

**MINUTES**  
**COMMON COUNCIL CHARTER MEETING**  
**AUGUST 6, 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. Public. Burr Oak employees. County Commissioner Len Miller. District Representative Rob Leighton. Bruce Henricks from Human Services.

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

Moved by Council Member Jorgenson, seconded by Council Member Christopherson, adopting the minutes of July 16, 2001. Carried.

Mayor Rietz introduced Melissa Bergani, a new reporter for the Austin Daily Herald. She will be a backup City reporter.

Elizabeth Bankes, staffing director of Burr Oak Manor, spoke to Council on the impending closing of Burr Oak Manor on November 1. She spoke of the lack of nursing home beds in Mower County. The County will be facing a situation where we will not be able to get the beds back. Ms. Banks also said there would be a high rate of unemployment once the nursing home is closed and that residents will be separated from family members when they are placed in other facilities in other counties. Ms. Bankes said the City would be losing an old building and an old business. She said this is a 24-hour nursing care facility which has residents with special needs; there are waiting lists for the facility. Ms. Bankes said the main issue is the loss of beds, and Mower County has a lot of elderly people. She said St. Mark's is adding 13 beds in their facility, but Burr Oak has 68 residents to place. District Representative Rob Leighton said that nursing homes has been a huge issue in the legislature this last year; additional funding has been provided for workers in nursing homes, but he reminded everyone that the closing of Burr Oak Manor is not a State decision but a decision of the owners. Rep. Leighton said he met with the owners of Burr Oak last year. At that time they wanted to merge with another facility or build a new one, but now, with so many constraints, the company is losing too much money. Rep. Leighton said he would do anything he could to speed up the process for St. Mark's to open another wing. He said he tried to get the official answer with researchers, but he believes that unless a new

facility is built, the County will lose those beds. The 82 beds would be lost for the County. City Administrator Patrick McGarvey asked if there were waiting lists because of inadequate staffing or because of the lack of beds. Rep. Leighton said there has been a push in the Legislature to close nursing homes in favor of funding for assisted living and home care. This can be attributed to many people wanting to remain in their homes and the high costs of long-term care. Mower County Human Services Director Bruce Henricks said that each case (resident) will have to be handled one by one. Not all residents need high medical care. He said it is too late to prevent closure. Council Member Goodnature asked for suggestions on what the Council could do. Becky Petersen, whose father is at Burr Oak, said that we should “come together as a community” to resolve this matter. Ms. Petersen also said that these residents would have to go elsewhere (to other counties). Council Member Goodnature asked citizens to come to the Council with suggestions and approval, saying that it is the public’s responsibility. Council Member-at-Large Chaffee noted the company from South Dakota (Primrose Development) coming to Austin to build an assisted living residence. Council Member Nordin said she would like some people to explore ideas with the owner. City Administrator Pat McGarvey asked if the other two nursing homes in Austin could add beds to their facility. Rep. Leighton said that is the answer he is waiting for. He believed those beds would be lost for Mower County. Council Member Poppe asked Bruce Henricks if enough social workers could handle placing the residents. Mr. Hendrickson said that the County is not responsible for placing the residents, but the County is mandated to see if the facilities residents are moved to fit their needs. Council Member Jorgenson clarified that the lack of action on the Council’s part was not due to disinterest; their hands are tied because this is a private industry matter.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving the HRA tax levy budget for the fiscal year ending September 30, 2002. 7-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, approving the consent agenda as follows:

Licenses:

Food: Salvation Army Soup Kitchen, 409 1<sup>st</sup> Avenue NE – *fee waived*.

Cab driver: Dustin Janning, 200 25<sup>th</sup> St. SW, Apt. 122.

Temporary beer: Grand Meadow Jaycees for Aug. 8-12, Fairgrounds grandstand

Gas station (name change): Ankeny’s Mini Mart #6 to 1<sup>st</sup> Ave. Mini Mart, 501 1<sup>st</sup> Ave. SW

Food (name change): Ankeny’s Mini Mart #6 to 1<sup>st</sup> Ave. Mini Mart, 501 1<sup>st</sup> Ave. SW

Cigarette: Ankeny’s Mini Mart #6 to 1<sup>st</sup> Ave. Mini Mart, 501 1<sup>st</sup> Ave. SW

Claims:

- a. Pre-list of bills.

Carried.

The City has reached a final draft of the Lease Agreement to move Gold Cross Ambulance into the fire station. This lease agreement has been approved by Gold Cross Vice President

Paul Anderson of Rochester. This arrangement was due to Gold Cross Ambulance's impending reductions to their budget with the passing of the Balanced Budget Act of 1997.

Moved by Council Member Poppe, seconded by Council Member Goodnature, adopting a lease agreement between Gold Cross Ambulance Service and the City of Austin for use of the fire station effective January 1, 2002. 7-0. Carried.

Earlier this year the Council considered a second sheet of ice and voted to request a grant from the Minnesota Amateur Sports Commission. The Council now needs to approve a resolution and grant agreement for \$250,000. City Administrator Pat McGarvey said it is unclear in the agreement whether the \$250,000 can be used to renovate an existing arena or if it is intended only for construction of a new arena. In the past, the full \$250,000 would be for a new arena and no more than \$50,000 would be granted for an existing arena. A feasibility study should be ready by September 1.

Moved by Council Member Nordin, seconded by Council Member Lang, adopting a resolution approving a grant and amendments and supplements thereto between Minnesota Amateur Sports Commission and the City of Austin for a \$250,000 grant to the city for the construction of a new public arena or renovation of the existing public ice arena. 7-0. Carried.

Council received the report of commissioners on the vacation of a right-of-way in Lone Oak Addition. This report will lay over to the August 20<sup>th</sup> council meeting. No action was taken.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving payment to vacation commissioners. Carried.

Since 1994, the Chamber of Commerce has helped fund Christmas decorations. As of July 9, 2001, the Chamber still owes \$17,772 to the City for decorations the City paid for in the mid to late 1990s. This agreement will pay off the \$17,772 in the next five years. Practice has been that the Austin Utilities and the City of Austin provide installation and removal of the decorations at no charge to the Chamber. The Chamber was not aware of the Utilities involvement. City Administrator Pat McGarvey has suggested tabling this agreement.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, to table approval of the agreement.

A single-family dwelling at 1708 4<sup>th</sup> Avenue NW received extension fire damage on October 4, 1999. There have been investigations into the cause of the fire. The owner has been contacted and requested that he renovate or tear down the structures. Community Development Director Craig Hoium has received complaints on accumulating garbage, vandalism and animal infestation. Mr. Hoium asked Council to proceed with the necessary steps for the demolition of the structures. This process could take 60-90 days. Fire Chief Wilson said he did not receive any information on property insurance. In the interim, the Park and Rec department has been mowing the property. After demolition, the owner will

maintain ownership of the land and costs for demolition will be assessed to the owner. Mr. Hoium said that generally these types of properties would go up for tax forfeiture or go up for sale.

Moved by Council Member Jorgenson, seconded by Council Member Christopherson, adopting a resolution approving the findings and consideration in the matter of hazardous buildings located at 1708 4<sup>th</sup> Avenue NW owned by Kayle Gunderson. 7-0. Carried.

Eeron Bergstrom, 1603 21<sup>st</sup> Street NW, has petitioned for an exemption of subdivision to realign boundaries to accommodate the proposed future development of a new single-family dwelling. Conditions have been placed on this petition to provide 10-foot easement along both west boundaries and along the east boundary.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adopting a resolution approving the exemption of subdivider petitioned by Eeron Bergstrom. 6-0. Carried. Council Member Christopherson abstained.

Charter Communications, 2206 East Oakland Avenue, has petitioned for an exemption of subdivision to realign boundaries to accommodate a proposed future commercial development. The following conditions are requested: a street dedication for the right-of-way on Oakland Avenue East and for a utility easement.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving the exemption of subdivider petitioned by Charter Communications. 7-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Christopherson, setting a public hearing for August 20, 2001 for rezoning of property owned by Gary and Alvina LeTendre from an R-1 Single Family Residential District to an I-1 Limited Industrial District to accommodate a proposed commercial development on this site. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Poppe, setting a public hearing for August 20, 2001 for final plat approval of property to be known as Orchard Creek 2<sup>nd</sup> Subdivision. Said plat is located northwest of the intersection of 16<sup>th</sup> Avenue SW and 28<sup>th</sup> Street SW and is the proposed location of a 24-unit twinhome development. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Christopherson, setting a public hearing for August 20, 2001 governing the minimum rearyard setback of 20 feet in an R-1 Single Family Residence District, requested by William and Judy Renwick, 409 19<sup>th</sup> Street NW. This variance is for the construction of a 16-foot x 22-foot attached garage addition. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, setting a public hearing for August 20, 2001 for a 56-square-foot variance from City Code limiting accessory structures to no more than 1000 square feet in an R-1 Single Family Residence District, requested by Wallace Orth, 1818 3<sup>rd</sup> Street NE. This variance is for the construction of an 8-foot x 12-foot accessory structure. Carried.

#### REPORTS AND RECOMMENDATIONS:

Referring to the closing of Burr Oak Manor, George Brophy reminded the City to be careful to not benefit one party at the expense of others. The City and various entities will do anything in their power to help this situation, but it must be kept on a level playing field, he said.

Council Member Jorgenson said the CVB is involved with the Grand Opening of the Spam Museum. Four advance tours are being sent through the museum in August. The Spam Museum brochure has been updated. (It will now say 'Now Open'). Jeanne Sheehan will speak on Thursday morning to the County Board. The County Board has cut back funding to the Southern Minnesota Tour Association. Council Member Jorgenson said the CVB is struggling as are all CVBs; hotel/motels revenues are still down as they are all over the state.

Council Member Nordin said the Park and Rec Board has strongly recommended that the planned bike trail be placed south of 8<sup>th</sup> Avenue north of East Side Lake. Also, the parking lot at the East Side Lake will need bike racks. Park and Rec Director Denny Maschka said the recommendation to place the bike trail on the south side of the road is due to the higher elevation than on the north side where it is low. Placing it on the north side will avoid a lot of cleanup and will allow bikers to view the East Side Park. Council Member-at-Large Chaffee noted the vandalism of the new restrooms at East Side Lake and requested the public watch the area.

A Finance Committee meeting was set for August 20, 2001 at 3:30.

A Finance Committee meeting to discuss the budget was set for August 29 at 6:00.

Council Member Nordin noted that the vandalism at East Side Lake occurred when the street lights weren't working. They are now working, and officers have been requested to carefully police the area.

Council Member Poppe spoke on the Fire Committees recent meetings with Harry Brull of PDI. She said that the Council has agreed to support and assist the fire department in making changes and that the Council does expect changes to be made within six months. The Council is committed to supporting the Fire Chief and plan. Council Member Poppe asked all of Council to support the process and the current structure. It would be beneficial for all council members to attend these Fire Committee meetings.

A Fire Committee meeting was set for Wednesday, August 29 at 4:30. Council Member Goodnature said that the Council should discuss changes they themselves need to make, noting that the report was very critical of them as a council.

Assistant City Engineer Steve Lang reported that he has been working on the East Side Lake and Nature Center bike trails and learning about the street construction projects.

Park and Rec Director Denny Maschka noted that the municipal pool is open in the afternoons during Fair Week but is closed in the evenings. This schedule will be maintained after Fair Week.

Council Member Lang asked Mr. Maschka if there are plans for additional disc golf courses. Mr. Maschka said there are amateur and professional courses at Todd Park and there is a shorter, 9-hole course at Dreisner Park. Mr. Maschka did not know of any request from citizens regarding disc golf, but he would work with anyone to provide courses.

City Administrator Pat McGarvey said a trails meeting should be set as the City has until November 1 to finalize an application for funding. Council Member Goodnature will talk to Jon Erichson next week to set a date for a meeting.

Mayor Rietz read a thank-you letter from Albert Lea Mayor Bob Haukoos directed to the City workers who helped during the Farmland Foods fire.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson to adjourn the meeting to Monday, August 20, 2001.

Adjourned: 7:03 pm

Approved: August 20, 2001

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

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