

MINUTES
COMMON COUNCIL MEETING
DECEMBER 7, 1998
5:30 P.M.
COUNCIL CHAMBERS

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

OTHERS PRESENT: George Brophy, Gloria Nordin, Media, Public.

Boy Scout Troop 112 presented the colors. Introductions given by council members and staff. The Boy Scout Troop and Council had a question/answer period.

Mayor Rietz announced additions to the agenda: Approval of the November 30th Truth in Taxation Hearing minutes, and an item addition: Intent to vacate easement on property recently bought by M.J. O'Connor.

Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee to adopt the agenda. Carried.

Moved by Council Member-at-Large Purcell, seconded by Council Member Dahlback, approving consent agenda. Carried.

Hearings were held on previous years' sanitary sewer/water projects on parcels of land which have been bought and annexed in.

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell, to prepare a resolution to assess 1987 Sanitary Sewer Projects at a cost of \$18,348.00 at 8% for 4 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1987 Water Projects at a cost of \$7,110.00 at 8% for 4 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1989 Sanitary Sewer Projects at a cost of \$2,880.00 at 8% for 6 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1989 Water Projects at a cost of \$1,265.00 at 8% for 6 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1990 Sanitary Sewer Projects at a cost of \$3,852.00 at 8% for 7 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1990 Water Projects at a cost of \$1,805.66 at 8% for 7 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1995 Sanitary Sewer Projects at a cost of \$5,767.39 at 7% for 12 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1995 Water Projects at a cost of \$2,809.10 at 7 % for 12 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1996 Sanitary Sewer Projects at a cost of \$4,275.63 at 7.5% for 13 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1996 Water Projects at a cost of \$605.00 at 7.5% for 13 years. Carried.

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

Moved by Council Member Chaffee, seconded by Council Member-at-Large Purcell to prepare a resolution to assess 1997 Sanitary Sewer Projects at a cost of \$11,800.73 at 7% for 14 years. Carried.

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

Hearing for final plat approval of Whittier Place Townhomes was held. On the former site of the Whittier School building, Roger's Industries and four single family residences, the redevelopment will include 32 townhomes. The preliminary plat was reviewed and approved by Council in June '98. Approval includes ten conditions of which nine have been met. The final plat includes the following change: re-align the south border of the right-of-way 4th Avenue Southeast to eliminate the 11.65' by 73.97' encroachment into said right-of-way shown on plat dated December 2, 1998.

Council Member-at-Large Purcell inquired as to the request of the final plat. Zoning and Planning Administrator Craig Hoium replied that the request was made by Bastyr.

Moved by Council Member Chaffee, seconded by Council Member Poppe, to prepare a resolution approving the final plat. 6-1. Council Member Dahlback dissenting. Carried.

Moved by Council Member Chaffee, seconded by Council Member Poppe, to adopt said resolution. 6-1. Council Member Dahlback dissenting. Carried.

Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee, to prepare a resolution deferring assessments to be filed with the County Recorder. Carried.

Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee, to adopt said resolution. Carried.

City Engineer presented a resolution to acquire property from Mower County for extending the Cedar River Trail. Mower County has approved the sale on condition that the City pay for all costs involved in the transaction. Moved by Council Member-at-Large Purcell, seconded by Council Member Romo, to prepare the necessary resolution. Carried.

Moved by Council Member-at-Large Purcell, seconded by Council Member Romo, to adopt said resolution. 7-0. Carried.

Council was presented a resolution to approve Senior Accountant Tom Dankert's appointment to City Recorder/Director of Administrative Services with the attached terms

and conditions. Moved by Council Member Poppe, seconded by Council Member Chaffee, to prepare the necessary resolution. Carried.

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

Director of Administrative Services Tom Dankert presented a resolution approving the tax levy for 1999, total amount at \$2,163,795. This is the eighth straight year that the City has not raised the tax levy. Moved by Council Member Poppe, seconded by Council Member Chaffee, to prepare the necessary resolution. Carried.

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

Moved by Council Member Poppe, seconded by Council Member Chaffee, to prepare a resolution adopting a budget for the year 1999. Carried.

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

Moved by Council Member Poppe, seconded by Council Member Chaffee, to prepare a resolution authorizing cancellation of certain ad valorem tax levies. Carried.

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

Director of Administrative Services Tom Dankert presented a resolution approving the Housing and Redevelopment Authority levy budget for 1999 in the amount of \$77,604. Moved by Council Member Maxfield, seconded by Council Member Romo, to prepare the necessary resolution. Carried.

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

Mayor Rietz presented her proposal to appoint Former Mayor John O'Rourke to the Hormel Foundation Board. The reason for the appointment is that Kermit Hoversten will be an elected member on the Board, leaving a vacant spot. Moved by Council Member Lang, seconded by Council Member Poppe approving the appointment. Carried.

Mayor Rietz has appointed Dan Wilson to serve as the City's Year 2000 Project Coordinator (Y2k). Also on the Y2k committee are Tom Dankert, Dan Fick, Jim Schlichter and formerly Daryl Sulander. Moved by Council Member Dahlback, seconded by Council Member Romo to prepare a resolution appointing Dan Wilson. Carried.

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

Zoning Administrator Craig Hoiu asked Council to rescind Resolution No. 11218 due to an assumption that the Resolution for the annexation of the Schepler property was under Orderly Annexation which was incorrect. Moved by Council Member Dahlback, seconded by Council Member Romo, to prepare a resolution rescinding the resolution. Carried.

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

The following two resolutions will correct the annexation for the Schepler property.

Moved by Council Member Dahlback, seconded by Council Member Romo, to prepare a joint resolution for orderly annexation between the Township of Austin and the City of Austin designating an unincorporated areas as in need of Orderly Annexation and conferring jurisdiction over said area to the Minnesota Municipal Board. Carried.

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

Moved by Council Member Dahlback, seconded by Council Member Romo, to prepare a resolution annexing property owned by John Schepler, 2202-7th Avenue NW, under Orderly Annexation Agreement. Carried.

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

The following seven resolutions are for setting hearings for the next council meeting on December 21, 1998 at 5:30.

Moved by Council Member Maxfield, seconded by Council Member-at-Large Purcell, to prepare a resolution setting a hearing before the Board of Adjust and Appeals on request from Arthur and Delores Clennon for a corner side yard setback variance. Carried.

Moved by Council Member Maxfield, seconded by Council Member-at-Large Purcell, to adopt said resolution. 7-0. Carried.

Moved by Council Member-at-Large Purcell, seconded by Council Member Dahlback, to prepare a resolution setting a hearing for a rezoning from Greg Johnson. Carried.

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

Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee, to prepare a resolution setting a hearing for a rezoning from Austin HRA for property in Bolcomb Addition. Carried.

Moved by Council Member-at-Large Purcell, seconded by Council Member Dahlback, to adopt said resolution. 7-0. Carried.

Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee, to prepare a resolution setting a hearing for a rezoning from Roger Bastyr from an I-1 to an R-2 District. Carried.

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

Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee, to prepare a resolution setting a hearing for a rezoning from Roger Bastyr from a B-2 to an R-2 District. Carried.

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

Moved by Council Member Dahlback, seconded by Council Member-at-Large Purcell, to prepare a resolution setting a hearing for a rezoning from Robert and Sheila Helmers from an R-1 to a B-2 District. Carried.

Moved by Council Member Dahlback, seconded by Council Member-at-Large Purcell, to adopt said resolution. 7-0. Carried.

Moved by Council Member Dahlback, seconded by Council Member-at-Large Purcell, to prepare a resolution setting a hearing for a rezoning from Verne Kehret from an R-1 to a B-2 District. Carried.

Moved by Council Member Dahlback, seconded by Council Member-at-Large Purcell, to adopt said resolution. 7-0. Carried.

City Engineer Jon Erichson said that the EIS - Environmental Impact Statement - is the State document which is approved by the City. Erichson reported that there was a large scoping process involved with the EA/EIS draft statement this summer. Public comments were asked at a public comment period in which one comment was made. Council Member Dahlback stated that two weeks prior to the meeting, a Fortune 500 company were forced to go elsewhere due to the length of the Austin Airport runway. Council Member Lang said he was the sole nay vote when Council voted on the airport, but since the Council voted in favor, we should now unite and go forward with the airport plan. Moved by Council Member-at-Large Purcell, seconded by Council Member Chaffee, to prepare a resolution approving the EIS on the Austin Municipal Airport. Carried.

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

Director of Administrative Services Tom Dankert said City employee health insurance rates for 1999 are being increased 8% across the board except for the employee's contribution . Moved by Council Member Poppe, seconded by Council Member Chaffee, approving the 1999 city health insurance rates . Carried.

Regarding the one-year contract with CBSA, Director of Administrative Services Dankert said that in looking at a couple stop losses, the situations (employees) that created these stop losses will most likely not occur again. City Administrator Pat McGarvey said the City will look at other carriers but that the process would take 3-4 months for the companies to give the City a quote. Director of Administrative Services Dankert said the process is long but something would be ready for the year 2000 and possibly with a two-year commitment. Council Member-at-Large Purcell cautioned the City in consistently getting one quote and should look at getting about three quotes. Moved by Council Member Poppe, seconded by Council Member Chaffee, to prepare a resolution approving a one-year contract with CBSA. Carried.

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

Moved by Council Member Dahlback, seconded by Council Member Chaffee, to prepare a resolution approving a quit claim deed for property owned by Darrell Armstrong. Carried.

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

Hormel Foods is requesting an exemption to subdivision regulations for the ability to sell land to McFarland Trucklines. The company employs 50-60 people and is looking to expand its property. Moved by Council Member Dahlback, seconded by Council Member-at-Large Purcell, to prepare a resolution for a subdivision exemption as requested by Hormel Foods. Carried.

Moved by Council Member Dahlback, seconded by Council Member-at-Large Purcell, to adopt said resolution. 7-0. Carried.

LaVerne and Virginia Kehret are requesting an exemption to subdivision regulations for the ability to relocate Holiday Dodge from its current location currently in a flood plain. Moved by Council Member Chaffee, seconded by Council Member Poppe, to prepare a resolution for a subdivision exemption as requested by Kehrets. Carried.

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

M.J. O'Connor recently bought property in the Industrial Park. The City has a sewer easement on the property. City Engineer Erichson asked Council to pass a motion for the intent to vacate the easement upon the completion of 14th Street NE improvements in the year 2000. He said the request is being asked for O'Connor's "comfort level". Moved by Council Member Dahlback, seconded by Council Member Chaffee, to approve the intent to vacate. 6-1. Council Member Maxfield dissenting saying she believed it was not her intent to vote for people's "comfort level." Carried.

George Brophy of the DCA reported on a visit to a company which does \$200M in business.

The HRA office is expected to move to its new offices in January. Regarding the NE trailer park area: one house is sold and is now occupied. Another has been sold. Lakeside Center is still going forward with one buyer negotiating for the whole Center. HRA has authorized the sale of one lot which was acquired through blighted property. This lot was offered to the business next door to it. The Whittier School property condemnation hearing will be December 18.

CVB: Christmas Memories event is planned for December 12.

Fourth Street NW lights are now operating.

Regarding streets: Street projects for the last two years have not progressed as well as planned due to rains and wind.

Finance Committee set for December 21 at 4:00.

Council Member-at-Large Purcell reminded everyone that it was on this day that the Japanese bombed Pearl Harbor.

Council Member Chaffee gave thanks for the removal of the house in his Ward that was burned.

Fire Chief Wilson asked when the money held in escrow can be issued to the party whose house burned down. Staff and City Attorney Hoversten gave the okay to release the escrow.

Moved by Council Member Chaffee, seconded by Council Member Romo, to adjourn the meeting.

Adjourned: 7:10 pm

Approved: _____

Mayor: _____

City Recorder: _____