M I N U T E S
COMMON COUNCIL ADJOURNED MEETING
MONDAY, AUGUST 3, 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 announced the addition of items 5.1 and 14 through 17 to the agenda.

Moved by Council Member Chaffee, seconded by Council Member Poppe to adopt the agenda. Carried.

Moved by Council Member-at-Large Purcell, seconded by Council Member Poppe to approve the minutes of July 20, 1998. Carried.

Mayor Rietz asked if there were any individuals who wished to speak. Francis Skinness, 2001 - 11th Avenue NE, and Chris Hogan, RR 2, Box 84.said that they did wish to speak.

Francis Skinness requested his "picking order" or bill be resubmitted to City insurance. Mr. Skinness had damages to his scooter from pot holes on 12th Avenue NE. City Attorney David Hoversten said that the item should be resubmitted to the claims adjuster if there were new additional information. Mr. Skinness also inquired about street work on 12th Avenue NE. City Engineer Erichson said discussion was held on the subject at the last street committee meeting. The problem was that the north half of the road and its new construction is being disputed with Lansing Township. Documents have been prepared and sent to the City Attorney inquiring as to what to do with the situation. The estimated cost is $500,000 and the City would like to investigate cost sharing with other units of government. Mr. Skinness also said regarding the airport issue, that the noise restriction of no planes before 7:00 a.m. was being violated. He said a 45-minute trip to the airport is common for the Twin Cities. He said the money should be spent for the Shaw Gym. Mr. Skinness asked Council why the issue was not before the public. Mayor Rietz said that it depends on where the funds come from. City Attorney Hoversten said if there were bond issues, then a public referendum would be required.

Chris Hogan, RR 2, Box 84, said he was representing several neighbors and passed documents out to Council regarding the airport issue. The documents included a summary

of letters to the Council; information on JetAire, a new jet which requires a shorter runway space and a letter to the FAA. Council Member-at-Large Purcell said that the staff had gone through eight designs for instrumentation before the FAA approved the current design.

Mr. Hogan asked Council if the action would benefit Austin. Council Member-at-Large Purcell said that Austin depends upon the agricultural progress of Mower County and that safety was the main issue in the need for the runway expansion. Mr. Hogan stated that Hormel jets flew to New Foundland without refueling.

Mr. Hogan asked why the public is not informed earlier. City Engineer Jon Erichson stated that the EA/EIS approves the zoning and then the plan is presented to the public. Erichson said that the ultimate plans are for a 6500 ft runway for future use and presently require 5800 feet of runway.

Mr. Hogan inquired as to whether this was a community decision and who was representing the community. Council Member-at-Large Purcell some people never want to see progress but that most see the potential economic importance to the community.

Mr. Hogan also questioned open meeting law. City Attorney David Hoversten said that public notices had been properly placed and that the law had been complied with.

Alden Qualey, 103 14th Street SE, spoke on issues regarding the proposed airport expansion. One, concerning the safety issue, the Austin Country Club is due north of the airport. Also, the airport expansion he said, is very unpopular. Mr. Qualey iinquired about the joint venture with Albert Lea towards an airport. Council Member-at-Large Purcell said that he worked on the project for over a year but then the project was shot down.

Moved by Council Member Dahlback, seconded by Council Member Maxfield to approve the Consent Agenda as follows:

Licenses: Temporary 3.2 Beer On-sale: Grand Meadow Jaycees at fairgrounds, August 12-16.

(A) Pre-list of Bills.

City Engineer Erichson reported on bids received for a new leaf loader which the City would like to buy. The funds for the this would come from the Central Garage budget. Motion by Council Member Poppe, second by Council Member Chaffee to approve the bid. Carried.

Motion by Council Member Poppe, second by Council Member-at-Large Purcell to prepare a resolutioin to accept the $9,500 local government block grant to purchase radio equipement. Carried.

Chairman of the Ordinance Committee Bob Dahlback said that State law provides authority for cities to set hours for liquor stores but are bound to follow State law with regard to days

open. Therefore, the City ordinance needs to be changed to come into compliance with state law. Motion by Council Member Dahlback, second by Council Member Romo that the City Attorney prepare an ordinance amending Austin City Code Chapter 5, Sec. 5.33, Subd. 2 so as to allow off-sale of liquor on New Year's Day and Independence Day within allowed hours in order to comply with state law. Carried.

Moved by Council Member Dahlback, second by Council Member Romo to move the ordinance to the first reading. Carried.

Moved by Council Member Dahlback, second by Council Member Romo for adoption of the first reading. 7-0. Carried.

Moved by Council Member Dahlback, second by Council Member Romo to move the ordinance to the second reading. 7-0. Carried.

Moved by Council Member Dahlback, second by Council Member Romo to move the ordinance to the third and final reading. Carried.

Moved by Council Member Dahlback, second by Council Member Romo for the adoption and publication of the ordinance. 7-0. Carried.

Moved by Council Member Dahlback, second by Council Member Maxfield to prepare a resolution designating the voting places for the city, utility, county and state primary election to be held on September 15, 1998 and also for the city, utility, county and state general election to be held on November 3, 1998. Precincts are for the First ward: first election precinct - voting place: Pickett Place. second election precinct - voting place: Sumner School. Second ward: first election precinct - voting place: Southgate School. second election precinct - voting place: Banfield School. Third ward: first election precinct - voting place: Woodson School. second election precinct - voting place: Ellis Middle School. Carried.

Moved by Council Member Dahlback, second by Council Member Maxfield for the adoption of said resolution. 7-0. Carried..

Moved by Council Member Maxfield, second by Council Member Poppe to prepare a resolution designating judges for the primary and general elections to be held in September and November. Carried. Council Member-at-Large Purcell abstaining due to his wife being a judge.

Moved by Council Member Maxfield, second by Council Member Poppe for the adoption of said resolution. 6-0. Carried..

Zoning and Planning Administrator Craig Hoium gave information regarding the request for an appeal to the denial of a 7-foot fence permit from the Salvation Army/Austin Housing and Redevelopment Authority. Petitioners wish to have part of the fence at 7 feet so as to

hide a garbage dumpster. Moved by Council Member-at-Large Purcell, second by Council Member Dahlback to allow the fence as requested. Carried.

Moved by Council Member-at-Large Purcell, second by Council Member Lang to set a hearing on request from Laurence Anderson, 2101 7th Avenue NE, for a variance from City Code which limits accessory structures to be no more than 1,000 square feet in an "R-1" Single Family Residence District. Petitioner is requested a permit to build a 26 x 36 detached garage. Carried.

Moved by Council Member Chaffee, second by Council Member Poppe to set a hearing on request from Terratron Inc., 7879 S. 1530 W., West Jordan, Utah, for a variance from the City Code's minimum 20 percent open area requirement for property within a "B-2" Community Business District. Carried.

City Engineer Erichson requested approval for an agreement with MnDOT for airport painting. MnDOT will pay 60%; the remainder will come from the airport budget. Moved by Council Member-at-Large Purcell, second by Council Member Chaffee for the City Attorney to prepare a resolution to approve the agreement. Carried.

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

Moved by Council Member Maxfield, second by Council Member Lang to approve a stop sign at 16th Avenue and 19th Street SW (Southgate). Carried.

The City of Austin is currently under the 1991 Uniform Fire Code and needs to come into compliance with the state. Moved by Council Member Dahlback, second by Council Member Poppe for the City Attorney to prepare an ordinance amending City Code Section 10.09 (1) to make said section consistent with reference to the Minnesota Uniform Fire Code, 1997 Edition. Carried.

Moved by Council Member Dahlback, second by Council Member Poppe to move the ordinance to the first reading. Carried.

Moved by Council Member Dahlback, second by Council Member Poppe for adoption of the first reading. 7-0. Carried.

Moved by Council Member Dahlback, second by Council Member Poppe to move the ordinance to the second reading. 7-0. Carried.

Moved by Council Member Dahlback, second by Council Member Poppe to move the ordinance to the third and final reading. Carried.

Moved by Council Member Dahlback, second by Council Member Poppe for the adoption and publication of said ordinance. 7-0. Carried.

Council Member Dahlback recommended to enforce the City's current animal-keeping ordinance as of September 1, 1998 and to put studying a revision of the ordinance in Matters in Hand. Dahlback stated that it was the general consensus that the public does not want snakes. Council Member Poppe would like to include some form of snakes but to consider the matter as quickly as possible. Council Member Lang agreed with both positions and wished to extend the enforcement start date to Decemeber. Council Member Romo said that many people are wanting the snakes out and that the Council was "under the gun" to enforce. Council Member-at-Large Purcell questioned the reasoning for keeping poisonous snakes in Austin. He stated that reptiles that aren't poisonous should be handled in a new ordinance. Purcell said that the Council was dealing with two issues: one, getting the dangerous animals out of town, and two, making allowances for those animals that are not allowed now. Council Member Maxfield stated that like other ordinances that are violated, such as housing compliances, residents have a time in which to comply.

Francis Skinnes said that as a former teacher at Banfield, he would not be allowed to bring such animals as garter snakes and chameleons into the classroom.

Assistant County Attorney Glen Jacobson stated that County Attorney Patrick Oman believes that enforcing would be impossible and that any restrictions to this ordinance would be unconstitutional. City Attorney David Hoversten said that if Oman or Jacobson were found guilty of keeping snakes, etc., that the matter would be referred out and not handled in this county due to conflict of interest.

Donna Calander, 603 19th Avenue SW, of the Minnesota Herpetological Society asked how one can pick what is dangerous. City Attorney Hoversten said enforcement of the ordinance would mean regulation against dangerous snakes and reptiles. Citizens would receive a warning and staff and LEC would handle cases in which complaints were made. Hoversten said that the current law is somewhat antiquated but that the *intent* of the law was to prohibit farm animals and such animals as snakes and reptiles. Council Member Lang agreed that the language is somewhat imprecise and that it was precise in that some types are prohibited. Lang would like time to improve the language for clarity. City Attorney Hoversten said that safety was not the only point of the issue but that aesthetics, a quality of life is considered in the decision. Council Member-at-Large Purcell inquired as to the possibility of selectively enforcing the dangerous animals by September 1, 1998. City Attorney Hoversten recommended immediate ammendment to the ordinance and that it include language of noninvasive, safe animals.

Dick Pacholl, 815-10th Avenue SW, said that the 1980 ordinance was only amended to include Vietnamese pot-bellied pigs and that the rest of the ordinance is really older than 1980.

Moved by Council Member Dahlback, second by Council Member Romo to make the following recommendation: Persons who are not in compliance with this ordinance must discontinue such activity, remove or dispose of all snakes, reptiles or non-domestic animals

or species effective September 1, 1998. Carried. Council Members Lang and Poppe voting nay.

Moved by Council Member Dahlback, second by Council Member Poppe to put the animal-keeping issue in Matters in Hand. Carried.

Council Member Poppe reminded Council of the Finance/Personnel budget meeting on August 5 at 4:00 p.m.

Council Member Poppe also set a finance meeting for August 28 at 8:30 a.m.

CVB representative Joanne Maxfield said that the CVB is currently bidding for two conventions, one being a vintage car convention. The CVB also will be requesting a Hormel grant for computer equipment. Also, the Downtown Motel has new owners.

Motion by Council Member Maxfield, second by Council Member Lang to put the matter of sidewalks damaged in the June 27 storm into Matters in Hand.

Council Member-at-Large Purcell stated that the situation at the intersection at the Cashwise store and the mall must be dealt with. City Engineer Erichson stated the roadway is a County State Aid Highway. A project for the area totaling $2 M which would include two stop lights and widening 18th Avenue is being studied. Erichson stated that this roadway is not under the City's jurisdiction and we cannot put up stop signs or lights. Motion by Council Member-at-Large Purcel, second by Council Member Lang for the City Engineer to request the County's aid and priority for the improvements. Carried.

Council Member Romo said that regarding the snake/reptile issue, it is an opportunity to learn about all animals.

Council Member Chaffee stated that there have been complaints of kids/building damage downtown. Chaffee asked for parents to take responsibility for their children to stem the problem.

Planning and Zoning Administrator Craig Hoium requested that the Community Needs Forms from Yaggy Colby be brought to his office by this week.

Captain Brian McAlister expressed the need to look into the dog/cat problem in the city. He said the City spends $30,000 to $40,000 and much time on the problem.

Park and Rec Director Denny Maschka said that there had been damage on the construction at the Mill Pond and damage to lights on the plaza.

Mayor Rietz announced that the Southern Minny Stars are offering $2 tickets to anyone who worked with the storm clean-up. Half of the ticket cost will go to Spruce Up Austin. Motion by Council Member Poppe, second by Council Member Lang to adjourn.

Adjourned: 7:15 pm
Approved:

Mayor _____

City Recorder _____