

**M I N U T E S**  
**COMMON COUNCIL CHARTER MEETING**  
**AUGUST 2, 1999**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

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

**MEMBERS ABSENT:** Council Member Nordin.

**OTHERS PRESENT:** News Media. George Brophy, DCA. Public.

Additions added to the agenda: approve Mower County Fair Board use of city properties in exchange for leaf collection and snow dumping; resolution adopting Findings of Fact on the denial of the rezone request, 1400 4<sup>th</sup> Street NW; approve leave of absence for Ron Felten; and change of date for gambling premises permit at Thirsty's.

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

Moved by Council Member Poppe, seconded by Council Member Jorgenson, approving minutes of July 19, 1999. Carried.

Penny Nolta spoke to Council regarding garbage accumulation and the number of occupants in a dwelling at particular residence and illegal aliens at Hormel Foods and Quality Pork. Planning and Zoning Administrator Craig Hoium spoke to the complaints saying he had reviewed with the particular residents the number of occupants allowable in a single-family residence. Hoium asked Nolta to notify his department as it is difficult to police the residence everyday. Captain McAlister also said that he had viewed the residence but at the time he had done so, nothing was out of order. Council Member Lang said he had driven by and had seen only one sack of garbage. Lang also said he did not wish to see this turn into a racial issue. Mayor Rietz said that the City was working on the problem.

Vern Hart, 602 2<sup>nd</sup> Street SE, spoke to Council regarding the future plans for the flood plain in his neighborhood. Council Member Lang said that the same issue is on the next HRA agenda, after which the matter will go to the full board. Lang said some funds are available but no promises can be made yet as to what will be done. Lang told Hart that more information would be available after the HRA meeting.

Delvin Augustin, 606 8<sup>th</sup> Avenue NW, spoke to Council with a complaint of bad dirt from City sidewalk repair. Park and Recreation Director Denny Maschka told Mr. Augustin he would take care of the problem.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, approving consent agenda as follows:

Licenses:

3.2 temporary beer: Rose Creek Booster Club at Mower Co. Fairgrounds, Sept. 18  
Food: Staples, 1700-B 14<sup>th</sup> Street NW  
Lorri Hultgren dba The Ice Box (mobile stand), 1507 7<sup>th</sup> Street SE

Claims:

- a. Pre-list of bills.
- b. Dorothy G. Johnson, 609 9<sup>th</sup> Avenue SW, referred to the City Attorney to protect the City's interest.
- c. Bill Prewitt, 1902 4<sup>th</sup> Avenue SE, referred to the City Attorney to protect the City's interest.
- d. Jill DeMoss, 110 12<sup>th</sup> Street NE, referred to the City Attorney to protect the City's interest.
- e. John W. Martin, 500 18<sup>th</sup> Street SE, referred to the City Attorney to protect the City's interest.

Carried.

Mower County Fair Board requested the use of city properties during the county fair in exchange for fall leaf collection at the fairgrounds and snow dumping in Galloway Pit during the winter as annually requested.

Moved by Council Member Penske, seconded by Council Member-at-Large Chaffee approving the Mower County Fair Board request. Carried.

Moved by Council Member Lang, seconded by Council Member Romo, adopting a resolution approving gambling premises permit for the Elks #414 at Austin Auto Truck Plaza, 1509 10<sup>th</sup> Place NE. 6-0. Carried.

Assistant City Engineer Dan Fick presented a resolution approving agreement for State aid for airport maintenance and operation. The State will reimburse two-thirds of the documented costs not to exceed \$24,472.00. Mr. Fick said this is an agreement made with Mn DOT every two years.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, adopting aforesaid resolution. 6-0. Carried.

Assistant City Engineer Dan Fick presented a resolution approving a lease renewal with the FAA for space at the Austin Municipal Airport. This is an annual renewal, and the space is used for a remote communications outlet at a cost of \$500.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang, adopting the aforesaid resolution. 6-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adopting a resolution receiving a report and calling a hearing for street light replacement, Project 5-C-99 for Tuesday, September 7, 1999. 6-0. Carried.

Planning and Zoning Administrator Craig Hoium presented an appeal to the denial of a fence permit to Cottage Homesteads for property legally described as Block 1, Lots 1-3, Oak Park Village Cottages, Austin, MN. Mr. Hoium explained that the request is for an 8-foot fence in an "R-2" Multi-Family Residential District. The proposed fence would be constructed approximately 80 feet from the dwellings. Mr. Hoium said he had received some negative comments regarding the proposed fence from the neighbors to the north. Mr. Hoium said in his estimation, the fence is justifiable due to a plumbing shop and farm implement dealership to the east of the property. Council Member Poppe proposed the acceptance of the appeal for the east side only. City Attorney David Hoversten stated that the motion should include the denial of the appeal for the north side.

Moved by Council Member Poppe, seconded by Council Member Romo, approving the appeal of the fence denial for the east side of said property and denying the appeal of the fence denial for the north side of said property. Carried.

Planning and Zoning Administrator Craig Hoium introduced a resolution requesting exempting subdivider for property in the Northeast Industrial Park for realignment of lot boundaries to accommodate the placement of a terminal building for McLeod U.S.A. Network Services, Inc.

Moved by Council Member Jorgenson, seconded by Council Member-at-Large Chaffee, to adopt aforesaid resolution. 6-0. Carried.

Moved by Council Member Penske, seconded by Council Member Poppe, approving the Special Call Council Meeting for Tuesday, August 10, 1999 at 3:30 p.m. Carried.

The Finance/Personnel Committee recommended to Council the approval of a leave of absence for Ron Felten for personal reasons.

Moved by Council Member Romo, seconded by Council Member Penske, approving the leave. Carried.

Report of bids for sidewalk repair, City Project 4-C-99 is as follows with Neitzell being the lowest bidder:

Neitzell	\$11,489.55
Cummings	\$12,034.50
N.S.M.	\$12,272.40
Wagner	\$13,641.00

Assistant City Engineer Dan Fick reported that the public hearing for street repair was held in June. Unsafe sidewalks are reported by private citizens or checked by the street crew. The list for street repair includes mostly those reported in 1998. Discussion held on the availability of adding to this list. City Administrator Patrick McGarvey said that those citizens wishing to be added to the list of repair could be but would waive their right to a public hearing. City Attorney David Hoversten concurred. Mayor Rietz asked Mr. Fick for a timeframe to inform the public if they wish to be added to the list for sidewalk repairs. Mr. Fick said that the work would begin soon and would end approximately September 30 so the City should be informed of requests prior to then. City Attorney David Hoversten stated that because the work is by contract, the City may not ensure that the work would be done. Contractors may not want to extend their contract.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adopting a resolution awarding the contract to Neitzell. 6-0. Carried.

Planning and Zoning Administrator Craig Hoium presented a resolution adopting the Findings of Fact on the denial of the request to rezone property located at 1400 4<sup>th</sup> Street NW from an "R-1" Single-Family Residential District to a "B-2" Community Business District as requested by Bruce Baudler and Trails End Holdings. Mr. Hoium stated that this is the exact findings for the denial, and it addresses the Comprehensive Plan, special issues in the State Statutes, sections of City Code and findings of the City Council.

Moved by Council Member Jorgenson, seconded by Council Member Lang, adopting the aforesaid resolution. 6-0. Carried.

Moved by Council Member Lang, seconded by Council Member Romo, adopting a resolution approving the change of date for the gambling premises permit at Thirsty's. 6-0. Carried.

Street Committee meeting set for August 3 changed to Tuesday, August 10, 1999 at 5:00 p.m.

Council Member-at-Large Chaffee reported that the FAA has sent a letter approving the Airport Layout Plan.

Finance/Personnel Committee meeting set for Monday, August 16 at 4:00 to discuss the DCA budget proposal for the year 2000.

Council Member Lang invited the public to attend the HRA meeting every second Wednesday of each month at 4:30 at the HRA offices.

Park and Rec Committee to discuss architects' proposals on Tuesday, August 10 from 6:00 - 8:00 p.m. in the Council Chambers.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, to approve of the League of Minnesota Cities proposal for tax increment financing through the League. 6-0. Carried.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, to adjourn.

Adjourned: 6:31 p.m.

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

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

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