

MINUTES
COMMON COUNCIL ADJOURNED MEETING
JUNE 19, 2000
5:30 P.M.
COUNCIL CHAMBERS

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

MEMBERS ABSENT: None.

OTHERS PRESENT: News Media. Public. Bob Helmers and Glen Thaiszen. Tom Dunlap.

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

Moved by Council Member Lang, seconded by Council Member Nordin, approving the minutes of June 5, 2000. Carried.

Director of HRA Kermit Mahan was recognized for having received the Allan Anderson Award by the Minnesota Chapter of the National Organization of Housing and Redevelopment Officials (NAHRO). Mr. Mahan was also recognized for participation in the Mower County Mentorship Program. This program is aimed at children in trouble at school, home or in the community. Vern Lippert received an award of merit and years of service with the HRA.

Moved by Council Member Boughton, seconded by Council Member Lang, approving the consent agenda as follows. Carried.

Licenses:

Master Plumber: Fred Muralt dba Budget Plumbing Corp., 5119 Hanson Ct.,
Crystal, MN

Food: Staples, 1702B 17th Street NW

Temporary food: Unity Chapter #29 Order of Eastern Star for Crazy Days and
Customer Appreciation Days, July 20 & 21, October

Temporary beer: Austin Jaycees, PO Box 64 on July 3 & 4

Creek Club, PO Box 236, Rose Creek, @ the fairgrounds, Sept. 16 & 17

Claims:

Pre-list of bills.

Finance Report and Investments

Tanya Hays, 509 7th Avenue SE, referred to the City Attorney to protect the City's interest.

A public hearing was held for a rezone request for property owned by Robert and Sheila Helmers, 1501 & 1503 8th Avenue NW, from an "R-2" Multi Family Residential District to a "B-2" Community Business District. The requested property to be rezoned is the location of Kar Korner at the intersection of 8th Avenue and 14th Street NW. The property is surrounded mostly by R-2 districts. In 1989, a public hearing was held to change the non-conforming use to a used car lot. In December of 1998, a public hearing was held to request rezoning and the request was denied. On June 13, 2000, the Planning Commission denied a similar request for rezoning on a (8-0) vote.

Robert Helmers spoke to Council saying he believes he is not being treated the same as other business owners citing similar situations for which rezoning has been granted at Medgaarden's Southwest Auto Sales at 16th Avenue and 12th Street SW, parking expansion at the American Legion and Reed's Convenience Store at 4th Avenue and 10th Street NE. Indicating that rezoning decisions are difficult to make, Council Member Lang supported Helmers request as he has cleaned up the area and is willing to work with the neighbors. Council Member Fedson also supported the request and made a motion, seconded by Council Member Lang to continue the hearing.

Council Member-at-Large Chaffee said that this is a unique situation; Mr. Helmers has previously gone before both the Planning Commission and City Council, been denied a rezoning to B-2, and still he blacktopped property to expand his business. Mr. Chaffee said the City Council should follow the recommendation of the Planning Commission to deny the rezoning to B-2. Council Member Lang reminded everyone that the Planning Commission is appointed, the City Council is elected by the people.

City Attorney David Hoversten stated that if the hearing is continued, the decision of the Council must occur within 60 days of the date Mr. Helmers filed his application which was May 24, 2000. Council Member Lang stated that, as head of the Ordinance Committee, he would like to see the matter go to the committee. The motion to continue the hearing was denied by a vote of 4-3. The public hearing continued.

Glenn Thaissen, 1502 7th Avenue NW, said except for Kar Korner, the neighborhood is residential, peaceful, quiet and has a park-like setting. Mr. Thaissen restated that previously the Council and Planning Commission has refused further commercial expansion in the area including Elsa Wilkie who wanted to run a photo studio from her home. Mr. Helmers restated that he believes he is not being treated equally and stated again the rezoning allowed with Reed's Convenience Store, Medgaarden's Southwest Auto Sales and A&W. Mr. Helmers stated his desire that the Council table the matter so that the Council could reexamine other properties which have been granted rezoning to commercial. Council Member-at-Large Chaffee restated that each situation is unique and reminded everyone that

Mr. Helmers did a blacktop contrary to the past decision of the Planning Commission and the City Council.

Moved by Council Member Lang, seconded by Council Member Fedson, for the City Attorney to prepare the ordinance to rezone the property from an "R-2" Multi Family Residential District to a "B-2" Community Business District. Roll call was taken. Ayes, Council Members Lang and Fedson voting aye. Council Members Jorgenson, Boughton, Poppe, Nordin and Council Member-at-Large Chaffee voting nay. The rezoning request is denied.

Moved by Council Member Chaffee, seconded by Council Member Jorgenson, to adopt a resolution approving Findings of Fact denying the rezoning request for property petitioned to be rezoned by Robert and Sheila Helmers located at 1501 and 1503 8th Avenue NW. Carried. 5-2. Council Members Fedson and Lang voting nay.

A public hearing was opened on the application of the City of Austin to the Minnesota Department of Trade and Economic Development for \$150,000 from the Minnesota Investment Fund to loan to the Cooperative Response Center, Inc. for partial funding/financing for their new headquarters office building to be built on Lot 1, Block 1, Burbank Addition. City Administrator Pat McGarvey stated this is a loan-grant request from the State from the Minnesota Investment Fund. If granted, the City is allowed to retain \$100,000 to go into the City's Fund 63 to support similar future projects when the \$150,000 loan is repaid by C.R.C. to the City. One-third of the grant (\$50,000) would be returned to the State of Minnesota. The interest rate on the \$150,000 loan to the C.R.C. is 2% for 15 years. The company would build a new facility and fulfill its jobs goal of retaining its 50 employees plus adding 25 full-time equivalent positions by the year 2003. If the job goals are not attained, the CRC will pay a higher interest as penalty. If the company should leave Austin within 5 years, the outstanding principal loaned to the CRC would immediately come due.

City Attorney David Hoversten stated that this resolution is merely for submission of the application. The actual loan approval by the City Council would occur at a later date. Council Member Lang stated that the \$150,000 loan/\$100,000 the City would retain is by no means free with free infrastructure and free roads being put in. There was no person in the audience wishing to speak on this matter.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Boughton, to adopt on behalf of the C.R.C., Inc. a resolution approving the application to Mn DTED for \$150,000 loan-grant from the Minnesota Investment Fund. 6-1. Carried. Council Member Lang voting nay.

The public hearing was opened on the Business Subsidy Agreement/Contract for Private Redevelopment with the CRC, Inc. The City Administrator stated that the C.R.C. officials have requested the hearing to be continued to the July 5th meeting to give the CRC's attorneys additional time to review the contract. Moved by Council Member-at-Large

Chaffee, seconded by Council Member Boughton to continue the public hearing to July 5th, 2000 council meeting. Carried.

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

A public hearing was held for a variance request from Thomas and Jeanine Dunlap, 2200 12th Avenue SW, for a 680-square-foot variance from City Code limiting accessory structures to 1000 square feet. The Dunlaps are proposing to build a 28 x 28 foot detached garage. Community Development Director Craig Hoium received a couple calls regarding the variance request. These callers asked what the variance request was for and stated that they desired that the use for the accessory structure be limited to storage of recreational vehicles. The Planning Commission voted unanimously approving the request with the condition that the structure be used for storage purposes only. Council Member-at-Large Chaffee noted that he attended the Planning Commission and heard the Dunlaps agree to follow the recommendation of the Planning Commission. Mr. Hoium also stated that with the additional building, 4.5% of the lot would be covered; City ordinance allows a maximum of 40%. Mr. Dunlap stated that he would be storing a boat, snowmobiles and trailers, and an older car. Moved by Council Member Boughton, seconded by Council Member Nordin, approving the variance request. Carried.

Community Development Director Craig Hoium presented an agreement for the Oakland Park expansion after receiving an okay from the Council on June 5th regarding expansion. The Agreement, outlining who is responsible for what, contains a storm drainage control system plan and a proposed park expansion. Moved by Council Member Poppe, seconded by Council Member Boughton, adopting a resolution approving the Development Agreement. 7-0. Carried.

City Engineer Jon Erichson presented a Development Agreement with Mower County, Austin Utilities, Freeborn Mower Electric Co-op, Austin Township and the City of Austin for public improvements to be made by Mower County and Austin Utilities in the Dinsmoor Acres Subdivision. Mower County will be the lead agency for the project. The County has taken bids and are conducting a public hearing for this project. The Agreement outlines responsibilities of each party; most of the project's responsibilities will be with the County. Council Member Fedson stated that he and Council Member Jorgenson were at the last County Board meeting in which this item was discussed and concurred that the project costs the City minimum participation. Last week the County took bids on the project and bids came in around 20% over the estimation. Council Member Poppe encouraged all to attend the County Board meeting at the Courthouse starting at 7:00 that evening. Moved by Council Member Fedson, seconded by Council Member Nordin, adopting a resolution approving the Development Agreement. 7-0. Carried.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, adopting a resolution setting a hearing for July 17, 2000 on the proposed street improvement

assessment for one disputed property adjourned to a later hearing – Project 1-A-99, 4th Avenue SE. 7-0. Carried.

The Spamtown Festival Director outlined several requests including street closings as in years past relating to the Spamtown Festival. Moved by Council Member Jorgenson, seconded by Council Member Fedson, approving the requests. Carried.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, adopting a resolution authorizing the mayor to sign Form HUD 52835 Local Government Statement for the Comprehensive Grant Program. 7-0. Carried.

Al and Karlene Moyette, 2003 18th Avenue SW, have petitioned for annexation to obtain municipal utilities. Moved by Council Member Poppe, seconded by Council Member Boughton, adopting a resolution approving the annexation. 7-0. Carried.

Community Development Director Craig Hoium asked Council for approval in the abatement of unlicensed/inoperable vehicles located at the property of Eloise Williamette, 1201 10th Avenue SW. The property owner has been notified various times and has not resolved the matter. Moved by Council Member Poppe, seconded by Council Member Nordin, for approval. Carried.

The City received one bid from Ulland Brothers for project 11-A-00 street improvements in the amount of \$247,165.06. The original feasibility report was approximately \$434,000. Costs for the submitted bid do not include approximately \$170,000 for utilities – gas, electricity, light. With the utilities, costs should run approximately \$417,000, which is still under the feasibility study. The bid acceptance will be contingent upon the approval of the Business Subsidy Agreement and the Port Authority's sale of the property. Construction could begin early July. Moved by Council Member Jorgenson, seconded by Council Member Fedson, adopting a resolution awarding the bid to Ulland Bros. 6-1. Carried. Council Member Lang voting nay.

Reports:

Discussion held on noise ordinance and loud vehicles on South Main. Police Chief Paul Philipp said something can be done with this problem only if a particular vehicle has a pattern of repeatedly driving on a street at a certain time and then a car or driver identification can be made by an officer at the scene.

HRA: Council Member-at-Large Chaffee reported that the Courtyard II site is coming along well. Soil conditions are excellent.

A Finance/Personnel meeting will be held Tuesday, June 20 at 4:30.

No bike committee meeting scheduled. A feasibility report for the bike paths will be made at the July 5th council meeting.

Council Member Boughton reported that the Library Board will be meeting with the County Board to resolve the bookmobile issue.

The June 21st Port Authority is cancelled and will be rescheduled to a later date.

Council Member-at-Large Chaffee asked all citizens to trim their hedges at intersections to avoid blind spots.

Park and Rec Board will meet on July 6th. The Board will be discussing Marcusen Park at that time.

Community Development Director Craig Hoium reminded citizens to hire licensed and bonded contractors.

The Planning Commission has reviewed the Draft Comprehensive Plan. The Council will meet at 5:30 p.m. on Monday, June 26, 2000 to review the Plan.

Moved by Council Member Nordin, seconded by Council Member-at-Large Chaffee, adjourning the meeting.

Adjourned: 6:58 p.m.

Approved: June 19, 2000

Mayor: _____

City Recorder: _____