

M I N U T E S  
CITY COUNCIL MEETING  
November 4, 2019  
5:30 PM  
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Steve King, Paul Fischer, Rebecca Waller, Laura Helle, Jason Baskin, Joyce Poshusta  
Council Member-at-Large Jeff Austin

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Public Works Director Steven Lang, Fire Chief Jim McCoy, Police Chief David McKichan, Park and Rec Director Kevin Nelson, Planning and Zoning Administrator Holly Wallace, City Attorney Craig Byram, Library Director Julie Clinefelter and City Clerk Ann Kasel

OTHERS PRESENT: Curtis Sorenson, Glen Medgaarden, Bob Helmers, Glenn Thaisen, Honorary Council Member Herve Idjidina, Austin Daily Herald, Public

Mayor Stiehm called the meeting to order at 5:30 p.m.

Moved by Council Member King, seconded by Council Member-at-Large Austin, approving the agenda as amended. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, approving Council minutes from October 21, 2019 and October 22, 2019. Carried.

#### AWARDS, RECOGNITIONS AND REPORTS

Mayor Stiehm read a proclamation declaring November 2019 as Zonta month.

#### CONSENT AGENDA

Moved by Council Member King, seconded by Council Member Poshusta, approving the consent agenda as follows:

##### Licenses:

Cab Driver: Troy Marlow, 300 2<sup>nd</sup> Street SW

Cigarette: Shwe Nyiko Market: 103 West Oakland Avenue

Exempt Gambling (raffle): Dutchtown Jumpers on January 25, 2020

Exempt Gambling (raffle): Whitetails Unlimited on January 4, 2020

Temporary Liquor: Austin Area Commission for the Arts on November 9, 2019

#### Claims:

- a. Pre-list of bills
- b. Credit Card and Financial Report.
- c. Suzanne McCarthy, 306 13<sup>th</sup> Street NE. The matter was forwarded to the City Attorney to protect the City's interest.

Carried.

#### PUBLIC HEARING

A public hearing was held for the renewal of a currency exchange license for Tienda Y. Taqueria Guerrero. City Clerk Ann Kasel stated the business has held a currency exchange license since 2013 with no complaints and she recommended approval to the State of Minnesota to issue the license.

Moved by Council Member King, seconded by Council Member Fischer, approving currency exchange license renewal for Tienda Y. Taqueria Guerrero. Carried 7-0.

#### BID OPENINGS AND AWARD

The City received bids for residential building demolition at 108 8<sup>th</sup> Avenue SE, 1004 7<sup>th</sup> Avenue NE, 1700 5<sup>th</sup> Avenue NW and 1017 10<sup>th</sup> Avenue SW (garage only). The following bids were received:

Contractor	Bid
Generation X Construction, LLC	\$27,300
Hansen Hauling & Excavating, LLC	\$27,700
Jim Excavation, LLC	\$47,500

Planning and Zoning Administrator Holly Wallace recommended awarding the bids to Generation X Construction, LLC.

Moved by Council Member Poshusta, seconded by Council Member King, awarding the bid for residential building demolition to Generation X Construction, LLC. Carried 7-0

#### PETITIONS AND REQUESTS

Planning and Zoning Administrator Holly Wallace reviewed an ordinance to amend the future land use plan from mixed high density residential to commercial and rezone a property from "R-2" multi-family residential to "B-2" commercial for the property located at 1500 7<sup>th</sup> Avenue NW. Ms. Wallace stated the Planning Commission reviewed the matter at their October 15, 2019 meeting and recommended denial of the ordinance by a 6-0 vote due to the concern that the B-2 use district wasn't compatible with the land use plan.

Ms. Wallace stated Curtis Sorenson recently made an agreement to purchase the property and use it as a car lot without knowing that the property was not zoned for such a use. The property was a car sales lot through non-conforming use from 1989 to 2017. Then the car sales use was terminated for one year of inactivity. A previous property owner had petitioned the City in 1998 and 2001 for a rezone of the property and was denied both times. Ms. Wallace stated due to the location and size of the parcel, the City would need to amend the comprehensive plan, rezone the parcel, grant a variance and a conditional use permit for it to be a car sales lot.

City Attorney Craig Byram stated City has various non-conforming parcels in the City with the intent to reduce or discourage the use of the property in the non-conforming manner to make it in alignment with the zoning ordinance. He noted when non-conforming use is abandoned for the use of 12 months then the property is not allowed to revert back to the non-conforming use. He stated that if the Council rezones the property then many different types of businesses would be allowed, not just car dealerships.

Council Member Helle stated this is a fairly unique set of circumstances where only rezoning is an option for the property to develop into a car dealership.

Mr. Byram noted that the property may be difficult to develop into its current zoning as residential due to the size and location of the property.

Curtis Sorenson, 303 27<sup>th</sup> Drive NW, stated he recently signed a contract for deed on the property with the intent on selling cars on the property. He spoke with the neighborhood and there was only one person that was against it. He would be happy to address that property owner's concerns. He added that the property is unique and there aren't a lot of other businesses that will work there.

Glen Medgaarden, 2715 5<sup>th</sup> Street NE, stated he originally purchased the property for a cell phone store but that never developed. He requested the Council approve the rezoning otherwise there will be another empty business around town.

Bob Helmers, 1011 Oakland Place SE, is an adjacent property owner and stated he has no problem with the rezoning. He would also like to rezone an adjacent property at the same time and be given the same designation.

Glenn Thaisen, 1502 7<sup>th</sup> Avenue NW, stated he owns property to the south and west. He stated if the Sorenson property and the Helmers property are both rezoned then he will be surrounded by car lots. He asked the Council to affirm the Planning Commission's decision.

Council Member King stated there was a lot of work put into the creation of the comprehensive plan and land use map. He stated that rezoning would cause a lot of headaches.

Council Member Helle stated that planning decisions aren't easy but the Council should follow the land use map and the recommendation of the Planning Commission.

Council Member-at-Large Austin spoke in favor of the rezoning stating that he did not want the property to remain an empty building.

Council Member Baskin stated he doesn't see what the property could become besides a car lot.

Moved by Council Member Helle, seconded by Council Member King, to deny the request for the amendment of the future land use plan and rezoning. Motion failed with Council Members Fischer, Baskin, Poshusta, Waller and Council Member-at-Large Austin voting nay.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, to approve the request for the amendment of the future land use plan and rezoning. Carried 5-2 with Council Members King and Helle voting nay.

Moved by Council Member-at-Large Austin, seconded by Council Member Poshusta, for preparation of the ordinance. Carried 5-2 with Council Members King and Helle voting nay.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, for adoption and publication of the ordinance. Motion failed (for lack of a unanimous vote) 5-2 with Council Members King and Helle voting nay.

The item will be on the November 18, 2019 Council agenda for a second reading.

Saville Lord and Sandy Bell requested \$5,000 of 2019 contingency funds for downtown planter decorations. Mr. Lord stated this would be a one-time full request for funding because they plan on fundraising in future years. They hoped to fill 29 planters for the winter season.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, approving a request for \$5,000 of 2019 contingency funds for downtown planter decorations. Carried.

Moved by Council Member King, seconded by Council Member Fischer, authorizing the Planning and Zoning Department the power to contract for the removal of graffiti at 700 10<sup>th</sup> Street NE, Hegna Property. Carried.

Moved by Council Member King, seconded by Council Member Poshusta, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1804 Oakland Avenue East, Corscadden Property. Carried.

Moved by Council Member King, seconded by Council Member Poshusta, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 711 8<sup>th</sup> Street NE, Sandoval Property. Carried.

## HONORARY COUNCIL MEMBER COMMENTS

Mayor Stiehm welcomed Herve Idjidina as the honorary council member.

## REPORTS

Council Member Baskin stated he recently went to Washington DC for a Welcoming America conference. Austin was one of four cities that was invited.

Council Member Helle stated the Austin Area Commission for the Arts is partnering with local veteran's groups for a special Veteran's Day showing of Saving Private Ryan on Friday, November 8<sup>th</sup>. A free will donation will be taken.

City Administrator Craig Clark stated the Minnesota Senate Capital Investment committee will be visiting with City leaders on Tuesday, November 5<sup>th</sup>.

Library Director Julie Clinefelter stated the Library recently hosted a community collaboration leadership workshop and it was very successful.

Public Works Director Steven Lang stated street projects are wrapping up and the City plans to open up Oakland place SE on Wednesday morning with one lane of traffic in each direction.

Mayor Stiehm stated the Canadian Pacific holiday train will be in Austin on December 6<sup>th</sup> from 5:15-5:45 p.m. He also stated there will be a town hall meeting with Jim Hagedorn at the Hormel Historic Home on November 6<sup>th</sup>.

Moved by Council Member Poshusta, seconded by Council Member Waller, adjourning the meeting to November 18, 2019. Carried.

Adjourned: 6:28 p.m.

Approved: November 18, 2019

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

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