

**M I N U T E S**  
**COMMON COUNCIL ADJOURNED MEETING**  
**MONDAY, APRIL 19, 1999**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

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

**MEMBERS ABSENT:** Council Member Jorgenson.

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

Additions added to agenda: Ordinance regarding changes concerning garbage haulers; request for variance from Stewart Sanitation; pulltab approvals from Charley's Lounge and Spanky's Tavern for the Maple Island Park Association, approval for a Diversity Walk and an ordinance concerning manufactured and mobile homes. Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, approving agenda. Carried.

Moved by Council Member Penske, seconded by Council Member Poppe, approving the minutes of April 5, 1999. Carried.

Mayor Rietz presented the city's 20<sup>th</sup> Tree City USA award to Park and Rec Director Denny Maschka. Austin is one of 7 communities in Minnesota to receive the distinction for twenty years.

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

Licenses:

Concrete: Jon S. Finstad dba Holzer Mudjacking, PO Box 1354, Eyota, MN 55934

Master Plumber: Fred Muralt dba Budget Plumbing Corp., 5119 Hanson Court, Crystal, MN

One-day gambling: Austin Area Chamber of Commerce at Fairgrounds - Aug. 10, 1999

Claims:

- (a) Financial and Investment Reports.
- (b) Pre-list of Bills.

City Engineer Jon Erichson presented bid for Street Projects 1-A-99 and 2-A-99. The City received one bid from Doyle Conner Co. of Rochester, Minnesota in the amount of \$1,229,012.94. Engineer's Estimate was \$1,285,344.00.

Moved by Council Member Nordin, seconded by Council Member Poppe, adopting a resolution awarding the bid to Doyle Conner. 6-0. Carried.

City Engineer Jon Erichson presented a bid for Street Projects 3-A-99 and 4-A-99. The City received one bid from Ulland Bros., Albert Lea, Minnesota in the amount of \$380,025.72. Engineer's Estimate was \$344,154.00. Bid received was 10.4% higher due to two factors: Last year's bid prices did not reflect this year's increased saving costs which amounted to \$3 per foot. Also, oil prices for bituminous pavement production are higher this year.

Moved by Council Member Nordin, seconded by Council Member Poppe, adopting a resolution awarding the bid to Ulland Bros. 6-0. Carried.

The City received 4 bids for seasonal asphalt supplies.

<u>Bidder</u>	<u>Base Bid</u>	<u>Mileage</u>	<u>Total</u>
Ulland Bros.	$\$113000/5500 = 20.55/\text{ton}$	$(21.4)(.15) = 3.21$	\$23.76
Shamrock Rochester	$\$103000/5500 = 18.73/\text{ton}$	$(51)(.15) = 7.65$	\$26.38
Sand & Gravel	$\$120725/5500 = 21.95/\text{ton}$	$(48.1)(.15) = 7.22$	\$29.17
Crane Creek	$\$174150/5500 = 31.66/\text{ton}$	$(37.4)(.15) = 5.61$	\$37.27

Moved by Council Member Nordin, seconded by Council Member Poppe, adopting a resolution awarding the bid to Ulland Bros. 6-0. Carried.

City Engineer Jon Erichson presented bids for the Cook Farm lease. The lease is for 3 years. If the City finds a buyer for the land, the renter will be forced out.

Contractor	Amount (3 year total)
Nathan Magnuson	\$28,010.25
Craig Davis	\$14,503.00
Paul Heers	\$12,000.00

Council Member Penske asked how much of the Cook Farm is rented out. City Engineer Jon Erichson replied that 177 acres are dedicated to hay ground. Part of the land is for Pacelli's corn maze and another portion in the northwest corner is used for a compost pile. Nathan Magnuson is the recommended renter.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, to adopt a resolution awarding the Cook Farm Lease to Nathan Magnuson. 6-0. Carried.

City Administrator Patrick McGarvey presented a resolution sponsoring The Initiative Fund's partnership with the State of Minnesota's CG Loan Program on behalf of the Knight Motor Corporation. It was made clear that this action is moral support with no financial obligation.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Romo, to adopt a resolution in support of the Knight Motor Corporation. 6-0. Carried.

The Port Authority presented a plan to repay the City for the Town Center. The City Council loaned the Port \$607,000 in 1996 to pay for contractual work. The long term repayment plan by the Austin Port Authority has the following request of the City Council:

1. The interest charged on the \$607,000 shall be 5.7 percent simple interest each year.
2. The loan with interest is to be paid back to the City of Austin by the Port Authority at the date of sale of the building or 1/1/2014, whichever occurs first, unless the City Council and Port Authority agree to extend the sale to a future date.
3. No percentage of interest earnings on Port Authority funds shall be charged by the City of Austin for allocation to city funds.
4. Base Rent will be increased as per the language in the current Lease Agreement and after the first ten years of leasing.
5. Up to twenty percent of the annual Base Rents may be used for necessary capital repairs.
6. That this Resolution be submitted to and received by the Austin Port Authority.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, to adopt a resolution approving the Town Center repayment plan by the Port Authority. 6-0. Carried.

Planning and Zoning Administrator Craig Hoium presented a resolution for an Orderly Annexation Agreement between Burt Plehal and the Murphy Family for approximately 88.6 acres in Lansing Township. This land is directly north of K-Mart.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Penske, adopting a resolution approving the Orderly Annexation Agreement. 6-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adopting a resolution approving the annexation petitioned by Burt Plehal and the Murphy Family for approximately 88.6 acres in Lansing Township. 6-0. Carried.

Planning and Zoning Administrator Craig Hoium presented a resolution for an Orderly Annexation Agreement between Bigelow Enterprises for approximately six acres located in Austin Township. This land is directly west of Southgate.

Moved by Council Member Penske, seconded by Council Member Poppe, adopting a resolution approving the Orderly Annexation Agreement. 6-0. Carried.

Moved by Council Member Penske, seconded by Council Member Poppe, to adopt a resolution approving the annexation petitioned by Bigelow Enterprises for six acres located in Austin Township. 6-0. Carried.

Moved by Council Member Romo, seconded by Council Member-at-Large Chaffee, adopting a resolution approving Land Surveyor's Certificate of Correction to Plat in Brown's Addition. 6-0. Carried.

Planning and Zoning Administrator Craig Hoium requested three separate garbage removals. Hoium has had ongoing correspondence with all three parties with no result. Council Member Lang congratulated Hoium in his efforts.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the garbage removal at 1011 15<sup>th</sup> Avenue NE. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the garbage removal at 1105 14<sup>th</sup> Avenue NE. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the garbage removal at 900 8<sup>th</sup> Avenue NE. Carried.

City Engineer Jon Erichson presented a request from Mike Steichen for a building on 12<sup>th</sup> Avenue NW which is directly east of the College. The driveway would enter off the end of the existing street.

City Engineer Jon Erichson said there is very little possibility of extending the street. The Street Committee has approved the proposal with the following conditions:

1. The owner would sign an agreement waiving any right to appeal future street assessments if the road were to be extended.
2. The owner would be required to build the street to City standards including curb and gutter past the driveway.
3. Any pending assessments would have to be paid.

Moved by Council Member Romo, seconded by Council Member Poppe, approving the building request. Carried.

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

Planning and Zoning Administrator Craig Hoium presented a request from Complete Automotive Services for a sign appeal to erect a 5' x 20' wall sign on the west exterior wall of the petitioner's place of business. This west exterior wall does not face a public street or alley as specified in a "B-2" Community Business District. The Planning Commission unanimously recommended approval. Council Member Poppe asked if a freestanding sign could be the same size. Hoium replied there are no restrictions for the freestanding sign and it would give more visibility, but freestanding signs are more expensive.

Moved by Council Member Nordin, seconded by Council Member Penske, approving the sign appeal. Carried.

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

City Engineer Jon Erichson requested approval of the Alternative No. 2 for the 12<sup>th</sup> Avenue NE street improvement project at an estimated cost of \$65,000 to be paid from Fund 49, Capital Improvements Revolving Fund. Four different alternatives were considered and presented at an informational meeting on March 23, 1999. The Street Committee met on March 30 and recommends the following alternative:

- 1.) Regrading the ditches to provide for drainage
- 2.) Removal and replacement of driveway culverts that do not drain
- 3.) Acquisition of easements for north/south drainage
- 4.) Construction of an additional drainage system between the Hangge/Rollie property.
- 5.) Reconstruction and extension of drainage system between Rush/Gavin property
- 6.) Overlay the existing road with approximately 2" of asphalt

Erichson said the project would probably start after school is out and be completed in six weeks.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the 12<sup>th</sup> Avenue NE street plan. Carried.

City Engineer Jon Erichson presented an ordinance amending provisions relating to office residential garbage hauler licenses and changing provisions relating to the use of the Transfer Station by garbage haulers. The ordinance allows for garbage hauler offices to be outside the city limits. It also allows for bypass of the transfer station. Council Member-at-Large Chaffee applauded the effort to create competition which was the intent of the ordinance.

Moved by Council Member Lang, seconded by Council Member Poppe, to prepare the aforesaid ordinance. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, to move the ordinance to the first reading. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, for adoption of the first reading. 6-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, to move the ordinance to the second reading. 6-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, to move the ordinance to the third reading. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, for the adoption and publication of the ordinance. 6-0. Carried.

City Engineer Jon Erichson presented a variance request from Stewart Sanitation asking for variance for the City ordinance for garbage haulers.

Moved by Council Member Penske, seconded by Council Member-at-Large Chaffee to approve the variance request. Carried.

Two pulltab premises permits were presented for two-year renewals. Ordinance Committee has recommended approval.

Moved by Council Member Lang, seconded by Council Member Nordin, to adopt a resolution approving the gambling premises permit for the Maple Island Park Association at Charley's Lounge. 6-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, to adopt a resolution approving the gambling premises permit for the Maple Island Park Association at Spanky's Tavern. 6-0. Carried.

Discussion held on a Diversity Walk scheduled for April 30 at 3:00 from the Austin Public High School flagpole to the public library. No action required in the past because no streets are to be closed. No action taken.

Planning and Zoning Administrator Craig Hoium presented an addition to the mobile home ordinance defining manufactured and mobile homes and provisions authorizing the placement of such homes.

Moved by Council Member Lang, seconded by Council Member Romo, to prepare the aforesaid ordinance. Carried.

Moved by Council Member Lang, seconded by Council Member Romo, to move the ordinance to the first reading. Carried.

Moved by Council Member Lang, seconded by Council Member Romo, for adoption of the first reading. 6-0. Carried.

Moved by Council Member Lang, seconded by Council Member Romo, to move the ordinance to the second reading. 6-0. Carried.

Moved by Council Member Lang, seconded by Council Member Romo, to move the ordinance to the third reading. Carried.

Moved by Council Member Lang, seconded by Council Member Romo, for the adoption and publication of the ordinance. 6-0. Carried.

Finance and Personnel meeting will be Wednesday, May 5 at 4:00 p.m.

Council Member Nordin reported that the Park and Rec Committee is still working on the use for St. Paul's and also addressing the Mill Pond duck problem. Signs prohibiting feeding are being made.

Council Member Romo invited everyone to the 9<sup>th</sup> Annual Multi-cultural week at Riverside Community College April 25 - April 30.

Fire and Safety Committee will meet April 26 at 4:00 p.m.

City Engineer Jon Erichson reported that the County is proceeding with the Dinsmoor Acres situation. The County would be responsible for infrastructure and assessment costs. When this is complete, Austin would annex. Public hearing is set for April 28. This would be a two-year construction project; the first year would be the underground work and the second year, streets would be put in. This is a joint agreement with Mower County, Austin Township, Austin Utilities and the City of Austin. Estimated cost is \$700,000.

Planning and Zoning Administrator Craig Hoium said that after the Thursday Community Development meeting, he would like to meet with the entire council.

Library Director Chris McArdle said that the Library Board Finance Committee will be meeting with the County Commissioners regarding their branch affiliations and also regarding a task force for the county library structure.

Council Work Session set for April 28 at 7:00 a.m. in Council Chambers to review the arena's future in preparation of an application to the State.

Bresnan has requested a meeting with the Council and Cable Committee. Meeting will be evening of May 5<sup>th</sup>.

Mayor Rietz reported that the March of Dimes Walkathon was successful and that Austin won over Albert Lea. Albert Lea took in \$16,900; Austin took in \$22,000.

Mayor Rietz reported that the cleanup from the June 27, 1998 storm is near completion. The majority of the costs will be reimbursed by FEMA, with the City regular staff time not eligible for reimbursement from FEMA.

Moved by Council Member Nordin, seconded by Council Member-at-Large Chaffee to adjourn. Carried.

Adjourned: 6:39 pm

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

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

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