

**MINUTES**  
**COMMON COUNCIL CHARTER MEETING**  
**JULY 5, 2000**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

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

MEMBERS ABSENT: Council Members Boughton and Poppe.

OTHERS PRESENT: News Media. Public. Community Service Officers Chris Crayne and Ellie Bishop. Ken Trom.

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

Moved by Council Member Jorgenson, seconded by Council Member Lang, approving the minutes of June 19, 2000. Carried.

Mayor Rietz introduced Betty Oelkers who won the 2000 Art in the City award for her depiction of Pigs in the City. Mrs. Oelkers receives a \$500 cash prize and her picture will be hung in Council Chambers.

Mayor Rietz introduced new Community Service Officers Ellie Bishop and Chris Crayne.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the consent agenda as follows. Carried.

Licenses:

Food: Schwan's Sales Enterprises, 115 West College Dr., Marshall, MN

Claims:

Pre-list of bills.

Greg Kahler, 806 11<sup>th</sup> Avenue SW, referred to the City Attorney to protect the City's interest.

Steve Lykken, 2901 6<sup>th</sup> Avenue SW, referred to the City Attorney to protect the City's interest.

Mildred A. Vick, 501 21<sup>st</sup> Street NE, referred to the City Attorney to protect the City's interest.

The public hearing on the Business Subsidy Agreement involving a Contract for Private Redevelopment and the Loan Agreement with the C.R.C., Inc. was opened. City

Administrator Pat McGarvey stated that the agreements are still being worked out by their attorneys. The C.R.C. will be having additional soil tests taken next Monday and building costs could be raised; agreements would reflect additional costs. Mr. McGarvey stated that the C.R.C. is requesting to continue the public hearing.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Fedson, to continue the public hearing to July 17, 2000. 4-1. Carried. Council Member Lang voting nay.

A public hearing was opened relating to the vacation of street right-of-way, 3<sup>rd</sup> Street NE, Original Plat of Austin. City Administrator Pat McGarvey asked Council to consider continuation of the hearing for Steve Arens to attend. Mr. Arens is opposed to the street vacation but is currently on vacation.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, to continue the public hearing to July 17, 2000. Carried.

Moved by Council Member Nordin, seconded by Council Member-at-Large Chaffee, to adopt a resolution transferring hard liquor on-sale, 3.2 beer off-sale and Sunday hard liquor on-sale licenses for Bobee Jo's from Richard and Patti Lang to Richard Lang. 4-0. Carried. Council Member Lang abstaining.

A report from the City Clerk was reviewed by the Mayor and Council on the sufficiency of a petition for a referendum proposing the repeal of Ordinance No. 450, Second Series regarding the 55-acre annexation, along with a report from the City Attorney on the requirements for setting a referendum. The total number of signatures received was 1,052. The City Clerk found 762 signatures to be those of legal registered voters. Two hundred ninety (290) signatures were disallowed as they were not found on the Austin Voter Registration Roster. The total number signatures needed for the petition is 970. The 762 valid signatures are 208 short. Petitioners have 30 more days – until July 30, 2000 – to collect the additional 208 signatures. No Council action was required.

City Engineer Jon Erichson has requested that the sewer user rate be adjusted this year due to much lawn watering in May. Usual summer average is based on the months of January through April. Mr. Erichson recommended adding May for this year's averaging and crediting those residential customers whose usage in May exceed their April use by more than 10 units. These credits would be reflected on the September bill.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the sewer user rate adjustment. Carried.

The Austin Area Commission for the Arts is applying for three gambling premises permit renewals. Their current two-year permits expire in September and since last renewal, the Commission donated almost \$86,000, \$27,000 more than what they are required to donate by ordinance.

Moved by Council Member Nordin, seconded by Council Member-at-Large Chaffee, to adopt a resolution approving gambling premises permit renewal for the Austin Area Commission for the Arts at Bobee Jo's. 4-0. Carried. Council Member Lang abstaining.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Fedson, to adopt a resolution approving gambling premises permit renewal for the Austin Area Commission for the Arts at the Holiday Inn. 5-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, to adopt a resolution approving gambling premises permit renewal for the Austin Area Commission for the Arts at the Bakery Lounge. 5-0. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Fedson, setting a public hearing for Monday, July 17 for a variance from City Code limiting accessory structures in an "R-1" Single Family Residence District requested by Peter Jacobsen, 500 6<sup>th</sup> Street SW. 5-0. Carried.

Director of Administrative Services Tom Dankert stated that the Finance/Personnel Committee reviewed a resolution setting positions and policy for the administration of wage rates of seasonal and part-time positions. The positions are updated annually but there has been no base set. Rates for the resolution have been based on what the positions are currently earning.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving the aforesaid resolution. 5-0. Carried.

The City of Austin had awarded a bid to Ice Pro for dasherboards for the arena. Ice Pro has since gone bankrupt and the City Engineer requests the readvertisement of bids for the boards.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, approving the readvertisement of the bids. 5-0. Carried.

The Mower County Fair Board is again requesting the use of various city properties and services during the county fair in exchange for fall leaf collection at the fairgrounds and snow dumping in Galloway Pit during the winter. Ken Trom, Fair Director, stated that the fair will be August 8-13 this year and there will be two fair squares.

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

Austin Utilities has requested payment upfront in connection with the 8<sup>th</sup> Street NW project as the City of Austin is the developer. The costs are almost \$82,000. These costs

are usually rolled onto the cost of the lot. The awarding of the payment would be contingent with the City agreement with C.R.C.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving the upfront payment of utility services for 8<sup>th</sup> Street NW. 4-1. Carried. Council Member Lang voting nay.

Larry and Janet Sunderman, 1903 16<sup>th</sup> Avenue SW have petitioned for orderly annexation for their .94-acre property in an orderly annexation area. The Sundermans would like to receive municipal utilities.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Fedson, adopting a resolution approving orderly annexation. 5-0. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, setting a public hearing for Monday, July 17 for a variance from City Code governing the corner sideyard setbacks in an "R-1" Single Family Residence District requested by Theoni Lecakis, 1209 9<sup>th</sup> Street NW. Carried.

Council Member Nordin reported that Park and Rec is working in cooperation with Riverland Community College for the construction of three new baseball fields northwest of the present diamond. A map is being made to indicate cost on leveling and these costs will then be brought to Council.

Park and Rec has applied for a Flood Damage Reduction Grant from FEMA for St. Paul's Church.

The Bicycle Committee will meet Wednesday, July 19 at 5:15 p.m.

Council Member-at-Large Chaffee commended all workers involved with the Independence Day celebration.

A public hearing workshop is scheduled after the next Planning Commission meeting on Tuesday, July 11 at 6:30 for reviewing and receiving input on the draft Comprehensive Plan.

Mayor Rietz read a proclamation which was presented to her and the citizens of Austin from Denise Serafini of Fair Oaks Ranch, Texas. Ms. Serafini, who is dying of cancer, made a trip to Spam Jam.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adjourning the meeting to July 17, 2000.

Adjourned: 6:10 p.m.

Approved: July 5, 2000

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

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