

M I N U T E S
CITY COUNCIL MEETING
February 20, 2024
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Laura Helle, Jason Baskin, Michael Postma, Joyce Poshusta, Geoff Baker and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: None

STAFF PRESENT: Director of Administrative Services Tom Dankert, Police Chief David McKichan, Public Works Director Steven Lang, Assistant City Engineer Mitch Wenum, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Jason Sehon, City Attorney Craig Byram, Human Resources Director Tricia Wiechmann, Library Director Julie Clinefelter, and City Clerk Brianne Wolf

APPEARING IN PERSON: Austin Daily Herald

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

Moved by Council Member Baker, seconded by Council Member Fischer, approving the agenda. Carried.

Moved by Council Member Baker, seconded by Council Member Baskin, approving Council minutes from February 5, 2024. Carried.

Mayor King sent his condolences and support to the City of Burnsville. Mayor King read the proclamation for GO! Austin, MN App Day. Mayor King stated that Miguel Garate will be the Honorary Council member from March 4th to May 20th and welcomed him.

CONSENT AGENDA

Moved by Council Member Baker, seconded by Council Member Postma approving the consent agenda as follows:

Licenses:

Exempt Gambling: Ducks Unlimited Lake Region Chapter 50 on March 24, 2024

Temporary Liquor: LIFE Mower County on April 27, 2024

Temporary Liquor: Mower County Ag Society (Mower County Fair) on August 6-11, 2024

Temporary Liquor: Austin Area Chamber of Commerce on April 9, 2024

Claims:

a. Pre-list of bills

b. Financial Report.

Appointments:

Jenna Viehauser to the Culture and Arts Commission – term expiring December 31, 2024

Event Applications:

Get Together Event April 20, 2024

Beer, Bacon, and Beignets Craft Beer Tasting Event on April 27, 2024

National Night Out on August 6, 2024

Running with Ella 5k Fun Run on August 24, 2024

Carried.

AWARDING BID

Public Works Director Steven Lang spoke about the road development project at Creekside Business Park. Ulland Brothers came in as the lowest bidder and under bid. Mr. Lang recommended awarding the bid to Ulland Brothers.

Moved by Council Member Baker, seconded by Council Member Fischer, adopting a resolution to award the bid for Creekside Business Park Road development. Carried 7-0.

PUBLIC HEARINGS

Assistant City Engineer Mitch Wenum spoke about the 8th street project. No questions from the council or comments from the public on this project.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 23104 & 23201. Carried 7-0.

Assistant City Engineer Mitch Wenum spoke about the 9th Street SW and 12th Street SW project. Mr. Wenum stated that residents on that street do not favor the sidewalks being placed in the neighborhood. Mr. Wenum also spoke about 12th St SW and 19th Ave intersection connection to HWY 105, residents commented at the open house that they are against this.

Council Member Baker stated that the Complete Streets policy doesn't say anything meaningful or compels action on our part. He stated it would take \$20 million dollars to put sidewalks in the 47 miles of area that do not have sidewalks. He stated that this is not the best use of our funds. Council Member Baker stated that over the next 5-6 years, we have to identify where we have real risks and just not putting in sidewalks where we are putting in the streets.

Council Member Baker stated that we need to grandfather in some of the streets that do not have sidewalks and leave them alone. He stated that if there is no safety or connectivity problem, then leave them alone. He stated that we could use the sidewalk money and come up with a good,

complete street plan. He stated that we have an obligation to provide a fact-based message. Mayor King asked if there were public comments. The following citizens made comments.

Mark Bjorlie, 11th St SW, came on behalf of Faith Church. Mr. Bjorlie would like to see 19th Ave SW link up to HWY 105 canceled. He would like to see sidewalks on 19th Ave once we get to that project due to school children walking on the roads.

Charles Mills 2003 9th St SW, Mr. Mills thanked the engineering department for their openness. They chose their house because of the street. As he ages, he does not need a sidewalk in front of his house. He spoke about the Complete Streets policy, paragraph two, which states projects “may” include pedestrian improvements. He spoke about where we could use the funds in other areas of the City.

Evan Sorensen, 1905 9th St SW, Mr. Sorensen does not have any concerns with his children playing in the streets. He has an irrigation system, and if the city put in sidewalks, he will have to move his irrigation system. He stated that the council's duty is to represent the people that elected them.

Nick Baier 903 19th Ave SW, Mr. Baier has lived in two different cities; these cities have taken data, analyzed it, and used that to see if they wanted sidewalks implemented. Citizens were able to vote on whether they wanted to sidewalk put in. Mr. Baier stated that he doesn't have an issue with his child playing outside.

Dan Urlick 1610 3rd Ave SE, Mr. Urlick stated that he rides his bike in the city, and has his entire life. He has been hit by cars three times while on Austin City streets. The people who would benefit the most from the policy may not be here tonight because they cannot drive or may be vulnerable. So, he is here to advocate for Complete Streets. He was at a meeting a couple of months ago and the council voted unanimously to follow the Complete Streets policy.

Shawn Williams 1900 9th St SW, Mr. Williams asked about the grant funds for this project and where they are coming from. Mitch stated that this project was City funded. Mr. Williams stated that he and his wife bike all around Austin, there are horrible sidewalks everywhere. He proposes that the city use the money elsewhere in the city to fix other sidewalks.

Jerry and Suzanne McCarthy 306 13th St SE, Mr. McCarthy stated the Complete Streets policy came from Vision 2020. There was an outpouring of information that a policy like this impacted healthy living in cities like Austin.

Mr. McCarthy has lower-cost housing where he lives, so they didn't get a choice if they wanted a sidewalk. The council is going to face this every year. He stated that people's personal costs should not dictate what goes on in their neighborhood.

Paul Manocchio 1910 9th St SW, Mr. Manocchio stated that he has been in the neighborhood for 31 years and he has never seen an issue. He does not want the 19th St/HWY 105 connection. He has never felt unsafe in this neighborhood. He walks on the street and never has a close call.

Johnathon Poindexter 1909 9th St SW, Mr. Poindexter stated that this is more of an issue of losing our trees. He is not concerned with safety. He stated that sidewalks do not prevent accidents.

Director of Public Works Steven Lang, summarized the 19th Ave project. Mr. Lang stated it would increase traffic and vehicle movement.

Council Member Baskin thanked those who were here and those who reached out. He stated we are having a good, healthy debate, and it's a complex issue. He stated there are good points on each side and the residents raise some really good concerns.

He stated that we need to update the Complete Streets policy and grandfather properties into this policy. He would like to see the sidewalk removed from this project.

Council Member Helle thanked everyone for coming out tonight. Ms. Helle will not vote to punish or reward a neighborhood. She stated that sidewalks have a cost-benefit analysis.

She stated that every year, neighborhoods go through this. She stated that sidewalks serve our most vulnerable people. She stated there are health benefits to living in a neighborhood that is more walkable.

Council Member Poshusta asked Police Chief McKichan about sidewalk and bicycle laws. Police Chief McKichan stated that bikes and cars have the same rights and responsibilities. Bikes can use the sidewalk, the only place this is regulated is downtown. Council Member Poshusta stated she is opposed to the sidewalks.

Council Member Fischer stated that the council previously voted to use the Complete Streets policy, and now something has changed. He stated engineers should be the ones to vote on whether there should be a sidewalk. It should not be up to a council now or in the future. He is in favor of the complete street policy.

Council Member-at-Large Austin supports the Complete Streets policy, but stated that he did not read where we have to put in sidewalks; the policy says we may. He stated that this neighborhood is not heavily trafficked; the residents do not feel they need sidewalks. Mr. Austin stated that we do not need the sidewalk needed in this project.

Council Member Postma thanked the citizens for coming out and all of the emails. He is in favor of Complete Streets. He is hearing that the council needs to take a look at the Complete Streets policy, which the council tried last year and failed. He stated that the Council must find something we all agree on no matter what ward they represent. He is in favor of not having sidewalks on this project.

Moved by Council Member Baker to advance project 24101 without sidewalks, seconded by Council Member-at Large Austin (Council Member Fischer Nay and Council Member Helle Nay) Passes 5-2.

With concern to the 19th Street Connection, Council Member Postma asked Mr. Wenum what would be the purpose to do this. Mr. Wenum stated that this would be to provide more connectivity.

Mr. Lang stated if you are looking at this neighborhood with no walkable streets, you should not make the connection at 12th Street.

Council Member Baskin motioned to advance 24101, without HWY 105 Access, Second by Council Member Baker. Carried.

Assistant City Engineer Mitch Wenum spoke about the 4th Ave NE and 1st Ave NE projects. Council Member Baskin asked if there was public input on this. Mr. Wenum stated there are no specific concerns on this project.

Moved by Council Member Baskin, seconded by Council Member Baker adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 24102 & 24103 Carried 7-0.

Assistant City Engineer Mitch Wenum spoke about the 16th Street, 17th Street, and the 2nd Ave NW project, Mr. Wenum spoke about the discussion he had with Grace Baptist Church and Our Saviors Lutheran Church in regard to 16th Street NW.

Mr. Wenum stated that this road would be eliminated and a driveway would be placed in the area for Grace Baptist Church to utilize. Grace Baptist Church would be assessed the cost. The City would retain the right of way. Council Member Postma thanked Mr. Wenum for his work with the Churches to come to an agreement. Mayor King asked if there were citizens that wanted to speak on the issue.

David Huinker 205 17th St NW, Mr. Huinker asked about the timeline, where to place trash, sidewalk assessment, and irrigation. Mr. Huinker also asked if he could have someone do his own sidewalk vs. the city doing it. Mr. Wenum stated yes, but it would need to be completed before the City came to do the street project.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 24104. Carried 7-0.

PETITIONS AND REQUESTS

City Clerk Brianne Wolf requested that council adopt a resolution setting the final public hearings for the street improvement projects for March 18th, 2024.

Moved by Council Member Baker, seconded by Council Member Baskin, adopting a resolution setting public hearings for March 18, 2024 for street improvement project assessments. Carried 7-0.

City Clerk Brianne Wolf reviewed the changes to the massage therapy ordinance. Mrs. Wolf reported to the council that they reached out to the registered massage therapists and only received feedback from two massage therapists. Mrs. Wolf requested that council approve the changes to the Massage Ordinance.

Massage Therapist Patrick Whalen 58306 220th St, Austin MN was in attendance and had suggestions for council on what he would like to see in the ordinance. Mr. Whalen stated that he would like an exemption for Doulas and having language for them when they practice. Mr. Whalen would like the hours adjusted as he works past 10 p.m. and before 6 a.m.

He would like to have a 24-hour notice before any inspections were to take place. Mr. Whalen also stated that wearing underwear should be optional. Mr. Whalen stated that the state may be voting on a massage therapist license in the upcoming months and the city should wait until there is more guidance and align the ordinance with the state's regulations.

Council Member Helle stated that she would like to put this back on the city clerk's desk, get the wording adjusted, work with the providers and wait until the state has more guidance. Council Member-at-Large Austin also stated that a massage therapist reached out to him about similar issues.

Moved by Council Member-at-Large Austin, seconded by Council Member Baker to table the ordinance until a later date. Carried

City Clerk Brianne Wolf requested the council approve a change to the small vehicle ordinance. Council Member Baskin would like the City Clerk to reach back out to Uber and Lyft to see if they are open to coming to Austin.

Moved by Council Member Baker, seconded by Council Member Baskin, approving the ordinance change to Small Vehicle Passenger Service. Passes 7-0.

Director of Administrative Services Tom Dankert spoke about support for funding an Administrative Staff Member for Impact Austin.

Moved by Council Member Baker, seconded by Council Member Baskin, approving funding support for Impact Austin Administrative Staff Member. Carried.

Director of Administrative Services Tom Dankert requested council approve a new postage machine replacement.

Moved by Council Member Baker, seconded by Council Member Baskin, proving postage machine replacement. Carried.

Director of Administrative Services Tom Dankert requested the council approve the 2024 firework contract. Mr. Dankert stated that money will not be needed from contingency as the city will receive donations from outside organizations to fund the remaining balance.

Moved by Council Member Baker, seconded by Council Member Austin, approving the firework contract. Carried.

Director of Public Works Steven Lang spoke on the contract with VS Farms. Mr. Lang stated that there was an increase in the lease. Mr. Lang recommended we approve a new three-year contract.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin adopting a resolution to approve the Airport Property Farm Rental Contract with VS Farms, LLC. Carried 7-0

Director of Public Works Steven Lang stated that they have been working on this project for a couple of years and they want WHKS to oversee the construction services on the city's behalf. Mr. Lang recommended approving the contract with WHKS.

Moved by Council Member Poshusta, seconded by Council Member-at-Large Austin, approving a contract with WHKS for engineering construction services of sanitary sewer siphons. Carried

Mayor King read the Donations to the City of Austin.

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

Director of Public Works Steven Lang requested authorization to execute an entitlement transfer in regard to the Airport T-Hanger. He stated that this would allow Austin to use the Eveleth allocation for our project, and use the 2026 Austin allocation to pay them back.

Moved by Council Member Postma, seconded by Council Member Baskin, adopting a resolution to authorize the execution of Airport T-Hanger, Entitlement Transfer. Carried 7-0.

CITIZENS ADDRESSING THE COUNCIL

REPORTS

Library Director Julie Clinefelter gave thanks to Director of Administrative Services Tom Dankert for going over financials at the Library. Mrs. Clinefelter also stated that the library app through SELCO is available again. She stated that February 27th there will be a community event at the library, after hours, in conjunction with the Mower County Health and Human Services. She stated that she gave flyers to the council members about this event. Lastly, the Library received a mini-grant from SELCO and the library will be hosting an informational class about driver's license training in Spanish in March.

Council Member Baskin sends his Condolences to the community of Burnsville.

Council Member Baker apologized and stated that we need to solve the Complete Streets policy.

Council Member Postma sends his Condolences to the community of Burnsville.

Council Member Helle is looking forward to reviewing the Complete Streets policy. She gave an update on Parks and Recreation, and how they are forming a team around forestry. She also stated to watch for the summer activity guide from Park and Rec. Lastly, she reported that Fourth Ave Fest will be on June 5th this year.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adjourning the meeting to March 4, 2024. Carried.

Adjourned: 7:30 p.m.

Approved: March 4th, 2024

Mayor: _____

City Recorder: _____