

M I N U T E S
CITY COUNCIL MEETING
June 7, 2021
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Jason Baskin, Michael Postma, Oballa Oballa, Joyce Poshusta and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: None

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, City Attorney Craig Byram and Police Chief David McKichan

STAFF APPEARING ELECTRONICALLY: Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Human Resources Director Trish Wiechmann, Park and Rec Director Kevin Nelson, Library Director Julie Clinefelter and City Clerk Ann Kasel

OTHERS APPEARING ELECTRONICALLY: Austin Daily Herald, Tim Ruzek, Ross Stickler, Brian Gorgan (Moss & Barnett)

APPEARING IN PERSON: Honorary Council Member Christopher Moore, Don Durben, Dan Morem, Carol Brown, Casey McIntyre, Ron Mecklenburg, John Jensen

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

Added to the Agenda:

Licenses:

Massage Therapist: Savannah Percival, 24271 540th Avenue #3
Sign Installer: Abel Signs, Inc., 14 N. Mantorville Ave, Kasson
Temporary Food: Lu Senda Antigua Church, 100 4th Avenue SE
Temporary Liquor: Austin Country Club on June 16, 2021

21. Approving engineering design services with SEH, Inc. for replacement of an equalization digester cover.

Moved by Council Member Baskin, seconded by Council Member Postma, approving the agenda as amended. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, approving Council minutes from May 17, 2021. Carried.

CONSENT AGENDA

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

Licenses:

Massage Therapist: Serena Hubbell, 1101 Oakland Avenue West
Movable Business: El Sabor de Mexico, 515 11th Avenue SW
Movable Business: Erin's Street Bistro, Albert Lea
Right of Way: Jaeckel's Contracting, Inc, Farmington
Right of Way: Kevin Neitzell Construction, LLC, Hayward
Right of Way: Remodeling DL, LLC, Rochester
Temporary Food: Salvation Army on August 21, 2021
Temporary 3.2 Beer: Austin Area Chamber of Commerce on July 20, 2021
Massage Therapist: Savannah Percival, 24271 540th Avenue #3
Sign Installer: Abel Signs, Inc., 14 N. Mantorville Ave, Kasson
Temporary Food: Lu Senda Antigua Church, 100 4th Avenue SE
Temporary Liquor: Austin Country Club on June 16, 2021

Claims:

- a. Pre-list of bills
- b. Financial and Credit Card Reports.

Event Applications:

Austin Eagles Street Dance on June 19, 2021

Carried.

PUBLIC HEARINGS

A public hearing was held on deferred sanitary sewer improvements. City Clerk Ann Kasel stated notices were mailed to each property owner and published in the paper.

Don Durben, 2401 12th Street SW, stated the lot was marked earlier in the year and was concerned about that the city did not know about the location.

Public Works Director Steven Lang stated the City and Austin Utilities are aware of the location now.

Dan Morem, stated he owns land south of the college that are vacant lots. He questioned why it was going to be assessed after 30 years. He also asked if he could develop those lots.

Mr. Lang stated the City is assessing costs from a project in 1989. He stated the lots are buildable as long as they meet the subsurface requirements.

Carol Brown, 2200 12th Street SW, stated she is with the Austin Baptist Chapel and was under the understanding that the assessments were deferred and would be payable when the lots were built upon.

City Attorney Craig Byram stated these assessments are out of the ordinary assessment process. He added that the property owners were given a benefit to have the assessments be interest free for 30 years.

Casey McIntyre, 1906 26th Street SW, stated he purchased lot his home in 2003 and purchased the adjacent lot two years later. He stated he doesn't want a house on the adjacent lot and is concerned about the cost of the assessment, especially the interest.

Council Member Poshusta stated she supports dropping the interest.

City Clerk Ann Kasel stated the payment date could be extended to October 31st, and the interest rate and term could also be modified. The Council could make that decision at the July 6th assessment hearing.

Ron Mecklenburg, 1701 12th Street SW, stated he owns 8.5 acres and has three assessments for sewer connections plus paving assessments on south side of the property. He believed the assessments were deferred until the sewer was going to be connected.

Council Member Baskin stated he would be in favor of dropping assessments or having them be interest free.

There were not additional public comments.

Moved by Council Member Poshusta, seconded by Council Member Waller, adopting a resolution ordering improvements for deferred sanitary sewer improvements. Carried 6-1 with Council Member Baskin voting nay.

A public hearing was held on deferred water improvements. City Clerk Ann Kasel stated notices were mailed to each property owner and published in the paper.

There were no public comments.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution ordering improvements for deferred water improvements. Carried 6-1 with Council Member Baskin voting nay.

A public hearing was held to review a tax abatement application from New Horizon Homes for a property at 1303 18th Drive NE. City Administrator Craig Clark stated a \$369,000 home is proposed to be constructed and recommended approval of the abatement.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution approving a five year tax abatement for New Horizon homes for the property at 1303 18th Drive NE. Carried 7-0.

A public hearing was held to review a tax abatement application from New Horizon Homes for a property at 2013 14th Avenue NE. City Administrator Craig Clark stated a \$699,000 home is proposed to be constructed and recommended approval of the abatement.

There were no public comments.

Moved by Council Member Poshusta, seconded by Council Member Oballa, adopting a resolution approving a tax abatement application from New Horizon Homes for a property at 2013 14th Avenue NE. Carried 7-0.

A public hearing was held to review a tax abatement application from New Horizon Homes for a property at 2101 14th Avenue NE. City Administrator Craig Clark stated a \$400,000 home is proposed to be constructed and recommended approval of the abatement.

There were no public comments.

Moved by Council Member Poshusta, seconded by Council Member Oballa, adopting a resolution approving a tax abatement application from New Horizon Homes for a property at 2101 14th Avenue NE. Carried 7-0.

A public hearing was held to review a tax abatement application from Bigelow and Lennon Construction for a property at 1404 20th Street NE. City Administrator Craig Clark stated a \$330,000 home is proposed to be constructed and recommended approval of the abatement.

There were no public comments.

Moved by Council Member Postma, seconded by Council Member Fischer, adopting a resolution approving a tax abatement application from Bigelow and Lennon Construction for a property at 1404 20th Street NE. Carried 7-0.

City Administrator Craig Clark introduced Brian Grogan, the City's attorney for a proposed cable franchise which will extend fiber in the community.

Brian Groban, attorney for the City in consideration of a cable franchise, presented the application for a proposed cable television franchise in Austin from CMN-RUS, Inc. d/b/a MetroNet. He stated the City published a notice of intent to franchise a cable communications system and one proposal was received from MetroNet. He stated the purpose of the public hearing is to receive input from interested parties regarding the application.

Mr. Groban reviewed the application with the Council and stated the Council doesn't have a basis to deny the application based on the financial information provided.

Council Member Postma asked what percentage of community is proposed to be served.

Mr. Grogan stated MetroNet is proposing to serve 85% of the residents of Austin. He noted they may not be able to go into buildings that have an exclusive agreement with another provider.

Council Member Baskin asked if this will create competition in pricing.

Mr. Grogan stated the cable fees may have less flexibility but the broadband side may have opportunities for competitiveness.

Mr. Clark introduced John Jensen with MetroNet. Mr. Jensen stated he hopes to have construction starting soon.

There were no other public comments.

Moved by Council Member Baskin, seconded by Council Member Postma, adopting a resolution regarding the application of CMN-RUS, Inc. for a cable franchise. Carried 7-0.

BID OPENING AND AWARD

The City received bids for the 4th Street and 3rd Avenue NW street improvements. The following bids were received:

Contractor	Bid
Doyle Connor Co.	\$457,406.15
Pember Companies, Inc.	\$482,459.25

Public Works Director Steven Lang stated work will consist of the removal of signal lights at 4th Street and 3rd Avenue NW, closure and removal of 3rd Avenue NW between 4th Street & 5th Street NW, street lighting improvements and pedestrian crossing improvements on 4th Street NW between Austin High and Pacelli High Schools. Mr. Lang recommended awarding the bid to Doyle Connor Co. with work beginning in July.

Moved by Council Member Fischer, seconded by Council Member Waller, awarding the bid for 4th Street and 3rd Avenue NW street improvements to Doyle Connor Co. Carried 7-0.

PETITIONS AND REQUESTS

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution setting final assessment hearing on proposed sanitary sewer and water assessments. Carried.

Planning and Zoning Administrator Holly Wallace reviewed a proposed rezoning ordinance. She stated the property owner, KO Management, LLC, is requesting to rezone the property from an R-1 single family zone to a I-1 light industrial zone to facilitate the construction of a new storage facility. The Planning Commission reviewed the matter at their May 11, 2021 meeting and recommended approval of the rezoning ordinance by a 7-0 vote.

Moved by Council Member Baskin, seconded by Council Member Oballa, for preparation of the rezoning ordinance. Carried.

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

The City Council reviewed an ordinance for the use of bow and arrow in the City limits. Police Chief McKichan stated the ordinance was rewritten to allow for the use of a bow and arrow in accordance with DNR fishing regulations from a boat. Bow fishing is not allowed within 100 feet of pedestrians or within 150 feet of homes.

Moved by Council Member Fischer, seconded by Council Member Poshusta, for preparation of the use of bow and arrow ordinance. Carried.

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

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution accepting donations to the City of Austin. Carried 7-0.

Public Works Director Steven Lang stated the City has identified State bonding dollars as a possible funding source for Waste Water Treatment Plant improvements. He stated the City received \$7.45 million in 2020 for engineering design and construction and would like to apply for an additional \$13 million in 2022 for construction costs.

Moved by Council Member Baskin, seconded by Council Member-at-Large Austin, adopting a resolution approving a Waste Water Treatment Plant bonding request. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution Declaring the property at 711 Oakland Avenue West a hazardous structure. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, appointing Tim Ruzek to the Port Authority Board, term expiring December 31, 2024. Carried.

Mayor King read the Human Rights statement from the Austin Human Rights Commission.

Moved by Council Member Oballa, seconded by Council Member Baskin, in support of a Human Rights statement from the Austin Human Rights Commission. Carried.

Public Works Director Steven Lang stated one of the covers of the equalization digesters at the Waste Water Treatment Plant cracked in January 2021 and is in need of replacement. The

estimated cost of the replacement cover is \$1.5 million and will be funded through the Industrial Plant budget. Mr. Lang stated SEH has provided a proposal in the amount of \$42,020 to complete design services on the project for bidding. He recommended awarding the contract to SEH, Inc.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving engineering design services with SEH, Inc. for the replacement of an equalization digester cover. Carried 7-0.

REPORTS

City Administrator Craig Clark stated 4th Avenue Fest will be on June 16th at Horace Austin Park. He stated he met with Senator Dornink and Representative Mueller on housing.

Library Director Julie Clinefelter stated there is a lot going on for the summer at the Library with summer reading kicking off in the next week.

Public Works Director Steven Lang stated the sump pump inspection program will begin in the SW area of town in July. He stated at the next Council meeting there will be bids awarded for the 31st Street SW project. He added that he would like to take the Council on a tour of the Cedar River Watershed District's projects.

City Attorney Craig Byram stated the Governor may be ending the state of emergency and public boards and commissions will need to appear in person and no longer allowed via electronic meetings.

Council Member Oballa stated the HRA board visited the newly constructed HRA home.

Council Member Postma attended the neighborhood watch meeting recently thanked the Police Department for their participation.

Council Member Poshusta stated the Senior Center had reopened with Doreen Nelson as the new director.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adjourning the meeting to June 21, 2021. Carried.

Adjourned: _____ 7:05 p.m. _____

Approved: _____ June 21, 2021 _____

Mayor: _____

City Recorder: _____