

**MINUTES**  
**COMMON COUNCIL CHARTER MEETING**  
**NOVEMBER 2, 1998**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

MEMBERS PRESENT: Mayor Rietz, Council Member-at-Large Purcell, Council Members Romo, Dahlback, Chaffee, Poppe, Maxfield, and Lang.

MEMBERS ABSENT: None.

OTHERS PRESENT: News Media. Public.

Mayor Rietz added Item #18 to the agenda regarding garbage removal at five residences. Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee to approve the agenda. Carried.

Moved by Council Member Chaffee, seconded by Council Member Maxfield approving the minutes of October 19, 1998. Carried.

Jeff Hoyt, coach of the Austin USTA 2.5 tennis team, gave an account of the team's recent success at the Nationals in Flushing Meadows, New York.

Moved by Council Member Maxfield, seconded by Council Member Poppe approving the consent agenda. Carried.

Mayor Rietz opened the public hearing on the 11<sup>th</sup> Street NE assessment appeals. City Engineer Jon Erichson said that this 1997 street project was appealed by two property owners. Appraisals were then done on both properties which resulted in lowered assessments. Erichson recommended the appraiser's rates for the assessment. Council Member-at-Large Purcell inquired as to the cost per foot. City Engineer Erichson said \$120/foot, and typically the cost is billed 1/4 to each side of the street and the City pays 1/2. Council Member-at-Large Purcell stated he is opposed to the reduction, that if the property owner does not pay, then other taxpayers would end up paying for his benefit. Erichson said that this is a state aid street so the City used those funds. Mr. Larry Hanson, one of the objecting property owners, said he sold another lot for the same price in 1995. In addition, the curb was moved away from his property by two feet. He also said he had a corner lot on 8<sup>th</sup> Avenue NW and there was no rebate as promised. City Engineer Jon Erichson said rebates are given to residential property owners, not commercial or industrial property owners who benefit from the improvements. Hanson said Erichson told him at the initial hearing that he would not have to pay for all of it. Council Member-at-Large Purcell asked whether the cost on assessments reflects the cost or the appraisal. Erichson answered that it is the cost. Purcell said that this, then, is an exception. City Attorney David Hoversten said

that there is no problem billing the assessments according to the cost basis, and that it must be measured on the benefit to the property by way of the improvement. Council Member-at-Large Purcell asked how we get the measurement of benefit. Erichson said that is why there were appraisals done. City Attorney David Hoversten said Mr. Hanson does have certain rights to appeal. Council Member Maxfield said she approves the assessment based on the appraised value rate. Council Member Dahlback disagreed, stating the assessment should be as originally prepared by the Engineering staff.

Moved by Council Member Maxfield, seconded by Council Member Poppe, for the City Attorney to prepare a resolution approving the assessment at the appraiser's stated rates. Carried 5-2, Council Member-at-Large Purcell and Council Member Dahlback opposed.

Moved by Council Member Maxfield, seconded by Council Member Poppe, to adopt said resolution. Carried 5-2, Council Member-at-Large Purcell and Council Member Dahlback opposed.

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

Public hearing was held as requested by Thomas and Donna Maas, 103 20<sup>th</sup> Street SW, for a 6'3" variance from City Code governing rear yard setbacks in an "R-1" Single Family Residence District for the construction of a 9' x 14' addition.

Zoning Administrator Craig Hoium reported that the Planning Commission unanimously recommended approval.

Moved by Council Member Chaffee, seconded by Council Member Poppe to approve the variance as requested. Carried.

Moved by Council Member Dahlback, seconded by Council Member-at-Large Purcell, for the Board of Adjustment and Appeals to resolve itself into a Sign Board of Appeals. Carried.

Public hearing was held on an appeal from the denial of a sign permit as requested by Austin Medical Center, 1000 1<sup>st</sup> Drive NW, to install signage for Austin Medical Center to provide directional signage and free-standing ground signs in an "R-2" Multi-Family Residence District. Zoning Administrator Craig Hoium reported that the Planning Commission recommends approval with the conditions that signs No. 2 and No. 23 should have 30" clearance from grade level and be set back 25 feet from public right-of-way line. Wendy Pajor from ASI Sign Systems, Minneapolis, said that the sign at parking entrance was designed to be set back 19 feet and would be visible from both ways. She doubted that the sign would be visible if set back 25 feet. Council Member-at-Large Purcell said this could conceivably be a life or death matter, and he would rather err on the side of good information rather than some ordinance. Mayor Rietz asked Hoium what his personal

recommendation is. Hoium replied that he did think the setback of 19 feet would be a problem.

Council Member Dahlback motioned, Council Member Romo seconded, to approve the appeal with the stipulations that signs No. 2 and 23 be set back 25 feet. Carried.

Moved by Council Member Chaffee, seconded by Council Member Poppe, for the Sign Board of Appeals to resolve itself back into a Common Council. Carried.

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell, for the City Attorney to prepare a resolution calling a hearing on the proposed assessments for Monday, November 16, 1998 at 5:30 pm as follows: 1987 Sanitary Sewer, 1987 Water, 1989 Sanitary Sewer, 1989 Water, 1990 Sanitary Sewer, 1990 Water, 1995 Sanitary Sewer, 1995 Water, 1996 Sanitary Sewer, 1996 Water, 1997 Sanitary Sewer and Services. Carried.

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell, for the adoption of said resolution. 7-0

Council discussed the approval of a Developer's Agreement and sale of Lot 1, Block 1 of Austin Business Park to Ready Mix Holding, Inc. Zoning Administrator Craig Hoium said that it was in the best interest of the City to put in City services. Council Member Dahlback said that he recalled a "gentleman's agreement" which included the assessments with Ready Mix Holding. Dahlback recommended approving the Developer's Agreement as is, and wait for Ready Mix to agree to it. Council Member-at-Large Purcell recommended adding the price of the land and cost of the special assessments to the resolution. Council Member Maxfield said they should keep the cost of the land at \$100,000 and let the staff work out the details. Council Member-at-Large Purcell objected saying if they (Ready Mix Holding) did not pay, the City would have to pay. Purcell also said that initially Ready Mix had said they would be happy just to obtain some land and now they just want to keep negotiating.

Moved by Council Member Dahlback, seconded by Council Member Romo, for the City Attorney to prepare a resolution approving the Developer's Agreement and sale of Lot 1, Block 1 of Austin Business Park to Ready Mix Holding, Inc. at the \$100,000 cost plus \$157,100 assessment cost. Carried.

Moved by Council Member Dahlback, seconded by Council Member Romo, for the adoption of said resolution. 7-0.

The hiring of Patrick Retterath to the Police Department as recommended by the Police and Public Safety Committee was discussed. Council Member-at-Large Purcell asked why the Personnel Committee did not receive this. Mayor Rietz responded saying that the Police Committee took care of it and then gave Council plenty of time before it came to Council. Council Member Poppe said she would like to see this Committee process hammered out so it would not happen again. Police Chief Philipp said that even with the approval, the

candidate would still need to pass physical and psychological tests. The candidate would then be introduced to Council after successful completion of the tests.

Moved by Council Member Romo, seconded by Council Member Lang, approving the hiring of Patrick Retterath to the Police Department upon passing of the above mentioned tests. Carried.

Moved by Council Member Chaffee, seconded by Council Member Poppe, for the City Attorney to prepare a resolution to annex approximately five acres of property owned by Joel Bigelow & Sons Enterprises, Inc. and legally described as Lots 4 and 5, Block 9, Austin Homesteads, Mower County, Minn. 6-0. Council Member Maxfield abstaining. Carried.

Moved by Council Member Chaffee, seconded by Council Member Poppe, to adopt said resolution. 6-0. Council Member Maxfield abstaining. Carried.

Council Member Dahlback reported that the Ordinance Committee, Chief Philipp and City Attorney Hoversten met with Vera Bongard and Pantaleon Matta regarding the former's transfer of a liquor license and the latter's new 3.2 beer license. Bongard and Matta were presented with an overview of assistance the Police Department can provide for training and compliance issues. Council Member-at-Large Purcell asked as to the number of liquor license available per applicant. Dahlback replied "one." City Attorney David Hoversten said that ownership is based upon the shares of the corporation; Bongard has sold shares at Hey Rubes' and is now able to obtain this license.

Moved by Council Member Dahlback, seconded by Council Member Romo, for the City Attorney to prepare a resolution granting transfer of on-sale hard liquor and 3.2 beer off-sale license for the Cavern, 111 2<sup>nd</sup> Avenue NE, to Vera Bongard. Carried.

Moved by Council Member Dahlback, seconded by Council Member Romo, to adopt said resolution. 7-0.

Moved by Council Member Dahlback, seconded by Council Member Romo, for the City Attorney to prepare a resolution granting a 3.2 beer on-sale license for Pantaleon Matta dab: El Mariachi Mexican Restaurant, 227 N. Main St. Carried.

Moved by Council Member Dahlback, seconded by Council Member Romo, to adopt said resolution. 7-0.

Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee, to terminate the Cook Farm lease. Carried.

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell, approving the extension of the 1998 leaf program for November 7 and 8. Carried.

City Engineer Jon Erichson said there was a mistake in the legal description of the old library site; a new resolution needed to be passed.

Moved by Council Member Maxfield, seconded by Council Member Poppe, for the City Attorney to prepare a resolution approving the corrected description of the old library site from Original Village to Davidson's Addition. 7-0.

Moved by Council Member Maxfield, seconded by Council Member Poppe, to adopt said resolution. 7-0.

Moved by Council Member-at-Large Purcell, seconded by Council Member Poppe, approving garbage removal at five residences as recommended by Zoning Administrator Craig Hoium. Carried.

DCA Update: George Brophy said the DCA has offered the Palleteon company \$100,000 loan to assist with their possible location within Austin. DCA also had an introductory meeting with Pemstar regarding possible expansion opportunities. Brophy also announced a joint Port Authority meeting for November 9 at 7:00 pm with Austin Packaging Company. This will be an informational meeting.

CVB Update: Joanne Maxfield announced that a film crew from KTRK in Houston will be doing a documentary on the city, which will air on public TV. Christmas Memories is planned for December 12 from 4:00-9:00pm. The project will be a joint effort with the Fair Board and the Historical Society this year with some of the historical buildings open during the event. CVB has applied for \$8,000 in grants from the Minnesota Department of Tourism. \$903 will be received.

Finance Committee Chair Poppe cancelled the Finance meeting on November 3rd.

Council Member-at-Large Purcell recommended that the City include a plan for Riverside Arena in the development of plans for a new County arena facility at the fairgrounds.

Council Member Maxfield reminded everyone the street improvement information meeting for November 4<sup>th</sup> has been rescheduled for November 9th.

Council Member Chaffee said that the Council should look at the billing of the water/sewer for September. Current policy averages sewer charges over the summer and bills have gone up considerably in September. Chaffee recommended that Utilities and staff look at including September in the summer averaging. City Engineer Erichson said this is a complicated issue and recommended that an Environmental Services meeting be set. Council Member Chaffee set an Environmental Services meeting for November 9 at 4:30.

Council Member Dahlback reported that Zoning Administrator Hoium, City Administrator McGarvey and himself have a draft of an ordinance to revise the current pets and reptiles ordinance. This will be reviewed by the Ordinance Committee on Thursday. Dahlback

plans to set a hearing for the public and the Ordinance Committee and hopefully have the new ordinance ready for the Council by the first part of December.

Mayor Rietz reminded Council of the canvassing of election results on Thursday, November 5. Mayor Rietz also announced a joint meeting of the Council and Park and Rec Board on November 19 at 5:30 in Council Chambers to discuss the proposed South Main Park.

Moved by Council Member Chaffee, seconded by Council Member Dahlback to adjourn.  
Carried.

Adjourned: 6:52 pm

Approved: \_\_\_\_\_

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

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