

MINUTES
COMMON COUNCIL ADJOURNED MEETING
FEBRUARY 22, 2000
5:30 P.M.
COUNCIL CHAMBERS

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

MEMBERS ABSENT: Council Member Fedson

OTHERS PRESENT: News Media. David Wellstone, Larry Bunker. Mary Giese, Len Schulke, Jeanne Sheehan and students from Southgate Elementary. Gregg Johnson.

Added to the agenda: Resolution amending the 1999 operating budgets of the general fund and building fund; and Resolution amending the 2000 operating budgets of the general fund and library fund.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Boughton, adopting the agenda. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, approving the minutes of February 7, 2000. Carried.

Jeanne Sheehan, Director of the Convention and Visitors Bureau and Mary Giese, Principal of Southgate and Southgate students presented a framed print of "Picture Perfect", a student picture project which will be used by the Convention and Visitors Bureau in promotional and marketing efforts.

Moved by Council Member Poppe, seconded by Council Member Nordin, approving the consent agenda as follows. Carried.

Licenses:

Concrete: Steve Race, 715 12th Ave. SE

Gary Granle, 421 N. Main

Quality Builders, 202 16th Street SE

Hotel/Motel: Austin Super 8 Motel, 1401 14th Street NW

Food: Domino's Pizza, 106 South Main

Kay Sea Club, PO Box 532

Excavation: R.W. Johnson, 2208 4th St. NW

Master Plumber: Fairmont Plumbing & Heating, 819 E. 1st Street, Fairmont, MN

Gerald Mullenbach dba Harris Companies, 909 Montreal Circle, St. Paul, MN

Jim & Dudes, 724 West Clark, Albert Lea, MN 56007
Albert Lea Mechanical, PO Box 1145, Albert Lea, MN 56007

3.2 Beer: Great Dragon, 229 N. Main

Tree Removal: Albert Lea Tree Service, RR #2, Box 291, Albert Lea, MN 56007

Sign: Nesper Sign Co., 4620 J. St. SW, Cedar Rapids, IA 52404

Massage Therapist: Rebecca R. Freerksen, @ Bollingberg Chiropractic, 704 W. Oakland

Claims:

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

A public hearing was held on the rezoning of property owned by Gregg Johnson at 910 4th Street NW from an "R-2" Multi-Family Residential District to a "B-1" Neighborhood Business Residence District. This action is necessary to reclassify his property as a conforming land use which would enable him to acquire a portion of the vacated right-of-way of 1st Drive NW located adjacent to his property. The property is surrounded by R-2 Districts and a B-1 which serves as a parking area directly north of it. With the proposed expansion of this site, the eliminated parking stalls will be replaced. The plan does fall in line with the City's Comprehensive Plan. Planning Commission voted 8-0 in favor. Council Member-at-Large Chaffee stated that Planning and Zoning Administrator Craig Hoiium has done an excellent job in this project. Chaffee further stated that Mr. Johnson's relationship with surrounding neighbors is good.

Council Member Lang questioned the possibility of another business moving in if the A&W were to move. Mr. Hoiium stated that the B-1 Neighborhood Business District is restrictive because of the traffic that is already there; the B-2 classification was put into place to accommodate surrounding neighbors. Mr. Lang said other businesses have been denied for the same reason.

Moved by Council Member Poppe, seconded by Council Member Nordin, for the City Attorney to prepare the ordinance. Carried. 5-1

Moved by Council Member Poppe, seconded by Council Member Nordin, to move the ordinance to the first reading. Carried. 5-1

Moved by Council Member Poppe, seconded by Council Member Nordin, for adoption of the first reading. 5-1. Carried. Council Member Lang voting nay.

Moved by Council Member Poppe, seconded by Council Member Nordin, to move the ordinance to the second reading. 5-1 Council Member Lang voting nay.

Moved by Council Member Poppe, seconded by Council Member Nordin, to move the ordinance to the third and final reading. Carried. 5-1.

Moved by Council Member Poppe, seconded by Council Member Nordin, for adoption and publication of the ordinance. 5-1. Council Member Lang voting nay.

Moved by Council Member Poppe, seconded by Council Member Nordin, adopting the resolution approving the Findings of Fact in the matter of the rezoning of property of Gregg Johnson, 910 4th Street NW. 5-1. Council Member Lang voting nay.

Moved by Council Member Jorgenson, seconded by Council Member Boughton, to adjourn the Common Council into a Board of Adjustment and Appeals. Carried.

Public hearing was held on request from Teresa Earl, 1209 4th Street NW, for a 12'-9" variance from City Code governing the minimum 20-foot sideyard setback from a residential district. The petitioner has a tentative agreement to lease this property for which a restaurant/catering business would occupy this site. The property meets with off-street parking requirements. The petitioner was given the option of requesting a variance or a non-conforming use. The Planning Commission has recommended approval by a vote of 8-0. Council Member Lang questioned the idea of adding businesses to the area. Council Member-at-Large Chaffee stated that a business already existed at the site. Planning and Zoning Administrator Craig Hoium stated that one citizen at the Planning Commission questioned the parking situation.

Moved by Council Member Jorgenson, seconded by Council Member-at-Large Chaffee, to approve the variance. 5-1. Carried. Council Member Lang voted nay.

A public hearing was held on request from Hormel Foods Corp., 1 Hormel Place, for a 9% variance from City Code governing the minimum 20% open area requirement for property within a "B-2" Community Business District. Currently, the property has about 4% greenspace.

Moved by Council Member Nordin, seconded by Council Member-at-Large Chaffee, approving the variance request. Carried.

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

Jerry McCarthy has recently resigned from the Austin/Mower County Homeownership Board and has recommended Tom Tylutki as his replacement.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, approving the appointment of Tom Tylutki to the Board. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Boughton, approving the temporary street closing on March 22 through March 26 in connection with the Austin Home & Vacation Show. Carried.

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

Moved by Council Member Lang, seconded by Council Member Boughton, adopting a resolution setting a hearing for March 20, 2000 on the proposed street improvement assessment for the disputed properties adjourned to a later hearing – Project 1-A-99, 4th Avenue NE. 6-0. Carried.

City Engineer Jon Erichson presented a request by Sterling Shopping Center for a permit for a portion of 1st Avenue SW to be used for a drive-up. The property owner would be responsible for all street and sidewalk reconstruction costs associated with the project, all signage, all snow removal and would construct an accessible sidewalk through the area of the drive-up. The City of Austin would be responsible for the relocation of the storm sewer system. These costs could be funded from the revenues the City receives from the vacation.

Moved by Council Member Lang, seconded by Council Member Jorgenson, adopting a resolution approving granting a permit to Astrup's for the use of a portion of 1st Avenue SW for a drive-up. 6-0. Carried.

City Engineer Jon Erichson presented a proposal from Orion Reimbursement Services for costs associated in the removal and upgrading of two underground fuel storage tank sites. The two underground tanks at the airport and at the Central Garage were found to be contaminated. Costs can be reimbursed back to the City from the Minnesota Petro Fund. Orion Reimbursement Services will determine costs and fill out all documentation. Their fee is 10% of the reimbursement; thus, if no reimbursement, no cost.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving the proposal from Orion Reimbursement Services. Carried.

Planning and Zoning Administrator Craig Hoiium presented a request of Alvina and Gary LeTendre for annexation of their property south of the Lone Oak Addition. The LeTendre's are requesting annexation due to problems with their private septic system.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a joint resolution for annexation for Alvina and Gary LeTendre. 6-0. Carried.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, adopting a resolution approving the orderly annexation of Alvina and Gary LeTendre. 6-0. Carried.

Planning and Zoning Administrator Craig Hoiium presented a joint resolution for annexation for David and Patricia Morse. The proposed development of this property would consist of a single-family residential subdivision that would include approximately 130 residential lots. Mr. Hoiium said the developer presented three different conceptual plans. Mr. Hoiium also reminded Council of the available workforce needed for Austin and with that workforce, Austin should provide a wide range of housing. Council Member Poppe

questioned the effect on the Nature Center and its wildlife. Mr. Hoiium reminded the Council and audience that prior to the development proceeding, three public hearings would be needed for plat approval. With the plat approval, conditions required by the City would need to be met which would include an environmental impact study. Municipal improvements would need to be made. Mr. Hoiium also confirmed that soil samples, water table level and bedrock would be studied. Council Member Lang expressed his concern for the surrounding property owners with their concerns of increased traffic, a buffer to the Nature Center and current water problems. Mr. Lang also stated that the plat plan was attractive and 100% better than he had seen previously. He stated that the City needed to move on and be positive with development and the City tax base. Mr. Lang mentioned the quality of the houses that would be developed and also said he would like to see an environmental impact study done.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a joint resolution for annexation of David and Patricia Morse. 6-0. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving the orderly annexation requested by David and Patricia Morse. 6-0. Carried.

Council Member-at-Large Chaffee reminded everyone that there would be more hearings and sensitivity to the Nature Center and surrounding neighbors must be considered. Mr. Chaffee also said that the proper steps were being taken.

A neighborhood meeting on the proposed development is planned for Thursday, Feb. 24 at the Ruby Rupner Auditorium.

David Wellstone, developer of the project, said 134 lots are planned with 6 acres of greenspace. Mr. Wellstone said that the houses range from \$100,000 and up. The developer is looking to have a mix of prices for the houses. Council Member Nordin asked if the plan could be changed to not have driveways come straight off of 21st Street NE. The developer said that that could be changed.

Hormel Foods has requested an off-street parking appeal design from the required 26 feet width to 25 feet. This request is necessary to provide the minimum number of off-street parking stalls with the redevelopment of this site. The Planning Commission voted approval 7-0, with one commissioner abstaining.

Moved by Council Member Nordin, seconded by Council Member Poppe, approving the off-street parking appeal. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Lang, for the Common Council to adjourn into a Sign Board of Appeals. Carried.

Planning and Zoning Administrator Craig Hoiium presented a request by HyVee Food Stores for a sign appeal to erect a canopy fascia sign on the exterior which does not face a public right-of-way. The Planning Commission has approved the appeal in a 8-0 vote.

Moved by Council Member Jorgenson, seconded by Council Member Boughton, approving the sign appeal. Carried.

Motion by Council Member Jorgenson, seconded by Council Member Nordin, to resolve the Sign Board of Appeals back into a Common Council. Carried.

Planning and Zoning Administrator Craig Hoiium presented approval of the plat of Oak Park Mall 4th Subdivision. On November 1, 1999, the City Council approved Resolution No. 11480 exempting the Austin Development Co. from subdivision regulation and requirements for the realignment of property boundaries in the plat known as Oak Park Mall 4th Subdivision.

Moved by Council Member Jorgenson, seconded by Council Member-at-Large Chaffee, adopting a resolution accepting the plat to be known as Oak Park Mall 4th Subdivision. 5-1. Carried. Council Member Lang voting nay.

Finance Director Tom Dankert presented budget adjustments for the 1999 financial statements. The Contingency Fund will be reduced by \$100,000 and transferred to the building fund. Another \$630,000 from the General Fund will be transferred to the Building Fund for the future Riverside Arena renovation into the Austin Area Activity Center.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, adopting a resolution amending the 1999 operating budgets of the General Fund and Building Fund.

Finance Director Tom Dankert received requests from the Finance Department, Park and Rec, Planning and Zoning and Police department heads to carry over funds budgeted to be spent in 1999 but were never actually spent. Also the Library has asked to approve a change in line items.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, adopting a resolution approving the carryover items. 6-0. Carried.

DCA's Annual Meeting will be March 15 at the Ackerman Building in Brownsdale.

Finance Meeting set for Wednesday, March 1 at 4:30 p.m.

A 4th Street NW traffic study meeting is scheduled for Thursday, Feb. 24 at 6:30.

Mayor Rietz wished the girls hockey team well on their trip to state competition.

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

Adjourned: 6:40 pm

Approved: _____ March 6, 2000 _____

Mayor: _____

City Recorder: _____