolution declaring costs for water construction in Austin Acres. Removed from the agenda: A resolution approving and authorizing the purchase of the Historic Paramount Atmospheric Theatre.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Poppe, approving the agenda. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, approving the minutes of October 4, 1999. Carried.

Linnea Burtch, resident of Oak Park Mobile Home Park, spoke to Council regarding several issues at the mobile home park including the proposed City ordinance allowing mobile homes to be placed 10 feet apart. Ms. Burtch also talked about an underground pipe leak which poses an electric fire hazard. Planning and Zoning Administrator Craig Hoiium said that the Ordinance Committee has drafted an ordinance on the spacing issue, but the item has been tabled for more research – what State requirements are and what other cities' restrictions are. City Engineer Jon Erichson said underground pipes are the responsibility of the Austin Utilities up to a master meter; beyond that point, it is a private responsibility. Mr. Erichson will investigate to see if the broken pipes are private.

Mark Pregler, resident of Oak Park Mobile Home Park, spoke to Council also regarding issues at the mobile home park. Mr. Pregler said that according to the County Recorder, there has been no recorded change of ownership. Mr. Pregler said the residents have been dealing with the Attorney General regarding an illegal lease. Members have received a new lease which is almost an exact replica. Mr. Pregler reported on the nine new homes (including double wides) which have no permits. The residents' cooperative has unanimously voted for legal recourse, which may include naming the City of Austin. City

Attorney David Hoversten said in large part, the issues brought up by Mr. Pregler involve private rights with regard to contractual terms and conditions of which the City has no authority. The tenants may contest their rights under State law. Mr. Hoversten stated he could give no opinion regarding violation of an ordinance due to not enough information. Planning and Zoning Administrator Craig Hoium said the owners of the park have applied for permits; five are in compliance and four have not been approved due to minimum spacing requirements. Ordinance Committee has reviewed and will research the matter before the next Ordinance Committee meeting.

Penny Nolta spoke to Council regarding illegal aliens and the lack of affordable housing. Ms. Nolta reported six or more families living in one home. Mayor Rietz said Council is working on the need for housing.

Moved by Council Member Poppe, seconded by Council Member Jorgenson to approve the consent agenda as follows:

Licenses:

Food: Jeff Polis dba Quizno's Classic Subs, 1702 17<sup>th</sup> Street NW, #H  
Hotel Transfer: Renata Konopka, Countryside Inn – Rodeway Inn, 3303 W. Oakland Ave.

Claims:

- (a) Financial and Investment Reports.
- (b) Pre-list of Bills.

Carried.

Public hearing was held for approving a preliminary plat to be known as Southgate 5<sup>th</sup> Addition. Planning and Zoning Administrator Craig Hoium stated that 33 residential lots are planned. Ten of the lots will be twin homes similar to those on 16<sup>th</sup> Avenue which would require conditional use permits. 23 lots would be single family residences. Planning Commission recommended approval (5-0) on condition of 15 items to be resolved before the final plat approval.

Moved by Council Member Penske, seconded by Council Member Poppe, approving the preliminary plat. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, to adjourn the Common Council into the Board of Appeals and Adjustments. Carried.

Public hearing held for a variance from City Code governing the minimum rear yard setback in an "R-1" Single Family Residence District requested by Kathryn and Carl Gerlach, 701 5<sup>th</sup> Avenue SW. Planning and Zoning Administrator Craig Hoium stated that the proposed structure would exceed the rear yard setback requirement of 20 feet. The structure to be

built will be for storage space for vehicles. Mr. Hoium received notification of a property owner who thought the structure would provide a barrier to the adjacent property owner. Planning Commission approved the variance (6-0). Attorney Scott Richardson spoke for the adjacent owner, L. Stehlik, saying that the structure would be one long wall. Council Member Poppe asked if the request could be denied if the lot coverage was within legal limits. Kathy Gerlach stated that the Gerlachs had communicated with neighbors regarding this addition, and it was okay with them. Mrs. Gerlach also stated that the objecting neighbor sees bushes along the property.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the variance. Carried.

Moved by Council Member, seconded by Council Member, for the Board of Adjustment and Appeals to resolve itself back into a Common Council. Carried.

Public hearing held regarding the proposed modification of Municipal Development District No. 1, Development Program relating thereto and establishment of Tax Increment District No. 9 and Financing Plan relating thereto. Walt Hartman, TIF manager, spoke to Council saying this modification is a "second shot" at a TIF plan which was approved by Council in April (Palleton). The property to be developed is an old, abandoned railroad and the company, Austin Transportation, is in need of expansion. Mr. Hartman said this request goes along with the Housing Authority's application for a grant to fix the soil problem on the property. Council Member Lang stated his approval of the plan stating that it meant cleaning up property back to its original condition and the additional job creation. City Administrator Pat McGarvey read a letter from Commissioner Len Miller in opposition to this TIF plan. Dick Pacholl, 815 10<sup>th</sup> Avenue SW, asked if another blight would be created if Austin Transportation would abandon their current building. Mr. Hoium stated that one of the two buildings owned by Austin Transportation was found to be substandard and had been torn down. Council Member Lang reminded Mr. Pacholl that the Austin Transportation building would be a private matter.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting the aforesaid resolution. 6-0. Carried.

City Engineer Jon Erichson presented resolutions declaring the costs of proposed assessments. Public hearing will be held November 15 for the proposed assessments with informational meetings to be held prior to the hearings.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution declaring costs to be assessed for street improvement on 4<sup>th</sup> Avenue NE (Ellis Middle School to TH 218), Project 1-A-99. Total cost of the project is \$749,565.64. Portion to be paid by the city is \$564,504.62, and the portion to be assessed against the benefited property owners is \$175,061.02. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adopting a resolution declaring costs to be assessed for street improvement on 1<sup>st</sup> Drive NW (8<sup>th</sup> Place NW to N. Main Street), Project 2-A-99. Total cost of the project is \$331,171.60. Portion to be paid by the city is \$267,394.72, and the portion to be assessed against the benefited property owners is \$63,776.88. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adopting a resolution declaring costs to be assessed for street improvement on 3<sup>rd</sup> Avenue SW (12<sup>th</sup> Street SW to 15<sup>th</sup> Street SW), Project 4-A-99. Total cost of the project is \$112,474.96. Portion to be paid by the city is \$59,412.40, and the portion to be assessed against the benefited property owners is \$53,062.56. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adopting a resolution declaring costs to be assessed for street improvement on 19<sup>th</sup> Street SW (Oakland to 8<sup>th</sup> Avenue), Project 3-A-99. Total cost of the project is \$227,020.85. Portion to be paid by the city is \$124,051.75, and the portion to be assessed against the benefited property owners is \$102,969.10. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adopting a resolution declaring costs to be assessed for water construction in Austin Acres, Project 1-B-99. Total cost of the project is \$84,254.50. Portion to be paid by the city is \$10,093.62, and the portion to be assessed against the benefited property owners is \$75,160.88. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution declaring costs to be assessed for sanitary sewer construction in Austin Acres, Project 1-B-99. Total cost of the project is \$167,259.68. Portion to be paid by the city is \$0, and the portion to be assessed against the benefited property owners is \$167,259.68. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adopting a resolution declaring costs to be assessed for street lighting on N. Main Street, Project 1-C-98. Total cost of the project is \$90,944.29. Portion to be paid by the city is \$45,481.05, and the portion to be assessed against the benefited property owners is \$45,463.24. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adopting a resolution declaring costs to be assessed for sidewalk repair in various parts of Austin, Project 4-C-99. Total cost of the project is \$12,292.88. Portion to be paid by the city is \$0, and the portion to be assessed against the benefited property owners is \$12,292.88. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Penske, adopting a resolution calling a hearing on the proposed assessments for Monday, November 15, 1999 at 5:30 p.m. for the following:

Project Nos. 1-A-99, 2-A-99, 3-A-99, 4-A-99, 1-B-99 Sanitary Sewer, 1-B-99 Water, 1-C-98, 4-C-99, 1987 Sanitary Sewer, 1987 Water, 1989 Sanitary Sewer, 1989 Water, 1990 Sanitary Sewer, 1990 Water, 1993 Sanitary Sewer, 1993 Water, 1995 Sanitary Sewer, 1995 Water, 1996 Sanitary Sewer, 1996 Water, 1997 Sanitary Sewer and Services, 1998 Snow Removal. 6-0. Carried.

The Report of Commissioners was received in connection with a vacation of street right-of-way in Kenwood Park Place Addition. No action taken. This item will lay over to the next council meeting.

Moved by Council Member Poppe, seconded by Council Member Nordin, approving the Mayor's appointment of James Sheehan to the Library Board. Carried.

Moved by Council Member Penske, seconded by Council Member Jorgenson, to set a public hearing for Monday, November 15, 1999 to consider the proposed transfer of control of the cable television franchise from Bresnan Telecommunications Company, LLC to Charter Communications Holding Company, LLC. Carried.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, authorizing the replacement process to begin for Mindy Deadrick, Laboratory Technician, at the Wastewater Treatment Plant. Carried.

Moved by Council Member Penske, seconded by Council Member Jorgenson, appointing the Mayor for an interim appointment to the Council Fire Committee. 6-0. Carried.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution of support for the November 2, 1999 Austin School District Referendum. 6-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, approving the appointment of Council Member Penske to the Housing and Redevelopment Authority Board. 5-0. Carried. Council Member Penske abstaining.

Reports:

HRA: HRA Board has given approval to its Director to purchase property for Phase II.

Ordinance Committee meeting set for 3:30 p.m. on Wednesday, October 27.

Finance Committee meeting set for 3:00 p.m. on Monday, October 25.

A Special Council Meeting is set for 4:00 p.m. on Monday, October 25 to discuss the Paramount.

Interviews for First Ward council member to follow the Council's Special Meeting on Monday, October 25.

A Town Meeting on our changing community, hosted by the Human Rights Commission and the League of Women Voters and facilitated by Dan Conradt will be held 7:00 – 8:30 p.m. on October 25 at the Senior Citizens Center.

CVB: Lodging Tax for August was up 26%.

Bike Committee meeting set for November 8 at 5:00 p.m. in the conference room.

Council Member Nordin expressed a need for a park in the southwest/Southgate area.

Council Member-at-Large Chaffee thanked employees who attended the Employee Breakfast. Mr. Chaffee also noted that there is 1.7% unemployment in Mower County.

Park and Rec Director Denny Maschka reported good information and ideas were gained from the trip to the Cities to tour community centers.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Penske to adjourn. Carried.

Adjourned: 6:57 p.m.

Approved: \_\_\_\_\_

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

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