

MINUTES
COMMON COUNCIL ADJOURNED MEETING
MONDAY, SEPTEMBER 18, 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. Minako Kanai, Rotary Exchange Student and Superintendent Jim Hess. Bob Thistle, Springsted. Linnea Burtch. Francis Skinness. Steven Carroll. John Drees.

Three additions added to the agenda: a resolution approving the Certification of Minutes Relating to \$775,000 General Obligation Tax Increment Bonds, Series 2000A; a resolution approving the use of funds from the City's Commercial Rehabilitation Loan Program for tuck pointing the old Wold Drugstore building; and a motion approving a stop sign at 6th Street and 12th Avenue SW.

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

One change made to the minutes of September 5, 2000: "Lang recalled fires in 1979 when the department was all full-time and there was no loss of life." To "Lang recalled fires in 1979 when the department was all full-time and there was some loss of life."

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving the minutes of September 5, 2000. Carried.

Superintendent of Schools Jim Hess introduced the Rotary Exchange Student Minako Kanai from Japan. The Hess' are the host family for her first 3-4 months in Austin.

Linnea Burtch, 716 37th Street SW, asked how the owners of the Oakland Trailer Park could operate without a license. Ms. Burtch also stated that the storm shelter is still not completed at the park. Community Development Director Craig Hoium said the trailer park is licensed with the Health Department; the local office is in Rochester. Concerning the storm shelter, Mr. Hoium said that in the Developer's Agreement on the trailer park expansion, it is stated that the expansion can not be occupied until the storm shelter is completed. Mr. Hoium explained that there has been a delay in the storm shelter due to a delay in the arrival of some precast wall sections. Mr. Hoium noted that the delay could also be related to some

concrete walls that were mistakenly formed by the contractors, and the possibility of the roof being torn down.

Francis Skinness, 2001 11th Avenue NE, spoke to Council concerning the old Bud and Bob's store. Mr. Skinness stated that the old store is an eyesore and not a safe place. He specifically referred to a walk-in freezer with a door that has been left wide open. Mr. Skinness said it is a place for gangs to congregate and the building should be secured. Council Member Lang said the Superintendent of Streets should be called immediately to take care of the situation. Mr. Lang also said that a Community Development Block Grant has been approved through the HRA to clean up this area for the scattered housing sites program; funds will be received shortly.

Mr. Skinness inquired of Council regarding progress on the Flood Buyout Program. He reported that the Army Corps of Engineers was in Spring Valley three weeks after the flood. Mr. Skinness told Council that most of the flood victims do not want to be bought out. He said buyouts would not solve the problem; it would just be a "band-aid".

Mr. Skinness also said that East Side Lake should be cleaned up. City Engineer Jon Erichson said the City and County partnered to look at draining East Side Lake, but unless farming practices changed, the lake would fill back up in a matter of a couple of years. Until the watershed is corrected north of Austin, the project would be too cost prohibitive.

Mr. Erichson stated the Army Corps of Engineers is looking at a solution to our flooding problem that would be most cost effective. Less property was damaged in this most recent flood because of the housing that was removed after the flood of 1979. Mr. Skinness said this was not the answer because the city is short of housing. Mr. Erichson replied that about half of the homes were relocated. A public meeting to discuss the flood situation will probably happen in early October.

Bob Thistle, Executive Vice President of Springsted, represented the financial advisors regarding \$775,000 General Obligation Tax Increment Bonds, Series 2000A. The Council needs to pass a resolution authorizing Springsted to hold the bond sale. The bonds will be sold on October 16. These bonds will be paid off from TIF 10 funds and the proceeds will be used for improvement in the TIF District 10.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting the resolution. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Fedson, adjourning the Common Council into a Board of Adjustment and Appeals. Carried.

At the September 12, 2000 Austin Planning Commission meeting, the Commission reviewed a variance request from Rochelle Bastian, 908 2nd Avenue SW, for a 5-foot variance governing the minimum side yard setback of eight feet in an R-2 Multi-Family Residence District. The variance requested is for the construction of a 16' x 34' attached

garage addition. The petitioner's property is surrounded by R-2, R-1 and B-2 districts. The petitioner has two adjoining parcels. If the variance is approved, the petitioner intends to tear down an attached single-car garage. Mr. Hoium did note that this garage could be built on the east side of this residence since it is a double-wide lot. At the Planning Commissioner meeting, the petitioner said that area is their playground/yard area. The Planning Department did not receive any response to letters sent to adjacent property owners. The Commissioners voted 7-0 in approval. Council Member-at-Large Chaffee expressed concern with the proposed building's proximity to an adjacent bus depot. Mr. Hoium replied that, if approved, the building must be three feet from the property line.

Moved by Council Member Boughton, seconded by Council Member Poppe, approving the variance. Carried.

At the September 12, 2000 Planning Commission meeting, the Commission reviewed a variance request from Robert Stivers for a 10-foot variance governing the minimum corner side yard setback of 12' – 6" in an R-0 Multi-Family Residence Office District. This deck being reviewed was constructed by a local contractor without the issuance of a zoning permit. The issue to take into consideration, said Mr. Hoium, is the obstruction of vehicular and pedestrian traffic on the intersection of 1st Street and 4th Avenue SE. The Planning Office received no objection by mail or phone call in response to a letter sent to adjacent property owners. The Planning Commission approved the variance by a vote of 7-0.

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

At the September 12, 2000 Planning Commission meeting, the Commission reviewed a variance request from Steven Carroll, 2406 12th Avenue SW. This variance is for a 620-square-foot variance from City Code which limits the square footage of accessory structures to 1000 square feet. The variance is for the construction of a 30' x 54' accessory structure in the northeast corner of the property. The property is located within an R-1 Single-Family Residence District and is surrounded by R-1 districts. Mailings were sent to adjacent property owners. Jeff and Renee Anderson wrote in support of the variance, but at the Planning Commission public hearing, two people, Tim Davis and Beth Bednar, objected to the variance saying the view from their properties would be obstructed. The Planning Commission thought that if the petitioner built on the northwest corner of his property, adjacent property owners wouldn't be affected as much. Mr. Hoium noted that similar variances have been requested in this neighborhood. This type of district allows 15% lot coverage; this additional accessory structure would bring the petitioner's lot coverage to 4 or 5%. The Planning Commission denied the request by a vote of 7-0. Council Member Jorgenson asked Mr. Hoium if the petitioner built the structure in the northwest corner of his property, would the complete process need to be repeated. Mr. Hoium answered that the petition for the variance does not specify where the structure would be. City Attorney David Hoversten said that as long as other setbacks are met, the variance request would not have to be repeated; however, Mr. Hoversten added that a condition could be added to the Council's approval. Council Member Boughton said he had received many phone calls objecting to

the variance. Mr. Carroll spoke to Council and referred to two adjoining neighbors who have signed a petition in support of the variance, Mary Bates and Randy Duholm. Mr. Carroll passed pictures around of homes with smaller lots with accessory structures, pointing specifically to Tom and Jeanine Dunlap who recently received a variance for a "huge" garage at 2200 12th Avenue SW. Council Member-at-Large Chaffee stated that he thought a 30' x 54' structure was almost commercial. Mr. Chaffee said the Dunlaps are in a wooded area that was conducive to the structure; Carrolls' property is wide open. Also, no objections were received from their neighbors. Mr. Carroll said he is trying to clean up his yard which is city code. Mr. Carroll added that it was a toss-up: some neighbors have protested while others haven't. Mayor Rietz asked if building in the northwest corner of his property would be a possibility. Mr. Carroll answered that he would have to cut another row of trees in that case. Mr. Carroll said he was willing to landscape or whatever it took to appease Council. Council Member Lang, noting that the area has large lots, asked how large his lot is. Mr. Carroll replied that it was approximately 100 feet by 200 feet. Council Member Poppe asked if he would consider moving the structure forward. Mr. Carroll said to get the most out of his lot, he would like it in the corner. John Drees, 2410 – 12th Avenue SW said he thought that big of a structure would fit into the larger lots in the area better; the structure is too big for the lot. Council Member Lang said those lots in that area *are* large. Also, Mr. Carroll is a property owner who should be allowed to do what he wants. Council Member Boughton stated he would like to continue the hearing to October 2 to see if Mr. Carroll and the neighbors could work out a different site plan in the meantime.

Moved by Council Member Boughton, seconded by Council Member Nordin, continuing the hearing to October 2, 2000. Carried.

At the September 12, 2000 Austin Planning Commission meeting, the Commission reviewed a variance request from Kelly Brooks, 1108 16th Avenue NE, for a 7'-6" variance governing the minimum corner side yard setback of 12'-6" in an R-1 Single-Family Residence District. The variance request is for the construction of an 8' x 50' wrap-around porch in the side yard area. The property is surrounded by R-1 districts and an I-3 (railroad) district. The Planning Department received no objections. The property is at a "T" intersection. The Planning Commission approved the request by a vote of 7-0 with a condition that the floor level not exceed 30 inches.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the request. Carried.

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

Moved by Council Member-at-Large Chaffee, seconded by Council Member Boughton, to continue the public hearing for final platting of property to be known as *The Point* to the October 2, 2000 Council meeting. Carried.

Council reviewed a final resolution and confirmation of report of commissioners appointed in the matter of the vacation of street right-of-way, 3rd Street NE, Original Plat of Austin. This vacation is needed for the 3rd Street NE housing project.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting the resolution. 7-0. Carried.

Council reviewed a resolution approving the primary election results of September 12, 2000 and calling the general election for Tuesday, November 7, 2000. Election results follow.

<u>COUNCIL MEMBER SECOND WARD</u>	<u># OF VOTES</u>
Roger W. Boughton	389
Peter J. Christopherson	311
Garry E. Ellingson	293

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Austin, Minnesota, that the following named persons are hereby declared nominees for the respective offices and their names are hereby certified to the City Recorder to be placed upon the City Charter Election Ballot for November 7, 2000.

MAYOR

1. Bonnie Besse Rietz

COUNCIL MEMBER-AT-LARGE

1. Richard "Dick" Chaffee
2. Arnold Lang

COUNCIL MEMBER FIRST WARD

1. Neil Fedson
2. Wayne P. Goodnature

COUNCIL MEMBER SECOND WARD

1. Roger W. Boughton
2. Peter J. Christopherson

COUNCIL MEMBER THIRD WARD

1. Dick Lang

UTILITY BOARD COMMISSIONER 2 year term

1. Frank J. Lorenzen

UTILITY BOARD COMMISSIONERS (3) POSITIONS)

1. Thomas C. Baudler
2. Paul R. Johnson

3. Larry J. Pfeil

BE IT FURTHER RESOLVED, that the following notice of election of November 7, 2000, be given by the City Recorder by posting and publishing said notices as provided by law. Said notice shall be substantially in the following form:

NOTICE OF CITY CHARTER ELECTION

Pursuant to resolution of City Council, NOTICE IS HEREBY GIVEN, that on Tuesday, November 7, 2000, the biennial Charter Election of the City of Austin, Minnesota, will be held for the election of city officers for the ensuing two- and four-year terms of offices hereinafter designated.

- Mayor - 2 years
- Council Member At Large - 2 years
- 1 Council Member from 1st Ward - 4 years
- 1 Council Member from 2nd Ward - 4 years
- 1 Council Member from 3rd Ward - 4 years
- 1 Utility Board Commissioner – 2 years
- 3 Utility Board Commissioners - 4 years

NOTICE IS HEREBY GIVEN that the polling places will be open from 7:00 a.m. - 8:00 p.m. The polling places are designated as follows:

FIRST WARD

First Election Precinct	Voting Place: Pickett Place
Second Election Precinct	Voting Place: Sumner School

SECOND WARD

First Election Precinct	Voting Place: Southgate School
Second Election Precinct	Voting Place: Banfield School

THIRD WARD

First Election Precinct	Voting Place: Woodson School
Second Election Precinct	Voting Place: Ellis School

Moved by Council Member Jorgenson, seconded by Council Member Fedson, adopting the resolution. 7-0. Carried.

In going through the process of using the City's Revolving Loan Fund Guidelines, it was discovered that in 1973, the City formed the Revolving Loan Fund Guidelines, but the Guidelines were never officially adopted. A resolution should be passed to adopt them

now. The Finance/Personnel Committee has approved the Guidelines. The Guidelines are being used in obtaining a \$150,000 grant for the C.R.C.

Moved by Council Member Poppe, seconded by Council Member Lang, adopting the resolution. 7-0. Carried.

The Engineering Department has requested trading the October 9, Columbus Day holiday for the Friday after Thanksgiving. This request has been granted for the last several years.

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

The Downtown Merchants Association has requested the closing of Main Street and a portion of 3rd Avenue NW on Saturday, October 14 for Customer Appreciation Days.

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

Mr. Erichson stated that originally, the FAA was giving the City \$2,059,000. The FAA will be increasing that amount allowing the City to obtain another parcel. The Council must now pass a resolution authorizing the Mayor and City Recorder to accept the FAA grant.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, to adopt the resolution. 7-0. Carried.

The City of Austin received two proposals for the brick and masonry repair of the north and east sides of the Wold Drugstore building. If the Council approves the project, the City would like to begin the project yet in the fall of 2000. Karr Tuckpointing, with their bid of \$46,960, will not be able to complete the work by 2000. Vernon Bascom Co., with their bid of \$48,745 (a \$1785 difference) is able to do the work yet this year. The scope of their work is similar. They would apply a different cleaning solution to the brick and mortar. Council Member Fedson questioned waiting on the project as the former company could raise their costs. Council Member Lang stated that this building is a "dead horse" and an eyesore; the Council should advance and move on with the project. Council Member-at-Large Chaffee said that improving the downtown was one of the Council's priorities set at its January 2000 retreat. This is in the TIF 10 district, and it should be renovated.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving the use of funds from the City's Commercial Rehabilitation Loan Program for tuck pointing the old Wold Drugstore building. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Boughton, approving a stop sign at 6th Street and 14th Avenue SW. Carried.

REPORTS

HRA: The old Bud & Bob's grocery store will be removed soon and replaced with scattered site housing. Phase II is ahead of schedule. The County/City Homeownership Board has met with some council members, county commissioners, plus some bankers to "spread the word" on this successful, but little-known program. Under this program, which is designed to help first-time homebuyers, closing costs of up to \$3,000 are loaned out at a 2% interest rate. Approximately 150 loans have been made to-date in this program which began in mid 1997. Tom Tylutki of Austin Utilities has joined the board. The Program is funded by the City, the County and the Hormel Foundation.

7:00 p.m. on September 27 has been set for an open public safety meeting.

A Finance/Personnel Committee meeting was set for October 4th at 4:00.

Council Member Poppe asked what could be done at some targeted apartment buildings, specifically Bremerton Apartments. Gunshots have been reported, police are called out to the apartments frequently. Chief Paul Philipp said the Bremerton Apartments Manager Sandy McAlister has done an excellent job using the laws at her disposal. The Department does receive many calls from those apartments.

The luncheon honoring CVB's Chuck Keller is next Tuesday, September 26.

A reminder of the Bike Committee meeting for Wednesday, September 20 at 5:15.

A reminder for the Public Works Committee meeting for Thursday, September 21 at 4:30.

A reminder for the Fire Committee meeting on Thursday, September 21 at 10:00.

Council Member Boughton congratulated Larry Dolphin on another successful Pioneer Day at the Nature Center.

Mr. Boughton asked what could be done about a former resident, Dale Sisson, former Social Security Director who is living in Eau Claire in a hotel because of claims with the City that are caught up with the insurance company. The Sissons are unable to sell their house before a settlement is made. Mr. Erichson said he would look into the matter with the LMC and call Mr. Sisson.

Dick Chaffee, Tom Dankert, Craig Hoium and Tom Smith made up the City team for the Chamber's Amigo Day held this year on September 12.

The Port Authority will hold a regular quarterly meeting on Wednesday, September 27 at 4:30.

Council Member Nordin announced that the Council Park and Rec Committee would be scheduling a monthly meeting every month at 4:00 prior to the Park and Rec Board meeting. This regularly scheduled meeting will begin in November.

A trail meeting has been set for 7:00 on October 5.

Mayor Rietz announced that the airing of the City Council meetings will be changed from 5:00 p.m. on Fridays to 7:00 p.m. on Fridays.

Mayor Rietz announced a Southern Minnesota Giant Pumpkin Growers Weigh-off to be held at Super Fresh on Saturday, September 30. Pumpkins as large as 500-700 pounds will be weighed. The event includes kids' games and crafts.

Moved by Council Member Boughton, seconded by Council Member Nordin to adjourn. Carried.

Adjourned: 6:59 p.m.

Approved: September 18, 2000

Mayor: _____

City Recorder: _____