

**M I N U T E S**  
**COMMON COUNCIL CHARTER MEETING**  
**APRIL 5, 1999**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** News Media. Public.

Item #28, Garbage removal at 1107 1<sup>st</sup> Avenue NW added. Moved by Council Member-at-Large Chaffee, seconded by Council Member Penske, adopting the agenda. Carried.

Bid total corrected on March 15, 1999 Minutes. Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the minutes of March 15, 1999. Carried.

Linda Bloom addressed Council with the problem of grain and bird droppings around Mill Pond. Discussion followed. Suggestions included that the matter be referred to the Parks and Rec Committee first and posting signs prohibiting the feeding of birds. Consensus was that this should be handled in Committee before having to enforce with an ordinance. Council Member Romo thought that other parts/parks of Austin should also be looked into regarding this problem. Moved by Council Member Nordin, seconded by Council Member Jorgenson to refer the matter to the Parks and Rec Committee under Matters in Hand.

John Fisher of S.E.H./R.C.M. presented the Trickling Filter project award to the Mayor, Council, staff and citizens.

Iris Hansen, the new director for the Senior Citizens Center introduced herself to Council. Ms. Hansen stated that her goal is to increase membership at the Center.

The 1998 Mower County/City Employees Food Drive plaque was presented to Council by Dave Stewart, Personnel Director.

The Pay Equity Compliance Certificate was presented to Council by Dave Stewart, Personnel Director.

Moved by Council Member Poppe, seconded by Council Member Chaffee, to approve the consent agenda as follows:

Licenses: Excavation: Richard J. Swenke dba Swenke Co., 103½ West Main S., Kasson  
R. W. Johnson dba R.W. Johnson Co., 2208 4<sup>th</sup> St. NW  
Cigarette: Rainbow Liquors, 1700 17<sup>th</sup> St. NW  
Food: Steve Bushaw dba Bushaw Bread & Bun Co., 1017 2<sup>nd</sup> Ave. NE  
Hardee's II, 1300 14<sup>th</sup> St. NW  
Sign: Jones Sign Co. Inc., 711 Hinkle Drive, Green Bay, WI 54303  
Nesper Sign Co., 4620 J. St. SW, Cedar Rapids, IA 52404  
One-day gambling: United Catholic Schools Foundation at St.  
Edward's Community Center, 2001 NW 1<sup>st</sup> Avenue

## Claims:

- (A) Pre-list of bills.
- (B) Jan Olson, 111 6<sup>th</sup> Avenue SW. Referred to the City Attorney to protect the City's interest.
- (C) Merldeen Feuerhak, 1011 8<sup>th</sup> Street SE. Referred to the City Attorney to protect the City's interest.
- (D) Christine Guy, 116 1<sup>st</sup> Street NE. Referred to the City Attorney to protect the City's interest.

City Engineer Jon Erichson tabled the reporting of the bids received for furnishing the City with 5,500 tons of bituminous surfacing material to the April 19 meeting. Bids were received until 2:00 p.m., March 31, 1999.

City Engineer Jon Erichson reported on the bid received for furnishing the City with 80,000 gallons of CRS 2 Oil at \$.6262 per gallon. One bid was received from Koch Materials in the amount of \$50,096.00. Mr. Erichson recommended approving the bid. Council Member-at-Large asked why only one bid was given. Erichson said there was uncertainty in the oil industry and other companies were reluctant to lock themselves into a price.

Moved by Council Member Penske, seconded by Council Member Nordin, adopting a resolution awarding the contract to Koch Materials. 7-0. Carried.

Public hearing was held on the modification of Municipal Development District No. 1 related development program and the establishment of Tax Increment Financing District No. 9 located at the SE corner of 8<sup>th</sup> Avenue NE and 11<sup>th</sup> Street NE. City Administrator Patrick McGarvey said this request is due to a company requesting to move into Austin. The company, Palleton, makes wood pallets. The area requested is south of the Recycling Center on 11<sup>th</sup> Street and 8<sup>th</sup> Avenue NE. The building to be built will be 16,800 s.f. in area and, according to the County Assessor, will pay an estimated \$15,153 in taxes. The purpose for the tax increment financing is for remuneration of the annual tax increment for several items that are required here in Austin including parking lot hard surfacing, sprinkler system,

landscaping and soils correction which will require an additional \$62,190 investment by the company - this amounts to about \$90,000 when interest at 8 percent is added for the period of years necessary to rebate the \$62,190. The City has received written waivers from the County Board, Commissioner Len Miller and School Board waiving a 30-day hearing notice to allow the company to begin construction as soon as possible. Mr. McGarvey pointed out that T.I.F. District No. 9 is a 25-year legal life Redevelopment District, and when the amount of principal and interest is paid to the company, at that time the City Council may either continue the district or de-certify it.

The next item of this project is a request for approval of a Contract for Private Redevelopment by and between Palleton of Minn., Inc. and the City of Austin. This Agreement includes requirements that Palleton must meet which includes creating and sustaining full-time jobs to earn the tax increment rebate. This agreement with Palleton is for the number of years, estimated at 8 to 10, that the tax rebate is earned via the job credits in the Contract for Private Redevelopment and the number of years it takes to pay the company \$62,190 plus interest.

There was no person present in the audience wishing to speak on this project.

Moved by Council Member Poppe, seconded by Council Member-at-Large Chaffee, adopting a resolution approving the modification of Municipal Development District No. 1 and establishment of Tax Increment Financing No. 9. 7-0. Carried.

Moved by Council Member Poppe, seconded by Council Member-at-Large Chaffee, adopting a resolution approving the Contract for Private Redevelopment by and between Palleton of Minnesota, Inc. and the City of Austin. 7-0. Carried.

Finance Director Tom Dankert reported on the budget carryover request from 1997 and 1998 totaling \$58,349. These items have been carried over because of the storm of 1998 and because of a timing need.

Moved by Council Member Poppe, seconded by Council Member-at-Large Chaffee, adopting a resolution authorizing the 1998 budget carryover. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, adopting a resolution granting 3.2 beer license to Johnny's Main Event, 1130 N. Main St. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution amending Resolutions 11263 and 11282 to eliminate a part of the legal description relating to vacation of street right-of-way in Palmer's Addition. 7-0. Carried.

Planning and Zoning Administrator Craig Hoium requested Council approve the sale of city property to Catherine Guy, D.D.S. The land requested has been appraised for \$35,500. The property has had geological and environmental analyses of the soil and has proven positive

for development. If Council decides to proceed, Hoium said an abstract must be provided by the City. (This request requires full approval of Council.)

Moved by Council Member Poppe, seconded by Council Member Lang, adopting a resolution approving the sale of city property to Catherine Guy, D.D.S. 7-0. Carried.

Planning and Zoning Administrator Craig Hoium presented a request to waive subdivision regulations requested by Grace Gregg. Council Member-at-Large Chaffee asked if by waiving the subdivision regulations, variances or setback requirements are not ignored. Hoium said that all requirements would still be met with the subdivision.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, to adopt a resolution waiving subdivision regulations as requested by Grace Gregg, 1701 8<sup>th</sup> Avenue NW. 7-0. Carried.

Planning and Zoning Administrator Craig Hoium presented a request to waive subdivision regulations as requested by Oppidan Development of Minneapolis. Council Member-at-Large Chaffee asked Hoium if off-street parking and green space requirements would be followed. Hoium said they would still comply. Mayor Rietz asked Hoium if he saw any problems with this subdivision. Hoium replied that he did not.

Moved by Council Member Jorgenson, seconded by Council Member Romo, to adopt a resolution waiving subdivision regulations as requested by Oppidan Development, 420 International Center, 900 2<sup>nd</sup> Avenue South, Minneapolis, MN. 7-0. Carried.

Moved by Council Member Nordin, seconded by Council Member Penske, approving the name of "Worlein Plaza" for the donated Worlein property. Carried.

Moved by Council Member Poppe, seconded by Council Member Nordin, setting a hearing for April 19 at 5:30p.m. on request from Viking Glass, 1305 4<sup>th</sup> Street SE for a variance to be issued pursuant to Austin City Zoning Code Section 11.50, Subd. 6(B) for a variance from City Code governing the minimum ten-(10) foot rear yard setback in an "I-1" Limited Industrial District. Carried.

Moved by Council Member Penske, seconded by Council Member-at-Large Chaffee, to adopt a resolution receiving report and calling a hearing for May 3, 1999 for sanitary sewer in portions of Austin Acres. 7-0. Carried.

City Administrator Patrick McGarvey presented a resolution approving the Labor Agreement with IAFF Local 598 for 1999-2001. Mr. McGarvey said that the main issue of scheduling had been compromised. The fire inspector would be on an 8-hr/5 day schedule. The nine full-time firefighters would be divided into three teams of three to cover a 56-hour week on 24-hour shifts. 12 hour shifts 8:00 - 8:00 minus a total of two hours for morning, lunch, afternoon and supper breaks. The Agreement also requires 60-65 annual hours per employee on a 24-hour shift of non-emergency hours for duties after 8:00 p.m. and before

and 8:00 a.m. each year. Each employee on the 24-hour shift is required to work 10 hours of scheduled productive duties during the period of 8:00 a.m. to 8:00 p.m. on each shift less any time in this period spent on response to emergency calls. Council Member Romo expressed thanks to all involved in the negotiation process and said this is an example of democracy.

Moved by Council Member Romo, seconded by Council Member-at-Large Nordin, adopting a resolution for approval of a Labor Agreement with IAFF Local 598 for 1999-2001. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving 15-minute parking stalls in the downtown area. Carried.

City Engineer Jon Erichson introduced an interim organization plan for the Building and Planning departments and appointment of an interim Building/Planning Official. The request includes 1.) advancing Craig Hoium to the position of Building Official/Planning and Zoning Administrator on an interim basis; 2.) continuing to employ John Christensen as a building inspector; 3.) accelerating Ron Ripley two steps in his step system; and 4.) compensating Craig Hoium. It was stressed that this approval is only an interim plan.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, approving an interim organization plan for the Building and Planning departments and appointment of interim Building /Planning Official. Carried.

Moved by Council Member Penske, seconded by Council Member Poppe, adopting a resolution to approve orderly annexation as requested by Eugene Nelson, 2408 12<sup>th</sup> Street SW. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution to approve a Gambling Premises Permit for the VFW Post 1216 to conduct bingo at 300-302 4<sup>th</sup> Avenue NE. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Romo, adopting a resolution to approve Class B Gambling Premises Permit for the Benevolent and Protective Order of Elks #414 at Thirsty's, 200 Third Avenue NE. 7-0. Carried.

Moved by Council Member Penske, seconded by Council Member Chaffee, adopting a resolution approving ordering annexation of property located in Austin Homesteads as petitioned by Jerome Bigelow. 7-0. Carried.

Moved by Council Member Penske, seconded by Council Member Poppe, adopting a resolution to call a hearing for Monday, May 17 on request from Lynette L. Groh, 401 7<sup>th</sup> Street SW for vacation of a public right-of-way. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, adopting a resolution authorizing the Mayor to sign Form HUD-52835 Local Government Statement for the Comprehensive Grant Program. 7-0. Carried.

City Engineer Jon Erichson presented a request of Pacelli High School to lease property in the Lone Oak Addition for a corn maze. The Agreement states that if a buyer comes, Pacelli must vacate. Mr. Erichson said in that event, the City could refund partial rent. Mr. Erichson also said Pacelli is responsible for returning the property back to grass.

Moved by Council Member Lang, seconded by Council Member Jorgenson, adopting a resolution to lease property in Lone Oak to Pacelli. Carried.

Planning and Zoning Administrator Craig Hoium requested Council to approve the contracting to remove garbage at 1107 1<sup>st</sup> Avenue NW. Council Member-at-Large Chaffee asked Hoium how the City recaptures these costs. Hoium said that the property owners are billed and if not paid, the bill is added to property taxes. Council Member Penske noted that it had been a year since Council had first heard of the violations from this property owner and asked Hoium if Council could receive periodic reports on these situations. Hoium said that the process is lengthy because, for example, in this case the property owner complied and then violated in a back and forth cycle. This violation went to Court and that could be a 2 to 3-months wait. Hoium said he has not been pleased with this process as of late due to warnings by the judge and/or lax penalties. Hoium has set a meeting for April 16 to speak with the judge and court administrator to speed the process and to obtain better results. Council Member Lang said the Zoning Official has been given strength due to a recent ordinance and that Hoium has done an outstanding job.

Moved by Council Member Jorgenson, seconded by Council Member Romo, approving garbage removal at the above address.

Ordinance Committee meeting set for April 15 at 4:30.

Council Member Penske reported on the Mower County Water Management Committee. (The committee meets 2-3 times per year). The committee is looking into an alternative septic system.

Council Member-at-Large Chaffee reported that the Skate Park equipment is in rough shape. Police Chief Philipp said that the skate park is closed for now.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, to remove Item #1. Additional or replacement lights on 2<sup>nd</sup> Avenue NE from bridge to 10<sup>th</sup> Street NE from Matters in Hand.

City Engineer Jon Erichson said Rydgor Bike has requested to extend their street closing from the original 3:00 - 9:00 request to all day. The request is for June 8 and Main Street would be closed from 1<sup>st</sup> to 2<sup>nd</sup> Avenue.

Director of Administrative Services Tom Dankert said that due to the Y2k compliance, every computer system within the City requires a minor patch.

Fire Chief Dan Wilson requested action on a leave of absence that one of the part-time firefighters would like for six months. Discussion followed on the proper/legal method for granting the leave of absence. Since a full Council was in attendance including all the members of the Fire Committee, the action was approved.

Moved by Council Member Romo, seconded by Council Member Nordin to approve the request of the leave of absence.

There will be a town meeting on the arena at the arena on Thursday, April 8.

The AAUW will hold its annual book sale at the library on April 30 and May 1 from 9:00 - 4:00.

A town meeting for the Blandin Foundation will be held April 26 in Christgau Hall at the high school.

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

Adjourned: 7:00 pm

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

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

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