

M I N U T E S  
CITY COUNCIL MEETING  
February 18, 2014  
5:30 PM  
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Judy Enright, Steve King, Michael Jordal, Roger Boughton, Jeremy Carolan, Jeff Austin and Council Member-at-Large Janet Anderson

MEMBERS ABSENT:

STAFF PRESENT: Director of Administrative Services Tom Dankert, Community Development Director Craig Hoium, Public Works Director Steven Lang, City Attorney David Hoversten, Police Chief Brian Krueger, Fire Chief Jim McCoy, Park and Rec Director Kim Underwood and City Clerk Ann Kasel

OTHERS PRESENT: Peter Grover, John Pike, Jim Dodd, Michael Lahann, Jill Schlake, Scott Macal, Wendy Schabert, David Buxton, Jim Davis, Steven Howard, Susan Howard, Matt Simonson, Marv Repinski, Austin Daily Herald, KAAL, Public

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

Added to the agenda:

(res) 16. Authorizing quality assurance testing on the North Main Flood Control Project.

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

Moved by Council Member Enright, seconded by Council Member Carolan, approving the minutes of February 3, 2014. Carried.

CITIZENS ADDRESSING THE COUNCIL

Matt Simonson expressed his concerns about the placement of the levees on North Main Street.

Marv Repinski, 1005 4<sup>th</sup> Street SW, expressed his concerns about information provided to him by Matt Simonson.

AWARDS AND RECOGNITIONS

Mayor Stiehm read a proclamation declaring February 14<sup>th</sup> to 23<sup>rd</sup>, 2014 “Paint the Town Pink” week.

## CONSENT AGENDA

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

### Licenses:

- Food Mobile: Faye’s Concessions, 804 19<sup>th</sup> Street NE
- Master Plumber: Bohlen Plumbing and Air Conditioning, Inc., 324 N. Broadway, New Richland, MN
- Master Plumber: K & S Heating & Plumbing, 4205 Hwy 14 West, Rochester, MN
- Owner Amusement Device: D & R Star, 1304 ½ 10<sup>th</sup> Drive SE
- Temporary Food: Kiwanis of Austin Early Risers, May 11, 2014 at St. Edwards Corcoran Center & July 4, 2014 on the Parade Route
- Temporary Gambling: Austin Junior All-Star Baseball, Inc. at Todd Park Complex, June 29, 2014

### Claims:

- a. Pre-list of bills.
- b. Credit card, financial & investment reports.
- c. Jess Dunlap, 1800 16<sup>th</sup> Street SW. The claim was forwarded to the City Attorney to protect the City’s interest.

Carried.

## PUBLIC HEARINGS:

A public hearing was held on street and sidewalk improvements on 8th Avenue SW (12th Street to 18th Street), Project 1-A-14.

Director of Public Works Steven Lang presented on the project. The surface improvements will involve removing the existing bituminous pavement and concrete curb & gutter and replacing with bituminous pavement and concrete curb & gutter at a width of 38 feet. The City will also replace the indrives, entrance walks and grass boulevards along with replacing deficient sidewalks and providing ADA accessible pedestrian ramps at intersections.

The underground utility improvements will include construction of a storm sewer main with catch basins and laterals to improve collection of storm water which will eliminate the spillways which ice over in the winter, constructing drainage tile to improve subsurface drainage and lining sanitary sewers.

The Austin Utilities will upgrade the water and gas mains and electrical conduit will be installed for future underground crossings.

The project will take place in two phases with Phase 1, 16<sup>th</sup> Street to 18<sup>th</sup> Street, before the Mower County Fair and Phase 2, 12<sup>th</sup> Street to 16<sup>th</sup> Street, after the fair.

There are a few different payment options for the assessment. Residents will receive a bill in late summer which they can choose to pay in full by October 31<sup>st</sup> with no interest, pay 50% by October 31<sup>st</sup> and remaining balance would be assessed with the 2015 taxes, or choose to pay nothing and entire amount will go on the 2015 taxes. The balances applied to taxes would be spread out over 15 years at an interest rate of 4.75%. Qualifying residents can apply for a senior deferral and the assessment would be deferred until the property is sold.

The roadway has not been reconstructed or assessed since 1960, therefore the property owners will be assessed for the work. The 2014 street assessment rates for residential frontage are \$41.50 per foot and \$59.50 per foot for commercial frontage. The sidewalk replacement rate for 4" sidewalk is \$100 to \$110 per panel and \$130 to \$135 for 6" sidewalk. The interest rate on the assessment will be 4.75%.

Peter Grover, 507 6<sup>th</sup> Avenue NW, questioned if the senior deferral option accrues interest until the time of sale. Steven Lang confirmed that it does accrue interest until the property is sold.

Mr. Grover also stated there needs to be an alternative way established to assess properties. The assessment needs to increase the property value by the amount of the assessment and in most cases that is not happening.

Steven Lang stated options have been presented to the Council in the past about increasing the tax levy to pay for street projects. The issue with this option is that it would also tax the individuals that have already been paying for or have paid off a street project.

Mr. Grover replied that sometimes you have to make a decision and go with it.

Council Member King stated he sees the valuation of property not going up as a positive thing because the resident won't have to pay higher taxes in addition to the assessment.

Moved by Council Member Boughton, seconded by Council Member Enright, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids for street and sidewalk improvements on 8th Avenue SW (12th Street to 18th Street), Project 1-A-14. Carried 7-0.

A public hearing was held on street and sidewalk improvements on 8th Street NW (17th Avenue to 18th Avenue) & 17th Avenue NW (4th Street to 8th Street), Project 7-A-13.

Director of Public Works Steven Lang presented on the project. The surface improvements will involve a mill and overlay of 2" bituminous pavement and increasing the crown to improve drainage. A five foot wide pedestrian sidewalk will also be installed on the south side of the roadway to promote multiple modes of transportation and improve pedestrian access to businesses in the area. The street was originally constructed in 1990.

This project is considered to be a maintenance project and will not be assessed to the property owners.

Council Member Carolan questioned how wide the sidewalk would be.

Steven Lang replied that the City hasn't laid out an exact plan but it will be approximately five feet in width.

Council Member Enright asked is it would be the property owners' responsibility to clear the sidewalk, Steven Lang stated it would be.

Moved by Council Member Boughton, seconded by Council Member King, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids street and sidewalk improvements on 8th Street NW (17th Avenue to 18th Avenue) & 17th Avenue NW (4th Street to 8th Street), Project 7-A-13. Carried 7-0.

A public hearing was held on street and sidewalk improvements in the "Kaufman Park Area" - (9th Avenue SE – Abandoned RR to 8th Street), (10th Avenue SE – Abandoned RR to 8th Street), (11th Avenue SE – Abandoned RR to 8th Street), (6th Street SE – 8th Avenue to 10th Avenue) and (7th Street SE – 8th Avenue to 11th Avenue), Project 6-A-13.

Director of Public Works Steven Lang presented on the project. The surface improvements will involve removing the existing bituminous pavement and concrete curb & gutter and replacing with bituminous pavement and concrete curb & gutter at a width of 32 feet on avenues and 36 feet on streets. The City will also replace the indrives, entrance walks and grass boulevards along with replacing deficient sidewalks and providing ADA accessible pedestrian ramps at intersections. A sidewalk will also be added to 6<sup>th</sup> Street SE between 8<sup>th</sup> Avenue and 9<sup>th</sup> Avenue to connect a pedestrian route. All of the other areas have sidewalk on at least one side of the street.

The underground utility improvement will include construction of a storm sewer main with catch basins and laterals to improve collection of storm water which will eliminate the spillways which ice over in the winter, constructing drainage tile to improve subsurface drainage and lining sanitary sewers.

The Austin Utilities will upgrade the water and gas mains and electrical conduit will be installed for future underground crossings.

The project will take place in two phases with Phase 1: 6<sup>th</sup> Street, 10<sup>th</sup> Avenue, 9<sup>th</sup> Avenue West of 6<sup>th</sup> Street and 7<sup>th</sup> Street from 10<sup>th</sup> Avenue to 11<sup>th</sup> Avenue and Phase 2: 7<sup>th</sup> Street from 8<sup>th</sup> Avenue to 10<sup>th</sup> Avenue, 9<sup>th</sup> Avenue from 6<sup>th</sup> Street to 8<sup>th</sup> Street and 11<sup>th</sup> Avenue.

There are a few different payment options for the assessment. Residents will receive a bill in late summer which they can choose to pay in full by October 31<sup>st</sup> with no interest, pay 50% by October 31<sup>st</sup> and remaining balance would be assessed with the 2015 taxes, or choose to pay

nothing and entire amount will go on the 2015 taxes. The balances applied to taxes would be spread out over 15 years at an interest rate of 4.75%. Qualifying residents can apply for a senior deferral and the assessment would be deferred until the property is sold.

The roadway has not been reconstructed or assessed since prior to 1960, therefore the property owners will be assessed for the work. The 2014 street assessment rate for residential frontage is \$41.50 per foot and \$12.00 per linear foot of frontage for curb and gutter if not existing. The sidewalk replacement rate for 4" sidewalk is \$100 to \$110 per panel and \$130 to \$135 for 6" sidewalk. There will be no charges to the property owners for the new sidewalk. The interest rate on the assessment will be 4.75%.

John Pike, 700 8<sup>th</sup> Avenue SE, asked which side of the road the sidewalk would be placed on and stated the whole neighborhood does not want the sidewalk.

Steven Lang replied the sidewalk would be placed on the West side of the street.

Council Member Enright visited the area and spoke with property owners. She did not feel a sidewalk is needed for a one block area. She also added that recently the Council did not add a sidewalk by Southgate school because of resident opposition.

Council Member Boughton asked the reason for putting the sidewalk on one block.

Steven Lang stated it would be consistent with the City's Complete Streets policy and would complete sidewalk currently located in the area.

Jim Dodd, 608 8<sup>th</sup> Ave SE, was against the sidewalk installation as it would take 25-33% of his lawn.

Michael Lahann, 609 9<sup>th</sup> Avenue SE, gathered 150 signatures of residents opposed to the installation of sidewalk. The sidewalk installation would damage 300 year old pine trees in the area. Also, his property has been broken into multiple times in the last few years and the proposed sidewalk would be very close to his garage.

Jill Schlake, 605 9<sup>th</sup> Avenue SE, spoke in support of the residents opposing the sidewalk. She lives in the area and has young children that walk around the neighborhood. She does not feel that it's worth the residents losing their driveways and green space. She also would like a sloped curb instead of a traditional curb so residents can drive up on their yards. Ms. Schlake also asked where residents will have to park and haul their garbage to for pickup.

Steven Lang replied that the curb and gutter is used to control drainage but the City is looking at the possibility of eliminating curb and gutter in certain areas or looking at installing curb cuts. Street construction is inconvenient for residents and parking and garbage pickup may require coordination with other residents and businesses in the area.

Scott Macal, 604 9<sup>th</sup> Avenue SE, lives on the dead end of the road and would like the City to eliminate the curb. He also felt he shouldn't have to pay for the road as he pays taxes and didn't agree with charging interest on the assessment.

Moved by Council Member Enright, seconded by Council Member Boughton, adopting a resolution ordering improvement, approving plans and specifications, with the removal of the sidewalk on 6<sup>th</sup> Street SE and removal of the approximately 75 feet of curb near the railroad area, and ordering advertisement for bids on street and sidewalk improvements in the "Kaufman Park Area" - (9th Avenue SE – Abandoned RR to 8th Street), (10th Avenue SE – Abandoned RR to 8th Street), (11th Avenue SE – Abandoned RR to 8th Street), (6th Street SE – 8th Avenue to 10th Avenue) and (7th Street SE – 8th Avenue to 11th Avenue), Project 6-A-13. Carried 7-0.

A public hearing on street and sidewalk improvement on 7th Street NE (2nd Avenue to 4th Avenue) & 3rd Avenue NE (7th Street to 8th Street), Project 4-A-14.

Director of Public Works Steven Lang presented on the project. The surface improvements will involve removing the existing bituminous pavement and concrete curb & gutter and replacing with bituminous pavement and concrete curb & gutter at a width of 30 feet on 7<sup>th</sup> street and 32 feet on 3<sup>rd</sup> Avenue. The City will also replace the driveways, entrance walks and grass boulevards along with replacing deficient sidewalks and providing ADA accessible pedestrian ramps at intersections.

The underground utility improvement will include construction of a storm sewer laterals and catch basins to improve drainage and lining sanitary sewers to eliminate infiltration. The City may have to eliminate sanitary sewer on 7<sup>th</sup> Street complete due to the age of the sewer line.

The Austin Utilities will upgrade the water and gas mains and electrical conduit will be installed for future underground crossings.

There are a few different payment options for the assessment. Residents will receive a bill in late summer which they can choose to pay in full by October 31<sup>st</sup> with no interest, pay 50% by October 31<sup>st</sup> and remaining balance would be assessed with the 2015 taxes, or choose to pay nothing and entire amount will go on the 2015 taxes. The balances applied to taxes would be spread out over 15 years at an interest rate of 4.75%. Qualifying residents can apply for a senior deferral and the assessment would be deferred until the property is sold.

The roadway has not been reconstructed or assessed since prior to 1960, therefore the property owners will be assessed for the work. The 2014 street assessment rate for residential frontage is \$41.50 per foot. The sidewalk replacement rate for 4" sidewalk is \$100 to \$110 per panel and \$130 to \$135 for 6" sidewalk. The interest rate on the assessment will be 4.75%.

Wendy Schabert, 803 2<sup>nd</sup> Avenue SE, asked if the sewer on 7<sup>th</sup> Street is the old Hormel sewer and if Hormel would be paying for any of the replacement of that sewer.

Steven Lang stated that sewer is probably part of the old line leading to Hormel. The line will be repaired or replaced but Hormel will not be paying for it as they no longer the line. Only residential properties are hooked up to the line.

Mrs. Schabert also owns multiple properties and is concerned about being assessed on different sides of those properties.

Steven Lang stated the engineering department incorporated a policy for properties with multiple frontages this year. Mrs. Schabert's property is being given credits based on that lot policy and is being assessed for a reduced amount.

David Buxton, 819 2<sup>nd</sup> Avenue NE, stated he has already been assessed with other projects and doesn't feel he should be assessed again.

Steven Lang stated Mr. Buxton also owns a corner lot and is given credit for having multiple frontages and a reduced assessment for other projects that have been completed on his property.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on street and sidewalk improvement on 7th Street NE (2nd Avenue to 4th Avenue) & 3rd Avenue NE (7th Street to 8th Street), Project 4-A-14. Carried 7-0.

*Mayor Stiehm allowed the following public comment out of order.*

Jim Davis, 700 27<sup>th</sup> Avenue NE, questioned by the Lansing Sewer issue has not been moving forward when the appraisals were due in October of 2013. It is now February and he was concerned that he hasn't heard anything on it.

Director of Public Works Steven Lang stated the City is working with the City Attorney for options to move forward with the litigation and once that plan is in place, all residents will be notified.

Mr. Davis expressed his discontent with the delay and asked if there have been any secret meetings on the matter.

Mayor Stiehm stated there have been no secret meetings and the City will inquire with the City Attorney's office and move the matter forward as quickly as possible.

#### PETITIONS AND REQUESTS:

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution setting public hearings for March 17, 2014 for street improvement project assessments. Carried 7-0.

Moved by Council Member Austin, seconded by Council Member Carolan, directing the City Engineer order an appraisal on 504 21<sup>st</sup> Street SW (Howard) property as part of the Turtle Creek Flood Mitigation Program. Carried.

Moved by Council Member Austin, seconded by Council Member King, accepting the City Engineer's recommendation to take no further flood control action on the properties located at 502 and 506 21<sup>st</sup> Street SW as part of the Turtle Creek Flood Mitigation Program. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, adopting a resolution accepting December and January gifts to the Austin Public Library. Carried 7-0.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 805 4<sup>th</sup> Street NW, Nedia Cantor, LLC Property. Carried.

Moved by Council Member Boughton, seconded by Council Member-at-Large Anderson, setting public hearing for April 7, 2014 for a vacation request by Pacelli Catholic Schools for property located on 3<sup>rd</sup> Avenue NW between 4<sup>th</sup> Street NW and 5<sup>th</sup> Street NW. Carried.

Director of Public Works Steven Lang presented on the North Main Flood Control Project quality assurance testing. Braun Intertec has provided an estimate of \$9,945 to complete quality assurance testing on the North Main Flood Control Project. Testing calls for periodic tests completed by the owner as a check to verify that materials are meeting specifications and includes testing on subgrade compaction, concrete pavement and asphalt pavement. The work would be funded 50% with the Local Option Sales Tax and 50% with the DNR Grant.

Moved by Council Member Enright, seconded by Council Member Boughton, authorizing quality assurance testing on the North Main Flood Control Project. Carried 7-0.

## REPORTS

Council Member Enright reminded the public to support Paint the Town Pink to raise money for cancer research. She added there are a variety of events happening this week and the Paint the Rink Pink hockey game is sold out.

Council Member-at-Large Anderson added the event schedule for Paint the Town Pink can be found on the City's website and Facebook page.

Fire Chief McCoy stated the Fire Department is willing to give water to residents with frozen water pipes.

Moved by Council Member Austin, seconded by Council Member-at-Large Anderson to allow the Fire Department to supply water to residents with frozen water pipes. Carried.



Director of Public Works Steven Lang stated due to the high number of residents using additional water to prevent freezing pipes, the City is considering eliminating some of the colder winter months to determine the summer average rate for sewer usage.

Moved by Council Member Jordal, seconded by Council Member-at-Large Anderson, adjourning the meeting to March 3, 2014. Carried.

TIME

Adjourned: 6:37 p.m.

Approved: March 3, 2014

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

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