

**MINUTES**  
**COMMON COUNCIL ADJOURNED MEETING**  
**FEBRUARY 16, 1999**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

MEMBERS PRESENT: Mayor Rietz, Council Member-at-Large Chaffee, Council Members Romo, Nordin, Jorgenson, Poppe and Penske. Council Member Poppe left at 6:00.

MEMBERS ABSENT: None.

OTHERS PRESENT: News Media. Full-time firefighters and spouses. Cindy Samuel, SPAMTown Festival Director. Officer René Phan.

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

Moved by Council Member Nordin, seconded by Council Member Jorgenson, approving the minutes of January 7 for the Committee Meeting for the Approval of the Appointment for Second Ward City Council Position, minutes of January 19 for the Closed Meeting Regarding Pending Litigation on I & M Railroad Tracks and minutes of City Council Meeting of February 1, 1999. Carried.

Cindy Samuel, Executive Director of SPAM™Town Festival, gave an update on the 1999 Festival scheduled for July 1 - 4.

The Minnesota Peace Officers Standards and Training Board developed a 17-minute video to promote minorities in law enforcement careers. Police Officer René Phan presented a part of the video which he was chosen to be in.

Ron Felten, full-time firefighter, representing the fire department full-time firefighters, presented a statement (attached) in opposition to Fire Chief Dan Wilson's proposed scheduling change to eliminate firefighters at the fire station from 11 pm to 7 am.

Linnea Burtch, 716 37<sup>th</sup> Street SW and resident of Oakland Park (formerly known as Wheel Estates), informed the Council that residents at the Park were organizing due to the new ownership's park agreement and State of Minnesota mobile home park regulations. Mayor Rietz told Birch that the Council and staff would be looking into the situation.

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

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving requests from SPAM™Town USA Festival Director Cindy Samuel in connection with the Festival's annual street dance on Friday, July 2. Carried.

A motion to receive a report and call a hearing on street improvements for 12<sup>th</sup> Avenue NE was tabled to the March 1<sup>st</sup> meeting. The Street Committee will meet on this issue prior to that council meeting.

Moved by Council Member Poppe, seconded by Council Member-at-Large Chaffee, to approve the reduction of mileage reimbursement rate for the City of Austin from 32.5 cents per mile to 31 cents per mile effective April 1, 1999. Director of Administrative Services Tom Dankert recommended the reduction to follow IRS recommendations. Carried.

Moved by Council Member Poppe, seconded by Council Member-at-Large Chaffee, approving the appointment of Council Member Todd Penske and Planning Commissioner Glenn Mair to the Mower County Water Management Committee. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adopting a resolution authorizing the City Engineer to prepare a project feasibility report for the installation of concrete sidewalk and grass boulevard along the east and west side of North Main Street from 8<sup>th</sup> Avenue NW north to 11<sup>th</sup> Avenue NW. 7-0. Carried.

The Top Ten 1999 - 2000 Mayor/Council Goals were presented to approve. Council Member Lang requested that Item #6 remove the word "downtown" to read "Commercial targeted areas - building restoration support" so as to include other business areas such as the Sterling Shopping Center and the East Side. Moved by Council Member Nordin, seconded by Council Member Penske, to approve the Top Ten Goals as revised. Carried.

A request was presented to Council from Midwest shows, Inc./Farm Shows USA to approve the temporary closing of streets on March 18 - 22 for the Austin Home and Vacation Show. Moved by Council Member Jorgenson, seconded by Council Member-at-Large Chaffee, to approve the closing of streets. Carried.

Dan O'Neil of Springsted requested the Council to authorize the issuance and sale of \$3,795,000 of tax exempt bonds to replace non-tax exempt bonds. These bonds are being paid off by the Hormel Corp. This is to complete refinancing which would save nearly \$2 million interest cost for Hormel on the Waste Water Treatment Plant facility over the life of the bonds. Moved by Council Member Nordin, seconded by Council Member-at-Large Chaffee, to approve the issuance and sale. 6-0. Carried.

Planning and Zoning Administrator Craig Hoium request Council to approve the removal of garbage at property located at 813 10<sup>th</sup> Avenue SW. The property owners have been notified but have failed to resolve the issue. Council Member Penske inquired on the time lag between when a violation is reported until it goes to Council for action. Hoium replied that time would vary from case to case depending on, for instance, how severe the violation

is, if the owner lives outside the city limits. Council Member Penske asked Hoium if the City is aggressive in resolving violations and Hoium replied, "yes". Moved by Council Member Penske, seconded by Council Member-at-Large Chaffee, to approve the removal of garbage at this residence. Carried.

Moved by Council Member Nordin, seconded by Council Member-at-Large Romo, to set a public hearing for March 15 for a proposed ordinance on the Mill Pond public access. Carried.

A public hearing, carried over from the January 19<sup>th</sup> Council Meeting was held on request from James Baldus, 100 19<sup>th</sup> Street NW, for a change of nonconforming use, changing the existing grocery store located at 1920 5<sup>th</sup> Avenue NE to a cabinet shop. Planning and Zoning Administrator Craig Hoium said initially this request was brought before the Planning Commission on January 12 at which time it was tabled for the City Attorney's office to research into the code section. The shop is currently surrounded by an R-1 Single Family Residence District. In 1965 a neighborhood grocery store was built. The owner has moved his business and has a tentative renter and possible purchaser who would make it a cabinet shop. Both businesses are classified as nonconforming use in an R-1 District. Hoium said the Planning Commission had two points to consider: intent and nonconforming use change. The City Attorney's letter stated that the requested change of use is equally or is a more appropriate use and that the use is to continue until it is removed, not increased and that the business would not be expanded. The Planning Commission noted that the proposed business would not be a burden to this area and that traffic would be less. Hoium received no calls or letters regarding the hearing. Planning Commission recommended approval. Former Council Member Dick Pacholl noted that the grocery store had been in business since the late '30s and has never had a complaint. Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, to approve the nonconforming use. Carried.

George Brophy announced the DCA's annual meeting on March 22. Former Congressman Tim Penny will be the speaker.

Regarding Y2k, Fire Chief Dan Wilson reported that the Committee has completed the compliance survey and next is the assessment step which is on the Feb. 17 Finance Committee Agenda. Wilson also reported that he is on the Technical Advisory Committee for Best Practices. A report will go to the state legislature next week.

Parks and Rec Director reported that the Department will review its bleacher situation and the potential danger of bleachers due to recent child accidents.

A Finance Committee Meeting reminder for Feb. 17 at 4:00.

Council Member-at-Large Chaffee reported that the Airport Expansion project is moving along. An informational letter has been sent to the affected property owners, the EAA has been sent to the FAA and an acquisition company will be sought.

Council Member Jorgenson will set up a Street Committee meeting for the near future.

Council Member Romo set a Fire Department and Public Safety Committee informational meeting for Feb. 22 at 4:00. Romo requested the attendance of the full Council, City Attorney David Hoversten and City Administrator Pat McGarvey.

Council Member Lang set an Ordinance Committee meeting for Feb. 24 at 4:00.

Moved by Council Member Penske, seconded by Council Member Jorgenson to adjourn.  
Carried.

Adjourned: 6:24 pm

Approved: \_\_\_\_\_ March 1, 1999

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

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