

MINUTES
COMMON COUNCIL CHARTER MEETING
April 1, 2002
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: Media, public. Firefighters. Dave Cole. Jill Vollmer. Corey Goetz. Sandy Forstner.

Added to the agenda: 1) A resolution requesting the Minnesota State Legislature to address the issue of smoking in restaurants and bars; 2) A public hearing for street improvement Project 3-A-02, phase II, 3) A resolution requesting that MnDot conduct a corridor study for the I&M Rail Link, 4) A resolution setting part-time seasonal wage rates, and 5) A resolution permitting an off-sale liquor license transfer.

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

Moved by Council Member-at-Large Chaffee, seconded by Council Member Christopherson, approving the minutes of March 18, 2002. Carried.

Lisa Granley, Granley's Custom Framing, presented a painting to the Fire Department entitled, "Prayer for My Brother."

Dave Cole of the Friends of the Nature Center reported that the public hearing for the Nature Center expansion was satisfactory and thanked Council for their backing of the project. The Friends expect to hear status of the grant by July or August.

Corey Goetz, youth pastor at the Assembly of God Church, spoke to Council regarding the church's city volunteer project "Earth Beat" scheduled for May 4. Youth from the church will be volunteering at the Nature Center, at Austin Public Schools, with the Public Works Department, with Spruce Up Austin and with MnDot.

Jill Vollmer spoke to Council regarding the Austin Skate Park. Ms. Vollmer said the skaters should be forced to wear helmets; other cities have ordinances as such. Parks and Rec Director Denny Maschka said because it is a Tier 1 skate park, there is no supervision at the

park and therefore no way to enforce anything. He added that the insurance carrier is fine with it. Council Member Nordin said the issue could be discussed at the next Park and Rec Board meeting.

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

Licenses:

Cigarette: Lerum's Star Liquor, 100-102 – 11th Street SE
Cigarette transfer: Austin Liquor Store, 713 – 4th Avenue NE to Stephen Eckert
Master plumber: Patterson Plumbing & Heating, 215 – 3rd Avenue NE
Temporary gambling: American Legion Post 91, 809 – 12th Street SW
Food: Great Dragon Buffet Chinese Restaurant, 229 N. Main St.

Claims:

- a. Pre-list of bills.
- b. Marlene Evon Hillson, 808 – 1st Drive NW, #812. This claim has been referred to the City Attorney to protect the City's interest.
- c. Gary Christenson, 206 – 12th Street SE, #3. This claim has been referred to the City Attorney to protect the City's interest.
- d. Kathie Drewup, 3532 Outlet Road, Shortsville, NY

Carried.

City Administrator Patrick McGarvey presented a resolution for the State Legislature to take up the issue of smoking in restaurants. This issue was discussed previously in the Ordinance Committee meeting. Mr. McGarvey said this is a hot, divisive issue that is more of a problem maker than a problem solver. The Ordinance Committee would like the State Legislature to deal with this matter as they have access to experts from many fields. At this point in time, the decision should be at the State level rather than at the local level. Council Member Lang said he agrees with this decision. The State has resources and can decide "what's best for all." The State may decide for or against the banning of smoking, but it should be a statewide issue. Council Member Goodnature said this matter, this resolution, is being proposed from one side of the issue. He proposed that the other side of the issue be heard first before the Council makes its decision, adding that the most important point to being a council member is not voting; it's listening. Council Member Goodnature said he may yet vote in favor of the resolution but would want to hear the other side of this "very, very important issue."

Council Member-at-Large Chaffee said that if the matter is tabled, it might be weeks before a decision is made. This decision should be at the state level.

Council Member Jorgenson said this matter was brought to the Ordinance Committee by one side – they took the initiative, and anyone else could have done the same thing.

Council Member Nordin noted that Rochester couldn't pass a no-smoking ordinance. It took the county to do that. Therefore, it should be a county issue. If this issue goes to the State, our representatives and senators will hear from her. Restaurants should have a choice – they know their customers. Restaurants should also have the option to create an area for smoking.

Council Member Lang noted that this issue “did not just start today. It started a year ago.” The matter is presently in the Council's Matters in Hand list. Both pros and cons can be decided at the state level. He added that this resolution is not just “pushing it under the rug.”

Moved by Council Member Goodnature, seconded by Council Member Poppe, to table the issue to the next meeting (April 15th). 3-4. Voting aye: Council Members Poppe, Nordin, and Goodnature. Voting nay: Council Members Lang, Chaffee, Jorgenson, and Christopherson. Motion did not pass.

Council Member Christopherson said by not passing this resolution, “we might be penalizing the Chamber group for doing their homework.”

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, requesting the Minnesota State Legislature address the issue of smoking in restaurants and bars. 6-1. Carried. Voting nay: Council Member Goodnature.

Council Member Poppe added that by deferring to take any action doesn't mean this issue dies.

City Engineer Jon Erichson presented the bid for approximately 24,000 gallons of CRS 2 Oil and 36,000 gallons of CRS 2P. One bid from Koch Materials, St. Paul, Minnesota was received at \$55,878.00. Council Member Jorgenson questioned the single bid. Mr. Erichson said several companies have decided not to manufacture this type of oil.

Moved by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution awarding the bid to Koch Materials. 7-0. Carried.

City Engineer Jon Erichson presented bids for approximately 5500 tons of bituminous surfacing materials. Results of the bids are as follows:

<u>Bidder</u>	<u>Base Bid</u>	<u>Mileage</u>	<u>Total</u>
Ulland Bros.	\$135,025/5500 = 24.55/ton	(21.4) (.15) = 3.21	\$27.76
Shamrock	\$120,800/5500 = 21.96/ton	(51)(.15) = 7.65	\$29.61

Base bid and mileage gave Ulland the lowest bid at \$27.76 for the total. Mr. Erichson said that Shamrock is located in Oronoco, north of Rochester.

Moved by Council Member Christopherson, seconded by Council Member Nordin, awarding the bid to Ulland Bros. 7-0. Carried.

A public hearing was held for Project 3-A-02, Phase II. Seventh Street NE -- from 6th Avenue north to 8th -- is in very poor condition. The pavement will be removed and replaced. Curb and gutter will be added. Approximate cost per linear foot will be \$30 - \$32.

Moved by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution ordering improvement, approving plans and specifications and ordering advertisement for bids for Project 3-A-02, phase II. 7-0. Carried.

Two terms on the Austin/Mower County Homeownership Board will be expiring in April of 2002. The Board was formed in 1997 with the purpose of providing qualifying homebuyers to obtain loans for downpayment at two- percent interest. Director of Administrative Services Tom Dankert recommended the following two people to serve on this board: 1) Lindy Rider, reappointment, and 2) Carmel Taylor, new appointment. Carmel Taylor would replace Tom Tylutki as a Mower County resident who is appointed by the city council as part of the Joint Powers Agreement. Both Tom Tylutki and Carmel Taylor work for Austin Utilities, which has some home improvement loan programs that could benefit some of the loan recipients. Both terms would expire in April 2005.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, approving the appointments of Ms. Carmel and Ms. Rider. Carried.

Steve Michels requested a street closing – alley behind the East Side bars from Bobbi Jo's to Lefty's – for the annual East Side celebration. The event will be Friday and Saturday, June 21 and 22 this year – two days instead of one this year. No liquor will be served outside.

Moved by Council Member Lang, seconded by Council Member Nordin, approving the street closing. Carried.

At the March 18 Finance/Personnel Committee meeting, committee members approved wages for election judges for 2002. Rates for election judges would be \$8.00 per hour; head judges would receive \$8.50 per hour.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, approving wage rates for election judges for 2002. Carried.

Moved by Council Member Christopherson, seconded by Council Member Nordin, setting a public hearing for a 5'9" variance from the corner sideyard setback requirements for properties in an R-1 Single Family Residence District, requested by Ron and Dianne Ripley, 215 – 10th Avenue SW. Carried.

Moved by Council Member Christopherson, seconded by Council Member Nordin, setting a public hearing for an 11'-¼" variance from the corner sideyard structure setback for properties in an R-1 Single Family Residence District, requested by Keith and Kim Smith, 1209 – 3rd Avenue NW. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, receiving a feasibility report on the extension of sanitary sewer, water main, and extension of 27th Avenue NW east of Highway 218 as phase one infrastructure for Austin Business Park and calling a hearing for May 6. 7-0. Carried.

A full-time firefighter vacancy was created last year with the retirement of one firefighter. With the state budget in the red and the potential for state aid to be limited for 2002, the City Council had put a hiring freeze on this position. City Administrator Pat McGarvey reported that our Local Government Aid currently at \$7.6M looks stable for 2002. With that information, the Fire Committee has recommended the hiring of Tim Hanson to fill the firefighter vacancy.

Moved by Council Member Poppe, seconded by Council Member Goodnature and Jorgenson. Carried.

The State Legislature has recently completed its redistricting after the 2000 Census. Local governments now have until April 30 to do their own redistricting. The Charter Commission recently met to approve new boundaries for redistricting. Council must now call a hearing to approve these new boundaries.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adopting a resolution calling a public hearing for April 22 at 4:30 on the proposed amendment to the municipal charter with regard to ward boundaries. 7-0. Carried.

In December 2001, the City of Austin requested MnDot conduct a corridor study of the I&M track from Owatonna to the Iowa state border. At that time it was speculative that the DM&E would acquire the I&M and the request was tabled. The DM&E now has the option for purchasing the I&M Rail Link, and the City of Austin is again requesting the corridor study to identify potential impacts to the City of Austin, including costs involved with an over/underpass. City Administrator Patrick McGarvey said a bill is currently in front of the Legislature for a \$500,000 corridor study. If it should pass, a two-year study would be done on the entire DM&E system resulting in actions by the federal government, the DM&E, and/or the state government, which could include gated crossings and whistle-free stops. Mr. McGarvey said the study would certainly involve Austin.

Moved by Council Member Lang, seconded by Council Member Nordin, requesting that MnDot conduct a corridor study for the I&M Rail. Carried.

Mayor Rietz announced that Senator Mark Dayton would be coming to City Hall on Wednesday, April 3 at 9:40 to speak on the DM&E's option to purchase the I&M and what he can do at the federal level.

Administrative Services Director Tom Dankert presented a resolution for wage rates for temporary seasonal workers. Wage rates will be the same as in 2001.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adopting a resolution approving temporary seasonal wage rates for 2002. 7-0. Carried.

Stephen Echert applied for a liquor transfer from Marianne Bremer for Austin Liquor Store, 713 – 4th Avenue NE. The investigation report has been approved by Police Chief Paul Philipp, and the liquor transfer was reviewed and approved by the Ordinance Committee.

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

REPORTS:

Sandy Forstner of the CVB invited everyone to Business After Hours to be held on April 8, 5:00 – 7:00 pm, at Lansing Corners.

Moved by Council Member Lang, seconded by Council Member-at-Large Chaffee, to remove the smoking ban matter from Matters in Hand. Carried.

Council Member Jorgenson reported that Austin is host for the ABC Bowling Tournaments February 2nd through May 5th, which represents 7,000-9,000 bowlers and a potential \$800,000 coming into Austin.

The Fire Committee will meet on Monday, April 29 at 4:00.

Council Member Goodnature, Airport Manager Bruce Hendricks and City Engineer Jon Erichson will tour several southern Minnesota airport terminals on Saturday, April 6. Those interested in joining the tour should contact Council Member Goonature or Jon Erichson.

The Park and Rec Board will meet on April 10 at 5:30.

The Joint Power Trail Board for the Blazing Star Trail will meet at 7:00 on Thursday, April 4 at Albert City Hall.

The Finance Committee will meet at 3:30 on April 15.

Council Member-at-Large Chaffee also warned citizens to watch for pedestrians.

The Ordinance Committee will meet on April 15 at 4:15.

Public informational meeting for 14th Street NW street improvement project will meet in Council Chambers at 5:30 on April 4. A public information meeting for the Oakland Avenue West project will meet at 6:00 in Council Chambers on April 4.

A council workshop was set for April 22 at 3:30 to discuss the Austin Business Park feasibility study.

Fire Chief Dan Wilson expects a 3-year operational plan to be ready for the Fire Committee's April 29th meeting.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, to adjourn the meeting to Monday, April 15, 2002.

Adjourned: 6:50 p.m.

Approved: April 15, 2002

Mayor: _____

City Recorder: _____