

MINUTES
COMMON COUNCIL ADJOURNED MEETING
MONDAY, SEPTEMBER 20, 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. Kermit Mahan, George Brophy.

Item #6 on agenda taken off and replaced by a hearing for an HRA Community Development Block Grant and a hearing for an HRA Redevelopment Grant. Added to the agenda: Request by Engineering Department to trade the Columbus Day holiday for the day after Thanksgiving; and a request for a wine on-sale license at Chatham Street Café.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Penske, approving the agenda. Carried.

Moved by Council Member Nordin, seconded by Council Member Poppe, approving the minutes of September 7, 1999. Carried.

Licenses:

Master Plumber: Precision Plumbing, Heating & Cooling, 703 Marshall, Albert Lea, MN

Claims:

- a) Financial and investment reports
- b) Pre-list of bills.
- c) R. Marie Iverson, 603 7th Avenue SE referred to the City Attorney to protect the City's interest.
- d) Robert E. Berg, 1408 5th Street NE, referred to the City Attorney to protect the City's interest.
- e) Sandra Mallan, 2117 4th Avenue SE, referred to the City Attorney to protect the City's interest.

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

Kermit Mahan of the HRA presented a proposed Community Development Block Grant in the amount of \$2,604,700. The grant is to be used for spot removal and construction of homes for the East Side. Mr. Mahan said a similar grant will be submitted for city-wide spot construction. Council Member Lang expressed thanks to Mr. Mahan for this project.

Moved by Council Member Lang, seconded by Council Member Romo, adopting the resolution in support of the submission of the Community Block Grant. 7-0. Carried.

Kermit Mahan also presented a proposed Redevelopment Grant for the railroad site. Mr. Mahan explained that this because this is a railroad site, it did not qualify under the CDBG grant. As with the CDBG grant, the HRA will apply for a Brownsfield grant for pollution clean-up. The City will voluntarily be assisting in clean-up as with the library site. Mayor Rietz asked how much of the area is polluted. Mr. Mahan said approximately ¼ acre was used for a refueling site and is known to be polluted.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, adopting a resolution in support of the Redevelopment grant. 7-0. Carried.

Public hearing held for vacation of a public right-of-way in Kenwood Park Place Addition requested by Dr. Paul Morreim. City Engineer Jon Erichson said this property is on 8th Street SW and the vacation is an alley which serves only the petitioner. A neighbor is in agreement.

Moved by Council Member Penske, seconded by Council Member Poppe, adopting a resolution to proceed with the vacation and to appoint the following commissioners: 1st ward – Charles Fawver, 2nd ward – David Bumgarner, and 3rd ward – Mahlon Krueger. 7-0. Carried.

Public hearing held on decorative street lighting. Feasibility report was requested on decorative street lighting and will involve lighting on 4th Avenue NE, 9th to 10th Street; 10th Street NE, 2nd – 4th Avenue; and 1st Drive NW from 4th Avenue to 5th Place. Carried.

City Administrator Pat McGarvey presented a resolution from the HRA to adopt its tax levy budget for year 2000 in the amount of \$97,206. The HRA budget will be adopted in December.

Moved by Council Member Lang, seconded by Council Member Jorgenson, adopting aforesaid resolution. 7-0. Carried.

In the event of Tom Leake's resignation, Mayor Rietz appointed Jeff Ettinger to the Library Board.

Moved by Council Member Jorgenson, seconded by Council Member Romo, approving the appointment. Carried.

In the event of Karl Dalager's resignation, Mayor Rietz appointed Gabe Garcia to the Human Rights Commission.

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

Ten candidates have applied and interviewed with the Mayor and members of Council for the Utility Board position. Mayor Rietz appointed Tom Baudler.

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

Director of Administrative Services Tom Dankert presented a resolution to authorize the execution of the employment agreement for Patrick McGarvey, City Administrator. Mr. Dankert said that historically, the City Administrator agreement is approved after all contracts are approved. The agreement reflects a 3.65% increase in salary; four weeks of vacation, up from three weeks; 6 months severance, up from four months and \$200 per month car allowance not to be included in salary.

Moved by Council Member Lang, seconded by Council Member Poppe, approving the aforesaid resolution. 7-0. Carried.

Planning and Zoning Administrator Craig Hoiu presented an appeal of a denial of a fence permit petitioned by Brian and Barbara Prentis, 1103 5th Place SE. The request is for a 30" fence to be placed in a public right-of-way for a daycare. Mr. Hoiu stated that the Council might consider the following concerns: possible liabilities within a public right-of-way and street/boulevard snow removal. Mr. Prentis said the snow plowing shouldn't be a problem as the snow plowing usually goes from right to left. Council Member-at-Large Chaffee asked if fences have been allowed in public right-of-ways in the past. City Engineer Jon Erichson said there had been an incident where it was allowed and the city attorney wrote an agreement to protect the City. Mr. Erichson also said that the Council should be concerned with two things: 1) snow removal, and 2) the possibility of utilities behind the curb. Mr. Erichson stressed that right-of-ways should be saved for public use. Council Member Lang argued that precedence had already been set – this situation has been allowed before. Mr. Lang also said that the Council should look at the proposed use – a daycare. Council Member Poppe expressed the concern that allowing this would open doors for future similar requests. Council Member Romo suggested that the matter be tabled so that the past incident could be studied. Mr. Romo suggested looking to legal advisement from the City Attorney. City Attorney David Hoversten told Council it needed to decide whether the petitioner could occupy the public right-of-way and they could do this pursuant to an agreement giving them a license which would mean the petitioner could use the right-of-way under certain conditions. The agreement would not be exclusive and the petitioner would occupy at their peril (as opposed to an easement which is permanent). Council Member Penske suggested using the back of the property. Mr. Prentis replied that there was debris there. He said he believed there had been a dump on the property and because of the varmint habitat, it was not safe.

Moved by Council Member Romo, seconded by Council Member Nordin, to table the appeal to research a similar approval and for legal advisement. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, to adjourn the Common Council into the Sign Board of Appeals.

Planning and Zoning Administrator Craig Hoiu reported that the Planning Commission reviewed an appeal of a denial of a sign permit petitioned by Kermit Watt, MC of Austin Auto Truck Plaza, 1509 10th Place NE. The appeal is to erect two additional illuminated sign cabinets totaling 180 s.f. The maximum allowed is 100 s.f. The petitioner is requesting the appeal to identify the Embers Restaurant franchise he has recently acquired. The Planning Commission approved the appeal with the recommendation that the structure's integrity be studied. Council Member Nordin said that the sign is not easily seen going west but can be seen going east. Mr. Watts made no comments.

Moved by Council Member Nordin, seconded by Council Member Lang, approving the appeal with the Planning Commission's recommendation as stated above. Carried.

Moved by Council Member Jorgenson, seconded by Council Member-at-Large Chaffee, for the Sign Board of Appeals to resolve itself back into the Common Council. Carried.

Moved by Council Member Poppe, seconded by Council Member-at-Large Chaffee, adopting a resolution approving year 1999 budget adjustments. 7-0. Carried.

Moved by Council Member Poppe, seconded by Council Member-at-Large Chaffee, approving the Engineering Department's request to trade the Columbus Day holiday for the Friday after Thanksgiving. Carried.

Council Member Lang presented a resolution requesting a wine license for Chatham Street Café. Mr. Lang asked Police Chief Paul Philipp if the request had been reviewed and accepted. Chief Philipp said it had. Council Member Lang asked the Ordinance Committee to vote. Ordinance Committee: Moved by Council Member Romo, seconded by Council Member Poppe, approving the request.

Moved by Council Member Lang, seconded by Council Member Poppe, adopting the aforesaid resolution. 7-0. Carried.

George Brophy of the DCA reported on the Women in Business Conference sponsored by the DCA and which was well attended. Mr. Brophy reported that the Board of Directors will be meeting September 21 to study the area's workforce and invited Council. The DCA is in the middle of due diligence with a local company needing financial assistance.

Ordinance Committee Meeting set for Thursday, September 30 at 5:00 p.m.

CVB: Tour Minnesota Association toured Austin on September 8. The CVB is going through the budget process and requests input. Next CVB meeting is September 22 at noon in the conference room of the Town Center.

Street Committee Meeting set for Tuesday, September 28 at 4:00.
Jon Erichson has sent out letters to prospective Bike Committee members.

Finance Meeting has been set for Wednesday, September 29 at 4:00.

Council Member Lang asked City Engineer Jon Erichson to announce to the media where the City is on land acquisition for the airport project. Mr. Erichson said the next step is to receive funding. Congress has not yet passed the bill to approve the funding. Target date is October 1.

Council Member-at-Large Chaffee gave personal congratulations to Tom Baudler.

Council Member Nordin reported that architects had been chosen for the renovation of Riverside Arena. Park and Rec will be touring Community Centers in the Cities on October 12.

Park and Rec Meeting set for 1:30 p.m. on October 5.

Council Member-at-Large Chaffee reported that verification and approval has been received for the Airport Layout Plan. The City has chosen engineering consultants – RCH - REM who worked on the Wastewater Treatment Plant.

Environmental Services Committee Meeting set for 3:00 on October 4.

City Engineer Jon Erichson said the leaf collection sites will be open starting the weekend of October 16 and 17.

Planning and Zoning Administrator Craig Hoium set a public meeting for the Comprehensive Plan for 7:00 on September 28 to discuss land uses along 4th Street NW and 14th Street NW.

Motion by Council Member-at-Large Chaffee, seconded by Council Member Lang, to adjourn.

Adjourned: 6:50 p.m.

Approved: _____

Mayor: _____

City Recorder: _____