

M I N U T E S
CITY COUNCIL MEETING
March 7, 2016
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Public Works Director Steven Lang, City Attorney David Hoversten, Police Chief Brian Krueger, Planning and Zoning Administrator Holly Wallace, Naturalist Larry Dolphin and City Clerk Ann Kasel

OTHERS PRESENT: Austin Daily Herald, Post Bulletin, Public

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

The following item was added to the agenda:

(mot) For the termination of employment of Curt Klingfus.

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

Moved by Council Member Enright, seconded by Council Member-at-Large Anderson, approving the Council minutes from February 16, 2016. Carried.

CONSENT AGENDA

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

Licenses:

Concrete: Blackstone Construction, Inc., 83889 230th Street, Albert Lea
Excavation: Egan Co., 7625 Boone Avenue N, Brooklyn Park
Food (transfer): JKT90 dba Culvers of Austin, 1800 8th Street NW, Austin
Food Wagon: Faye's Concessions, 804 19th Street NE, Austin
Master Plumber (transfer): Fire and Ice Comfort Specialists, Inc. dba Dick's Plumbing, 1810 East Oakland Avenue

Claims:

- a. Financial and Credit Card Reports.
- b. Pre-list of bills.
- c. Amy Wollenburg, 1908 4th Avenue NW. This matter was forwarded to the City Attorney to protect the City's interest.

Event Applications:

The Hormel Institute grand opening on June 1, 2016

Carried.

PUBLIC HEARINGS

A public hearing was held which was continued from February 16, 2016 on street improvements on Project 5-A-16, 4th Drive SW (Turtle Creek Bridge to 24th Avenue SW).

Public Works Director Steven Lang reviewed the project stating it is a joint project between the City and Mower County. The City will remove and replace the existing road and widen the street from 24 feet to 38 feet. Curb and gutter will also be installed along with a 10 foot wide bike trail on the west side of 4th Drive. Underground utilities will be repaired or replaced. Adjacent property owners will be assessed per the City's street assessment policy at an interest rate of 4.5%. 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.

Since the initial public hearing, Mr. Lang stated they have developed four options for the project to address homeowner concerns.

Option #1 is the original proposal with a 38 foot wide roadway with an 8 foot trail, which is down from the original 10 foot trail. There would be parking on both sides of the street. Option # 2 is a 38 foot wide roadway with a 5 foot wide sidewalk to the City limits. The sidewalk would not continue into the County. It would also have a shared parking/bike lane. Option # 3 is a 34 foot wide roadway which would accommodate a parking lane on one side and an 8 foot trail on the West side of the road. Option #4 is a 36 foot wide roadway with no parking on both sides and a bike lane in both directions. There would be no sidewalk or no trail.

Mr. Lang recommended to go with option # 3 stating that it is important to design for all modes of transportation including bikes and pedestrians. He stated the City has listened to citizen concerns and has narrowed the impacted area. The use of the area may change in the future and the trail will provide for an off-road option for pedestrians and bikes which would increase safety. He also stated there are different dimensions on the sides of the road to avoid as many trees as possible.

Council Member Carolan asked if there is a recommendation for winter maintenance.

Mr. Lang stated the City does not actively enforce winter maintenance of sidewalks; it is driven by citizen complaints. If complaints are received then the City goes and takes photos and clears the public right of way.

Council Member Enright asked what happens if the trail needs repair and would that be the responsibility of the citizen.

Mr. Lang stated that the City does not have staff to complete concrete work so it contracts out for sidewalk repair. It does however have staff to complete blacktop repairs so the City crews would repair the trail in this area.

Council Member King stated he appreciated the staff's willingness to look at other options for this area. He expressed his support for option 4.

Council Member Hagen stated he was in support of option 3 because it is good to get the bikes and pedestrians off the road for safety.

Council Member Enright spoke in support of option 4 stating it meets the complete streets policy.

Greg Larson spoke on behalf of Beautiful Savior Lutheran Church stated he is against sidewalk if they have to maintain the sidewalk. He is also opposed to curb and gutter and was concerned about the assessment for the work.

Steve Kime, 509 15th Avenue SW, stated opportunities like this don't come along very often and the City should keep the future in mind when planning. He would like the City to consider the safety issue on the road and expressed his support of option 3.

Marvin Repinski stated he was in support of option 1 for the project.

Cynthia Low, 2111 4th Drive SW, stated she was concerned about losing her trees and some of her driveway and about the amount of the assessment. She spoke in favor of option 4.

Jim Burroughs, 1405 16th Avenue SW, spoke in support of option 3. He stated the trail could be treated like some other trails in the community and not maintained in the winter.

Scott Wermager, 2403 4th Drive SW, spoke in support of option 3 with no bike trail. He didn't feel there is a need for a bike trail on that road and would like to put the trail on Highway 105.

David DeFor, 2706 4th Drive SW, stated he lives in the County in the last house on 4th Drive. He would like a 12 foot road with a shoulder and spoke in support of option 4.

Mary Ann Leuders, 2309 4th Drive SW, spoke in support of the installation of curb and gutter and option 4. She stated she could also be in support of option 3.

Scott Baudler, 2207 4th Drive SW, stated he has a hedge of trees and doesn't want to lose them.

Mr. Lang stated the City will preserve as many trees as possible.

Sheri Weaver, 701 19th Avenue SW, spoke in favor of option 4. She was concerned about potential flooding in the area if the road is removed.

Mr. Lang stated the land elevations won't be lowered.

Eric Harder, 2004 4th Drive SW, supported option 4. He felt like the City is invading his property even though there are easements covering the area. He also asked how many trails were on private property in the City.

Mr. Lang stated there are other trails in the City including 8th Avenue NE, the North side of Hormel Plant, a trail adjacent to Corporate office, 12th Avenue NE to Nature Center, and Main Street by Mill Pond. Two of these trails are in residential areas.

Diane Stevens, 2504 4th Drive SW, spoke in favor of option 4 but stated that she doesn't want curb and gutter.

Planning and Zoning Administrator Holly Wallace stated that the City is currently undergoing a comprehensive plan update. In recent surveys, 72% of Austin residents use the trails and those residents would like additional trails in Austin. She spoke in support of option number 3.

Council Member Jordal stated option 3 seems like a good compromise. He stated it is important to plan ahead and make all roads accessible for all people.

Council Member-at-Large Anderson stated she was in support of option 3 but would like no winter maintenance requirement on the trail.

City Attorney David Hoversten the winter maintenance issues goes beyond the scope of the public hearing and if the Council wants to consider that issue it should be reviewed at a different time.

Council Member Austin stated the Council needs to look to the future when planning and spoke in support of option 3.

Mayor Stiehm stated he supported option 3 and thought that more people would use the road if it was in better condition.

There were no additional public comments.

Moved by Council Member Hagen, seconded by Council Member Jordal, adopting a resolution ordering improvement, approving plans and specifications for option number 3, and ordering advertisement for bids on Project 5-A-16, 4th Drive SW (Turtle Creek Bridge to 24th Avenue SW). Carried 5-2 with Council Members King and Enright voting nay.

Moved by Council Member Austin, seconded by Council Member Jordal, adopting a resolution setting a public hearing for April 4, 2016 for street improvement assessments. Carried 7-0.

A public hearing was held for the modification of tax increment financing district number 13. Director of Administrative Services Tom Dankert stated a parcel was inadvertently omitted from TIF district when it was originally created. He asked the Council to amend the plan to include this parcel and to update the budget within the plan.

There were no public comments.

Moved by Council Member King, seconded by Council Member-at-Large Anderson, approving a resolution approving a modification to tax increment financing district number 13. Carried 7-0.

BID OPENINGS AND AWARDS

The City received bids for the interpretive center at the Hormel Nature Center. The following bids were received:

Bidders	Base bid
Brickl Bros	\$4,525,000.00
ECCO Construction	\$4,240,500.00
JD Driver, LTD	\$4,180,000.00
Met-Con Construction, Inc.	\$3,748,000.00
Schwab, LLC	\$4,300,000.00
The Joseph Company, Inc.	\$3,786,000.00

Alternates from each bidder:

Bidder	Alt. A-1 (Deduct to Remove Supply and Installation of Appliances)	Alt. A-2 (Deduct to Remove Landscape Plantings)	Alt. A-3 (Add Amount to Include Car Charging Station)	Alt. A-4 (Add Amount to Install minimum of 8' Tall Temporary Fencing)	Alt. A-5 (Bid Alternate for Water Heater WHTR-1)	Alt. A-6 (Bid Alternate to Substitute Specified Glazing)	Alt. A-7 (Bid Alternate to Substitute Specified Glazing at Select Locations)	Alt. A-8 (Bid Alternate for Pex/Aquatherm Piping)
Brickl Bros	-\$7,200.00	-\$9,000.00	\$15,000.00	\$16,800.00	-\$3,000.00	\$76,000.00	\$30,000.00	-\$10,000.00
ECCO Construction	-\$12,000.00	-\$20,000.00	\$11,400.00	\$8,400.00	-\$3,000.00	\$83,900.00	\$32,900.00	-\$10,000.00
JD Driver, LTD	-\$9,700.00	-\$9,900.00	\$12,000.00	\$9,600.00	-\$3,600.00	\$88,000.00	\$35,000.00	-\$8,900.00
Met-Con Construction, Inc.	-\$10,000.00	-\$6,000.00	\$12,000.00	\$8,000.00	-\$2,000.00	\$84,000.00	\$33,000.00	-\$1,500.00
Schwab, LLC	-\$11,000.00	-\$10,000.00	\$13,000.00	\$11,000.00	-\$3,500.00	\$84,000.00	\$33,000.00	-\$8,500.00
The Joseph Company, Inc.	-\$7,700.00	-\$8,000.00	\$11,000.00	\$9,000.00	-\$3,500.00	\$83,500.00	\$33,000.00	-\$9,000.00

Larry Dolphin recommended awarding the contract to Met-Con Construction, Inc. with alternates A3, A4 and A6, which is the lowest bid on the project.

Mr. Dankert noted that the City likes to award bids to the local contractor whenever possible but State statutes require the City to take the lowest bid regardless if they are local or not.

Moved by Council Member Austin, seconded by Council Member Enright, awarding the bid and alternates A3, A4 and A6 to Met-Con Construction, Inc. Carried 7-0.

The City received the following bids for asphalt emulsions:

Bidder	Amount
Flint Hills Resources, LP	\$72,227.75
Henry G. Meigs, LLC	\$75,250.00

Public Works Director Steven Lang stated the bids are 30% lower from previous years and recommended awarding the bid to Flint Hills Resources LP.

Moved by Council Member Hagen, seconded by Council Member Austin, awarding the bid for asphalt emulsions to Flint Hills Resources, LP. Carried 7-0.

The City received bids for bituminous materials. The following bids were received:

Bidder	Base Bid	Mileage	Total
Ulland Bros., Inc.	\$225,000	\$35,640	\$260,640
Rochester Sand & Gravel	\$223,875	\$49,320	\$273,195

Mr. Lang recommended awarding bid to Ulland Bros., Inc.

Moved by Council Member Enright, seconded by Council Member Hagen, awarding the bid for bituminous materials to Ulland Bros. Inc. Carried 7-0.

PETITIONS AND REQUESTS:

Public Works Director Steven Lang stated the City was selected to receive a grant in the amount of \$3.5 million dollars for the installation of engines that would run off methane gas to produce electricity. The City evaluated the project and discovered that the SMMPA contract wouldn't allow for electrical generation to offset our electrical demand, but would rather require the City to purchase the electricity at a higher rate than it could sell the produced electricity back to the grid. In addition, the gas production has gone down and utility rates have changed since the original application. Our analysis shows that this project would not save money, but actually cost the City \$150,000 per year to operate and maintain the system. Mr. Lang recommended declining the grant due to these factors.

Moved by Council Member Hagen, seconded by Council Member Carolan, declining a grant from Xcel Energy. Carried.

Planning and Zoning Administrator Holly Wallace stated the Planning commission reviewed the interim use permit issue at their November 10, 2015 meeting and recommended moving forward with it. There are unique circumstances that come up and this would allow that activity to be permitted for a specified amount of time. This varies from a traditional conditional use permit in that it has a time period that it is allowed. She stated this would facilitate a more business friendly environment in Austin. The applications would go to the Planning Commission for review and approval.

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

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

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

Moved by Council Member Enright, seconded by Council Member King, appointing Vern Lippert to the Housing and Redevelopment Authority Board, term expiring 12/31/2019. Carried.

Director of Administrative Services Tom Dankert stated that the contract for the photovoltaic system at the Nature Center requires a change order due to requirements by Austin Utilities. The total amount of the change orders is \$3,859 and are within the current budget for the photovoltaic system.

Moved by Council Member Austin, seconded by Council Member Hagen, adopting a resolution approving a change order on the Nature Center photovoltaic system. Carried 7-0.

Public Works Director Steven Lang requested the Council grant an easement to Mower County around the 11th Street NE bridge for the replacement of the bridge. The matter was reviewed at the March 2, 2016 Park Board meeting and was recommended for approval.

Moved by Council Member Hagen, seconded by Council Member Austin, adopting a resolution approving an easement request from Mower County. Carried 7-0.

Planning and Zoning Administrator Holly Wallace requested the Council approve a minor subdivision of property located at 2001 2nd Avenue NW. St. Edwards Church is selling the former Apple Lane Building to the Austin Albert Lea Special Education Cooperative and the sale requires a split of the land. Ms. Wallace reviewed the site plan and requested the Council approve it.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution approving a minor subdivision for the Austin Albert Lea Special Education Cooperative. Carried 7-0.

Public Works Director Steven Lang stated the City of Austin receives an annual funding allocation from the Federal Aviation Administration for projects at the Austin Municipal Airport; and the funds have a time period in which they must be used. The City has \$270,000 available from funding years 2013-2015 and will expire soon and Mr. Lang requested those funds be transferred to the City of Duluth-Sky Harbor Airport. The City of Duluth would return the same amount of funding in 2021.

Moved by Council Member Enright, seconded by Council Member Jordal, adopting a resolution approving a FAA Airport funding transfer. Carried 7-0.

Moved by Council Member Jordal, seconded by Council Member Hagen, adopting a resolution approving a club on-sale license for the Austin Area Commission for the Arts. Carried 7-0.

Moved by Council Member Enright, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 605 21st Street NE, Thompson property. Carried.

Moved by Council Member King, seconded by Council Member Enright, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 903 4th Street NW, Saterdalen property. Carried.

Moved by Council Member King, seconded by Council Member Jordal, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1611 16th Street SW, Ulwelling property. Carried.

Moved by Council Member Enright, seconded by Council Member King, Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1303 Oakland Avenue East, Ellis property. Carried.

Moved by Council Member King seconded by Council Member Enright, for the termination of employment of Curt Klingfus. Carried.

Citizens Addressing the Council

Dan Kane expressed his appreciation to the City, especially the Police Chief and the Mayor for hiring officer Jorge Jimenez.

Marv Repinski thanked City leaders for their participation in leadership activities like the Blandin Leadership program and the Holiday Inn housing seminar.

REPORTS

Council Member Enright stated Beyond the Yellow Ribbon will host a bean bag tournament at the Austin Armory on March 12th beginning at noon. The cost to participate is \$10 and it's a draw partner tournament.

Council Member-at-Large Anderson thanked the community for its participation in Paint the Town Pink activities.

Council Member Hagen stated he attended the workforce housing summit in Austin.

City Administrator Craig Clark stated the workforce housing summit had a great turnout and he thanked Congressman Walz for hosting the event. He also stated he will be going to St. Paul on March 10th to testify on behalf of the waterway projects in Austin.

Moved by Council Member Austin, seconded by Council Member King, adjourning the meeting to March 21, 2016. Carried.

Adjourned: 7:15 p.m.

Approved: March 21, 2016

Mayor: _____

City Recorder: _____