

M I N U T E S
CITY COUNCIL MEETING
February 18, 2020
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, Assistant City Engineer Mitch Wenum and City Clerk Ann Kasel

OTHERS PRESENT: Honorary Council Member Karem Ramirez, Michael Huffman, Nel Zellar, Nitaya Jandragholica, Shannon Bagley, Public

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

Addition to the Agenda:

Bid Opening and Award

19. Receiving bids for the SW Trunk Main Sewer Lining.
(res) a. Awarding bid.

Moved by Council Member King, seconded by Council Member Fischer, approving the agenda as amended. Carried.

Moved by Council Member King, seconded by Council Member Waller, approving Council minutes from February 3, 2020 (two meetings). Carried.

CONSENT AGENDA

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

Licenses:

Cab Driver: Samuel McDonald, 302 37th Street SW

Excavation: Husemoller Excavating, 26375 555th Avenue
Excavation: W. Lorentz & Sons Construction, Inc., Mankato
Food: Dollar General, 101 4th Street SW
Residential Garbage Hauler: Kruckeberg Fleet Services, LLC

Claims:

- a. Pre-list of bills
- b. Financial and Investment Reports.

Carried.

PUBLIC HEARINGS

Public Works Director Steven Lang provided information about the proposed street projects. He stated the City sent out 150 notices and held an informational meeting on February 12th where residents were given the opportunity receive information about the projects and ask questions.

A public hearing was held for street improvements on 10th Street NE (Oakland Pl SE to 2nd Ave NE) and 4th Street SW (Oakland Avenue W to 1st Avenue SW) Project 20101. Assistant City Engineer Mitch Wenum stated the City will remove the existing road and curb and replace with a new concrete street along with removing and replacing the sidewalk. Underground utilities will be repaired or replaced. 10th Street NE will be narrowed to 40 feet wide and 4th Street SW will remain at 44 feet. The project will begin in May on 10th Street and mid-June for 4th Street. Adjacent property owners will be assessed per the City's street assessment policy at an interest rate of 4%. Property owners will have the option to pay the assessment in full, pay 50% of the assessment and have the remainder go on their real estate taxes or have all of the assessment go on their real estate taxes. The total project is \$1,275,000 and \$140,000 will be assessed to the adjacent property owners.

Michael Huffman, 103 10th Street NE, stated he had concerns about the amount of the assessment. He stated he operated his business out of his home and is being charged a commercial rate. He believes he should be charged a residential rate.

Mr. Lang stated the City's assessment policy states that the property is commercial and he was charged a residential rate when the adjoining street was assessed for a home-based businesses. He stated the City looks for signs or other visual indications that the property is used a commercial property.

Council Member King asked how long the assessment policy has been in place.

Mr. Lang stated it was modified in 2007 for the benefit of home-based businesses.

Council Member King stated he would like to follow the City policy to treat all citizens fairly and apply the adopted policy.

Council Member Baskin noted that if the assessment is not paid by the property owner then it is paid out of the general fund.

There were no additional public comments.

Moved by Council Member King, seconded by Council Member Poshusta, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids - on Project 20101. Carried 7-0.

A public hearing was held for street improvements on 5th Street SW (1st Ave to 5th Ave SW), 6th Avenue SW (4th Street to 6th Street SW) and 7th Street SW (4th Avenue to 5th Avenue SW), Project 20102. Assistant City Engineer Mitch Wenum stated the City will remove the existing road and curb and replace with a new asphalt street along with removing and replacing the sidewalk. Underground utilities will be repaired or replaced. The project will begin in July and will last approximately 3.5 months. Adjacent property owners will be assessed per the City's street assessment policy at an interest rate of 4%. Property owners will have the option to pay the assessment in full, pay 50% of the assessment and have the remainder go on their real estate taxes or have all of the assessment go on their real estate taxes. The total project is \$900,000 and \$165,000 will be assessed to the adjacent property owners.

Nel Zellar, 604 6th Avenue SW, asked how the project will this impact trees on the boulevard.

Mr. Wenum stated the Council recently discussed trees on the boulevard. The City will be removing all ash trees on the projects and will try to minimize tree removal on the street projects.

There were no additional public comments.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 20102. Carried 7-0.

A public hearing was held for street improvements on 5th Avenue NE (Oakland PI NE to 19th Street NE), Project 20103. Assistant City Engineer Mitch Wenum stated the City will remove the existing road and curb and replace with a new asphalt street along with removing and replacing the sidewalk. Underground utilities will be repaired or replaced. The project will begin in June and will take approximately 3.5 months. Adjacent property owners will be assessed per the City's street assessment policy at an interest rate of 4%. Property owners will have the option to pay the assessment in full, pay 50% of the assessment and have the remainder go on their real estate taxes or have all of the assessment go on their real estate taxes. The total project is \$600,000 and \$175,000 will be assessed to the adjacent property owners.

Nitaya Jandragholica, 1802 5th Avenue NE, suggested having additional information in the improvement letter.

There were no additional public comments.

Moved by Council Member King, seconded by Council Member Poshusta, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 20103. Carried 7-0.

A public hearing was held for street improvements on 7th Street NW (8th Avenue NW to 13th Avenue NW) and 9th Avenue NW (4th Street NW to 8th Street NW), Project 20105. Assistant City Engineer Mitch Wenum stated the City will remove the existing road and curb and replace with a new concrete street along with removing and replacing the sidewalk. Underground utilities will be repaired or replaced. 7th Street NE will be widened to 34 feet wide and 9th Avenue NW to 32 feet wide. The project will begin in May and is expected to take 4 months. Adjacent property owners will be assessed per the City's street assessment policy at an interest rate of 4%. Property owners will have the option to pay the assessment in full, pay 50% of the assessment and have the remainder go on their real estate taxes or have all of the assessment go on their real estate taxes. The total project is \$1,225,000 and \$202,000 will be assessed to the adjacent property owners.

There were no public comments.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 20105. Carried 7-0.

PETITIONS AND REQUESTS

Moved by Council Member-at-Large Austin, seconded by Council Member King, adopting a resolution setting the final assessment hearing date for March 16, 2020 at 5:30 p.m. Carried 7-0.

City Attorney Craig Byram reviewed an ordinance for dangerous animal appeals stating there will be a fee for the appeal process. The fee would be a one-time fee of \$20 and a \$10 per day rate for each day the animal is impounded. The Council reviewed the ordinance at the last work session and recommended adoption.

Moved by Council Member Fischer, seconded by Council Member King, for preparation of the ordinance. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, for adoption and publication of the ordinance. Carried 7-0.

Public Works Director Steven Lang stated the downtown Christmas decorations are in need of replacement. The Council reviewed the matter at the February 3, 2020 work session and Council recommended \$25,000 from 2020 contingency and budgeting additional funds for coming years.

Moved by Council Member Poshusta, seconded by Council Member King, approving \$25,000 from 2020 contingency for downtown Christmas decorations. Carried.

Administrative Services Director Tom Dankert requested the Council approve a fiscal sponsorship agreement with this community band. This would allow the band to apply for additional grants through the Southeastern Minnesota Arts Council.

Moved by Council Member King, seconded by Council Member-at-Large Austin, approving a fiscal sponsorship agreement with the Community Band. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a contract with WHKS for the 2020 SW Turtle Creek area inflow and infiltration program. This is the third year of the program and the SW part of Austin in the Turtle Creek area will be inspected. The contract is in the amount of \$180,210 with WHKS.

Moved by Council Member King, seconded by Council Member Fischer, approving a contract for inflow and infiltration in the amount of \$180,210 with WHKS. Carried 7-0.

Parks and Recreation Director Kevin Nelson requested a dog park adoption agreement with Austin Pets, LLC, dba Pets Supply Plus. The company would help maintain the dog park and provide dog waste bags. The company would also be able to place advertising in the park.

Shannon Bagley, manager of Pets Supplies Plus, stated the company is happy to partner with the City for the adoption of the park.

Moved by Council Member-at-Large Austin, seconded by Council Member Poshusta, approving a dog park adoption agreement. Carried 6-0. *Council Member Baskin was absent for the vote.*

Parks and Recreation Director Kevin Nelson requested the Council authorize the sale of cross country ski equipment due to the purchase of new equipment.

Moved by Council Member-at-Large Austin, seconded by Council Member King, approving the sale of cross country ski equipment. Carried. *Council Member Baskin was absent for the vote.*

Moved by Council Member Helle, seconded by Council Member King, appointing the following individuals to the Arts and Culture Commission: Amy Thuesen, term expiring December 31, 2021 and Trish Harren, term expiring December 31, 2022. Carried. *Council Member Baskin was absent for the vote.*

Planning and Zoning Administrator Holly Wallace reviewed a rezoning request from Casey and Marilyn Skillingstad for the property at 2001 10th Place NE. The petitioner would like to rezone the property from R-O residential office to I-1 Light industrial. She stated there is a storage shed currently located on the property. The Planning Commission reviewed the matter at their February 11, 2020 meeting and recommended approval by a 5-0 vote.

Moved by Council Member Fischer, seconded by Council Member Poshusta, approving the rezoning ordinance. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member King, for preparation of the ordinance. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member King, for adoption and publication of the ordinance. Carried 7-0.

Police Chief David McKichan requested Council renew the agreement with the Minnesota BCA for the Minnesota Internet Crimes Against Children Task Force. Detective Ellis will be in charge of this Task Force.

Moved by Council Member King, seconded by Council Member-at-Large Austin, approving a joint powers agreement for the Minnesota Crimes Internet Against Children Task Force. Carried 7-0.

Public Works Director Steven Lang stated the City received bids for the SW trunk main sewer lining project. The following bids were received:

Contractor	Bid
Municipal Pipe Tool Company	\$2,470,016.40
Granite Inliner, LLC	\$3,103,579.80
Insituform Technologies	\$3,216,597.50
Visu-Sewer, Inc.	\$3,507,828.00

Mr. Lang stated the bids were above the engineer's estimate of \$1,981,533.00 due to the fact that the pipe crosses Turtle Creek three times and some of the access is through residential backyards. He stated the project would be funding 2/3rds through local option sales tax and 1/3rd through the Waste Water Treatment Plant fund. He recommended awarding the bid to Municipal Pipe Tool Company.

Moved by Council Member King, seconded by Council Member-at-Large Austin, approving a contract with Municipal Pipe Tool Company for the SW trunk main sewer lining project. Carried 7-0.

HONORARY COUNCIL MEMBER COMMENTS

Honorary Council Member Karem Ramirez thanked the citizens for coming to speak to the Council because it's good for the citizens to give feedback on the Council's decisions.

REPORTS

Council Member Helle stated there will be a planning meeting for 4th Avenue Fest which is scheduled for Wednesday, June 10th.

Council Member Baskin stated he recently had a family experience with Mayo Clinic's hospice group and he commended the organization for their outstanding work.

City Administrator Craig Clark stated he recently met with the MnDOT sign variance appeal committee in an attempt to get a brown freeway sign for the SPAM Museum and Nature Center attractions.

Library Director Julie Clinefelter stated there will be a tween event at 4:30 on February 24th.

Moved by Council Member-at-Large Austin, seconded by Council Member King, adjourning the meeting to March 2, 2020. Carried.

Adjourned: 6:34 p.m.

Approved: March 2, 2020

Mayor: _____

City Recorder: _____

