

MINUTES
COMMON COUNCIL ADJOURNED MEETING
MONDAY, APRIL 15, 2002
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. Hockey players/fans. Gail Dennison and Diane Sherman. Ron Ripley. Keith and Kim Smith. Greg Meyer.

Added to the agenda: Motion permitting the City of Austin to remove unlicensed vehicles and garbage at 1604 East Oakland Avenue, Steven Burrell property; and an amendment to the noise ordinance. Mayor Rietz asked to have an e-mail incorporated into the minutes which she received from Francis Skinness regarding 12th Avenue NE.

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

Council Member Christopherson requested the minutes of April 1, 2002 be corrected on page 3, paragraph 5 to read "Voting nay: Council Member Goodnature."

Moved by Council Member Lang, seconded by Council Member Nordin, approving the minutes of April 1, 2002 as corrected. Carried.

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

Pool table: Arcade, 107 – 4th Avenue NE

Food: Arcade, 107 – 4th Avenue NE

Cigarette: Arcade, 107 – 4th Avenue NE

Temporary gambling: United Catholic Schools Foundation @ St.

Edward's Community Center, 2001 – 1st Avenue NW, June 21

Massage therapist: Bounmy Xayaosa, @ Southwest Chiropractic and Rehabilitation Services, 109 1st Avenue SE

Novelty machine: Steve's Pizza, 215 – 2nd Avenue NE

Sign installer: 945 Pierce Butler Route, St. Paul, MN

Excavation: Tru Green Irrigation, 86893 – 180th Street

Concrete: Hutch & Sons Builders LLC, PO Box 632

- (a) Financial and Investment Reports.
- (b) Pre-list of Bills.
- (c) Renee Leathers, 200 – 1st Avenue NE, #506A, Austin, MN. This claim has been referred to the city attorney to protect the city's interest.
- (d) Josiah Phan, 2017 – 1st Avenue SE. This claim has been referred to the city attorney to protect the city's interest.
- (e) Nathan Wiese, 22764 State Highway 56. This claim has been referred to the city attorney to protect the city's interest.
- (f) Sidney Wakefield, 1808 – 2nd Street NE. This claim has been referred to the city attorney to protect the city's interest

Moved by Council Member Jorgenson, seconded by Council Member Nordin, resolving the Common Council into a Board of Adjustments and Appeals. Carried.

A public hearing was held 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. The property is on the SE corner of the intersection of 2nd Avenue and 10th Street SW. The petitioners are intending to construct a 936 s.f. detached garage. Community Development Director Craig Hoium said that the intent of the ordinance for these setbacks is to maintain openness for vehicle traffic. Mr. Hoium received no calls/letters on this variance request. The Planning Commission recommended approval by a 7-0 vote.

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

A public hearing was held 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. The property is located at the southeast corner of the intersection of 3rd Avenue and 12th Street NW. The surrounding land use is R-1, Single Family, and an A-1 Recreational District to the west (Wescott Field). Petitioners are replacing an existing deck. The Planning Commission discussed possible traffic obstruction. If constructed, the property owners said they are aware that the deck would be approximately 1½ feet from a sidewalk and 16 feet from the edge of the asphalt. Mr. Hoium said the purpose for the boulevard is for infrastructure and sidewalk. This area is subject to a lot of pedestrian activity and may warrant a sidewalk. Mr. Hoium received no calls/letters on this variance request. The Planning Commission recommended approval by a 7-0 vote.

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

Moved by Council Member Jorgenson, seconded by Council Member Poppe, adjourning the Board of Adjustments and Appeals back into the Common Council. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Nordin, adopting a resolution calling a public hearing for Monday, April 22, 2002 at 4:30 pm before

the City Council on the rezoning from I-2 Industrial District to B-2 Community Business District of land described as:

Block 6, ½ vac. Street on N & S exc. .01 acres on so. Exc. Strip S.E. of Hormel Dr. and N.W. of Parcel and also including Blk 11, vac. Alley, S½ vac. Street adj. on N and .02 acres St. S.W., Lot 7, exc. .18 acres. W., Railroad Add., Mower County, Minnesota. (General description of property being located west of 600 and 700 blocks of 7th Street NE and north of 5th avenue NE to be used as the site for the new ice arena).

7-0. Carried.

City Administrator Pat McGarvey presented an agreement showing tract maps of the three parcels of land that Hormel Foods Corporation is deeding to the City of Austin, the largest of which will be the land for the new ice arena. Outlot B is 1500 feet designated for an easement for a geothermal system for the arena. The agreement states that if this project is not complete at the end of the second year (2003), the property will revert back to Hormel Foods Corporation.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution approving the execution of a Real Estate Donation Agreement with Hormel Foods for three parcels of property, one of which is for the site of the new ice arena, one for an existing city sanitary sewer lift station, and the third, for any use the City deems to be appropriate. 5-2. Carried. Council Members Goodnature and Christopherson dissenting.

Bids were received on the construction of the new ice arena and remodel/addition of Riverside Arena. The following project budget and bid numbers were presented to Council as follows. Bid list is attached to these minutes.

Remaining Funds Balance	\$4,216,234.17
Boonestroo Design Fee	10,000.00
Refrigeration System	176,000.00
New Arena and Riverside Renovation (Includes Alternates 1,3,5,7,8,11)	3,585,500.00
Construction Management Fees (3.5%)	135,000.00
Maintenance equipment, phones, fax, hockey nets, office equipment	30,000.00
Contingency (7.8%)	279,734.17

Attorney David Hoversten advised that the resolution should be passed “contingent upon the actual transfer of the titles.”

Moved by Council Member Nordin, seconded by Council Member Lang, adopting a resolution awarding the contract for the construction of the new ice arena and remodel and addition to Riverside Arena, contingent upon the actual transfer of the titles to Schroeder/Leverington, Inc in the amount of \$3,585,500.00. 5-2. Carried. Council Members Goodnature and Christopherson dissenting. Full bid list is attached to these minutes.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution awarding the bid for the Riverside Arena Refrigeration System Renovation, contingent upon the actual transfer of the titles, to M.J. O'Connor, Inc in the amount of \$176,400. 5-2. Carried. Council Members Goodnature and Christopherson dissenting. Full bid list is attached:

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution awarding the bid on the purchase of one ice resurfacer. 5-2. Carried. Council Members Goodnature and Christopherson dissenting. Bid is as follows:

Bidder	Bid Amount
Becker Arena Products Inc .	\$70,226.10

Gail Dennison and Diane Sherman, SPAM Museum liaisons, presented requests for the Spam Museum Grand Opening. This was approved by all department heads.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, approving requests in connection with the Spam Museum Grand Opening. Carried.

Moved by Council Member Lang, seconded by Council Member Christopherson, adopting a resolution granting a license for sale of Sunday wine on-sale. 7-0. Carried.

Mower County has requested a temporary construction easement for property the City of Austin owns adjacent to 18th Avenue NW.

Moved by Council Member Christopherson, seconded by Council Member Nordin, approving the temporary easement.

Moved by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution ordering preparation of report on improvements for the 4th Avenue NE emergency crossing. 7-0. Carried.

The City of Austin/Engineering Department has proposed adopting street construction assessment rates prior to the construction season. City Engineer Jon Erichson has reviewed the assessment rate policies and proposed averages for residential, commercial and industrial properties for this construction season. Proposed rates are as follows:

Land Use	Concrete curb & gutter	Street/urban	Street/rural
Residential	\$8.00 L.F.	\$25.00/L.F.	\$22.00/L.F.
Commercial	\$8.00 L.F.	\$40.00 L.F.	\$35.00 L.F.
Industrial	\$8.00 L.F.	\$40.00 L.F.	\$35.00 L.F.

Council Member Christopherson asked if these rates are consistent with those given out at the street informational meetings. Assistant City Engineer Steven Lang said that they are; rates given were within a \$2 to \$3 range.

Moved by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution setting the street reconstruction assessment rates. 7-0. Carried.

Moved by Council Member Christopherson, seconded by Council Member Nordin, adopting a resolution setting a hearing for May 6, 2002 on proposed assessments for the following street improvement projects: 8th Street SW, Project 2-A-02; 4th Avenue, 5th Avenue, 6th Avenue and 7th Street NE, Project 3-A-02; 3rd Avenue SW, Project 5-A-02; and 6th Avenue SE and 9th Street SE, Project 6-A-02. 7-0. Carried.

The LELS Local 73, 19 police officers, have voted in favor of a contract. The two major issues are health and wages as were the issues in the other signed contracts. This contract is a two-year contract consistent with area cities of equal population. This contract falls in the middle range when compared to these cities, in terms of benefits and wages. Negotiations involved a state mediator, and staff recommends approval.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adopting a resolution approving the Labor Agreement with LELS Local 73 for Austin police officers for 2002-'03. 7-0. Carried.

The Austin Police Supervisors Union made up of eight positions – lieutenants, detectives and sergeants – signed a tentative agreement. No mediator was involved.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, adopting a resolution approving a Labor Agreement with the Austin Police Supervisors Union for 2002 –'04. 7-0. Carried.

Moved by Council Member Lang, seconded by Council Member Christopherson, permitting the City of Austin to remove inoperable vehicles and junk at 1016 – 11th Avenue SW, Brock Tufte property. Carried.

Moved by Council Member Christopherson, seconded by Council Member Nordin, permitting the City of Austin to remove garbage and junk at 814 – 10th Avenue SW, Travis Stayton property. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, permitting the City of Austin to remove inoperable vehicles at 1418 – 7th Avenue NW, Tim Sorgine property. Carried.

Moved by Council Member-at-Large Chaffee, seconded by Council Member Jorgenson, resolving the Common Council into a Sign Board of Appeals. Carried.

The Greg Meyer Insurance Group at 1110 – 1st Avenue SW has requested a sign appeal to replace the existing nonconforming sign due to a suggestion by the corporation. The current sign projects over the public right-of-way, as would the proposed sign. The property is in a B-2 District. The Planning Commission approved the appeal by a 7-0 vote.

Moved by Council Member Christopherson, seconded by Council Member Nordin, approving the sign appeal.

Bruce Turner and Walt Baldus have requested a sign appeal to erect an off-premise sign on the southwest corner of their property which would not meet the required setbacks and minimum distance from adjacent R Districts. The sign would be 500 feet from residential districts. The proposed sign would be immediately under the existing Goodyear sign. Because of corporate restrictions, the sign may not be on the Goodyear supports. The requested sign would be similar to the Hormel Foods Corporation sign on the opposite corner, the difference being that the requested sign would be five feet high; the Hormel sign is four feet high.

Council Member Goodnature said the location for the proposed sign is “really poor placement” and would create a “horrendous problem.” He asked that, at minimum, Council would look carefully at the placement of this sign, possibly even visiting the site. Council Member Goodnature said cars coming from the east and north literally launch themselves into the street. Council Member Goodnature would like to table this appeal and recreate the sign with cardboard onsite. The Planning Commission has recommended approval of the appeal by a 7-0 vote. Community Development Director Craig Hoium said this sign is similar to Hormel’s sign in the opposite corner except for two things: 1) this would be freestanding advertising, and 2) this would be an off-premises sign (i.e., the sign would not be for Hanson Tire but for commercial property to the east. Mr. Hoium added that Hormel’s sign is included with the fence, which is the same height. Council Member Poppe asked if the five-foot height for the sign was essential. Mr. Hoium said he did not have a specific explanation for that, other than that the request was for a 5’ x 14’ sign. Council Member Lang added that this sign would be like asking for an accident to happen. Heidi Goodnature, 1204 – 2nd Drive NE, said she lives in the apartments to the east of this intersection and vision is poor right now. Ms. Goodnature said she has to “inch up” to see oncoming traffic.

Moved by Council Member Goodnature, seconded by Council Member Lang, to table the appeal to the May 6th council meeting. Carried.

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

Moved by Council Member Christopherson, seconded by Council Member Nordin, permitting the City of Austin to remove junk at 1104 – 12th Avenue NE, John Ernst property. Carried.

Moved by Council Member Jorgenson, seconded by Council Member Christopherson, permitting the City of Austin to remove an inoperable vehicle at 1908 – 6th Avenue NW, Peter Hill property. Carried.

Moved by Council Member Nordin, seconded by Council Member Christopherson, permitting the City of Austin to remove unlicensed vehicles and garbage at 1604 East Oakland Avenue, Steven Burrell property. Carried.

City Attorney David Hoversten has reviewed our noise ordinance and removed any reference to time. The proposed amended ordinance sets forth a clearer understanding that loud, obnoxious noise would be deemed illegal at all times. The ordinance has been reviewed and approved by the Ordinance Committee.

Moved by Council Member Lang, seconded by Council Member Poppe, that the city attorney 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.

REPORTS:

Mayor Rietz recognized Council Members Dick Chaffee and Jeanne Poppe who are running for the state legislature. Both attended the Democratic caucus; Council Member Jeanne Poppe won the endorsement.

Council Member Lang reported for the HRA that Austin Transportation purchased 6.6 acres of the old railroad property.

Council Member Jorgenson reported that the CVB is swamped with tours; 25% of which are over night (compared to 21% nationally). The new Visitors Guide has gone to press. Also, the Bank Directors Club recently visited Austin and gave high evaluations to the visit, their only request being more time wanted for visiting. The MS Tram scheduled for this summer will expect 1500-1700 bicyclists in Austin.

Council Member Goodnature expressed his appreciation of the way Council handled its debate/discussion over the new arena, saying he felt comfortable in his dissent.

Council Member Goodnature reported on the recent airport terminal trip. Four terminals were visited; the group received very good ideas. Council Member Goodnature said City Engineer Jon Erichson thought a building could be started as early as next spring.

Council Member Nordin said the Park and Rec Board has received a \$3000 grant for trail assistance. May 23rd is the annual sign-up for summer programs. The Board is working with Spruce Up on a needed position for tree maintenance. A Regional Parks Matching Grant in the amount of \$250,000 has been applied for. The Board is also working on the softball diamonds and the Veterans Pavilion.

Council Member-at-Large Chaffee announced that Don Brezicka is resigning from the Port Authority, and he thanked him for his time on the board.

A Finance Committee meeting was set for May 6 at 3:30

The Public Works Committee was postponed to April 25 at 4:30.

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

The Ordinance Committee will meet on May 6 at 4:15.

Fireman Don Lenz said the fire department is proceeding with flushing hydrants; there are approximately 600 to flush.

Lieutenant Curt Rude said the department made some arrests today in connection with vandalism (spray painting) at Riverside Arena. Lt. Rude also talked about St. Baldericks Day, an event in which some officers and dispatchers are shaving their heads to help raise money for the Children's Cancer Society.

Library Director Chris McArdle Rojo said this week is National Library Week. The library will be providing special programming, including a visit from "Franklin the Turtle" on Saturday at 10:00 am. The library will also be offering a beginner's cribbage class next Monday evening at 7:00 pm

Mayor Rietz reminded everyone of the Mower County League of Cities meeting on Thursday, April 18 and the volunteer banquet on April 25.

Moved by Council Member Christopherson, seconded by Council Member Jorgenson, adjourning the meeting to May 6, 2002.

Adjourned: _____ 6:45 pm

Approved: _____ May 6, 2002

Mayor: _____

City Recorder: _____