

**MINUTES**  
**COMMON COUNCIL ADJOURNED MEETING**  
**MONDAY, MAY 17, 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.

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

Moved by Council Member-at-Large Chaffee, seconded by Council Member Penske approving the minutes of May 3, 1999. Carried.

Randy Klein, Coordinator of Family Connections gave a presentation to Council. This entity is a collaborative of City/County services, schools and agencies to streamline and reduce overlap of services and communication.

Moved by Council Member Penske, seconded by Council Member-at-Large Chaffee approved the consent agenda as follows:

Licenses:

Food: Austin Softball Association at Todd Park

Austin Park and Recreation Pool

Excavation: Kober Excavating Inc., 16112 Jarvis St. NW, Elk River, MN 55330

Claims:

(a)Financial and Investment Reports

(b)Pre-list of Bills

City Engineer Jon Erichson reported on the bids received for biosolid removal for the Wastewater Treatment Facility. This contract is for two years. Bids received are as follows:

CONTRACTOR	AMOUNT (1999 AND 2000)
Fergus Power Pump	Total Bid = \$186,725.00
Don Rihn Transport	Total Bid = \$191,100.00
Nutri Jet	No Bid

Moved by Council Member Penske, seconded by Council Member Jorgenson, adopting a resolution awarding the contract to Fergus Power Pump. 7-0. Carried.

Public hearing held for a proposed ordinance for a Mill Pond access. Parks and Rec Director Denny Maschka presented the proposed ordinance which was prepared by the Department of Natural Resources and also contains City restrictions of certain hours and speed. Motors could not go faster than 15mph and no jet skis would be allowed. Hours allowed would be from sunrise to sunset. No swimming would be allowed. All City-owned vehicles would be exempt from restrictions. Enforcement would be through the Sheriff and Police Departments. A violation would be considered a misdemeanor with up to \$750 fine.

Council Member-at-Large Chaffee said that he is in favor of no gas powered boating. Council Member Poppe asked if it was possible to restrict the number of boats. Mr. Maschka replied that that would not be enforceable. Bob Vilt said that he also is against the operation of motor boats. City Attorney David Hoversten said that the proposed ordinance must be amended, that there are inconsistencies in the language and that this matter should be tabled to the next council meeting with the ordinance in its final form.

Moved by Council Member Lang, seconded by Council Member Nordin, to table the proposed ordinance to the June 7<sup>th</sup> Council Meeting. Carried.

Public hearing held on request from Lynette L. Groh for vacation of street right-of-way in Kenevan and Kings Addition. Planning and Zoning Administrator Craig Hoium said that underground telephone cables are on this property and if the vacation is approved, a condition should be made to give the easements to those companies who have utilities on this property. City Attorney David Hoversten said that the City could vacate but reserve easements onto itself. Council Member Poppe asked if the City granted a vacation to this property owner, would the neighbors then request vacations. City Attorney Hoversten replied that this party has need of the property to build a garage; other property owners are getting the benefit of the property without the need of a vacation. City Engineer Jon Erichson said that the usual procedure in the past has been to retain an easement for the full vacation. (This suggestion was acceptable to the petitioner).

Moved by Council Member Poppe, seconded by Council Member Jorgenson, to adopt a resolution to proceed with the vacation and appointing the following commissioners: Charles E. Fawver - First Ward; David Bumgarner - Second Ward; and Jack McGrew - Third Ward. 7-0. Carried.

Public hearing was held on a variance from City Code governing the minimum rear yard setback requirements in an "R-1" Single Family Residential District requested by Donald and Mildred Gordon, 1307 11<sup>th</sup> Street NW.

Moved by Council Member Romo, seconded by Council Member Jorgenson, to adopt a resolution approving the aforesaid variance request. 7-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, to table Item #10: Calling for a public hearing to modify Municipal Development Dist. No. 1 and establish Tax Increment Financing Dist. No. 10, and the tax increment financing plan relating thereto. Carried.

City Administrator presented a resolution approving the filing of an application to the State of Minnesota requesting state funding in the year 2000 State Bond Bill for 50% of the renovation costs of Riverside Arena into Riverside Community Center. Mr. McGarvey also said that in talking with the State Finance Department, the City should submit a letter stating the facts of the proposal. The City will then receive an application packet which needs to be submitted to the State by September 15. The legislature will then vote on the 2000 Bond Bill and the City of Austin would then expect to receive funds in the latter part of 2000. Mr. McGarvey recommended to the Council to pass a motion approving the submittal of a letter to the State.

Moved by Council Member Nordin, seconded by Council Member Penske, approving the submittal of the letter. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a final resolution and confirmation of report of commissioners appointed in the matter of the vacation of street right-of-way in Palmer's Addition requested by Eastside Developers. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Lang, approving payment to the vacation commissioners for Eastside Developers. Carried.

City Engineer Jon Erichson presented a resolution approving the industrial control mechanism between the City of Austin and Hormel Foods. This agreement is for the discharge of wastewater to the City and spells out rights and obligations of each party. The agreement is essentially the same agreement as 5 years ago, and this agreement is for 5 years.

Moved by Council Member Penske, seconded by Council Member-at-Large Chaffee, adopting the aforesaid resolution. 7-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, allowing the Eagles to upgrade a portion of City property currently used by the Eagles for a parking lot. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, to adopt a resolution setting a hearing for 5:30 p.m. on June 7, 1999 to consider the repair of sidewalks. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, for the Common Council to adjourn itself into a Sign Board of Appeals. Carried.

Planning and Zoning Administrator Craig Hoiium presented a request of a sign appeal by Oppidan Development for Arby's. The Developer has requested a sign variance for signage on the north and west exterior walls of their proposed building which will not face a public street. The signage will, be seen from Highway 218. Mr. Dennis Crowe representing Oppidan Development clarified the signage and also said that the Developer is asking for less signage than allowable.

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

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

Planning and Zoning Administrator Craig Hoiium discussed two requests of garbage removal. The first request is connected with a fence variance request. Mr. Hoiium said that he hoped that the petitioner for the fence would withdraw his request.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the garbage removal at 901 6<sup>th</sup> Avenue NE, Raymond Freese. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the garbage removal at Lots 5 & B, Block 1, Eastside Development, Larry Hanson. Carried.

Moved by Council Member Nordin, seconded by Council Member Penske, adopting a resolution authorizing the Mayor and City Recorder to enter into an agreement with the DNR for ski trail assistance at the J.C. Hormel Nature Center. 7-0. Carried.

Moved by Council Member Romo, seconded by Council Member Penske, approving the fee waiver at the annual Mower County pet licensing at the fairgrounds on Saturday, May 29 as requested by Chief Philipp. Carried.

A request was received to close the bypass for the Worlein Plaza dedication. Moved by Council Member Penske, seconded by Council Member Jorgenson, approving the street closing on July 2<sup>nd</sup> from 1:00 - 3:00 pm for the Worlein Plaza dedication ceremony. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving 3.2 on-sale beer for Austin Softball Association at Todd Park. 7-0. Carried.

No DCA report.

HRA: St. Paul's Church will become a 3-season facility; the basement will be filled.

CVB: Austin had 16 tours in 1998; in 1999, there will be 37. Three conventions are already booked for the year 2001. A new visitor's guide is being printed.

Finance/Personnel Meeting set for 5:00 pm, May 26. A full-council work session will follow to discuss the budget.

Airport Meeting set for 4:00 p.m., May 26.

Request was made by Council Member-at-Large Chaffee to publish the transfer station hours.

Chief Paul Philipp announced the near completion of the LEC fitness center. A plaque has been made to recognize the Council, among others, for their generous support.

Planning and Zoning Administrator Craig Hoium introduced the interim staff new hire Marty Schultz.

Comprehensive Plan Public Meeting set for Thursday, May 27 at 6:00 p.m.

Quarterly meeting for Homeownership Board on Wednesday, May 19 at 6:00 p.m.

The State has approved the merger of the Fire and Police accounts.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Penske, to adjourn the meeting.

Adjourned: 7:05 p.m.

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

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

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