

MINUTES
COMMON COUNCIL CHARTER MEETING
FEBRUARY 5, 2001
5:30 P.M.
COUNCIL CHAMBERS

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

MEMBERS ABSENT: None.

OTHERS PRESENT: News media. Roger Plath of Owatonna; Roy Srp of DM&E; Chuck Lennberg, Kermit Mahan, George Brophy, Jeffery Dahn.

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

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving the minutes of January 16, 2001. Carried.

Gretchen Ramlo, president of Spruce Up gave a report on the group's activities. See attached report.

Roger Plath of Owatonna spoke to Council on the possible impact on Austin with the DM&E railroad proposal to handle coal trains which is currently before the National Surface Transportation Board in Washington, DC. Mr. Plath said DM&E has made application for an increase to 34 trains per day on its tracks. (He later stated that this is the number stated on the application; train count could be anywhere from 5 to 50 per day.) Due to Rochester's opposition, DM&E is possibly planning a connecting loop on the south side of Owatonna where it would link with I&M Rail Link. Mr. Plath believes that the line would be diverted to the south or north of Owatonna and therefore is requesting that the I&M should be a part of the draft Environmental Impact Statement (EIS), consequently delaying the project or stopping the project entirely. Mr. Plath would like to see the City of Austin write to the NSTB requesting that the I&M be part of the draft EIS as Faribault and Blooming Prairie have done. Owatonna has signed an agreement with the DM&E. The agreement states that Owatonna cannot go to other cities and help inform them of possible impact. In return, Owatonna would receive two whistle-free quadrants on the I&M, a railroad that the DM&E currently doesn't own. Mr. Plath says the DM&E has a working relationship going with the I&M. City Engineer Jon Erichson asked if the I&M were not part of the EIS, could the DM&E bring coal trains south. Mr. Plath stated that Rep. Gil Gutnecht has already contacted the NSTB and asked them to include the I&M with the EIS statement; Mr. Plath

believes that Senator Dayton, and most likely Senator Paul Wellstone would be willing to do the same. Council Member Lang said that Austin should be progressive and look at both sides of the issue. Mr. Lang stated that it was not good for Austin when the railroad left years ago. Roger Plath also said that the DM&E would be relying on its coal trains, which are currently bringing in a higher revenue than agriculture loads. Mr. Plath predicted that we would see even more grain trucks on the highway.

Roy Srp, of the DM&E, introduced himself as a former resident of Austin. Mr. Srp said the DM&E could apply to the National Surface Transportation Board without anyone's approval, but has chosen not to do so. Instead, the DM&E has gone to every community from Lake Burton to Winona to form "Community Partnerships," asking what the communities would want and need with the influx of the trains. Mr. Srp said he "took exception" to Mr. Plath's contention that the DM&E would not carry agricultural products. Mr. Srp stated that the railroad needs the current viable revenue of coal but does plan on hauling agricultural products. Mr. Srp encouraged the City to meet with Kevin Schieffer, president and CEO of DM&E. Mr. Srp then made mention of the railroad possibly adding passenger car service.

Motion by Council Member Goodnature, seconded by Council Member-at-Large Chaffee, to review the DM&E Railroad upgrade through southeastern Minnesota and its potential impact on Austin, issue to be placed in Matters in Hand. Carried.

Chuck Lennberg, 309 9th Avenue SE, asked what new developments were underway for the flooding situation. City Engineer Jon Erichson said that an engineer from the Army Corp of Engineers has been working out of the HRA office for two weeks. Shabbar Saffie addressed and updated the Council at the annual work session in January. Focus has been aimed at acquisition; Austin is the second city in the nation to be studied for acquisition vs. repair post flooding. Council Member-at-Large Chaffee noted that he and the Mayor had addressed Governor Ventura regarding Austin's flood issues. Mr. Chaffee said while the response was not necessarily positive, it was nonetheless noted by the governor.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the consent agenda as follows:

Licenses:

Food: Carmike Cinemas dba Sterling Theatre, PO Box 777, Austin
Tom & Kim Klapperich dba Zeppole's Pizza & Pasta, 1301 18th Ave. N.
Xiao Yue Cheng dba Great Dragon Buffet Chinese Restaurant, 229 N. Main
Mike Lee dba Coffee House on Main, 329 N. Main St., Ste. 101

Theatre: Carmike Cinemas dba Sterling Theatre, PO Box 777, Austin

Master Plumber: Dan Patterson dba Patterson Plumbing & Heating, 908 12th St. SW
Lewis Lenz dba Schmitz Electric Co., PO Box 340, Adams, MN
Timothy Christianson dba Christianson Plumbing & Heating, 312 W.
Front St., Box 388, Albert Lea

Temporary 3.2 beer: Church of St. Edward, 2000 W. Oakland, February 10, 2001

Temporary gambling: United Catholic Schools @ St. Edward's Corcoran Center,
March 17 (raffle)

Temporary liquor: Riverland Community College, 1900 8th Avenue SW, February 8, May 2

Excavation: Harty Mechanical Inc., 1015 2nd Avenue NE

Concrete: Dean Bendtsen dba J.D. Driver, Ltd., PO Box 162, Rose Creek

Claims:

- a. Pre-list of bills.
- b. Vehicle owned by Jacob Turvey, 303 1st Street SW. This claim has been referred to the City Attorney to protect the City's interest.

Carried.

A public hearing was held upon the completion of the HRA's Small Cities Development Program for the Whittier Neighborhood/Cedar View Housing Project. The public hearing is required by HUD to hear citizen comments. Director of HRA Kermit Mahan said this project brought affordable rental housing to Austin in place of the old railroad. What was once light industrial is now a residential area. Council Member-at-Large Chaffee complimented Mr. Mahan on the clean-up of this area.

No other comments were made.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving the completion of the HRA's Small Cities Development Program for the Whittier Neighborhood/Cedar View Housing Project. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the Council goals for 2001:

1. Advance the making of infrastructure improvements that support industrial development objectives.
2. Support initiatives and services for the changing community in coordination with Apex Austin in the areas of housing, transportation, education, childcare, health care, and public safety.
3. Prepare a Five-Year Capital Improvements Plan that addresses the Wastewater Treatment Plant, airport, parks, arena, pedestrian trails, 18th Avenue NW and adjacent area streets, and other capital projects that Council supports.
4. Address workforce needs including City of Austin personnel, health insurance provision and funding, and community workforce needs.
5. Initiate steps that address the effectiveness of preventing flood damages.

6. Address public safety in the areas of police, fire, dispatch, and ambulance.
7. Improve the public image of Austin with emphasis on utilization of the Internet website.
8. Continue enhancements in the downtown, especially along North Main Street.
9. Emphasize intergovernmental communication.
10. Be active and involved in issues before the state legislature that have impact on the City of Austin.

Finance Director Tom Dankert presented an agreement relating to paying agency registrar and transfer agency (U.S. Bank) as bond registrar of the \$4,200,000 G.O. Utility Revenue Bonds, Series 2000B.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adopting a resolution approving the \$4,200,000 G.O. Bonds. 7-0. Carried.

Council must sign an Administration Report and Cost Estimate for the second drawdown on the \$2.2M of the land acquisition costs for the airport project. A total of 90% will be reimbursed and \$500,000 will be left on the first phase of the airport project.

Motion by Council Member Lang, seconded by Council Member Jorgenson, adopting a resolution approving the Administration Report and Cost Estimate for the second reimbursement of the FAA portion of the land acquisition costs for the airport project. 7-0. Carried.

Tom Dankert presented a Second Addendum to the Wastewater Treatment Agreement . Hormel will be reimbursing the City for administration and construction costs associated with the equilization tank project at the Wastewater Treatment Plant.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, adopting a resolution approving the agreement. 6-0. Carried. Council Member Jorgenson abstaining.

Jaycees of Grand Meadow is requesting approval of a gambling premises permit renewal for Lefty's Bar. The organization has contributed over the required 80% of gambling proceeds over the last two years.

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

Chief Paul Philipp spoke regarding the application made by Jeffery Dahn for a taxicab operator's license. Chief Philipp initially approved the application but has since decided

to withdraw his portion of the approval based on two factors: 1) The condition of the vehicle to be used is now unknown after a recent accident; and 2) The accident was “one more blemish on an already blemished record.”

Council Member Lang stated this item should have gone to the ordinance committee first.

Moved by Council Member Lang, seconded by Council Member Nordin, to place consideration of an application for taxicab operator’s license for Jeffery Dahn dba AB Taxi into Matters in Hand for the Ordinance Committee to review. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, setting a public hearing for Tuesday, February 20, 2001 for rezoning of property owned by Greg Johnson, A-1 Agriculture, Recreation, and Conservation district to I-1 Limited Industrial District. 7-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, setting a public hearing for Tuesday, February, 20, 2001 for rezoning of property owned by Richard Lickteig, R-1 Single Family Residence District to R-2 Multi Family Residence District. 7-0. Carried.

Moved by Council Member Poppe, seconded by Council Member Christopherson, setting a public hearing for Tuesday, February 20, 2001 for preliminary platting requested by Richard Lickteig, 2611 31st Street SW. Carried.

Moved by Council Member Poppe, seconded by Council Member Christopherson, setting a public hearing for Tuesday, February 20, 2001 for a variance requested by Ronald Strike, 511 4th Street SW. Carried.

Community Development Director Craig Hoium asked Council to approve a joint resolution and orderly annexation for 16.74 acres currently owned by Bigelow/Lennon Construction Inc. of Byron. The property is currently located in Austin Township and is a proposed development site for 25 single-family lots. Mr. Erichson and Mr. Hoium have met with the developers who hope to begin construction this spring. The development would include hard surface roads, street lights, and a storm water management plan. Council Member Goodnature questioned the area as it is close to a flood plain. Mr. Hoium said that none of the building would be in the flood plain or in the elevations of the flood plain; however, approximately one-third of the land slated for annexation was in the flood plain. Mr. Hoium said city code would prohibit building there. Mr. Hoium added that six condos may be added in the northeast section of the property. Council Member Christopherson wanted to be assured that the City was not going to have another Carriage Homes incident. Mr. Erichson replied that Carriage Homes has private drives; this development will have city streets. Homes are expected to be sold for \$150,000 and up. Council Member Goodnature said he didn’t want to have to buy back the homes, referring to the list of homes that have been taken out of the floodplain since 1979. Council Member Jorgenson asked if these homes would be as close to the river as those

near 7th Avenue and 22nd Street SW. Mr. Hoium said the development would be just adjacent to the flood plain. Mr. Hoium also said that many of the referred-to homes were built prior to floodplain codes. City Engineer Jon Erichson also noted that that area has high banks. The property to be annexed will need to be platted, requiring a developer's agreement outlaying all requirements. Mr. Erichson added that the development is 200+ feet from the Cedar River, an area that has a steep bank and doesn't flood. Mr. Hoium said that some of the flood plain acreage might be dedicated to the City to be used for a trail and/or left natural. Mr. Erichson estimated that 1/3 of the property is in the flood plain.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Christopherson, adopting a joint resolution approving the annexation. 7-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adopting a resolution approving the orderly annexation. 7-0. Carried.

City Engineer Jon Erichson requested Council to approve feasibility reports for the following projects:

Street	Oakland Ave. West (Main St. to 12 th St. SW)
Street	Hormel Drive (4 th St. to 8 th St. NE)
Street	1 st Street NE (Oakland Avenue to 1 st Ave. NE)
Street	1 st Avenue NE (1 st St. to 4 th Street NE)
Street	16 th Street SE (Oakland Avenue to 4 th Ave. SE)
Street	3 rd Avenue SE (16 th Street to 20 th Street SE)
Street	18 th Street SE (3 rd Avenue to 4 th Avenue SE)
Street	4 th Avenue NE (10 th Street to 11 th Street NE)
Street	Austin Acres (22 nd Street SW - 18 th Ave.; 20 th St. and 18 th Street SW)
Street	Orchard Creek Subdivision
Street	South Pointe Phase II
Street	Murphy Creek
Utility Extension	Airport
Trail	East Side Lake Trail
Sidewalk	Downtown

Approval for the feasibility studies is the first step in the capital improvements process.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, adopting a resolution approving the feasibility studies. 7-0. Carried.

Community Development Director Craig Hoium asked Council to approve an initial resolution for the vacation of 2nd Street SW located in Rosenthal Addition. The vacation is necessary to proceed with the proposed plat of the Rosenthal Addition which includes 25 single-family lots.

Moved by Council Member Christopherson, seconded by Council Member Poppe, adopting a resolution relating to the vacation of public right-of-way, 2nd Street SW, Rosenthal Addition. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, approving the removal of junk and inoperable/unlicensed vehicle from property owned by Brock Tufte, 1016 11th Street SW. Carried.

Moved by Council Member Lang, seconded by Council Member Christopherson, approving the removal of junk and inoperable/unlicensed vehicle from property owned by Robert Hebl, 911 12th Avenue NE. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, approving the removal of junk and inoperable/unlicensed vehicle from property owned by Timothy Parker, 705 2nd Avenue SW. Carried.

REPORTS

HRA: Kermit Mahan said Shabbar Soffie will be back in Austin in 1½ weeks and will stay for another two weeks. Mr. Mahan expects a full report by early March. Mr. Soffie is favoring a buyout. A similar study in Birmingham, Alabama has proven cost effective. Mr. Mahan hopes to seek funds from Congress through special legislation, as did Birmingham.

CVB: Annual planning/goal session is set for 4:00 on Friday, February 2.

Council Member Jorgenson requested wording change for the council work session minutes of January 26-27.

The Council Park and Rec Committee will be meeting at 4:00, Thursday, February 8. The Park and Rec Board will be meeting at 5:15 on the same day.

CVB has changed their monthly meeting time to the third Tuesday of the month at 3:30.

Council Member Nordin requested more frequent police reports and meeting minutes. Chief Paul Philipp said he is changing to a bimonthly report (once every two months).

Council Member Nordin thanked Spruce Up for all their work.

Council Member Nordin noted the passing of Burt Plehal, a great citizen who will be missed. Mr. Plehal helped 64 people start up businesses; all but one has survived.

The Public Works Committee will meet on Thursday, February 15 at 4:30.

The Fire Committee will meet on Thursday, February 22 at 4:30 to 6:00.

Council Member-at-Large Chaffee publicly thanked Mr. (Gary) Nemitz of the 5th District for his term as commissioner. Mr. Chaffee announced that he has filed for Mr. Nemitz' position.

A Finance Committee meeting will be held sometime the first week of March.

An Ordinance Committee meeting will be held the first week of March immediately following the Finance Committee meeting.

Chief Philipp announced that the newly hired CSO has resigned.

City Administrator Patrick McGarvey said he is forwarding the letter he wrote to Governor Ventura regarding flooding to Senator Grace Schwab and Rep. Rob Leighton.

A two-hour work session to discuss the effectiveness of a city council was set for March 8 at 4:00 – 6:00 pm.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin to close the meeting to discuss a personnel matter.

Motion by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson to reopen the regular meeting. Mayor Rietz noted in the closed session the Council had approved the settlement agreement between Dana Miller and the I.A.F.F. #598 firefighters and the City of Austin.

Moved by Council Member Lang, seconded by Council Member Nordin, to adjourn the meeting to Tuesday, February 20, 2001.

Adjourned: 7:17 p.m.

Approved: February 20, 2001

Mayor: _____

City Recorder: _____