

MINUTES
COMMON COUNCIL ADJOURNED MEETING
MONDAY, JULY 16, 2001
5:30 P.M.
COUNCIL CHAMBERS

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

MEMBERS ABSENT: *None*

OTHERS PRESENT: Media. Public. Joy Skelton and Steven Lang. Scott Sheldon. Paulette Anderson.

Three items were added to the agenda: approving gambling premises permit renewal for Maple Island Park Association; approving street closings for Downtown Crazy Days, and approving the replacement of the siren system.

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

Moved by Council Member Nordin, seconded by Council Member Lang, approving the minutes of July 2, 2001. Carried.

Mayor Rietz thanked all the volunteers who worked at the 4th of July Spamtown Days festival.

Mayor Rietz has called Albert Lea last week and again today to offer assistance in any way after the Farmland plant fire. Mayor Rietz thanked Chief Wilson and the Fire Department for their assistance.

New employees Joy Skelton and Steven Lang were introduced.

The new director of the Senior Center, Paulette Anderson, greeted Council.

Scott Sheldon, 104 24th Street NW, requested the City to waive a building requirement. Mr. Sheldon is building an addition onto his home; the City requires a plat survey for flood elevation. The survey, according to Mr. Sheldon would cost \$400. Mr. Sheldon said it was proved 20 years ago that his property is not within the flood plain. He also said that he has not been required to have flood insurance. City Engineer Jon Erichson the City is audited for building permits (by the flood insurance company) and we would need to have some proof that Sheldon's property is not within the flood plain. Flood insurance is required by a lender and is not something the Engineering Department can base their information on. Mr.

Erichson also said that the flood elevation can change over the years. Concerning his addition on the front of his house, not creekside, Mr. Erichson said what is required is the lowest floor elevation. The City would not want to jeopardize its flood insurance since it is heavily subsidized by the federal government. City Attorney David Hoversten stated that the City cannot waive requirements of an ordinance, which this is. Council Member Poppe inquired about a recent request of a property owner to be withdrawn from the floodplain. Mr. Erichson said that in that type of situation, a property was put in the floodplain based on known information at that time. To be taken out of the floodplain requires a map amendment, a process that could take three to six months. Mayor Rietz asked Mr. Sheldon to work with the City Engineer to resolve the matter.

Ken Trom of the Mower County Fair Board spoke to Council to request the annual exchange of services and land. The City uses the land located across from the fairgrounds for snow piles, and the County borrows equipment and services (flushers, booths, curtains) during the Mower County Fair.

Moved by Council Member Lang, seconded by Council Member Jorgenson, approving the agreement with the County. Carried.

Moved by Council Member Christopherson, seconded by Council Member Jorgenson, approving the consent agenda:

Licenses:

Gas bulk storage: Hollerud Oil Company, 2001 14th Street NE
Excavation: Tru Green Irrigation, 300 2nd Avenue SW
Hotel/Motel: Super 8 Motel, 1401 14th Street NW

Claims:

- a. Pre-list of bills
- b. Finance Report and Investments
- c. Gregory Quam, 2006 17th Avenue SW. This claim has been referred to the City attorney to protect the City's interest.
- d. Charles Brown, 2428 Viking Dr. NW, Rochester. This claim has been referred to the City Attorney to protect the City's interest.

Carried.

A public hearing was held for a preliminary plat approval of property to be known as Orchard Creek 2nd Subdivision. The plat is located northwest of the intersection of 16th Avenue SW and 28th Street SW and is the proposed location of a 24-unit twinhome development, petitioned by Paul Sween. Mailings were sent out; the Engineering Department received back some concerns on storm water management. A condition of the plat is to obtain approval from the Engineering Department for a storm water run-off management plan, and City Engineer Jon Erichson has reviewed for that. Mr. Hoium added

that the development calls for minimum grade elevations. A conditional use permit for the proposed development was approved by the Planning Commission at its May 15th meeting on the condition of the replatting. The preliminary plat was approved by the Planning Commission at its July 10th meeting. Council Member-at-Large Chaffee applauded another private party building again.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Christopherson, approving the preliminary plat. Carried.

A public hearing was held for preliminary plat approval of property to be known as Blum Addition. The petitioner, Stephen Blum, is proposing to replat this approximate 3.79-acre site for the development of five single-family lots. The plat is located southeast of the intersection of 16th Avenue SW and 20th Street SW. Mr. Blum spoke to Council saying he was not aware of the conditions of platting and would not have the funds at this time for the infrastructure, etc. Mr. Blum said he would like to sell a strip of the east portion of Lot 2, Block 1 to his neighbor to the east, Larry Sunderman. City Administrator Pat McGarvey told Mr. Blum he could not sell unplatted property. After much discussion, City Attorney David Hoversten and City Engineer Jon Erichson said Mr. Blum should withdraw his request to plat the property. Mr. Blum could then sell a portion of his property to Mr. Sunderman with an exemption to subdivision waiver. Mr. Hoversten said Mr. Blum could keep the survey until a later date and amend the survey to exclude the Outlot A (the portion which would be sold).

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, to table the petition. Carried.

Moved by Council Member Nordin, seconded by Council Member Christopherson, to resolve the Common Council into a Board of Adjustments and Appeals. Carried.

A public hearing was held to consider an appeal for the conditional use permit approval given by the Austin Planning Commission on June 12, 2001. The petitioners, Ronald and Lori Wieseler, have requested the permit to operate an auto sales business at 2601 W. Oakland Avenue which is located in a "B-2" Community Business District. The City Council reviewed and approved the rezoning for this use at its June 18, 2001 meeting. Michael Allen, a former resident of the adjacent apartments, has filed an appeal. Mr. Allen said he would be opposed to any business requiring access at the proposed access onto 25th Street SW. Mr. Allen said that that street is already busy and vision is obscured due to the angle of the road. He added that during the winter, snow piles would present even more of a safety hazard. Mr. Allen also objected to the 6-foot privacy fence, which, he said, would prove little privacy to the adjacent second floor apartments. Paul Johnson, architect, said 12 parking spaces for customers are included in the design. City Engineer Jon Erichson said the owners could not pile snow 15 feet in the right-of-way. Council Member Jorgenson asked if parking could be restricted to the east side of 25th Street SW so as not to obscure vision. Mr. Erichson said that could be brought up at a Public Works meeting. _____ Warned the City that if concrete and asphalt are laid, it will be there forever. Mr.

also said cars could be bumper to bumper all the way to the residential area. He added that the snowbanks have been ten feet high just from the streets.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving the conditional use permit. 5-2. Carried. Council Members Goodnature and Lang voting nay.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adjourning the Board of Adjustments and Appeals back into a Common Council. Carried.

Austin Utilities has requested the issuance of bonds to finance improvements to their electric utility plant. An ordinance is required.

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. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Poppe, for the adoption and publication of the ordinance. Carried.

The acquisition of property for the development of the trail system was discussed at the last Trails Committee meeting. The properties in question have not yet been appraised. The resolution in front of the Council to acquire property by any means, including eminent domain, was asked to be tabled until the appraisals are done.

Moved by Council Member Nordin, seconded by Council Member Poppe, to table the resolution. Carried.

A request was received for directional signs for the Spam Museum. The sign size is 24" x 30" and would be placed in three locations: 6th Street and 15th Avenue NE, 4th Street and 15th Avenue NE, and 15th Avenue NE at the curve. The Public Works Committee has approved this request.

Moved by Council Member Christopherson, seconded by Council Member Poppe, approving the directional signs. Carried.

Southwinds Condominiums has requested a plat amendment for reconfiguration of a four-unit housing structure. The building footprints have been altered from the original approved plat. The change will be recorded at the County Recorder's office if approved.

Moved by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution for the correction to the plat survey. 7-0. Carried.

The Planning and Zoning Department is requesting the power to contract for the removal of garbage at three separate properties. Council Member Goodnature asked Mr. Hoium if monies are ever recovered. Mr. Hoium explained that this is a long, legal process; if bills are not paid, the property owner is assessed and the amount is carried over to the owner's property taxes.

Moved by Council Member Poppe, seconded by Council Member Nordin, for removal of debris at the property owned by Tammy Lawhead located at 1108 10th Avenue SW. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, for removal of garbage at the property owned by Clair Gilles located at 2109 1st Avenue NE. Carried.

Moved by Council Member Lang, seconded by Council Member Nordin, for removal of garbage and automotive parts at the property owned by David Doty located at 1402 6th Street SE. Carried.

City Engineer Jon Erichson presented a MnDOT agreement for 50% of the purchase of the Hormel Hangar at the Austin Municipal Airport. The other half of the funding has been appropriated in the budget.

Moved by Council Member Goodnature, seconded by Council Member Nordin, adopting the resolution. 7-0. Carried.

Chief Paul Philipp requested approval to offer employment to Joseph Tran to fill a vacancy in the department by the retirement of Officer Chuck Wesely.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the offer of employment. Carried.

The Ordinance Committee has reviewed and approved the gambling premises permit renewal for Maple Island Park Association.

Moved by Council Member Lang, seconded by Council Member Nordin, adopting a resolution approving the gambling premises permit renewal for Maple Island Park Association. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Christopherson, approving street closings for Downtown Crazy Days on July 19. Carried.

The Finance Committee has reviewed and approved the upgrading of the siren system. Six of the sirens are 23 years old, two were purchased in 1992. This request is for approval of a new system and not the actual purchase as yet. Bids will be taken.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, approving the upgrade of the siren system. Carried.

REPORTS:

No HRA report.

An Ordinance Committee meeting was set for August 6 at 4:45.

No DCA report.

No CVB report.

A Bicycle Committee meeting is set for July 17 at 5:15.

A Community Relations Committee meeting was set for August 1 at 4:30.

A Public Works Committee meeting is set for July 19 at 4:30.

Council Member Goodnature asked City Attorney David Hoversten on the legalities of council members attending and participating in a meeting at, e.g., the Chamber of Commerce. Mr. Hoversten said there is no problem for council members who meet “by chance” or meet socially; however, there would be a problem if council members met at an outside meeting and discussed city matters. Mr. Hoversten advised Council to discuss any doubts and questions prior to meeting.

Council Member Goodnature also asked at what point does the City say, concerning housing projects, that we are overbuilding. Council Member-at-Large Chaffee said the HRA discusses just such matters. The HRA keeps a close eye on private sector development. Council Member Lang added that the Maxfield Study and information from realtors are also used in assessing the housing situation. Council Member Lang referred to a high rise with 107 people on its waiting list. City Administrator Pat McGarvey added that it is not the City’s job to say no to private development; that is their risk.

Council Member Nordin reported that currently all school gyms are being used, soccer is becoming more popular. In fact, two more fields are needed.

The next Park and Rec Board meeting will be August 1 at 5:15.

The Fire Committee will be meeting at 7:00 on July 19.

City Engineer Jon Erichson reported that the season's construction is going well. The intersections on Hormel Drive are complete, and paving will be done on Saturday. Work is continuing well on 1st Avenue to Chatham Street and on 16th Street SE. Mr. Erichson said that some businesses are inconvenienced, but intersections are kept open the majority of the time.

Chief Paul Philipp clarified that the offer to Joe Tran is conditional on successful completion of psychological and physical tests. Chief Philipp also said 10 to 12 landlords would be attending the Crime Free Multiple Housing program on Tuesday.

Mayor Rietz announced that a member of Senator Mark Dayton's staff will be coming to City Hall tomorrow (Tuesday) to meet with herself and to tour areas affected by flooding with Jon Erichson.

Mayor Rietz reminded Council to attend the City Picnic on July 31.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, to adjourn the meeting to August 6, 2001. Carried.

Adjourned: _____ 7:08 pm _____

Approved: _____

Mayor: _____

City Recorder: _____