

MINUTES
CITY COUNCIL ADJOURNED MEETING
MONDAY, AUGUST 20, 2007
5:30 P.M.
COUNCIL CHAMBERS

MEMBERS PRESENT: Mayor Stiehm. Council Members McAlister, Austin, Dick Pacholl, Scott Pacholl, Hecimovich, and Martin. Council Member-at-Large Christopherson.

MEMBERS ABSENT: None.

STAFF PRESENT: Jon Erichson, Craig Hoium, Tom Dankert, Dan Wilson, Paul Philipp, David Hoversten, Denny Maschka, Ann Hokanson, and Jeanne Howatt.

OTHERS PRESENT: Austin Post Bulletin, Austin Daily Herald, KAAL. Joel West, Yaggy Colby. Public

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the agenda. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the minutes of July 2, 2007. Carried.

A citizen spoke to Council regarding a house in her neighborhood at 800 8th Street SW. The Zoning Department has been notified of this house and will ask Council to go through the process of condemnation of a hazardous structure if that is required. The Park & Rec Department will check on the yard.

A citizen spoke to Council regarding a house at 801 4th Street SW with apparent zoning violations, and another house at 707 or 709 6th Street SW with overgrown weeds. The Zoning Department and Park & Rec will check into the properties.

Carol Conner, 703 8th Street NE, questioned if the City will finish its work at 703 8th Street NE, which is the site of a hazardous structure that was removed. Community Development Director Craig Hoium said that when the structure was removed, the contractor found the soils to be very wet and were waiting for the area to dry. Mr. Hoium said there may be water service to the house that they were not aware of and this would be verified with Austin Utilities.

Moved by Council Member Austin, seconded by Council Member-at-Large Christopherson, approving the consent agenda as follows:

Licenses:

Temporary Gambling (raffle): Austin Area Chamber of Commerce, October 17
Sign Installer: Bird Sign, Inc., Dubuque, IA
Temporary 3.2 Beer: Austin Jaycees @ the Bandshell, August 25

Claims:

- a. Pre-list of bills.
- b. Finance Report and Investments
- c. Larry Greeley, 19873 860th Avenue, Oakland, MN. This claim has been referred to the city attorney to protect the city's interest.
- d. Gilberto Brianes Vargas, 1704 E. Oakland, Austin. This claim has been referred to the city attorney to protect the city's interest.
- e. Marlene Fox, 1607 28th Street St. SW. This claim has been referred to the city attorney to protect the city's interest.
- f. Daniel Sommers, 519 N. 2nd Street, Mankato, MN. This claim has been referred to the city attorney to protect the city's interest.
- g. Qwest property. This claim has been referred to the city attorney to protect the city's interest.

Carried.

The City of Austin received bids for asbestos abatement for 11 flood structures acquired through the flood mitigation projects. Eight of those structures are in the Wildwood Park area. The bids are as follows:

Twell Environmental, Inc.	\$55,609
Mavo Systems	36,480
EnviroTech Remediation Services, Inc.	27,460
Asbestrol, Inc.	39,436
Safe Air Systems, Inc.	40,835
Envirobate	30,754
Dennis Company, Inc.	44,750

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution awarding the bid to EnviroTech Remediation Services, Inc. 7-0. Carried.

A public hearing was held on minor changes to a Planned Development Residential District for Murphy Creek Meadows Addition. On May 17, 2004, the City Council approved the initial Planned Development for Fox Pointe, a development of 99 future condominium units and infrastructure. Some changes to the development have been made since then which consist of minor relocation of structures in the southwest portion of the development and a proposed private road extension in the southwest part of the development to serve as an additional access point. The surrounding land uses are mostly high and low density residential, and the WalMart development to the south. A loop road

is included in the development plan. The Planning Commission recommended approval by a 6-0 vote. The following are the conditions recommended by staff:

1. Phase I of the development regarding public infrastructure shall be completed prior to construction of Phase II.
2. Written access easement shall be provided from Real Estate Equities (cooperative housing) for connection of the proposed new access road to the cooperative housing private roadway.
3. Developer shall enter into a development agreement with the City of Austin for Phase II of the project.
4. Any additional easements required by Austin Utilities or City of Austin shall be provided.

Mr. Hoium said the development is in three phases. He noted that the private drive will be maintained by the developer.

Council Member Dick Pacholl questioned the cooperation with the development for the cooperative housing. Mr. Hoium said there will be a written easement agreement between the two parties regarding sharing costs. This will be a controlled access road, i.e., gated.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution approving the amendment to the Planned Development Residential District. 7-0. Carried.

At the August 6th work session, the Committee-of-the-Whole reviewed the Hormel Foundation grant applications and ranked them according to the Council's priorities. Council Member Martin voted after the work session, but his votes have not changed the ranking. The list is as follows:

Main Street Project Inc.	\$115,000	
Soccer fields	50,000	(\$50,000/year for 5 years)
Smoke Detectors	3,000	
Pedestrian trail link	20,000	
Lawnmower for baseball diamonds	27,500	
Snowmobile for Nature Center	10,600	
Fountains for Mill Pond	32,000	
Hybrid Vehicle for Nature Center	27,489	

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, approving the priority list for the Hormel Foundation Grant applications. Carried.

The Austin HRA has approved its annual tax levy budget for Fiscal Year Ended 9-30-08 which includes the Special Benefit Tax in the amount of \$141,481 for the Austin HRA. The City Council must now pass a resolution approving this.

Moved by Council Member-at-Large Christopherson, seconded by Council Member Dick Pacholl, adopting a resolution approving the Austin HRA budget and tax levy for Fiscal Year Ended 9-30-08. 7-0. Carried.

It has been recommended by staff that portions of the Comprehensive Plan be updated. Yaggy Colby helped with the update of the 2000 Comprehensive Plan and have offered a proposal for this update. The project of identified areas to be updated and the estimated costs include:

1. Expansion of the northwest Austin Arterial Commercial District Future Land-Use Plan and Transportation Plan \$8,600
2. Revision of the Southwest Austin Single/Multi-Family High and Low Density Districts and Transportation Plan (*Mr. Hoium said the community continues to grow to the southwest. The plan should show the best way to access this area.*)\$12,500
3. Land-use Plan for Southeast Railroad Yard Area and Easterly Portion of the Central Business District. (*This area extends from East Oakland at the area of the flood buyout properties south to the Whittier development.*) \$7,250
4. Park Plan – Revision/Review of the Central Park Plan \$12,500

Council Member Hecimovich questioned the area of the former Double KK property. Mr. Hoium said this is currently a light industrial district and is not compatible with the surrounding land uses now. It is important to put a plan in place.

Council Member Dick Pacholl asked if the Target development area would be for business and industry and the other areas for residential. Mr. Hoium said a portion of the northwest area would be for business and a portion for high density residential. The high density residential would serve as a transition to single-family districts in that area. The southwest area would be for low and high density residential.

Mr. Hoium said the most critical area to be reviewed would be the northwest area.

Council Member McAlister asked if the review of the park plan would include ways to use the park, along with ways to decrease maintenance to those areas. Mr. Hoium said yes.

Moved by Council Member Dick Pacholl, seconded by Council Member Scott Pacholl, adopting a resolution approving an agreement with Yaggy Colby for the Comprehensive Plan Update. 7-0. Carried.

Moss & Barnett have performed an audit of Charter Communications. There had been a dispute over what is known as “launch fees” and “marketing reimbursement”. Charter is willing to pay \$5000 to settle past claims on the franchise fees in return for having the City sign the settlement agreement. Charter Communications will not be required to pay the launch fees and marketing reimbursement fees unless the courts decide the City is entitled.

Moved by Council Member Dick Pacholl, seconded by Council Member Hecimovich, adopting a resolution approving the settlement agreement with Charter Communications. 7-0. Carried.

In going through the final stages of the platting and land transaction for Murphy Creek Meadows Addition, an error was noted in the legal description listed in various documents. Initially the legal description included Lot 6, Block 4 of the addition. Lot 6 is not a portion of this plat; therefore, Resolution No. 13225 should be rescinded and a new resolution for the plat approved.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution rescinding Resolution No. 13225. 7-0. Carried.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, adopting a resolution accepting final plat to be known as *Murphy Creek Meadow Addition*. 7-0. Carried.

REPORTS:

Council Member Dick Pacholl said he would like to have a discussion on a joint sign ordinance in the near future.

City Administrator Jim Hurm asked for a motion to accept a gift from O'Reilly Auto Parts to the Fire Department for the smoke alarm program.

Moved by Council Member Hecimovich, seconded by Council Member-at-Large Christopherson, accepting the donation. Carried.

The Cultural Heritage Festival will be held Sunday, August 26 at the Bandshell from 12:00 to 6:30.

'Key Ingredients', the Smithsonian Exhibit will begin on September 20 at the library.

Moved by Council Member Austin, seconded by Council Member Hecimovich, adjourning the meeting to September 4, 2007. Carried.

Adjourned: _____ 6:19 pm

Approved: _____ September 4, 2007

Mayor: _____

City Recorder: _____