

MINUTES
COMMON COUNCIL ADJOURNED MEETING
MONDAY, MAY 15, 2000
5:30 P.M.
COUNCIL CHAMBERS

MEMBERS PRESENT: Mayor Rietz, Council Member-at-Large Chaffee, Council Members Fedson, Jorgenson, Boughton, Poppe, Nordin and Lang.

MEMBERS ABSENT: None.

OTHERS PRESENT: News Media. Public. Dave Wellstone, Rick Kahn and Larry Bunker. Chamber of Commerce Director Sandy Forstner. Mark Reeve.

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

Moved by Council Member Lang, seconded by Council Member Nordin, approving the minutes of May 1, 2000 and May 8, 2000.

Sandy Forstner, new director for the Chamber of Commerce greeted Council. Mr. Forstner stated that the Chamber of Commerce represents about 300 area businesses and is to promote and improve Austin. Mr. Forstner is originally a native of Austin.

Paul Philipp was recognized for his term as past president on the board of directors for the Minnesota Chiefs of Police Association. Mr. Philipp will now be a member of the foundation board of directors.

Mayor Rietz presented the Tree City USA Award and the Growth Award to Park and Rec Director Denny Maschka. This is the City's 21st year to receive the Tree City USA Award and the 3rd year to receive the Growth Award.

Mayor Rietz recognized Council Member Roger Boughton on his receiving an honorary degree from Riverland Community College. Council Member Boughton is the former Dean of Instruction at the College.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Fedson, approving the consent agenda:

Licenses:

Temporary 3.2 Beer On-Sale: Austin Jaycees @ Riverside Arena for May 22

Food: Austin Softball Association @ Todd Park

Piggy Blue's Bar-B-Que, Inc. 323 N. Main
Austin Rotary Club @ St. Edward's, August 15
Huckleberry Ice Cream Truck, RR #1, Box 44, Austin
The Cooler, RR 1, Box 28, Oakland, MN
Un Pequito de Mexico, 229 3rd Avenue NE
Cavern, Inc. dba The Alaskan, 111 2nd Avenue NE

3.2 Beer Off-Sale: Cavern, Inc. dba The Alaskan, 111 2nd Avenue NE
Un Pequito de Mexico, 229 3rd Avenue NE

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Un Pequito de Mexico, 229 3rd Avenue NE

Sign: Let's Get Graphic Design, Inc., 8290 Main St. NE, Ste. 39, Fridley, MN

Tree Removal: Lawson Tree Service, 202 Albert St., Myrtle, MN

Novelty Machine: Cavern, Inc. dba The Alaskan, 111 2nd Street NE

Cigarette: Cavern, Inc. dba The Alaskan, 111 2nd Avenue NE

Excavation: Keith Dahn Construction, PO Box 117, Newport, MN

SPAMTOWN Festival Licenses:

Food: SPAM Coney Island, 2222 Albion Ave., Fairmont, MN
Peterson Mini-Donuts, 13665 Hwy 169, Blue Earth, MN
The Great Hawaiian Shave Ice Co, 820 East Elm, Waseca, MN
Greek Food, Inc., PO Box 11776, Minneapolis, MN
Tammy's Concessions, 10967 Cty Rd. 8 SW, Stewartville, MN
Bonnie's Concession, Rt 1, Box 242A, Browns Valley, MN
Good Old Days Kettle Korn, 152 Rainbow Dr., #5213, Livingston, TX
Romanian Kitchen, 19620 Jasper St. NW, Anoka, MN
Dave's Concessions, 1905 12th Street SW, Austin, MN
Regals Langos, 1510 10th Street SE, Rochester, MN
Charlie's, 19684 34th Street NE, St. Charles, MN
Lorry & Diane's Funnel Cakes, 2842 Lexington Ave. So., Eagan, MN
CSR Food Concepts, 1501 NE 191st 211, N. Miami Beach, FL, MN
Cashwise Foods, 1300 18th Avenue NW, Austin, MN
Taste of Greece, 4017 80th Avenue N., Brooklyn Park, MN
Godfather's Pizza, PO Box 2800, Spirit Lake, IA

SPAM JAM Licenses

Food: Culligan Water, 407 2nd Street NE, Austin
Diamond Dave's Taco Co., 1305 4th Street SW, Austin
SNAK Distributing, 54317 160th Street, Austin
Green Mill/Torge's, 1701 4th Street NW, Austin
Early Riser's Kiwanis, 329 N. Main Street, Austin
Dairy Queen, 1200 W. Oakland, Austin

Claims:

- a. Pre-list of bills.
- b. Finance Report and Investments

A public hearing, continued from May 1, was held regarding the annexation by ordinance of the David and Patricia Morse property (55 acres) located in Lansing Township adjacent to the north side of 12th Avenue NE between 17th and 21st Streets.

Rick Kahn, partner of Greater Minnesota Affordable housing thanked staff and Council for gathering information and facts for the Council to make an informed decision. Mr. Kahn stated that the development company is not out to do harm to the City of Austin and pointed to the Nature Center Task Force's recent report.

Mark Reeve again stated the approximate 3,000 signatures on a petition against stopping the development and the promotion of creating more green space for Austin. Mr. Reeve also stated that the Nature Center should remain a passive recreational area. He said the development company should look into other available sites around Austin such as the Cook Farm site.

Don Rush, 1912 12th Avenue NE, said the City should consider the sewer near the area of the proposed development and referred to backup in his basement. Mr. Rush also asked where water and snow would go if the ditch off 12th Avenue NE is filled in, and who would pay for this. City Engineer Jon Erichson said this is a concern with the Dobbins Creek Lift Station and occurs during flooding conditions. Regarding snow, if the area is platted, a Developers Agreement would determine cost and infrastructure. Twelfth Avenue NE would be upgraded.

Francis Skiness, 2001 NE 11th Avenue, said that harm to the Nature Center was not the issue, but rather expansion.

Council Member Fedson asked if the developers would be building panel housing like their spec building. Mr. Kahn stated that the developers have made no commitment to anyone, but would comply with City Codes. The company that builds these panel homes is a Minnesota company with 50-year-old technology and they can cut energy costs 40% per year.

Mr. Reeve said that the petition asks to stop the housing development and to preserve, enhance and expand the Nature Center.

Mr. Kahn said other areas of Austin were investigated for the development, but this area was deemed the best location.

Council Member Lang charged Council Members to vote in their own mind and not consider referendum. A referendum should be considered the people's choice.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, that the City Attorney prepare the ordinance. Carried. 6-1. Lang voting nay.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, to move the ordinance to the first reading. Carried. 6-1. Lang voting nay.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, for adoption of the first reading. 6-1. Carried. Council Member Lang voting nay.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, to move the ordinance to the second reading. 6-1. Council Member Lang voting nay.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, to move the ordinance to the third and final reading. Carried. 6-1. Lang voting nay.

Moved by Council Member Poppe, seconded by Council Member Jorgenson, for adoption and publication of the ordinance. 6-1. Carried. Lang voting nay.

A public hearing was held on the decorative lighting for South Main Street (Oakland Avenue SW to 3rd Avenue SW). Lighting will be replaced with a decorative style as in other areas of Austin. Assessments will pay for 50% of the costs. Proposed cost is \$11.25 per linear foot for 15 years at approximately 7% interest. No comments received.

Moved by Council Member Jorgenson, seconded by Council Member Fedson, adopting a resolution ordering improvement, approving plans and specifications and ordering advertisement for bids for Project 3-A-00S. 7-0. Carried.

A public hearing was held for the rezoning of property owned by Robert Goetz, 900 17th Avenue SW, from an "A-1" Agriculture, Recreation and Conservation District to an "R-1" Single Family Residence District. The property is completely surrounded by A-1 and R-1 Districts. The Planning Commission has recommended that the request be granted.

Moved by Council Member Lang, seconded by Council Member Poppe, that the City Attorney prepare an ordinance for the rezoning of the property. 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 Lang, seconded by Council Member Poppe, adopting a resolution approving the Findings of Fact for the public hearing for rezoning petitioned by Robert Goetz. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Fedson, to adjourn the Common Council into a Board of Adjustment and Appeals. Carried.

A public hearing was held for a variance request from City Code Section 11.01(1) limiting the total area of all accessory structures to 1000 square feet in an "R-1" Single Family Residence District and a 4-foot variance from City Code which requires a minimum 25-foot rear yard setback, requested by Robert J. Goetz, 900 17th Avenue SW. Planning and Zoning Administrator Craig Hoiu stated this is a unique situation because the property is considered to be a through lot, but 16th Avenue has not been extended. The Planning Commission has recommended approval, 7-0, with the condition that the existing accessory structure be removed.

Moved by Council Member Poppe, seconded by Council Member Nordin, approving the variance request. Carried.

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

The Southwest Life Station serves a major portion of northwest and southwest Austin. There have no updates on the station since the 1960s. It is currently at capacity and needs an upgrade. City Engineer recommends upgrading the lift station at the approximate cost of \$11,3000.

Moved by Council Member Jorgenson, seconded by Council Member Fedson, adopting a resolution approving Bolton Menk for a feasibility report for rehabilitating the existing southwest lift station. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Fedson, adopting a resolution transferring hard liquor on-sale license to The Cavern, Inc. dba The Alaskan, 111 2nd Avenue NE. 7-0. Carried.

Finance Director Tom Dankert presented a resolution, approved by the HRA board, for a loan from the City of Austin to the HRA so that they don't have to bond. The loan amount is for \$1,000,000 which will come from the Capital Improvement Revolving Fund and will be paid back in full at 6.3% interest. This is documentation for all parties involved.

Moved by Council Member Lang, seconded by Council Member Fedson, adopting a resolution approving the equity loan agreement between the City of Austin and the HRA. 7-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Poppe, approving a handicap-parking stall on 3rd Avenue NW between 1st and 2nd Street. Carried.

An ordinance amendment was introduced to enable licensed excavators to engage in water/sewer service installation and repair. The Department of Health has recommended the ordinance. Planning and Zoning Administrator Craig Hoium said that the ordinance may have to be tabled to change some of the language in the proposed ordinance.

Moved by Council Member Lang, seconded by Council Member Poppe, to table this ordinance amendment and to refer it to the Ordinance Committee. Carried.

Moved by Council Member Poppe, seconded by Council Member Nordin, adopting a resolution providing for a public hearing in the matter of changing the use district of certain premises requested by Brian and Kathleen Dolan. 7-0. Carried.

City Engineer Jon Erichson presented an ordinance granting Hormel Foods Corp. the right and privilege to install fiber optic cable from its corporate office at One Hormel Place to its Corporate Office South at 1101 North Main Street. Similar ordinances have been made. The ordinance has been reviewed and approved by the Ordinance Committee.

Moved by Council Member Lang, seconded by Council Member Poppe, for the City Attorney to prepare the 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.

City Engineer Jon Erichson presented a resolution approving the property transfer at 1st Drive and 4th Street NW. The City of Austin and Austin Medical Center entered into an

Agreement that upon completion of the 4th Street/1st Drive NW project, exact property would change hands. Some property will be exchanged through vacation and some through sale. Property valuation has been set at \$1.50 per square foot. A total of 20,467 square feet will be transferred to St. Olaf Hospital Association, and 11,143 square feet will be transferred to Gregg Johnson. The City of Austin will owe St. Olaf Hospital Association \$35,983.50; St. Olaf Hospital will owe the City \$30,700.50; and Gregg Johnson will owe the City of Austin \$16,714.50 in the various transactions.

Moved by Council Member Lang, seconded by Council Member Poppe, adopting a resolution approving the property transfer. 7-0. Carried.

Planning and Zoning Administrator Craig Hoium presented an appeal of the denial of a fence permit to Curtis and Sheila Anderson, 907 12th Avenue SW. Petitioners are requesting to build a 3'-high fence in their front yard. The limit for a front yard fence is 30 inches high. The request has been reviewed by the Engineering Department office. Mr. Hoium stated that passengers may be hidden from the view of a vehicle backing out of the driveway. Mr. Hoium has received two phone calls on the appeal. Both parties had no objections and were in favor of the appeal. Mr. Hoium said his responsibility is to protect the public's health and welfare. He said a less opaque fence – a picket fence with 12" spacers would probably not obstruct as much as the proposed fence with 4" spacers. Council Member Boughton thought six inches was a reasonable variance request and thought it did not present undue safety concerns. Council Member Jorgenson asked petitioners if they would consider a 30"-high fence. Council Member Poppe's concern was that the fence seemed fairly close to the sidewalk; would they consider a further setback. City Engineer Jon Erichson said that 30" was the design average for traffic sight lines. Mr. Erichson did say that exceptions have been made for fences higher than 30 inches, including a rod iron/open-type fence and fences that angle at the corners. Higher chain link fences are allowed.

Moved by Council Member Boughton, seconded by Council Member Poppe, approving the fence appeal on the condition that the fence be angled at the corners to the satisfaction of Zoning Administrator Craig Hoium. Carried.

Bids were received Friday, May 12 for bituminous and concrete street construction. Ulland Bros was the low bidder for bituminous street construction:

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution awarding bid for bituminous street construction to Ulland Bros. 7-0. Carried.

Bituminous Street Construction. Project 1-A-00, 12th St. NE (Oakland to 8th Ave. NE); Project 2-A-00, 12th St. SE (Oakland Pl. to 4th Ave. SE); and Project 5-A-00, 2nd Ave. NE (3rd Ave. and 9th St. NE)

Contractor	Bid Amount
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Ulland Bros.	\$733,254.95
Road Constructors	\$818,804.85

Doyle Co was the lone bidder for concrete street construction. City Engineer's office estimated \$920,000 for the project prior to design. City Engineer Jon Erichson said only one bid was received probably because of the surge in the economy. Contractors pick and choose what they want. Doyle Conner has worked for many years with the City of Austin, and a good relationship has been established. Council Member Lang requested that the bid process be moved up a month to six weeks in the future.

Concrete Street Construction. Project 7-A-00, 15th Ave. NE; Project 3-A-00, So. Main (Oakland Ave. to 9th Pl.); Project 4-A-00, 1st St. SW (4th Ave. to 9th Pl.); and Project 8-A-00, 2nd Ave. NW (No. Main St. to 1st St. NW).

Contractor	Bid Amount
Doyle Conner Company	\$742,118.52

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution approving a resolution awarding the bid for concrete street construction to Doyle Conner.

Reports:
DCA will not be meeting this week.

A Finance Committee meeting was set for 4:00 on Monday, May 22.

CVB: The new Austin Visitor's Guide is currently at press.

Council Member Jorgenson gave a public thank-you to the boy scouts who recently picked up garbage around the Mill Pond.

The monthly Public Works Committee scheduled for Thursday, May 18 has been canceled.

A Planning Commission Workshop to review the Comprehensive Plan draft is scheduled for 6:00 on Tuesday, May 23. An open public meeting to review the Comprehensive Plan will be in June.

The Planning and Zoning office has recently sent out 119 letters to owners of abandoned vehicles.

Budget 2000 guidelines will soon be ready for next year.

The LEC will be holding an open house in conjunction with National Law Enforcement Memorial Day on Friday, May 19.

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

Adjourned: 6:55 pm

Approved: _____

Mayor: _____

City Recorder: _____