

M I N U T E S
COMMON COUNCIL ADJOURNED MEETING
MAY 3, 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: Media, George Brophy, Department Heads, public.

Three items added to the agenda: gambling premises permit renewal for Elks Lodge 414 at the Elks Lodge and at Margaritaville. Also added to the agenda: acceptance of the gift of a paddleboat from Bill Regner.

Moved by Council Member Penske, seconded by Council Member Nordin, adopting the agenda. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, approving the minutes of April 19, 1999. Carried.

Kathy Buker, Exalted Ruler of the Elks Lodge 414, gave a detailed summary of the Elks' activity with Austin youth including: host of the girls' fast pitch tournament in which Austin place third; Hoop Shoot Contest; possible Soccer Shoot in the future; sending 10 boys and 5 girls to camp in northern Minnesota; scholarship giving (Elks is second only to the federal government in giving scholarships; After Prom Party; Boy Scouts and Girl Scouts; D.A.R.E.; Q-TV; Parenting Resource Center and Cherishing Our Children.

Mayor Rietz presented a Youth Week Proclamation to Kathy Buker, Exalted Ruler of the Elks.

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

Licenses:

Sign: Top Line Advertising, 11775 Justin Circle #A, Osseo, MN 55369

Tree Removal: That's Tree Service, 418 West Margret St., Fairmont, MN 56031

Concrete: Vernon Daniel Co., 2018 5th Avenue NE, Austin

Claims:

- (A) Pre-list of bills.
- (B) Rose Mary Gerlach, 704 18th Street SW, referred to the City Attorney to protect the City's interest.

Carried.

Public hearing held on water construction on 17th Street SW, 20th Street SW, 22nd Street SW and 18th Avenue SW in Austin Acres.

City Engineer Jon Erichson reviewed water and sewer projects in Austin Acres. These projects date back to the 1980s with an Orderly Annexation Agreement. Property owners were not forced to annex for a period of 10 years. Owners were allowed to annex and the City would assess at that time. At this time, the City is extending water. Notification is not required to those living outside of City limits until those property owners annex. Owners will be assessed for 15 years at a 7% interest rate.

Gene Simon asked about the timing of this project. Erichson replied that the project is set for 1999 with a probable start date in August. The project should last 6-8 weeks.

Moved by Council Member Penske, seconded by Council Member Poppe, adopting a resolution ordering the improvement, approving plans and specifications and ordering advertisement for bids. 7-0. Carried.

Public hearing held on sanitary sewer construction on 17th Street SW, 20th Street SW, 22nd Street SW and 18th Avenue SW in Austin Acres.

City Engineer Jon Erickson reviewed the sewer projects in Austin Acres. The only thing different about this project from the water project is the method of assessment which is determined by the number of parcels and the lot size. Cost to be assessed will be \$5,000 to \$8,000 per parcel.

Phyllis Sammon, 1707 22nd Street SW, asked if those with wells and septic systems would be able to choose not to hook up to the City. Erichson replied that those people would not have to hook up. The Orderly Agreement ends in 2001, though, at which time citizens would be forced to annex and would be required to hook up. Well water could be maintained for lawn care, washing cars, etc. Septic systems must be removed.

Moved by Council Member Penske, seconded by Council Member Poppe, adopting a resolution ordering the improvement, approving plans and specifications and ordering advertisement for bids. 7-0. Carried.

Moved by Council Member Penske, seconded by Council Member Poppe, adopting a resolution to set a hearing for a preliminary plat review of property to be known as Keenan

Addition and legally described as Outlots I, H, J, K, L of Lot 3, Block 9 and Lots 4 and 5, Block 9, Austin Homesteads. 7-0. Carried.

Report of Commissioners was received in connection with the vacation of street right-of-way in Palmer's Addition. Total benefits amount to \$1125.00. This request will carry over to the next Council Meeting at which time the final resolution will be adopted.

Moved by Council Member Jorgenson, seconded by Council Member Romo, setting a hearing for May 17, 1999 with the Board of Adjustment and Appeals for a variance from City Code governing the minimum rear yard setback in an "R-1" Single Family Residential District requested by Donald and Mildred Gordon, 1307 11th Street NW. 7-0. Carried.

City Engineer Jon Erichson presented a resolution recommending the award of the Todd Park Trail construction contract. This is a federal project paying 80%.

Ulland Bros.	\$316,382.00
Freeborn Construction	\$321,520.20
M.J. Neven Asphalt Inc.	\$349,520.20

City cost is 20% or \$63,276.40 which is already in the budget.

Moved by Council Member Nordin, seconded by Council Member-at-Large Chaffee, adopting a resolution in support of the recommendation.

Nona Bauer, Personal Representative to the H.C. Johnson estate, has requested the closure of an alley between 12th Street and 13th Street NE and 5th and 6th Avenue NE. The request is also for parking trailers on a vacant lot owned by the HRA. This last request has been referred to the HRA.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the alley closing. Carried.

Moved by Council Member Lang, seconded by Council Member Penske, for the Common Council to resolve itself into a Board of Adjustment and Appeals. Carried.

Planning and Zoning Administrator Craig Hoium presented two appeals to the denial of fence permits. The first appeal is requested by Kathleen Hectorne, 1208 4th Street SW. The proposed fence is 5' high. City Code limits this type of fence to 4' unless approved by Council. Neighbors have been notified; two have replied with no concerns. Mr. Hoium expressed concern of vision of traffic at the southeast corner and suggested fence angles of 45° at both corners. Owner Kathy Hectorne replied that she would not care to do this because of angles already being made in the fence due to two large trees.

Moved by Council Member Poppe, seconded by Council Member Penske, approving the appeal as stated. Carried.

The second fence appeal is requested by Craig Jackel for property located at 704 8th Street NE.

Planning and Zoning Administrator Craig Hoium expressed a public safety concern with backing out of the driveway onto a busy street (8th Street) and suggested a lower fence by the driveway. Adjacent property owners had been notified with no response. Council Member Lang expressed concern about the reason for the fence; that being accumulated junk in the neighbor's yard. Hoium said this particular neighbor had first been in Court approximately one year ago; penalty had been reduced to a petty misdemeanor, and he had been told to clean up his yard. At the second Court appearance, the property owner asked to extend the clean-up time. Hoium thought that at the third appearance, the owner did not show up. After the fourth appearance, vehicles were removed and the property was cleaned up. Hoium said he did meet with the County Attorney and District Judges on similar cases requesting stiffer penalties. Council Member Lang said he did not believe that a fence is the answer, requesting to table the motion for 30 days.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, tabling the motion for 30 days and requesting Hoium meet with the Court officials again. 6-1. Council Member Poppe voting nay. Carried.

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

Planning and Zoning Administrator Craig Hoium has noted an error in City Code Section 12.14, Subd 2. Regarding Standards for Flood Fringe Permitted Uses. The current ordinance reads:

- A. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot **below** the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

The second sentence of the ordinance should read, "The finished elevation for structures shall be no lower than one (1) foot **above** the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) beyond the outside limits of the structure erected thereon."

Moved by Council Member Lang, seconded by Council Member Romo, that the City Attorney prepare the aforementioned 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. 7-0. Carried.

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

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

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

Assistant to City Administrator Dave Stewart has presented a change to Section 2.12 of the City Code to conform our ordinance with State Statute dealing with public safety in relation to Emergency Management and allows for emergency preparedness plans to be adopted by resolution of the Council.

Moved by Council Member Lang, seconded by Council Member Nordin, that the City Attorney prepare the aforementioned ordinance. Carried.

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

Moved by Council Member Lang, seconded by Council Member Nordin, for adoption of the first reading. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, to move the ordinance to the second reading. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, to move the ordinance to the third and final reading. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, for the adoption and publication of the ordinance. 7-0. Carried.

Planning and Zoning Administrator Craig Hoium recommended City Ordinance Section 4.03, Subd 2 be deleted. The ordinance would make it necessary for permits to be acquired for the construction of commercial buildings if the construction is under the supervision of an engineer or architect licensed by the State and under the employ of the owner of the new building.

Moved by Council Member Lang, seconded by Council Member Poppe, that the City Attorney prepare the aforementioned 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. 7-0. Carried.

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

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

Moved by Council Member Lang, seconded by Council Member Poppe, for adoption and publication of the ordinance. 7-0. Carried.

Moved by Council Member Poppe, seconded by Council Member Nordin, approving \$3,000 from the contingency fund for an employee summer picnic and an employee recognition breakfast. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, adopting a resolution approving gambling premises permit renewal for the Elks at the Elks Lodge. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving gambling premises permit renewal for the Elks at Margaritaville. 7-0. Carried.

Parks & Rec Director Denny Maschka announced that a 26' paddle boat built as a replica to the Mississippi paddleboats is being donated to the City of Austin. The boat will hold 20 people and should be completed by July 4. Maschka said that the city would be checking into insurance and being licensed by the State.

Moved by Council Member Nordin, seconded by Council Member Romo, approving the donation. Carried.

George Brophy of the DCA reported on its Credit Committee meeting. The Committee denied support to the manufacturer of packer trucks. The Committee also discussed the expansion of APC and a telecommunications company from New Jersey which is again looking at locating in Austin. Brophy also reported that a European firm has expressed interest in Austin, possibly at the Spec Building.

Council Member Lang discussed signage at the Mill Pond. This matter is being referred to the Parks & Rec Board.

Chief Paul Philipp reported that interviews with the CSOs are complete. The top three candidates should start at the end of the week and be on the street in approximately one week.

Finance Meeting on Wednesday, 4:00 p.m.

Moved by Council Member Nordin, seconded by Council Member Romo, setting a hearing for the Mill Pond. Carried.

Parks and Rec Board Meeting to be held at the Ike's Cabin at Todd Park on Wednesday at 5:15 p.m.

Moved by Council Member Jorgenson, seconded by Council Member Penske, to adjourn the meeting.

Adjourned: 6:35 p.m.

Approved: _____

Mayor: _____

City Recorder: _____