

**MINUTES**  
**CITY COUNCIL ADJOURNED MEETING**  
**MONDAY, JULY 17, 2006**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

MEMBERS PRESENT: Council Members McAlister, Baker, Dick Pacholl, Scott Pacholl, Hecimovich and Nordin. Council Member-at-Large Christopherson.

MEMBERS ABSENT: Mayor Rietz.

OTHERS PRESENT: KAAL, Austin Post Bulletin, Austin Daily Herald. Derek Shafer. Jim Wegner. Brian Blake. Sarah Douty and Craig Byram. Keith Janz, Village Cooperative.

Council Member-at-Large Christopherson acted as mayor and presided over the meeting.

Removed from the agenda: Public hearing for a variance requested by Rick Dollar. Added to the agenda: Item 21, A motion authorizing the Mower County Auditor to conduct a post-election review.

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

A correction was made to the minutes of June 19, 2006: from 'Doug Kelly' to 'Gerald Kelly'.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, approving the council minutes of June 19, 2006 as amended. Carried.

A correction was made to the minutes of July 3, 2006 to read: '434<sup>th</sup> Main Support Battalion'.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, approving the council minutes of July 3, 2006 as amended.

Jim Wegner presented his painting which won the Spamtown USA Freedom Fest Art Award, and Council Member-at-Large Christopherson presented him with a check for \$500.

Chief Paul Philipp presented the newest police officer, Brian Blake.

Sarah Douty and Craig Byram gave updates on the Main Street Project. The organization has obtained 501c3 tax exempt status. All committees are active, including the Promotions Committee, which is planning, among other things, its second annual chili challenge and entertainment for the Farmer's Market. The Organization and Finance Committee is working on offering a wide range of financing, including forgivable loans, grant money, and tax abatement. Two storefront designs have

been approved by the Design Committee. The organization employs only one person part-time (Sarah Douty); all other people in the organization are volunteers. Craig Byram is the president of the Main Street Project and chair of the Organization and Finance Committee. The organization is working with the owners and tenants, hoping to balance profit margins while not overburdening the cashflow of the tenants. Approximately 8-10 owners are currently interested in efforts to revitalize their buildings. The first project is slated to be heard by the Port Authority next week. Mr. Byram said the Project's efforts have been fast; similar programs are two to three years in their planning.

Council Member Baker said he is pleased with the progress but asked what we could be doing better, faster. Mr. Byram said he believes that once the first project is approved, the next projects will go faster.

Mr. Byram said the challenging work is setting up the stage as to how to use the limited funds. Once the rules and approaches are laid out, the groundwork is set.

Council Member Baker asked what type of business has been most successful in this process. Mr. Byram said some have been retail, some office, some restaurants; it is a broad base. Not active in this venture is the housing piece, and Mr. Byram said the Project did not receive the DEED grant last year so the main focus now is the storefronts and main floors.

Council Member Hecimovich asked if each individual project would need to go to the Port Authority. Mr. Byram said that they would.

Consent Agenda: Council Member Dick Pacholl questioned if the request for the tattoo establishment was a transfer. Derek Shafer introduced himself as the owner of the building. The request is not a transfer.

Community Development Director Craig Hoium requested council approve this request on the condition that a building inspection be approved.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, removing the tattoo establishment license request from the Consent Agenda. Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, approving the consent agenda as follows:

Licenses:

Temporary 3.2 Beer: Grand Meadow Lions @ Mower Co Fair, Aug 8-13  
Temporary 3.2 Beer On-Sale: Kay Sea Club @ Barrow Show, Mower Co  
Fairgrounds, Sept. 10 & 11

Claims:

- a. Pre-list of bills
- b. Finance Report and Investments
- c. Jose Corona Sanchez, 710 11<sup>th</sup> Avenue SW. This claim has been referred to the city attorney to protect the city's interest.

- d. Annette M. Ross, 1707 22<sup>nd</sup> Avenue SW. This claim has been referred to the city attorney to protect the city's interest.

Carried.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, approving the Tattoo Establishment license application for Custom Addictions Tattoo & Body Piercings, 515 E. Oakland, on condition of a building inspection approval. Carried.

A public hearing was held to rezone property located in the 2300-2400 blocks of 10<sup>th</sup> Street NW from an R-1 Single Family Residential District to a Planned Development Residential District, petitioned by Burton J. Plehal Combined Disclaimer Trust. This public hearing was continued from the June 19<sup>th</sup> council meeting.

Community Development Director Craig Hoium gave the history of the property. The owners petitioned for annexation in 1999, when it became R-1 by law. The property is surrounded by the Murphy Creek Development (R-1); Fox Pointe to the east, which is condominiums; commercial and residential to the south; and to the west by wetlands and some commercial. The petitioners propose a 62-unit development on approximately 15½ acres. Mr. Hoium added that if approved, the boundaries may change according to the development. The development includes the following:

- An emergency access to the north at 10<sup>th</sup> Street NW.
- A public pedestrian trail
- A private road extension to 21<sup>st</sup> Avenue NW
- A monument sign identifying the entrance
- Underground parking
- Two stormwater retention ponds located northeast and southwest of the project

Mr. Hoium said some discussion at the Planning Commission meeting concerned traffic which would be generated and the proposed buffer to surrounding neighborhoods.

Mr. Hoium said the access to the north would be an egress from the north for emergency vehicles only and would have a gate. The general traffic would go along 21<sup>st</sup> Avenue. Mr. Hoium said the height of the building would be approximately 34 feet. The Comprehensive Plan encourages the development of multi-family and mixed-use neighborhoods adjacent to areas of commercial activity and to act as a transition from more intensive land-use types, such as commercial. The density of the project is four units per acre, and this is compared with other surrounding new developments of 3.6 and 3.4 units per acre. A Park Dedication Fee needs to be reviewed by the Park and Rec Director. Mr. Hoium said the developer has requested that the trail development be included as part of this fee.

Mr. Hoium said trip generations for an R-1 would be 677, and for this proposed development would be 663.

Council Member Hecimovich asked if the stormwater drainage would need to be approved before the development begins. Mr. Hoium said there are design standards that must be abided by. Mr. Hecimovich said he was also concerned about the closeness of the homes.

Council Member Baker asked how the emergency gate would work. Mr. Hoium said there are several methods, and he would be discussing this with the Police Chief and Fire Chief.

Council Member McAlister questioned the height of the buildings. Mr. Hoium said there would be a 37-foot difference, plus the height of the roof. Mr. Hoium also clarified where 21<sup>st</sup> Avenue begins and ends, at Highway 218 and 8<sup>th</sup> Street and 18<sup>th</sup> Avenue NW.

Mr. Hoium said the developer would like to start the project this fall.

Bob Laury, 904 24<sup>th</sup> Avenue NW, asked if another site was considered because he heard that many other sites were considered. Mr. Laury is concerned with the height of this building adjacent to residential homes. Keith Janz, representative for the Village Cooperative, said three general areas were considered. A community meeting for people aged 55 and over was held. It was unanimous that the people preferred the proposed site for this development. Mr. Janz said discussion was held with various landowners, and the Plehals were willing to sell.

Council Member-at-Large Christopherson asked if the stormwater plan would be addressed at the final plat review. Mr. Hoium said tonight's action is just addressing the proposed land use. The stormwater plan is under the pre-plat review, and the stormwater plan must be approved by the City Engineer.

Mr. Hoium added that the Planning Commission voted to recommend approval of this rezoning.

Tina Laury, 904 24<sup>th</sup> Avenue NW, said she is concerned with the "snowball effect." "What is going to come next?" Less and less neighbors are coming to these meetings as these developments arise. Ms. Laury said Council Members appear to be supportive outside of the council meetings. Ms. Laury voiced her concerns about property west of her, which is owned by another developer and which had been planned for single families. Mr. Hoium said that is considered Phase II of the development, and it is currently R-1 and owned by the HRA. Another area is unplatted with no infrastructure and is owned by the Plehals.

Moved by Council Member Dick Pacholl, seconded by Council Member McAlister, for preparation of the ordinance. 5-1. Carried. Council Member Nordin voted nay.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, for adoption and publication of the ordinance. 5-1. Carried. Council Member Nordin voted nay.

Moved by Council Member Dick Pacholl, seconded by Council Member McAlister, adopting a resolution approving Findings of Fact for the previously approved rezoning. 5-1. Carried. Council Member Nordin voted nay.

A public hearing was held for the preliminary plat review of property to be known as *Bustad/Plehal Addition*. This public hearing was continued from the June 19<sup>th</sup> council meeting.

Mr. Hoium noted that the boundaries of the plat could be adjusted to accommodate the development. He noted the conditions required of the plat. Mr. Hoium then noted the surrounding land usages. Mr. Hoium noted that the plat would be provided an easement for a trail. He requested that approval of the preliminary plat include the 14 suggested conditions.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, approving the preliminary plat. 5-1. Carried. Council Member Nordin voted nay.

A public hearing was held for rezoning of property located on 17<sup>th</sup> Avenue NW from an R-1 Single Family Residential District to a B-2 Community Business District, requested by Magic Media, Inc.

This property is adjacent to the ramp on I-90. It is approximately one acre. A petition for annexation has been previously approved, and it is currently zoned as R-1. The petitioners are requesting the rezoning to make the property more marketable; they have no interest to erect billboards at the site. Mr. Hoium said this request is in compliance with the Comprehensive Plan.

Council Member Baker asked if it is possible that Magic Media could sell to a billboard company. Mr. Hoium said there are special regulations for billboards, including spacing requirements. They would need to come to Council for a special application. Mr. Baker asked if the rezoning would make it more viable for something similar to that. Mr. Hoium noted the Target development there and that it could be incorporated in with other development plans.

Council Member Dick Pacholl asked if that was near the location of the road which was just approved for the transportation plan. Mr. Hoium said it was.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, for preparation of the ordinance. Carried.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, for adoption and publication of the ordinance. 6-0. Carried.

The Mower County Fair Board has submitted their annual requests in exchange for city services in connection with the Mower County Fair. The staff has reviewed and approved these requests and recommends approval.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, approving the requests in exchange for services. Carried.

City Administrator Jim Hurm said an amendment to the IAFF Local 598 has been requested for the Health Care Savings Plan. Mr. Hurm said there are no changes to the original Health Care Savings Plan amendment; it just needs an extension.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution amending the terms and conditions for employees in IAFF Local 598 for participation in the Minnesota State Retirement System Healthcare Savings Plan and authorizing the Mayor and City Recorder to sign Addendum II. 6-0. Carried.

Council Member Hecimovich questioned the proposed vacation of property. Public Works Director Jon Erichson said this is a platted alley which was never developed as an alley; it serves as backyards. In 2000, another neighbor requested a vacation of a portion of this alley, and it was granted. That petitioner's address was 401. This request is from 307 and 400. Mr. Erichson added that this vacation would be subject to an easement.

Moved by Council Member Dick Pacholl, seconded by Council Member McAlister, adopting a resolution relating to the vacation of public right-of-way in Kenevan and Kings Addition and setting a public hearing for August 21, 2006. 6-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution approving gambling premises permit renewal for the Austin Area Commission for the Arts at Torge's Live, 1701 4<sup>th</sup> Street NW. 6-0. Carried.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adopting a resolution approving gambling premises permit renewal for the Austin Area Commission for the Arts at Bobee Jo's, 435 10<sup>th</sup> Street NE. 6-0. Carried.

Mr. Erichson requested the Gary Anderson item be removed from Matters In Hand. The Anderson property will be going through closing this week.

Moved by Council Member Dick Pacholl, seconded by Council Member Nordin, removing 'Gary Anderson property outside of airport buyout zone' from Matters In Hand. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution setting a public hearing for Monday, July 24 for final plat approval of *Plehal/Dolan Addition*. 5-1. Carried.

Mr. Erichson reported on a pipe failure at the Wastewater Treatment Plant, which occurred early this summer. The pipe is an 18-inch, steel pipe which had significant corrosion. Numerous repairs have been done to this pipe, but these have failed. Mr. Erichson is requesting Council declare an emergency for this situation and also that Council authorize awarding a bid for repair. The project cost will be paid by the industrial plant users.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, adopting a resolution declaring an emergency to facilitate sewer repair. Carried.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, authorizing a contract with Lamitt & Sons to complete sewer pipe repair work at the estimated cost of \$98,000. 6-0. Carried.

The City has acquired a number of parcels in connection with the expansion at the airport. County Rd. 3 was relocated, and the City of Austin agreed to the following:

- 1) Construct the new Co. Rd. 3 at no cost to Mower County.
- 2) Accept the maintenance responsibilities for old Co. Rd. 3, and
- 3) Plat and vacate parcels of property associated with items 1 & 2.

Mr. Erichson noted that one parcel, Parcel 'F' was acquired with the transfers of property. This parcel has no value to the City and was acquired as part of the acquisition of Parcel 'B'. He requests Council transfer parcel 'F' to the adjacent property owner.

Council Member-at-Large Christopherson stepped down from acting mayor to vote on this item, which required a full approval by Council.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution approving land transfer of city property in connection with the relocation of Co. Rd. 3. 7-0. Carried.

Council Member-at-Large Christopherson stepped in as acting mayor.

The City of Austin has leased out unused areas of the Cook Farm Industrial Site for farming. The lease provides an opt-out clause should the land be developed. Lease payment is based on actual acreage farmed, \$55 per acre or approximately \$8018 per year. Mr. Erichson requests that this lease be extended for two years at this same rate.

Moved by Council Member Hecimovich, seconded by Council Member Scott Pacholl, adopting a resolution approving the extension to the lease. 6-0. Carried.

City Administrator Jim Hurm said negotiations are underway between the cable company and the attorney providing legal services for the franchise renewal. Significant headway has been made, but the contract is not yet ready. An additional two months' extension is requested.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, adopting a resolution granting Charter Communications a franchise extension to October 3, 2006. 6-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Dick Pacholl, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 808 8<sup>th</sup> Street SW, Lopez property. Carried.

Moved by Council Member Nordin, seconded by Council Member Dick Pacholl, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 807 3<sup>rd</sup> Avenue NE, Ernst property. Carried.

Moved by Council Member Hecimovich, seconded by Council Member Nordin, authorizing the Mower County Auditor to conduct a post-election review as required of the City of Austin according to M.S. §206.89 if the City is selected for a manual recount of ballots cast in the November General Election. 6-0. Carried.

#### REPORTS:

Park & Rec Director Denny Maschka reported that the Port-a-Potty company has pulled their units due to vandalism.

Council Member Hecimovich noted the veterans display currently in the foyer of Council Chambers. This display was at the Freedom Fest over the 4<sup>th</sup> of July. The display honors all veterans from the Civil War to present.

Council Member McAlister questioned whether other pipes have been inspected at the WWTP. Mr. Erichson said the inspection takes so much time to do so other inspections won't be done until repair is made on this one.

Council Member Baker asked if the City has received requested answers from the County on the jail/justice center. Nothing has been received yet. Finance Director Tom Dankert said he has spoken to someone in their Finance Department who said vacations and a death has slowed them down but they are working on it.

The League of Cities meeting is this Thursday in LeRoy.

The sesquicentennial book, *Austin Remembers*, is on sale at the library and the Paramount Theatre for \$18.

Moved by Council Member Nordin, seconded by Council Member Hecimovich, adjourning the meeting to July 24, 2006.

Adjourned: 7:21 pm

Approved: August 7, 2006

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

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