

MINUTES
COMMON COUNCIL CHARTER MEETING
JUNE 4, 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. Public.

One item, a request for garbage removal was removed from the agenda. Added to the agenda was action on a response to the Mower County Board regarding prisoner boarding fees. Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adopting the agenda. Carried.

Moved by Council Member Nordin, seconded by Council Member-at-Large Chaffee, approving the minutes of May 21, 2001.

Target Market representative Joshua Gardner spoke to Council and gave copies of a model ordinance from Denver, Colorado on the placement of cigarettes in stores (attached). The object of his proposed ordinance is to remove cigarettes displays from the eye level of children. Council Member Lang said the Council would very carefully review the smoking issue in general and will move "slow and cautiously" on this matter.

Jill Vollmer, 906 5th Avenue NE, asked if there were a noise ordinance and referred to cars in her neighborhood causing her home to shake. Chief Philipp said, yes, there is a noise ordinance. He advised people to help identify perpetrators by identifying cars, noting license plate numbers and being willing to sign a citation. Citizens could note a particular problem time or car and then the area could be patrolled more. Asked by Council Member Goodnature if the noise ordinance refers to noise decibels, Chief Philipp replied that it did not refer to decibels, but the ordinance is a good one which uses a number of descriptive terms.

Ms. Vollmer also asked if Hormel is rendering more, especially at 2:00 in the morning. She has heard rumors that they are emitting pollution, pay fines and continue polluting. City Engineer Jon Erichson said he notifies a contact person with pollution complaints. Mr.

Erichson said he would contact this person about any specific operations occurring at 2:00 a.m.

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

Licenses:

- Temporary food – Order of the Eastern Star for Spring Fling, June 2; Crazy Days, July 19 & 20; and Customer Appreciation Days, October 2001
- 3.2 Temporary beer – Austin Jaycees for Spam Jam, July 4-6 and fair week, Aug. 7-12

Claims:

- a. Pre-list of bills.
- b. Michael Janning, 1602 4th Avenue NW. This claim has been referred to the City Attorney to protect the City's interest.
- c. Gina Vietor, 508 12th Street NE. This claim has been referred to the City Attorney to protect the City's interest.

Bids for the bituminous milling and overlay for Hormel Drive were presented to Council. Bids received are as follows:

Contractor	Bid Amount
Ulland Bros.	\$103,875.50
Crane Creek	\$154,090.00
Engineer's Estimate	\$120,839.50

Council Member Lang stated that he thinks the streets are deteriorating faster, and the City is assessing more and more. He believes the streets should last for 30 years, but he's not pointing fingers. He's said Engineering should be on top of this. City Engineer Jon Erichson said, in his opinion, concrete has improved considerably since the 1960s. The type of material used now is greatly improved.

Motion by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution awarding the bid to Ulland Bros. 7-0. Carried.

Bids were presented for sidewalk construction on North Main and downtown. Bids received are as follows:

Contractor	Bid Amount
Ti-Zack	\$75,495.00
Groh Construction	\$75,812.50
Lee Hansen Hauling	\$92,496.50

Joseph Construction	\$94,479.50
Engineer's Estimate	\$85,713.75

Council Member Lang said he would like to see the bid go to a local contractor whose bid was very close to the lowest. City Attorney David Hoversten said if the Council rejects the bid, they need to reject all bids. If the City wishes to go with a bid that is next to the lowest, a history of fault of the lowest bidding contractor must be proven. Mr. Hoversten said that by law, the City is required to take the lowest bid.

Motion by Council Member Lang, seconded by Council Member Christopherson, adopting a resolution awarding the bid to Ti-Zack. 7-0. Carried.

Bids were presented for bituminous street construction and sanitary sewer for Projects 1-A-01 and 3-A-01. Bids received are as follows:

Contractor	Bid Amount
Ulland Bros.	\$796,554.05
Engineer's Estimate	\$918,213.00

Motion made by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution awarding the bid to Ulland Bros. 7-0. Carried.

Bids were presented for concrete street, storm sewer, and lighting for 1st Avenue NE and 1st Street NE. Bids received are as follows:

Contractor	Bid Amount
Doyle Connor	\$390,201.80
Hoffman Concrete	\$407,713.39
Ulland Bros.	\$417,028.50
Engineer's Estimate	\$428,164.30

Motion made by Council Member Christopherson, seconded by Council Member Nordin, awarding the bid to Doyle Connor. 7-0. Carried.

Informal bids were taken for mosquito spraying; the City received one proposal which is from the same company that sprayed in Austin in 2000 with good results. This proposal is based on spraying the city four times for a total cost of \$23,012, or approximately \$1.00 per person for the four applications. Tentative schedule for spraying is June 18, July 2, July 23 and August 13. (This last application may be moved up one week). Advance notice of the spraying will be given to the media as required by law.

Moved by Council Member Lang, seconded by Council Member Nordin, awarding the mosquito-spraying job to More's Ag Center, Inc. Carried.

A public hearing was held for final plat approval of Rosenthal 2nd Addition. The petitioners are proposing to replat this approximate 16.72-acre site for the development of 26 single-family lots and the public right-of-way extensions of 2nd Street SW, 17th Place SW and 3rd Street SW. The Planning Commission reviewed and approved the preliminary plat with 13 conditions, all of which are resolved or are in progress. Community Development Director Craig Hoium anticipates the development agreement completed by the next council meeting. Council Member Poppe asked Mr. Hoium how much of the development is in the flood fringe. Mr. Hoium noted on the map the boundary, adding that the development must follow specific guidelines elevation and for new construction or alteration in a flood fringe. Mr. Hoium also said the development includes a storm pond. City Engineer Jon Erichson said there would be no added effects on the flood plain. Council Member Goodnature asked if potential buyers would be aware they would be in a flood area. Mr. Erichson said yes, mortgagers would have this information. Park and Rec Director Denny Maschka asked regarding access to the park. Mr. Hoium said there might be a pedestrian trail that would connect to the park. This park would not require maintenance.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Christopherson, adopting a resolution approving final plat. 7-0. Carried.

A public hearing was held for final plat approval of Lickteig 2nd Addition. The petitioners are proposing to plat the approximate 23.55-acre site for the development of a 72-unit rental housing development. Thirty-two units will be designated as assisted care units; 40 units will be market rate apartments. This portion of the plat would be legally described as Lot 1, Block 2 of Lickteig 2nd Addition. Also included with this proposed plat are four single-family lots legally described as Lots 1,2,3, and 4, Block 1 (approximately 1.42 acres) and Lot 2, Block 2 (15.02 acres) which has been recommended to be subdivided as single-family lots. Included in the plat are 19 conditions to be met. Due to the concern of neighbors, the plat provides for adequate screening to the east.

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

Eastside merchants have requested an alley closing on Saturday, June 23, 2001 to hold their annual street dance celebration.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Christopherson, approving the alley closing. 6-0. Council Member Lang abstaining. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adopting a resolution providing for a public hearing on July 2, 2001 for vacation of a public right-of-way in the Lone Oak Addition. 6-1. Carried. (Christopherson – nay).

Park and Rec Director Dennis Maschka presented a proposal from Bonestroo, Rosene, Anserlik & Associates. The proposal includes a cost estimate on the phases leading up to the start of the design of the new building and the renovation of Riverside Arena. The site assessment cost estimates are now down by half as only one site, the Klagge's site, will be reviewed. The Council will look at this site and then at another site if necessary.

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

Donald and Harriet Oldenburg, owners of the property legally described as Lot 8, Southlawn 2nd Addition, have requested to have their property removed from the floodplain boundary. The boundary is established by FEMA and adopted by the City of Austin. The request will be submitted to FEMA, and they will perform the evaluation of the property. City Engineer Jon Erichson said about four parcels have been removed from the floodplain boundary in the last ten years.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, to approve the request to FEMA. Carried.

A street closing has been requested for a graduation celebration. City Engineer Jon Erichson said past policy of the Council has been to deny these requests due to liability risk. Council Member Lang expressed his approval, saying Austin is a "community of neighbors." Council Member-at-Large Chaffee said the City could develop some parameters. Council Member Lang said we should look at each situation as we do with variances and conditional use permits. Police Chief Paul Philipp said there had been some conflict with these before because some neighbors have not wanted the streets closed. Possibly the City could come up with some percentage, say 80%, of approval by the participants in order to approve the street closing. Council Member Jorgenson thought that perhaps, in this situation, the three petitioners were the only neighbors who would be impacted in the area. Council Member Lang concurred, saying the area is quite isolated. Council Member Goodnature said there just didn't seem to be enough information for approval; this could open up an "enormous can of worms."

Moved by Council Member Lang, seconded by Council Member Nordin, to table the street closing of 7th Avenue NE between 15th Street and 14th Street to be used for a graduation celebration on June 23, 2001 until the following council meeting to receive more information. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Christopherson, granting the Planning and Zoning Department the power to contract for the removal of garbage at 1107 1st Avenue NW, Bethany Hicks. Carried.

Moved by Council Member Nordin, seconded by Council Member Christopherson, granting the Planning and Zoning Department the power to contract for the removal of garbage at 811 15th Street NE, Adrian Guttu. Carried.

Moved by Council Member Nordin, seconded by Council Member Christopherson, granting the Planning and Zoning Department the power to contract for the removal of garbage at 607 3rd Avenue NW, Wade Drees. Carried.

Moved by Council Member Nordin, seconded by Council Member Christopherson, granting the Planning and Zoning Department the power to contract for the removal of garbage and inoperable vehicles at 712 10th Street NE, Daniel Jaeger. Carried.

The City of Austin has entered into a contract with Fox Engineering for design services for the Industrial Wastewater Treatment Plant. During the pre-design phase, a concept alternative was identified that was not part of the original scope of work. This proposed change would allow the City to combine certain portions of Phase 1 and Phase 2 into a single project which would reduce costs. The project is expected to begin this year, possibly late fall. Council Member Christopherson expressed concern over investing in something that may be too expensive to maintain. City Engineer Jon Erichson said the involved engineers had a work session for this project, merely as a think tank session which included lower costs.

Moved by Council Member Christopherson, seconded by Council Member Jorgenson, adopting a resolution amending the proposal of the contract with Fox Engineering. 7-0. Carried.

City Engineer Jon Erichson updated Council on culvert replacement on I-90. Mr. Erichson has advised MnDOT to inform the City on future such plans. Council Member Christopherson said he would like MnDOT to provide pictures as proof after the work is completed.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, setting a hearing for June 18, 2001 for a requested amendment to the Comprehensive Plan which would change the low density residential land use to a high density residential land use, The Oaks Condominium Units 100 through 149, 1200 18th Avenue NW, Austin. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, setting a public hearing for June 18, 2001 for a requested amendment to the Comprehensive Plan which would change the low density residential use to a high density residential land use, W. 294.51 ft., S 230 ft. NW¼, NW¼, Sec. 34, Township 103, Range 18, 1.56 Acres, Austin, Minn. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, setting a public hearing for June 18, 2001 for a requested amendment to the Comprehensive Plan which

would change the future land use map from a low density residential land use to an arterial commercial land use, Lot 1, Pine Manor Addition, Austin. Carried.

Moved by Council Member Nordin, seconded by Council Member Christopherson, setting a public hearing for June 18, 2001 for a requested amendment to the Comprehensive Plan which would change the future land use map from a low density residential land use to an arterial commercial land use: (3.41 acres) N½, SE¼, Section 5, Township 102, Range 18, Austin, Minn. Carried.

Moved by Council Member Nordin, seconded by Council Member Christopherson, setting a public hearing for June 18, 2001 for a 720-square-foot variance from City Code limiting accessory structures to no more than 1000 square feet in an “R-1” Single Family Residence District, requested by Scott and Tammy Wilson, 1305 6th Street SE. Carried.

The County Board has voted to raise the daily boarding fee for city prisoners in the jail from \$10.00 to \$6500. After studying the State Statute and the City Charter on this issue, City Attorney David Hoversten said the City is responsible for paying this fee only in cases of violation of city ordinance. The city should set a deadline of August 1, 2001 for paying the current \$10.00 rate. Council Member Poppe said she hoped this action didn’t add to the seeming conflict with the County; the City is just going according to the Charter, State law and the recommendation of the city attorney.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, to deny the County’s request for the increase in the jail boarding fee and to set an August 1, 2001 deadline for paying the current \$10.00 rate. Carried.

REPORTS:

HRA: No report.

Moved by Council Member Lang, seconded by Council Member Nordin, to remove the country crossing on 4th Avenue NE issue from Matters in Hand. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin to remove the decorative street lights issue from Matters in Hand. Carried.

Moved by Council Member Lang, seconded by Council Member Christopherson, to remove the Palleton matter from Matters in Hand. Carried.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, to remove the matter of Fire Chief Dan Wilson from Matters in Hand. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Lang, to amend smoking in restaurants issue to “Consideration of smoking issues” in Matters in Hand. Carried.

CVB: Tour busses are expected to pick up this fall with the opening of the Spam museum. Chamber Director Sandy Forstner has stated that the cancellation of this year's barrow show is a short-term blow; a foot-and-mouth outbreak would be long-term and devastating. Julie Craven has been elected to the Chamber Board. Negative numbers have been reported all over the state due to high gasoline prices.

A Community Relations Committee was set for June 11 at 4:30.

The Fire Committee will meet on June 25 at 4:30.

The Public Works Committee will discuss a continuous snow ordinance policy, which would take effect November 1. Moved by Council Member Lang, seconded by Council Member Nordin, to put this issue in Matters in Hand. Carried.

The Park and Rec Committee will meet Wednesday, June 6 at 4:00 discuss the renovation of Riverside Arena and the second sheet of ice. The Park and Rec Board will meet at 5:15 the same day.

The floor is being poured at the new Veterans shelter.

Council Member Nordin thanked the Fire Department for its actions at the recent accident in Rose Creek.

The Finance/Personnel Committee will meet on Monday, June 18 at 3:30.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Lang to adjourn the meeting to Monday, June 18, 2001.

Adjourned: 7:07 a.m.

Approved: June 18, 2001

Mayor: _____

City Recorder: _____