

**MINUTES**  
**CITY COUNCIL ADJOURNED MEETING**  
**MONDAY, OCTOBER 20, 2003**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

MEMBERS PRESENT: Mayor Rietz, Council Members Jorgenson, Koch, Pacholl, Christopherson, Nordin and Chamberlain, and Council Member-At-Large Goodnature

MEMBERS ABSENT: None

OTHERS PRESENT: Austin Daily Herald. Austin Post Bulletin. KAAL TV. Liliana Sylvestry-Neilon and Welcome Center staff. Peggy and Dennis Boik. Jon Boyer, Precision Signs. Greg Thompson.

The following items were amended on the agenda: Item No. 14 was changed to read 1996 Sewer, Project 1-B-95 ('Water' deleted). Added to the agenda: A resolution approving election for exclusion from PERA for city administrator.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, approving the agenda as amended. Carried.

A vote count was amended on council minutes of October 6, page 4 to read '5-2.' Moved by Council Member Christopherson, seconded by Council Member Nordin, approving the council minutes of October 6, 2003. Carried.

Liliana Sylvestry-Neilon updated Council on the Welcome Center, which has been in operation for three years and has provided more than 9000 services to members. The Center has provided more than 2700 translations. Currently the Welcome Center has seen a large growth spurt as services have risen from 300 to 611 within the last three months. Ms. Sylvestry-Neilon thanked the City for its support of the Center.

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

Consent Agenda:

Licenses:

Cab driver: Brian Miller, 809 5<sup>th</sup> Avenue NW

Claims:

Financial and Investment Reports.

Pre-list of Bills.

- a. Edmund Seys, 1806 5<sup>th</sup> Avenue NE. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Council received bids for building demolition and site restoration, Projects 5-C-03, Phase II (15 residential parcels). Bid results are as follows:

Contractor	Bid Amount
Wallace Bustad Crane Service, Inc.	\$66,600.00
David Spinler Construction	\$71,650.00

Moved by Council Member Christopherson, seconded by Council Member Koch, adopting a resolution awarding the bid to Wallace Bustad Crane Service, Inc. 7-0. Carried.

Moved by Council Member Koch, seconded by Council Member Jorgenson, for the City Council to resolve into the Board of Adjustments and Appeals. Carried.

A public hearing was held for a 3-foot, 3-inch variance governing the minimum corner sideyard setback of 12 feet, 6 inches in an R-1 Single Family Residence District, requested by Rick and Eileen Bremner, 300 4<sup>th</sup> Street SW. The variance is for the construction of a 22 foot by 24 foot attached garage addition in the petitioner's corner side yard area. The petitioner shares a driveway with the neighbor to the west, who is opposed to a plan to reconstruct a garage on the existing site due to concerns of accessibility. The petitioner is now requesting to build an attached garage in his corner sideyard, which requires a variance for setbacks. The Planning Commission recommended approval. Council Member Goodnature questioned why the petitioner did not make use of the original site plan. Community Development Director Craig Hoium explained that that original site plan required a two-foot offset, and that would require documents to be signed by the adjacent property owner. That property owner is opposed to that site plan. (A five-foot setback is required unless a form is signed by the neighbor.) Council Member Chamberlain questioned why the petitioner would not propose a smaller size garage if two feet, two inches was the disputing factor. Mr. Hoium said if the width of the garage is reduced, the petitioner would still need a setback form signed by the adjacent property owner. For no form to be signed, the petitioner would need to reduce the size of the garage by approximately seven feet. Ms. Helen Mayers, who is the neighbor to the west, stated that if Mr. Bremner put the new garage in the original spot, it would be "impossible to negotiate the turn." She said she is okay with his new proposal. Council Member Christopherson questioned the lot coverage. Mr. Hoium replied that it is a large lot; if there was a problem, that would be included with the present variance request.

Moved by Council Member Jorgenson, seconded by Council Member Koch, approving the variance. Carried.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, to adjourn back into the City Council. Carried.

A public hearing was held relating to the vacation of public right-of-way in Bel Air 2<sup>nd</sup> Addition. This hearing was tabled from the October 6, 2003 council meeting. The property is east of 14<sup>th</sup> Street NW, north of the Usen's lot. The right-of-way was

originally obtained in the event that 1<sup>st</sup> Avenue NW would go through Westcott Field. Community Development Director Craig Hoium stated that this will not happen. The School District has withdrawn their objection to the proposed vacation; they have received a letter of understanding from the attorney representing the Faigus Group, which is offering to purchase the User's premises. The Faigus Group would grant a five-foot utility easement on the northernmost portion of half the vacated portion of the existing 60-foot right-of-way. The Council must now pass a resolution to proceed and appoint vacation commissioners.

Moved by Council Member Christopherson, seconded by Council Member Pacholl, adopting a resolution relating to the vacation and appointing commissioners: First Ward – Charles E. Fawver, Second Ward – David Bumgarner, and Third Ward – Mahlon Krueger. 7-0. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Jorgenson, setting a public hearing for November 3, 2003 relating to the application of a \$10,609.00 federal block grant for radio equipment. Carried.

Moved by Council Member Chamberlain, seconded by Council Member Pacholl, to place sign ordinance review in Matters in Hand. Carried.

The matter of a community entrance sign was recently re-discussed at a Committee-of-the-Whole meeting. The consensus was to review the matter again, but review the sign ordinance as well. Another factor in consideration was that the cost of the sign has been reduced due to the service clubs indicating that they would contribute more money to the cost of the sign. Also, the cost of the sign has been reduced to an estimated \$2300, down from (at one point) \$6000. Spruce Up Austin has said they would take care of the landscaping and Austin Utilities will provide utilities to the sign. Council Member Nordin questioned the original options A and B. Mr. Hoium said it was the decision at the Committee-of-the-Whole work session to proceed with the original sign design. Council Member Pacholl said he still stood with his original idea on this matter, which is that the City should cut down its expenses right now. Possibly in the future this would be okay. Jon Boyer of Precision Signs noted that the Hormel Foundation grant for this project will expire October 31. The money would be lost if it is not approved now. Mr. Boyer also noted that some of his employees would install for free and donate their time to this project. So much effort has been put into this project by many sectors of the city; this is a good project when you look at the broad scope of it, including free labor. Council Member Jorgenson said that in looking at the numbers, the amount of the city's participation is less than half than it was a couple of months ago. Council Member Chamberlain said that this has been an ongoing project, preceding many on council. Originally begun in the private sector, Council has recently been in support to go forward with this.

Moved by Council Member Jorgenson, seconded by Council Member Koch, to proceed with the community sign and to authorize the use of city funds. 5-2. Carried. Council Members Pacholl and Christopherson voted nay.

On September 9, 2003, the Planning Commission approved a sign appeal for a community entrance free-standing ground sign. The dimensions of the sign are not the same as the original appeal, but Community Development Director Craig Hoium said the entrance sign needs to be large enough to be clearly visible from the interstate. The Planning Commission has recommended approval of the sign by a 6-0 vote.

Moved by Council Member Chamberlain, seconded by Council Member Jorgenson, approving the sign appeal from the City of Austin to erect a 12' x 18' (216 square feet) community entrance free-standing ground sign in an A-Agriculture, Recreation and Conservation District (at the Nature Center). 5-2. Council Members Pacholl and Christopherson voted nay.

Finance Director Tom Dankert recommended the elimination of some funds which are no longer needed. Fund 43 Special Curbs Fund was originally set up to fund handicapped accessible ramps on sidewalks. These ramps are now part of the regular sidewalk improvement project. Fund 46 Park Improvements was originally set up to receive and expend specific donations to the park system. Most of these funds will have been expended by the end of 2003. The Park and Rec Dept has requested that the remaining balance be used for picnic tables. Fund 47 TIF Construction balance is from the TIF #10 Commercial Business District bond issue. This fund was set up for all bond proceeds developed within TIF districts. Mr. Dankert recommended that the remaining balance be transferred to the TIF debt service fund.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, adopting a resolution authorizing the elimination of funds and transfer of balances. 7-0. Carried.

Moved by Council Member Christopherson, seconded by Council Member Pacholl, setting a public hearing for November 17, 2003 on proposed assessments for the following:

1987 Sewer & Water, Project 3-B-87; 1989 Sewer & Water, Project 3-B-89; 1993 Sewer & Water, Project 1-B-93; 1996 Sewer, Project 1-B-95; 1999 Sewer & Water, 1-B-99; Sidewalk and Curb on 14<sup>th</sup> Street NW, Project 1-A-02; Sidewalk on 8<sup>th</sup> Street NW, Project 4-A-02; Sidewalk on 7<sup>th</sup> Street NW, Project 1-A-03; Sidewalk on 14<sup>th</sup> Street NE, Project 2-A-03; and Sidewalk on 8<sup>th</sup> Avenue SW, Project 4-A-03.

7-0. Carried.

The HRA has requested some parking restrictions. Currently parking is limited to two hours from 8:00 – 6:00 along the south side of 2<sup>nd</sup> Avenue NE in the HRA block. The HRA staff is suggesting that the two-hour restriction during the daytime be removed. The second request is for designating two stalls as 15-minute parking directly in front of the entrance to allow for HRA tenants and clients to easily drop off payments, etc.. Council Member Chamberlain said he would be for the 15-minute parking but does not want the elimination of the two-hour parking. Council Member Nordin suggested Council give it a try.

Moved by Council Member Nordin, seconded by Council Member Koch, approving the parking requests at the HRA. 6-1. Carried. Council Member Chamberlain voted nay.

Roger Kahle, 607 4<sup>th</sup> Street SW is requesting a parking appeal at his residence to place a circle drive area within the petitioner's front yard area. City Code prohibits off-street parking areas in front yards in R-1 and R-2 Districts. The Planning Commission reviewed this appeal and discussed alternate methods for accessibility which might be used. Mr. Kahle currently uses a shared driveway. The Planning Commission recommended this appeal by 7-1, Commissioner McCarthy dissenting.

Moved by Council Member Jorgenson, seconded by Council Member Pacholl, approving the parking appeal. 5-2. Council Members Nordin and Chamberlain voted nay.

A parking appeal has been requested at 1604-1606 2<sup>nd</sup> Avenue NW by Dennis and Peggy Boik. The petitioner resides on one side of the property; renters live in the other. Community Development Director Craig Hoium provided a map showing that many duplexes in this area have dual driveways. The Planning Commission has recommended approval of this appeal. Mr. Hoium noted that 1604 does not have a garage. Dennis Boik said the renters at 1604 could use the double garage around the corner at 1606, but it is not convenient, and the renters are elderly nuns. Mr. Boik also stated that it was his understanding that all the trees would remain. Council Member Chamberlain noted the difference between this parking appeal and the previous appeal: the previous appeal did not show hardship. Mr. Chamberlain also noted that the previous appeal had alternate solutions; there is no alternate solution here. Council Member Goodnature disagreed, saying that the previous petitioner (Mr. Kahle) had not land to work with. Mr. Boik noted that of the seven nearby duplexes, five have two driveways. Also, the city ordinance addresses not parking on the street.

Moved by Council Member Jorgenson, seconded by Council Member Koch, approving the parking appeal at 1604-1606 2<sup>nd</sup> Avenue NW, requested by Dennis and Peggy Boik. Carried.

Greg Thompson, 502 6<sup>th</sup> Street SW, has requested a minor subdivision of property to accommodate a 36' x 80' storage building for commercial development at 11<sup>th</sup> Street NE and 1<sup>st</sup> Avenue NE. Community Development Director Craig Hoium recommends approval of this action with the condition that any necessary easements are obtained. Mr. Hoium clarified the property as being in the railroad redevelopment area. This is an industrial district, and the planned building is permitted for this area. Council Member Chamberlain questioned this action. City Attorney David Hoversten explained that this is a minor subdivision request. The city code requires certain procedures for platting, but for small subdivisions, as long as setbacks are in compliance and the development is not complex, then this action saves people money. Council Member Koch questioned any future developments on the property. Mr. Hoium noted that the area will be hard-surfaced and a firewall created. All issues have been addressed other than possible utility easements obtained. Council Member Koch questioned what the businesses are north of this property. City Attorney David Hoversten reiterated that the planned building is an allowed use. The subdivision of property has nothing to do with the use. Any zoning

requirements will rule on use. Greg Thompson said he has worked with Jones Haugh architects, whose building design will comply with all setbacks and requirements once the property is replatted.

Moved by Council Member Nordin, seconded by Council Member Christopherson, adopting a resolution approving exemption to subdivision regulations, requested by Greg Thompson. 7-0. Carried.

The City of Austin and Austin Public School District have participated in a joint grant to fund the liaison position at Austin High School for the last 25 years. The grant this year is being reduced by \$8,075. Chief Paul Philipp and Finance Director Tom Director have met with Lori Volz and Corrine Johnson. They have agreed to a 75% / 25% split of this reduced amount to maintain funding of this position. The City would be responsible for \$2,019. Council Member Chamberlain stated that the liaison office is a critical position, and it is directly related to Council's primary goal of public safety.

Moved by Council Member Jorgenson, seconded by Council Member Chamberlain, adopting a resolution authorizing the Mayor to sign the school liaison grant agreement. 7-0. Carried.

The city administrator, Jim Hurm, has been allowed by his agreement to opt out of PERA, and he has chosen to do so. This action must be approved within six months of his employment.

Moved by Council Member Jorgenson, seconded by Council Member Nordin, adopting a resolution approving election for exclusion from PERA for city administrator. 7-0. Carried.

#### REPORTS:

City Administrator Jim Hurm reviewed topics from the Committee-of-the-Whole work session of October 7, 2003. The short term solution to the use of South Grove Park will be applied, with review of the South Grove Park and Bandshell Community Park to be reviewed over the winter. NSF check collection – Chief Philipp and the city prosecuting attorney have decided not to participate in the check collection program. Mower County Transit – The Council is concerned with the potential loss of this service, and the City is interested in helping continue the service. The request of the County to remove trees east of the Courthouse has been tabled until next spring.

Senator Langseth, Chair of the House Capital Investment Committee, will be at the Ruby Rupner Auditorium on Tuesday, October 21 at 4:30 regarding the Blazing Star Trail.

Council Member Pacholl reported that he and City Administrator Jim Hurm attended the recent Mower County League of Cities meeting. County Attorney attended and gave an update on his office.

The Senior Center will be holding a benefit Belgian waffle breakfast on Sunday, October 27 from 9:00 – 1:00.

Council Member Christopherson would like Council to review the accessory structure ordinance. Moved by Council Member Christopherson, seconded by Council Member Pacholl to place this in Matters in Hand. Carried.

Mayor Rietz reminded everyone of the employee appreciation event to be held in Council Chambers on October 21, 2:00 – 4:00.

Moved by Council Member Christopherson, seconded by Council Member Nordin, to close the meeting on the matter of the continuation of preliminary consideration of Wilson/Matinee incident.

Moved by Council Member Nordin, seconded by Council Member Jorgenson, to reopen the meeting.

Moved by Council Member Koch, seconded by Council Member Jorgenson, adjourning the meeting to November 3, 2003.

Adjourned: 7:52 pm

Approved: Nov. 3, 2003

Mayor: \_\_\_\_\_

City Recorder: \_\_\_\_\_