

MINUTES
CITY COUNCIL CHARTER MEETING
September 7, 2004
5:30 P.M.
Council Chambers

MEMBERS PRESENT: Mayor Rietz. Council Members Koch, Jorgenson, Pacholl, Christopherson, Nordin, Chamberlain,

MEMBERS ABSENT: Council Member-at-Large Goodnature.

OTHERS PRESENT: Post Bulletin and Austin Daily Herald. Public.

Amended on the agenda: Items 11,12, and 13 were moved up the agenda to precede item number 6. Added to the agenda: A resolution granting hard liquor on-sale license to The Alaskan, 111 2nd Avenue NE.

Moved by Council Member Pacholl, seconded by Council Member Nordin, approving the agenda as amended. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the minutes of the August 16, 2004 council meeting. Carried.

Carol King, 705 7th Avenue NW, questioned Council on the sidewalk replacement program. City Engineer Jon Erichson said the program area for 2004 was in the southwest, bordered by 12th Street SW, Turtle Creek, and Oakland Avenue. Approximately \$100,000 is being spent to replace about 1000 panels plus sidewalk panels in the street reconstruction areas, for a total of approximately 1500 panels. Ms. King said her handicapped son fell on a sidewalk in need of repair. Ms. King also spoke regarding the parking of cars in the streets, particularly in the narrower streets. She feels the City should ban parking on both sides of the street, and referred to the ban of parking in streets during snow emergencies. City Engineer Jon Erichson said some older streets are yet at the 36 feet width with several homes which have only a single-car garage. If the City prohibited parking, residents with two cars would have no where to park. During snow emergencies, parking is limited to one side only – not both sides, and even this is difficult for some people. When the streets are repaved, the Street Department does try to widen them to the minimum 36 feet. For 2005, \$100,000 will fund the sidewalk program again, but the specific area has not yet been identified. The identified area will not include a street improvement area so as not to double hit citizens with assessments. Council Member Pacholl questioned if there could be a ban on one side of the street only. Mr. Erichson said this is a possibility, but he recommended that that should be considered on a street-street basis. Council Member Pacholl questioned whether the City could work on the city sidewalks as a whole, like it was done

approximately 18 years ago. Mr. Erichson said this job is extremely time-consuming. Additional staff would be required. Council Member Nordin questioned whether a temporary measure could be used on the sidewalks. Mr. Erichson said this could be done. Currently, when the City receives notification of a trip-and-fall incident, property owners are sent a letter of notification.

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

Licenses:

- Temporary Gambling (raffle): United Catholic Schools Foundation, 511 NW 4th Ave, November 17, 2004
- Temporary Liquor: Friends of J.C. Hormel Nature Center @ St. Edwards Community Center, 2001 2nd Avenue NW, October 28
- Food: Tienda Guerrero, 301D 4th Avenue NW, Austin
- Food: Candy Bouquet, 706 W. Oakland Avenue, Austin
- Concrete: Innovative Contractors, 9319 Hwy 52N, Oronoco, MN
- Food: The Alaskan, 111 2nd Avenue NE, Austin
- Novelty Machine: 111 2nd Avenue NE, Austin

Claims:

- a. Pre-list of bills.
- b. Ana Angelina Tschida, 1005 1st Avenue NW, Austin. This claim has been referred to the city attorney to protect the city's interest.
- c. Phil Flanders, 1027 4th Avenue NE, Austin. This claim has been referred to the city attorney to protect the city's interest.
- d. Richard Alger, 604 20th Street SW, Austin. This claim has been referred to the city attorney to protect the city's interest.
- e. Wanda Hemann, 111 3rd Street SE, Austin. This claim has been referred to the city attorney to protect the city's interest.
- f. Eugene W. Skor, 1007 NE 12th Avenue. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Bob Thistle of Springsted spoke to Council regarding the results of the bond bids and requesting Council authorize the issuance of the bids. Mr. Thistle provided Council with a summary of the bids. Credit agencies have reaffirmed the city's A-1 credit rating. This was given to the city due to prudent fiscal management (i.e. liquid reserves) and the city's tax base is predicted to continue growth due to it being an industrial center and also the county seat. Piper Jaffray had the lowest bid at 3.9793%.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, directing the ordinance be prepared. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, for adoption and publication of the ordinance. 6-0. Carried.

The following two resolutions are documents required by Dorsey and Whitney relating to the bond issuance.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, authorizing issuance, prescribing the form and details and providing for the payment of \$1,125,000 General Obligation Improvement Bonds, Series 2004B. 6-0. Carried.

Moved by Council Member Pacholl, seconded by Council Member Jorgenson, authorizing the City to proceed under Minnesota Statutes Chapter 429 for improvements relating to \$1,125,000 General Obligation Improvement Bonds, Series 2004B. 6-0. Carried.

A public hearing was held to receive bids for the demolition of flood homes. This is Phase III of the acquisition of homes. Nineteen homes will be removed. Bids are as follows:

Wallace Bustad Crane Service, Inc.	\$ 73,800.00
David Spinler Construction	97,350.00
Blue Earth Env.	99,400.00
M.J. Neisen Asphalt	99,500.00
Veit & Co.	118,350.00

The low bidder was from Wallace Bustad.

Moved by Council Member Nordin, seconded by Council Member Pacholl, adopting a resolution awarding the bid to Wallace Bustad. 6-0.

The City Clerk’s office has requested Council approve an application for a liquor license contingent on receiving all insurance information.

Moved by Council Member Chamberlain, seconded by Council Member Nordin, adopting a resolution approving the liquor license for The Alaskan, 111 2nd Avenue NE. 6-0. Carried.

The City Council must pass a resolution on a proposed tax levy for 2005 by September 15. . The amount of the levy may not be raised after the passing of the resolution, but it may be lowered. The proposed levy is a 9% increase; however, City Finance Director Tom Dankert said property owners should only see roughly 6% on their taxes as the other 3% would come from the construction of new homes. The tax levy is \$2,780,000. The Truth In Taxation hearing is set for November 29 at 5:30 and would continue to December 6 at 5:30 if a continuation hearing is needed. No funding is in the proposed budget to fund a new justice center.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution approving the proposed tax levy and adopting a proposed budget for taxes payable in 2005. 6-0. Carried.

The HRA Board has presented its proposed levy in the amount of \$124,961, which is approximately a 5% increase. This proposed levy cannot be raised once it is set.

Moved by Council Member Chamberlain, seconded by Council Member Jorgenson, adopting a resolution approving the HRA tax levy budget for Fiscal Year Ending 9/30/05 in the amount of \$124,961. 6-0. Carried.

The Council-of-the-Whole has discussed a proposed ordinance regarding the displaying of garage sale signs on specified public property rather than on the public right-of-way. Two public areas are specified in the ordinance: a) At the parking lot at the bottom of Skinner's Hill closest to the intersection of 2nd Drive SW and 9th Place SW, and b) Approximately 100 feet west of the intersection of 5th Avenue NE and 7th Street NE to the south of 5th Avenue NE. Posted signs will be placed in these two areas and garage sale signs will be allowed only within 15 feet from the signs.

Moved by Council Member Jorgenson, seconded by Council Member Chamberlain, directing the ordinance be prepared. 6-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Chamberlain, for adoption and publication of the ordinance. 6-0. Carried.

Denny Maschka, Director of Parks and Rec, said the basketball court at Riverside Arena has not been used for summer basketball for over two years. The court is very labor intensive to put up and to take down. Mr. Maschka said a new floor would be more versatile and would be easier to install and take out.

Council Member Christopherson questioned selling the floor in case we do need it in the future. Mr. Maschka stated the floor hasn't been used much in five years.

Moved by Council Member Chamberlain, seconded by Council Member Jorgenson, approving the sale of the floor. 5-1. Council Member Christopherson voted nay.

The Council-of-the-Whole has recommended approving an agreement to hire consultants to conduct a planning session with city staff and residents. The Council is being requested to authorize the contract and funding \$20,000 towards the project. George Brophy, the Development Corporation of Austin, said approximately 130 people have been specially invited, and all citizens in general via a press release, to the planning session which will take place Thursday, September 16. The funding will go towards the consultants' fee plus out-of-pocket expenses.

Council Member Koch said it was important that at least one representative should come from each governing body, including the county, jail study committee, DCA and HRA.

Council Member Chamberlain questioned how the funding would break out. City Administrator Jim Hurm said the HRA, Port Authority, DCA and City would each contribute \$5000 to \$6000.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution approving the hiring of the consultants and approving financial support. 6-0. Carried.

City Engineer Jon Erichson is proposing to use one site again this year – the Cook Farm site – for the fall yard waste program. This program has been very well received and very successful. The program would run seven days a week from dawn to dusk on October 2 through November 14. Compost is also made available. This program is fully funded by the transfer station. Mr. Erichson noted that there has been some by-passing of the transfer station, which will need to be reviewed. He added that compost is also made available at a location on Hormel Drive near the skate park.

Council Member Pacholl questioned whether this program could be expanded for spring clean-up program. Mr. Erichson said this is a possibility; however, the private sector provides this service, plus it would mean additional cost for the program.

Moved by Council Member Pacholl, seconded by Council Member Jorgenson, approving the fall yard waste program for 2004. Carried.

Double KK Properties has requested tax abatement, and this has been discussed in work session. The School Administration and Mower County have received information of this requested tax abatement; if the Schools and County are not interested in providing for the tax abatement, the City could consider tax abatement for Double KK for up to 15 years rather than just 10. No formal action or response has been received by either the County or the Schools.

Kyle Klaehn, owner of Double KK, said the County Board has passed a motion, 3-2, to discuss this further. The Schools are expected to act on this soon.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, authorizing city staff to proceed with negotiations with Double KK Properties for tax abatement. Carried.

Council received a Report of Commissioners relative to the vacation of public right-of-way, Austin Business Park.

Moved by Council Member Jorgenson, seconded by Council Member Chamberlain, setting a public hearing for Monday, September 20 for final plat approval of property to be known as Sunny's Run 2nd Addition. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Christopherson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1701 6th Avenue NW, Flugum property. Carried.

Moved by Council Member Pacholl, seconded by Council Member Christopherson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1913 5th Avenue NW, Charles Volkert property. Carried.

Moved by Council Member Chamberlain, seconded by Council Member Nordin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1105 14th Avenue NE, Bublitz property. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Christopherson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 204 South Main Street, Burrell property. Carried.

The City of Austin is requesting exemption from subdivision regulations for approximately 1.3 acres in the railroad development area. This property is owned by the HRA. The subdivision has been proposed to accommodate a proposed development of Vel Ved Transportation for a maintenance and office building. Utilities have been notified of this subdivision, and we have received no response from them.

Moved by Council Member Pacholl, seconded by Council Member Jorgenson, adopting a resolution approving the subdivision waiver contingent on the plat for the Milwaukee Railroad Addition being recorded. 6-0. Carried.

Item 21, 'Motion setting a public hearing for Monday, September 20 for a requested amendment to the Comprehensive Plan which would adopt the 2000 Census demographic data as reference in the Austin 2000 Comprehensive Plan' was removed from the agenda as it is not necessary to conduct a public hearing. No action was taken.

Michael Allen, 800 8th Street SE, has requested an appeal to the denial of a fence permit. City code prohibits fences taller than 30 inches. Mr. Allen is petitioning to build a 6-foot fence in the corner sideyard area, which would extend to the detached garage. According to City Code, a 4-foot fence is permissible if permission is granted by Council.

Council Member Pacholl said he has received a phone call from the neighbor to the east who is concerned with the height of the fence.

Mr. Allen said he does not want a 4-foot fence because children could climb over and he has dogs. Mr. Allen said he also wants privacy.

Mayor Rietz noted the safety factor. Mr. Allen said he has considered that and has four possible solutions: 1) put up a convex mirror, 2) construct infrared lighting, 3) put up a security camera, or 4) set the fence back.

Council Member Koch questioned if the fence could be built from the corner of the garage at an angle. Mr. Allen said this was a possibility.

Community Development Director Craig Hoiium questioned at what angle and dimension the Council wanted the fence to be.

Mayor Rietz suggested this matter be held over so that staff could consider options.

City Engineer Jon Erichson recommended Council table the matter so that staff could review. Mr. Erichson said the last option, setting the fence back, would need to be reviewed, as the first three suggestions would not be agreeable.

Council Member Chamberlain noted that Mr. Allen appears to be concerned with the safety, but the next owner of this home may have this awareness.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, tabling this matter. Carried.

Moved by Council Member Chamberlain, seconded by Council Member Nordin, setting a public hearing for Monday, September 20 for a 12-foot variance from City Code limiting the square footage of accessory structures in an R-1 Single Family Residence District. Carried.

Moved by Council Member Nordin, seconded by Council Member Chamberlain, setting a public hearing for Monday, October 18 for proposed assessments on the 2004 sidewalk replacement project. Carried.

REPORTS:

A public hearing for a Community Development Block Grant is scheduled for the next council meeting. The grant would help with the funding of assessments, provide tax abatements, and provide assistance with housing rehabilitation.

City Administrator Jim Hurm announced that the City has received \$1,810.00 from the Hormel Foundation for photography equipment for the Police Department.

The Planning Commission will meet at 4:00 on Tuesday, September 14.

Due to Election Day for the general election, no work session is scheduled for November 2. The work session will meet the next day, November 3.

A budget work session has been set for November 9 at 5:00.

The City Council Committee will meet at 3:15 on September 15.

The Take Part project will take place Thursday, September 16 from 4:30 – 8:30.

Moved by Council Member Pacholl, seconded by Council Member Christopherson, adjourning the meeting to September 20, 2004.

Adjourned: 6:55 p.m.

Approved: September 20, 2004

Mayor: _____

City Recorder: _____