

MINUTES
COMMON COUNCIL CHARTER MEETING
MAY 7, 2001
5:30 P.M.
COUNCIL CHAMBERS

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

MEMBERS ABSENT: None.

OTHERS PRESENT: News media. Kermit Mahan. Public.

Nine additions were added to the agenda: a resolution approving Murphy Creek agreement and eight separate resolutions approving gambling premises permit renewals for the Elks.

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

Moved by Council Member Jorgenson, seconded by Council Member Christopherson, approving the minutes of April 16, 2001 and special council meeting minutes of April 26, 2001.

Mayor Rietz introduced newly hired Officer Kevin Sederquest and Community Service Officer Jim Dugan.

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

Licenses:

Cab driver: Michael Bjorgo, 710 4th Avenue NW

Food: Tienda Mexico #2, 1000 4th Avenue NE

Temporary Food: Hormel Employees Credit Union, 400 4th Avenue NE for July 5, 6, August 30 and 31

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

Wehner Rolloff, Inc. 705 3rd Avenue NW

Sign: Rochester Sign Service, 3205 East River Road NE, Rochester, MN

Temporary gambling (raffle): United Catholic Schools Foundation @ St. Edward's Corcoran Center.

Concrete: Vernon Daniel Company, 2018 5th Avenue NE

Wehner Rolloff Inc., 705 3rd Avenue NW

Claims:

Pre-list of bills.

Mayor Rietz thanked staff for offering assistance to Glenville after last Tuesday's tornado.

Part of the agreement for the Murphy Creek project was that the City be paid back for utilities and infrastructure, \$262,000. Kermit Mahan presented an agreement for the utilities and infrastructure. Closing is scheduled for May 11 at which time the City will receive \$65,395. The City will receive another \$56,251 after 80% of the units are finished. The balance of the utilities costs will come from TIF.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adopting a resolution approving the agreement. 6-1. Council Member Christopherson voted nay.

Council received the Report of Commissioners on the vacation of 2nd Street SW in Rosenthal Second Addition. Action on this report will go on the next council agenda.

The Skate Park Association received two quotes for the Phase I and Phase II of the skate park. The total for the project is \$35,577; the additional requested amount from the City is \$3,397 which was approved by the Finance/Personnel Committee on April 16, 2001 from the Contingency Account.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, approving skate park funding. Carried.

Loss Prevention Specialists, Inc. has located a certified check for \$4,500 from Wells Fargo Services, Co. of Portland, Oregon waiting to be claimed. The City does not have any records showing we are owed these funds, but the City can collect this check for a 20% finder's fee.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adopting a resolution approving a contract with Loss Prevention Specialists, Inc. 7-0. Carried.

The Street Department has requested authorization to sell eight vehicles that are no longer used. Additionally, the Fire Department has requested authorization to sell the van that had been used for inspections.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving the sale of vehicles. Carried.

Merrilyn Berg, senior accountant, has resigned due to an impending move. The Finance/Personnel Committee approved the rehiring of this position on April 16, 2001.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving the rehiring. Carried.

A WWTP Relief Operator has retired leaving another vacancy. The Finance/Personnel approved the rehiring of this position on April 16, 2001.

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

The Ordinance Committee has reviewed a proposed ordinance amendment for requirements of plumbers. The City Attorney has reviewed the ordinance and deems it “reasonable and appropriate” to amend the city ordinance to require a bond of \$25,000. A plumber must have a bond of \$25,000 either through the State of Minnesota or through the city. The increase of the bond amount from \$2000 to \$25,000 would allow a plumber to proceed without filing an extra filing fee with the State of Minnesota.

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.

The Ordinance Committee has reviewed and recommended a proposed ordinance amendment to require expenditure of 80% of net income from lawful gambling activities as opposed to net expenditures.

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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.

Following the flood in 2000, the City had the Cedar River Dam and the East Side Lake Dam inspected for damages. Needed repairs were identified but were considered to be not flood-related so a claim was denied. SEH has submitted a proposal to the City to prepare the technical specifications and the permitting work with the DNR. Estimated cost is \$16,300. The Engineering Department will now pursue funding through FEMA for engineering and construction costs for the repairs to these structures. If funding does not come from FEMA, the project will have to be funded internally.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adopting a resolution approving costs to prepare the technical specifications and permitting work. 7-0. Carried.

City of Austin Engineer Jon Erichson presented a proposed agreement with MnDOT for the maintenance of 2.43 miles (4.86 lane miles) of state highway within city limits. The City provides routine maintenance along Trunk Highway 105 from (approximately) the fairgrounds to I-90. Proposed rates for this maintenance is up 3% for the next two years. The agreement is effective July 1, 2001 through June 30, 2003.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adopting a resolution approving a renewal agreement with MnDOT. 7-0. Carried.

Sumner School has requested a change for parking conditions around the school. Requests are:

1. Remove the no-parking signs on the east side of the building (7th Street).
2. Change bus-loading zone from 7th Avenue to 8th Avenue.
3. Allow short-term parking on both the south and west sides of the building for parent pick-up and drop-off.

The Public Works Committee has reviewed this request and recommends approval with the following conditions:

- 1) The playground fence on 7th Street and 7th Avenue remain in place.
- 2) The changes would be implemented with the 2001-02 school year.

Moved by Council Member Christopherson, seconded by Council Member Nordin, approving Sumner School parking requests. Carried.

Moved by Council Member Christopherson, seconded by Council Member Nordin, approving the downtown street closings for the Downtown Merchants annual rummage sale event Saturday, June 2, 7:00-4:00. Carried.

The BrickHouse has requested two additional two-hour parking spaces for the south side of 3rd Avenue in front of the restaurant. Council Member Poppe asked if this time was long enough or short enough. City Engineer Jon Erichson said the 2-hour parking times are standard.

Moved by Council Member Christopherson, seconded by Council Member Nordin, approving the parking request. Carried.

City Engineer Jon Erichson recommended an approximate 200-foot 'no parking' section on 8th Avenue and 19th Street NW due to the following reasons: 1) 8th Avenue NW narrows at this point, 2) road alignment changes, and 3) sight visibility is limited.

Moved by Council Member Christopherson, seconded by Council Member Nordin, approving the no-parking request. Carried.

The City of Austin has received a federal grant of \$600,000 for improvements on 14th Street NW from 8th Avenue to I-90. The proposed improvements include widening, turn lanes, potential traffic signals and improved pedestrian access. The project is tentatively scheduled for 2001, but could be moved back to 2003 dependent on the County's schedule for 18th Avenue NW. The Public Works Committee has recommended approval of a proposal from Bolton & Menk, Inc. to perform the preliminary design and the Project Memorandum, a requirement to receiving the funds. The cost is not to exceed \$29,00 for the preliminary design work.

Moved by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution approving the agreement. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, adopting a resolution setting a public hearing for Monday, May 21, 2001 for rezoning of property at 2601 W. Oakland Avenue owned by Ronald and Lori Wieseler from an R-2 Multi Family Residence District to a B-2 Community Business District for a proposed used-car dealership. 7-0. Carried.

Two motions to set public hearing for conditional use permits for the following council meeting were removed from the agenda unless and until the Planning Commission receives objections to the requests at its May 15th meeting.

Moved by Council Member Lang, seconded by Council Member Jorgenson, setting a public hearing for Monday, May 21, 2001 for a 3-foot variance from the minimum sideyard setback of 5 feet and also an 8% variance from the maximum lot coverage of 40% in an R-1 Single Family Residence District, requested by David Miller, 1008 6th Avenue NE. Carried.

REPORTS:

HRA – The East Side old railroad yard is being “x-rayed” prior to demolition and clean-up. This process will show exactly what kind of hazardous waste/spills are in the area. Because the city has created high density housing at the intersection of 2nd St. NE. and 1st Ave. NE. (Court Yard Apartments - 78 units, Chauncey - 81 units, and Twin Towers - 205 units) an urgent need for more off-street parking has emerged. The HRA is acquiring the northwest corner of the intersection creating 31 stalls of off-street parking for use by Twin Towers residents. Twin Towers currently does not meet code for off-street parking; hence the HRA is underwriting the project. The airport project/Phase II for acquisition is moving swiftly.

CVB: Five more tour buses will be coming to Austin. The Community Relations Committee will meet at 7:30 a.m. at the Coffee House on Main to discuss its mission and how the committee will work with Apex Austin.

The Public Works Committee will meet on Thursday, May 17 at 4:30 pm for a work session to discuss flooding.

Council Member-at-Large Chaffee reminded the public to watch for pedestrians; pedestrians have the right-of-way.

Council Member-at-Large Chaffee and Mayor Rietz thanked Kevira Mertha, Austin Daily Herald reporter for her excellent, professional work and wished her well in her job change.

Mayor/Council will meet in Council Chambers to interview two architect firms on the proposed second arena and the upgrade of Riverside Arena on Thursday, May 10 at 4:00 pm.

Referring to Matters in Hand, Council Member Lang asked if the decorative street lighting project (Project 5-3-99) was done. City Engineer Jon Erichson said the lights are in, but there is still some miscellaneous street work left. After this is accomplished, the City can hold a public hearing for the assessment.

Referring to another issue in Matters in Hand, Council Member Lang inquired about the smoke and odors from Palleteon. Mr. Erichson is dealing with the Minnesota Pollution Control Agency (MPCA) on this matter.

Council Member Lang also inquired about the 4th Avenue NE crossing. Mr. Erichson replied that that is tied to another matter in Matters in Hand, Review of the DM&E Railroad

upgrade through southeastern Minnesota and its potential impact on Austin. The City is still waiting on the National Transportation Board's (NTB') response to this potential upgrade.

Council Member Poppe said she would set a Fire Committee meeting at the next council meeting to discuss the fire secretary position's hours.

Council Member Poppe also said the consultant for the Fire Department should be done in June.

Moved by Council Member Goodnature, seconded by Council Member Nordin, to place "Smoking in restaurants" in Matters in Hand for the Ordinance Committee's review.

Council Member Nordin inquired about the 8th Avenue NE railroad crossing. City Engineer Jon Erichson said a new crossing and crossing arms will be installed at that location. Additionally, the City does perform patching on a temporary basis.

Library Director Chris McArdle Rojo announced preliminary plans for the new computer lab are done; it should be ready by October 1. Also, the library will now be open on Thursday mornings at 9:00 a.m., the same as other weekday mornings.

The Bike Committee work session will be held on May 16 at 5:15.

A Finance/Personnel Committee meeting is scheduled for Monday, May 21 at 3:30.

The fourth annual City of Austin/Austin Utilities picnic will be held on July 31, 2001.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson to adjourn the meeting to Monday, May 21, 2001.

Adjourned: 6:37 p.m.

Approved: May 21, 2001

Mayor: _____

City Recorder: _____