

A G E N D A
CITY COUNCIL MEETING
MONDAY, APRIL 3, 2023
5:30 P.M.
COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Roll Call.

(mot) 1. Adoption of Agenda.

(mot) 2. Approving minutes from March 20, 2023

3. Recognitions and Awards.

Welcoming Honorary Council Member Denver Ritz

(mot) 4. *Consent Agenda

Licenses:

Commercial Hauler: Harter's Disposal of Minnesota, LLC, LaCrosse

Food: Compass Group USA, Inc., 1101 Main Street South

Food: The Sunny Spot, LLC, 107 11th Avenue NE

Residential Hauler: Harter's Disposal of Minnesota, LLC, LaCrosse

Right of Way: Midwest Diversified Utilities, Ellendale

Sign Installation: Hutch & Sons Builders, PO Box 632

Temporary Liquor: Mower County Historical Society on April 25, 2023

Temporary Liquor: Pacelli Catholic Schools on April 29, 2023

Claims:

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

Event Applications:

Father's Day Bike Show on June 18, 2023

Independence Day Parade on July 4, 2023

BID OPENINGS AND AWARDS:

5. Receiving bids for asphalt emulsion oil.

(res) a. Awarding bid.

6. Receiving bids for bituminous materials.

(res) a. Awarding bid.

7. Receiving bids for asphalt street mill and overlay projects.

(res) a. Awarding bid.

8. Receiving bids for asphalt street reconstruction projects.

(res) a. Awarding bid.

PETITIONS AND REQUESTS:

- (res) 9. Accepting donations to the City of Austin.
- (mot) 10. Approving the second extension of lease for the fixed based operator at the Austin Municipal Airport.
- (res) 11. Approving a contract with WHKS for the northwest sector of the I & I Program.
- (res) 12. Approving a contract with SRF for sanitary sewer design on Hwy 218 & 14th Street NW.
- (res) 13. Approving exceptional performance pay for the Director of Administrative Services.
- (res) 14. Approving an opioid settlement agreement.
- (mot) 15. Appointing Geoff Smith to the Port Authority, term expiring December 31, 2026.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Monday, April 17, 2023** at 5:30 pm in the Council Chambers.

All items listed with an asterisk () are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member or citizen so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

M I N U T E S
CITY COUNCIL MEETING
March 20, 2023
5:30 PM
Council Chambers

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

MEMBERS ABSENT: Council Member Michael Postma

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Human Resources Director Trish Wiechmann, Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Dave Merrill, Library Director Julie Clinefelter, Nature Center Director Luke Reese and City Clerk Ann Kasel

APPEARING IN PERSON: Austin Daily Herald, KAUS Radio, Honorary Council Member George Thomas, Saville Lord, Robert Wolfe, Sarah Wolfe, Nathan Smit, Tim Ruzek

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

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

Moved by Council Member Fischer, seconded by Council Member Baker, approving Council minutes from March 6, 2023. Carried.

AWARDS AND RECOGNITIONS

The Mayor introduced Colt Orum the Junior Mayor for a Day.

Mayor King noted the City received a Certificate of Achievement for Excellence in Financial Reporting for the 2021 Financial Year.

Saville Lord provided an update for the Spam Museum and noted it has been open for 7 years. She stated in 2022 there were 86,000 visitors to the museum and she is hoping that they will reach 100,000 in 2023. She spoke in support of economic development in the city.

CONSENT AGENDA

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

Licenses:

Exempt Gambling (raffle): Austin Junior All Star Baseball on July 4, 2023

Exempt Gambling (raffle): Marcusen Park Baseball Assn. on Sept 1, 2023

Mobile Food: Solem Concessions, Inc., 19192 540th Avenue

Right of Way: KNC Concrete, 202 Main Street, Hayward

Right of Way: LaCrosse Sign Co., Onalaska, WI

Temporary Liquor: Gravity Storm Brewery at Bandshell Park on July 15, 2023

Temporary Liquor: VFW Post 1216 at the Austin Labor Center on April 14-15, 2023

Claims:

- a. Pre-list of bills.
- b. Investment Report.

Event Permits:

Disc Golfers Guide to the Galaxy on May 20, 2023

National Night Out on August 1, 2023

Approving the City of Austin as the fiscal agent for water and wastewater training for the Southeastern Minnesota League of Municipalities.

Carried.

PUBLIC HEARINGS

A public hearing was held for street improvement assessments for 5th Avenue NW (20th Street to 22nd Street NW), 6th Avenue NW (22nd Street NW to Dead End) and 20th Street NW (4th Avenue NW to Dead End), Project 18105. The amount to be assessed is \$185,109.50 at 5% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 21, 2023 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Baker, seconded by Council Member Poshusta, adopting a resolution declaring the cost of Project 18105. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, adopting resolution adopting the assessment roll for Project 18105. Carried 6-0.

A public hearing was held for street improvement assessments for 1st Street NW (Oakland Ave W to 1st Drive NW), Project 23101. The amount to be assessed is \$233,497.56 at 5% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were

presented at the February 21, 2023 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Baker, seconded by Council Member Poshusta, adopting a resolution declaring the cost of Project 23101. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting resolution adopting the assessment roll for Project 23101. Carried 6-0.

A public hearing was held for street improvement assessments for 2nd Street SW (10th Avenue to 12th Avenue SW), 10th Avenue SW (2nd Drive to 4th Street SW) and 11th Avenue SW (2nd Drive to 4th Street SW), Project 23102. The amount to be assessed is \$279,514.79 at 5% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 21, 2023 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

Mr. Wenum noted that a written objection was received by LaNell Sunde.

Mr. Lang recommended assessing all the properties and the objector would need to follow the procedure for objections.

There were no public comments.

Moved by Council Member Helle, seconded by Council Member Fischer, adopting a resolution declaring the cost of Project 23102. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting resolution adopting the assessment roll for Project 23102. Carried 5-1 with Council Member Baskin voting nay.

A public hearing was held for street improvement assessments for 7th Avenue NE (19th Drive to 21st Street NE) and 19th Drive NE (6th Avenue to 7th Avenue NE), Project 23103. The amount to be assessed is \$213,511.31 at 5% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 21, 2023 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

Robert Wolfe, 1909 6th Avenue NE, stated he is objecting to the sidewalk being installed as it is going to cut through the property and the neighbor's property.

Sarah Wolfe, 1909 6th Avenue NE, stated the sidewalk will cut through the landscaping and it is a quiet neighborhood.

Public Works Director Steven Lang stated the sidewalk is being installed in conjunction with the complete streets policy. The City need to ensure there are safe transportation areas for all users.

Mr. Wenum explained the sidewalk installation on the particular project and stated sidewalk is being installed to make connections through the community.

Council Member Helle spoke in favor of the sidewalk installation and the complete streets policy.

Council Member Baskin asked if there would be sidewalks placed in the southwest portion of town.

Mr. Wenum stated each street project will be evaluated on a case by case basis.

Mr. Lang noted the Wolfe's objection is to the project scope not to the assessment.

Council Member Baker asked if there is consideration taken if the project doesn't need sidewalk.

Mr. Lang noted the sidewalk is going to be in place for 50 years and the Council needs to plan for the future in the best way possible.

Mr. Wenum stated the larger trees are ash and will need to be taken down.

Moved by Council Member Baker, seconded by Council Member Austin, adopting a resolution declaring the cost of Project 23103 with no new installation of sidewalk on phase 1 of the project. Carried 5-1 with Council Member Helle voting nay.

Moved by Council Member Fischer, seconded by Council Member Baker, adopting resolution adopting the assessment roll for Project 23103. Carried 6-0.

A public hearing was held for street improvement assessments for Hormel Drive (4th Street to 8th Street NE), Project 23105. The amount to be assessed is \$81,527.88 at 5% for 15 years.

Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 21, 2023 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Baker, seconded by Council Member Fischer, adopting a resolution declaring the cost of Project 23105. Carried 6-0.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adopting resolution adopting the assessment roll for Project 23105. Carried 5-0 with Council Member Baskin abstaining.

A public hearing was held for street improvement assessments for 3rd Avenue SW (20th Street to 21st Street SW), 21st Street SW (22nd Street to 6th Avenue SW) and 22nd Street SW (Oakland Avenue to 3rd Avenue SW), Project 23106. The amount to be assessed is \$37,618.76 at 5% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 21, 2023 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Helle, adopting a resolution declaring the cost of Project 23106. Carried 6-0.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adopting resolution adopting the assessment roll for Project 23106. Carried 6-0.

PETITIONS AND REQUESTS

Nathan Smit, 57234 215th Street, showed a video about the proposed whitewater project. He stated a group was formed for the creation of the project. He requested the Council approve \$10,000 for the whitewater project feasibility study. The project is estimated to cost \$49,950 and the City's contribution is requested to be split with \$5,000 from 2023 contingency and \$5,000 from the Parks and Recreations CIP.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, approving \$5,000 from 2023 contingency and \$5,000 from Park and Rec Capital Improvement Plan funding for the whitewater feasibility study. Carried 6-0.

Public Works Director Steven Lang stated there is a storm sewer pipe running through the middle of the proposed 1st and 3rd Apartment building which they were not aware of. The project costs did not include the relocation of the infrastructure to the perimeter of the property. The project needs additional funding to move forward asked the City to contribute an estimated \$70,000 to \$75,000.

Moved by Council Member Baskin, seconded by Council Member Poshusta, approving storm sewer relocation at the 1st and 3rd Apartments site with funding coming from the storm sewer fund. Carried.

Planning and Zoning Administrator Holly Wallace reviewed a revision to an accessory structure ordinance. She stated the proposed ordinance would limit the maximum size of an attached accessory structure to 100% of the size of the principal structure.

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

Moved by Council Member-at-Large Austin, seconded by Council Member Baker, for adoption and publication of the zoning ordinance. Carried 6-0.

Planning and Zoning Administrator Holly Wallace reviewed the plat for the 1st and 3rd Apartments stating the Planning Commission reviewed it at their March 14th meeting and voting unanimously to approve it.

Moved by Council Member-at-Large Austin, seconded by Council Member Poshusta, adopting a resolution approving the final plat for the 1st and 3rd Apartment project. Carried 6-0.

Planning and Zoning Administrator Holly Wallace reviewed a zoning ordinance change for the 1st and 3rd Apartment project. The proposed ordinance would rezone the property from a light industrial (I-1) and community business district (B-2) to a residential office district (R-O). She also requested the future land use plan be amended to mixed use. The Planning Commission met on March 14th and approved the proposed changes unanimously.

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

Moved by Council Member Fischer, seconded by Council Member Baskin, for adoption and publication of the zoning ordinance. Carried 6-0.

Planning and Zoning Administrator Holly Wallace reviewed the plat for the Cook Farm Business Park Third stating the Planning Commission reviewed it at their March 14th meeting and voted unanimously to approve it.

Moved by Council Member Baker, seconded by Council Member Austin, adopting a resolution approving a final plat for Cook Farm Business Park Third. Carried 6-0.

City Clerk Ann Kasel reviewed revisions to the wine on-sale ordinance stating the provisions are being updated to align with state law.

Moved by Council Member Baker, seconded by Council Member Helle, adopting a resolution for preparation of the wine ordinance. Carried.

Moved by Council Member Fischer, seconded by Council Member Poshusta, for adoption and publication of the wine ordinance. Carried 6-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, setting a public hearing for May 1, 2023 at 5:30 p.m. for the establishment of tax increment financing district no. 17 for the 1st and 3rd apartments – Three Rivers Housing Project. Carried.

Nature Center Director Luke Reese requested the Council adopt a resolution for continued funding for a teaching aide and intern at the Nature Center for 2024.

Moved by Council Member Baskin, seconded by Council Member Poshusta, adopting a resolution in support of grant funding for a teaching aide and intern at the Jay C. Hormel Nature Center. Carried 6-0.

Moved by Council Member Helle, seconded by Council Member Baskin, appointing Denver Ritz as the Honorary Council Member – April through June, 2023. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, adopting a resolution accepting donations to the City of Austin. Carried 6-0.

Public Works Director Steven Lang requested the Council adopt a resolution in support of a grant for the development of a Downtown Resilience Plan. The plan would identify locations of localized surface flooding in the downtown area. The amount of the grant is \$66,930 with a local match of \$18,040.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution authorizing a grant agreement for stormwater, wastewater and community resilience. Carried 6-0.

Public Works Director Steven Lang requested the Council approve a lease for the Cook Farm with Kevin Finley. The lease would be for 2023 and \$24,300 a year. He noted the lease is 10 acres less than the previous year due to some of it being sold.

Moved by Council Member Poshusta, seconded by Council Member Fischer, adopting a resolution approving a farm lease with Kevin Finley. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Poshusta, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 104 11th Street NE, Nelson Property. Carried.

HONORARY COUNCIL MEMBER COMMENTS

Honorary Council Member George Thomas thanked the Council for the experience.

REPORTS

City Administrator Craig Clark noted the Minnesota Senate failed to adopt a bonding bill.

Library Director Julie Clinefelter noted the Library is closed currently to finish the project and will open Tuesday, March 28th.

Council Member Helle appreciated City staff's efforts to find grants. She reported the Park and Recreation Department held a retreat in the past weeks. She noted there will be a public open house on April 20th for the review of the Parks Master Plan.

Council Member-at-Large Austin stated he toured the Library and is excited for the changes. Council Member Baskin thanked the police department and congratulated Jerry McCarthy as the President of the Port Authority and his tenure.

Council Member Fischer thanked Taggart Medgaarden for all his work on the 1st and 3rd Apartment project.

Council Member Poshusta noted the Smart Transit will reach their 2 millionth passenger this week.

Mayor King noted the Our Austin, Our America exhibit at the capital.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, adjourning the meeting to April 3, 2023. Carried.

Adjourned: 6:42 p.m.

Approved: April 3, 2023

Mayor: _____

City Recorder: _____



Street/Special Event Permit

Permit Type: Street or Special Event

Permit Number: 2023-012

Applicant Information	
Organizer Name	Algorithm Tattoo
Organizer Address	201 1st ave sw
Organizer City	Austin
Organizer State	MN
Organizer Zipcode	55912
Organizer Phone	507-460-6770
Organizer Email	bnelsontat2@hotmail.com
Alternate Name	Josh Touchton
Alternate Phone	507-320-0275
Alternate Email	sledhead1024@yahoo.com

Permit Information

Event Title	Fathers Day Bike Show		
Event Description	Motorcycle bike and tattoo show		
Event Start Date	June 18, 2023	Event End Date	June 18, 2023
Approximate Number of Participants	100+		
Event Start Time	11:00	Event End Time	16:00
Portion of Street Width Being Used	the block between 1st ave sw and 2nd ave sw between Algorithm tattoo and Napa Auto Store		
Traffic Control Barricades Needed for Street/Lane Closure?	Yes	Will Traffic Control Barricades be Provided by Applicant or will City Assistance be Requested?	Requested City Help
Food Trucks at Event?	Yes	Number of Food Trucks	1
Food Truck Information	Food Truck 1: Stage Coach, Tonya Rumsey, 507-438-6777 Food Truck 2: , , Food Truck 3: , , Food Truck 4: , , Food Truck 5: , ,		
Alcoholic Beverages Available	No		
Location of Alcohol			
Licensed Establishment(s) Serving Alcohol			
Types of Alcohol			
Live Entertainment	Yes		
Recorded Entertainment	Yes		
Date and Time Clean Up will be Accomplished	06/18/2023	Responsible Person(s) for Clean Up	Josh touchton & Braiden Nelson
Will Event be Advertised?	Yes	Describe Invited People	Open to Public
Designated Adult Name	Braiden Nelson	Designated Adult Phone	507-460-6770
Designated Adult Address	201 1st Ave SW		
Additional Information	barricades will be needed where the yellow circles are at on the map that was uploaded		

Engineering Department

Determination	Approved	Date of Approval	March 29, 2023	Approved By	Mitch Wenum
Comments	City to provide barricades in locations as requested				

Police Department					
Determination	Approved	Date of Approval	March 28, 2023	Approved By	David McKichan
Comments					

City Clerk					
Determination	Approved	Date of Approval	March 28, 2023	Approved By	Ann Kasel
Comments					

Final Determination	Approved
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Disclaimer: The City is only reviewing and approving activities and installations intended to occur within the ROW and not in any way approving or providing comment on any activity that may occur on private property, the Permittee or Registrant is solely responsible for any and all entries, activities, or installations upon private property.

12:59

45%

Algorithm Tattoo LLC, 201...



90

1st Ave SW

gorithm Tattoo
Recently viewed



NAPA Auto Pa
- Motor Parts
Offer available

ley House



1st St SW

1st St SW

2nd Ave SW

2nd Ave



Algorithm Tattoo LLC



Directions



Start



Call





Street/Special Event Permit

Permit Type: Street or Special Event

Permit Number: 2023-010

Applicant Information	
Organizer Name	Austin Area Chamber
Organizer Address	329 N Main St Suite 102
Organizer City	Austin
Organizer State	MN
Organizer Zipcode	55912
Organizer Phone	507-437-4561
Organizer Email	johanna@austincoc.com
Alternate Name	Johanna Reyes
Alternate Phone	507-391-4021
Alternate Email	info@austincoc.com

Permit Information

Event Title	Independence Day Parade		
Event Description	Independence Day Parade		
Event Start Date	July 4, 2023	Event End Date	July 4, 2023
Approximate Number of Participants	18,0000		
Event Start Time	07:27	Event End Time	13:30
Portion of Street Width Being Used	Route: Down Main Street from 8th Ave to Bandshell Park		
Traffic Control Barricades Needed for Street/Lane Closure?	Yes	Will Traffic Control Barricades be Provided by Applicant or will City Assistance be Requested?	Requested City Help
Food Trucks at Event?	No	Number of Food Trucks	
Food Truck Information	Food Truck 1: , , Food Truck 2: , , Food Truck 3: , , Food Truck 4: , , Food Truck 5: , ,		
Alcoholic Beverages Available	No		
Location of Alcohol			
Licensed Establishment(s) Serving Alcohol			
Types of Alcohol			
Live Entertainment	Yes		
Recorded Entertainment	Yes		
Date and Time Clean Up will be Accomplished	Date of event, at the end of the event- 1:30pm	Responsible Person(s) for Clean Up	Austin Area Chamber
Will Event be Advertised?	Yes	Describe Invited People	It's an open event to all
Designated Adult Name	Elaine Hanson	Designated Adult Phone	507-438-9768
Designated Adult Address	329 N Main St Suite 102 Austin, MN 55912		
Additional Information			

Engineering Department

Determination	Approved	Date of Approval	March 24, 2023	Approved By	Mitch Wenum
Comments	1st St NW to be under construction this summer. It will not affect the parade route, but it will affect parking on 1st St and how some people access the downtown area.				

Police Department					
Determination	Approved	Date of Approval	March 27, 2023	Approved By	David McKichan
Comments					

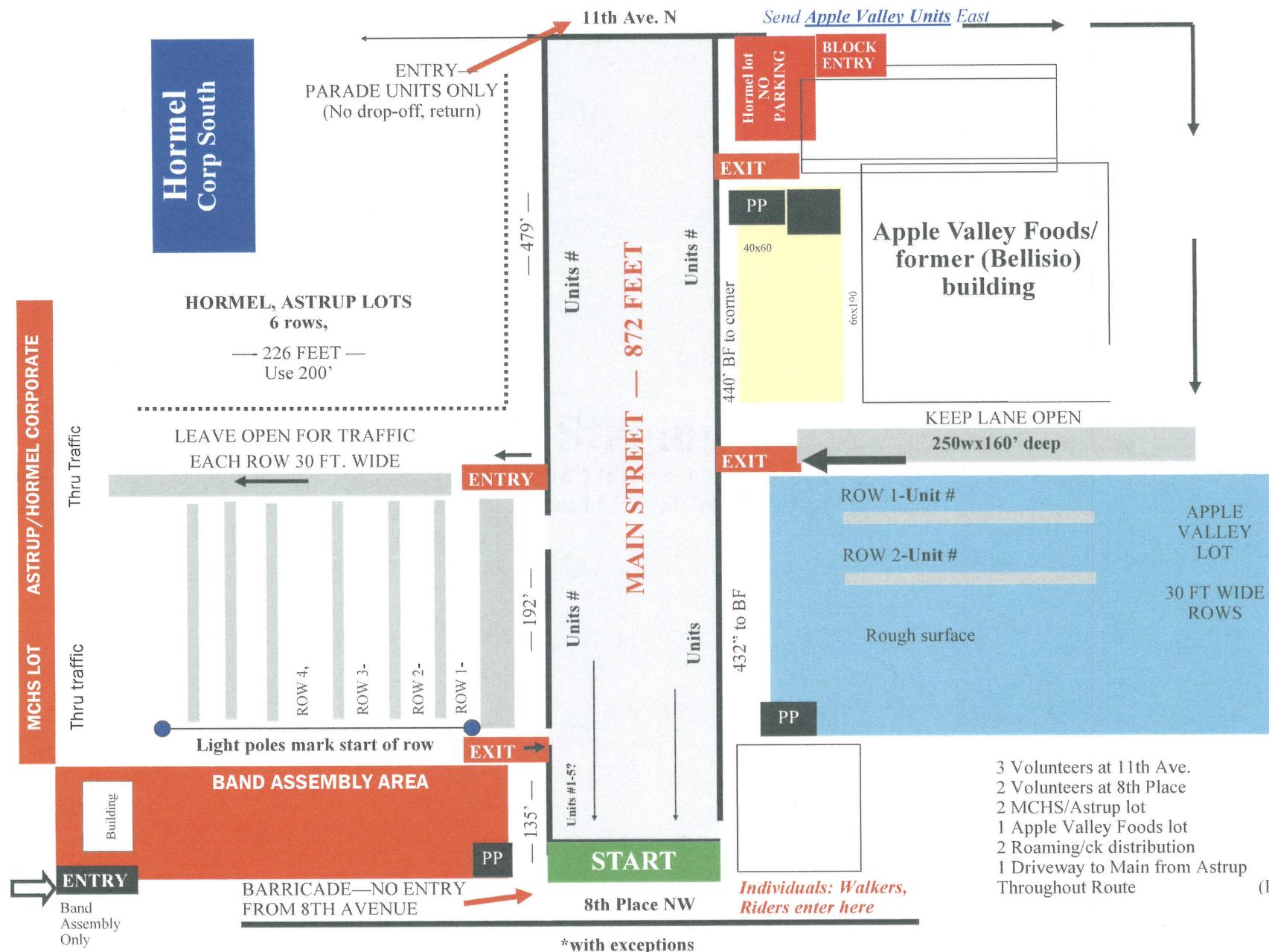
City Clerk					
Determination	Approved	Date of Approval	March 27, 2023	Approved By	Ann Kasel
Comments					

Final Determination	Approved
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Disclaimer: The City is only reviewing and approving activities and installations intended to occur within the ROW and not in any way approving or providing comment on any activity that may occur on private property, the Permittee or Registrant is solely responsible for any and all entries, activities, or installations upon private property.

2023 Parade Staging Area

NOTE: From I-90 take Exit 178B, turn South toward 14th Ave. NE. Take right at stop sign, and follow curve (right) to 15th Ave NE and Main St. Watch for signs!



City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Steven Lang, PE
Date: March 28, 2023
Subject: Bids – Asphalt Emulsion

The City of Austin received bids for asphalt emulsion on March 23, 2023. This material is used as part of our chip sealing roadway maintenance program. The bid includes approximately 90 tons of asphalt emulsion oil, which is half the amount we typically bid for, used with rock chips to create a new wearing surface on asphalt pavement. The bids are summarized below.

Contractor	Total Bid Amount
Henry G. Meigs Flint Hills Resources	\$ 54,450 No Bid
Budget	\$100,000

We would recommend awarding the project to Henry G. Meigs. If you have any questions, please contact me.

Historical Bid Prices

2022	\$100,847.25
2021	\$90,819.75
2016	\$72,227.75
2015	\$103,241.25
2013	\$139,578.60

RESOLUTION NO.

AWARDING BID

WHEREAS, pursuant to an advertisement for bids for the following local improvements:

Seasonal supply of asphalt emulsion

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

Contractor	Bid
Henry G. Meigs, LLC	\$54,450.00
Flint Hill Resources, LP	No bid

AND, WHEREAS, it appears Henry G. Meigs, LLC is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota:

That the bid of Henry G. Meigs, LLC is hereby accepted, and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Henry G. Meigs in the name of the City of Austin for the following:

Seasonal supply of asphalt emulsion

Passed by a vote of yeas and nays this 3rd day of April, 2023.

Ayes

Nays

ATTEST:

City Recorder

APPROVED:

Mayor

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor and City Council
From: Steven Lang, PE
Subject: Bituminous Material Bids
Date: March 28, 2023

We have received bids for our seasonal supplies of asphalt for 2023. The bids are summarized below based on the base bid that was submitted plus the cost associated with hauling the materials.

For determining the cost of hauling, a rate of \$.40/ton/mile, based on one direction, was specified in the specifications to be used to determine hauling costs. The mileage is the distance to the asphalt plant from the intersection of Oakland Avenue and Main Street in Austin.

Bidder	Base Bid	Mileage	Total
Ulland Bros Inc	\$290,250	\$36,000	\$326,250
Rochester Sand & Gravel	No Bid		

These costs come out of our Streets and Highways road materials budget. We would recommend awarding this bid to Ulland Bros. Inc.

If you have any questions, please let me know.

Historical Bid Prices

2023	\$290,250	\$64.50/ton
2022	\$247,500	\$55/ton
2021	\$229,500	\$51/ton
2020	\$234,000	\$52/ton
2019	\$241,875	\$53.75/ton
2018	\$211,500	\$47/ton

RESOLUTION NO.

AWARDING BID

WHEREAS, pursuant to an advertisement for bids for the following local improvements:

2023 seasonal supply of bituminous material

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

Contractor	Base Bid	Mileage	Total
Ulland Bros. Inc.	\$290,250	\$36,000	\$326,250
Rochester Sand & Gravel	No bid		

AND, WHEREAS, it appears Ulland Bros. Inc. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota: That the bid from Ulland Bros. Inc. is hereby accepted, and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Ulland Bros. Inc. in the name of the City of Austin for the following:

2023 seasonal supply of bituminous material

Passed by a vote of yeas and nays this 3rd day of April, 2023.

Yea

Nay

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Mitch Wenum, PE
Date: March 29, 2023
Subject: Bids – Asphalt Streets Mill & Overlay Projects
 CP 23105 & CP 23106

The City of Austin received bids for the asphalt streets mill and overlay project on March 28, 2023. Streets included on this project are 3rd Ave SW, 21st St SW, 22nd St SW and Hormel Drive. The bids are summarized below.

Contractor	Total Bid Amount
Ulland Brothers, Inc.	\$338,828.95
Rochester Sand & Gravel	\$420,534.10
Engineer's Estimate	\$427,287.50

The project will be funded using Municipal State Aid Street Funds and Local Fund 49. We would recommend awarding the project to Ulland Brothers, Inc. If you have any questions, please contact me.

Fund 49 – Capital Improvement Fund	\$ 103,802.45
Municipal State Aid Street Fund	\$ 235,026.50

RESOLUTION NO.

AWARDING BID FOR ASPHALT STREET MILL & OVERLAY PROJECTS

WHEREAS, pursuant to an advertisement for bids for the following local improvements:

2023 Mill & Overlay Projects

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

<u>Contractor</u>	<u>Bid</u>
Ulland Brothers, Inc.	\$338,828.95
Rochester Sand & Gravel	\$420,534.10
Engineer's Estimate	\$427,287.50

AND, WHEREAS, it appears Ulland Brothers, Inc. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota that the base bid of Ulland Brothers, Inc. is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Ulland Brothers, Inc. in the name of the City of Austin for the following:

2023 Mill & Overlay Projects

Passed by a vote of yeas and nays this 3rd day of April, 2023.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Mitch Wenum, PE
Date: March 29, 2023
Subject: Bids – Asphalt Street Reconstruction
 CP 18105 & CP 23102

The City of Austin received bids for asphalt street reconstruction on March 29, 2023. This project will reconstruct 13 blocks of streets, including the following: 5th Ave NW, 6th Ave NW & 20th St NW and 2nd St SW, 10th Ave SW & 11th Ave SW. Work will consist of pavement removal, sanitary sewer and storm sewer improvements, curb & gutter, asphalt paving, and sidewalk replacement. The bids are summarized below.

Contractor	Total Bid Amount
Ulland Brothers, Inc.	\$1,895,750.82
Rochester Sand & Gravel	\$2,084,734.35
Elcor Construction	\$2,137,950.50
R.A.W. Construction	\$2,173,174.25
Engineer's Estimate	\$1,967,790.50

The projects will be funded using Local Funds 49, 61 & 67. We would recommend awarding the project to Ulland Brothers, Inc. If you have any questions, please contact me.

Fund 49 – Capital Improvement Fund	\$ 1,568,132.62
Fund 61 – WWTP Fund	\$ 270,093.20
Fund 67 – Stormwater Utility Fund	\$ 57,525.00

RESOLUTION NO.

AWARDING BID FOR ASPHALT STREET RECONSTRUCTION PROJECTS

WHEREAS, pursuant to an advertisement for bids for the following local improvements:

2023 Asphalt Street Reconstruction Projects

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

<u>Contractor</u>	<u>Bid</u>
Ulland Brothers, Inc.	\$1,895,750.82
Rochester Sand & Gravel	\$2,084,734.35
Elcor Construction	\$2,137,950.50
R.A.W. Construction	\$2,173,174.25
Engineer's Estimate	\$1,967,790.50

AND, WHEREAS, it appears Ulland Brothers, Inc. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota that the base bid of Ulland Brothers, Inc. is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Ulland Brothers, Inc. in the name of the City of Austin for the following:

2023 Asphalt Street Reconstruction Projects

Passed by a vote of yeas and nays this 3rd day of April, 2023.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$1,000	D.D.S. Kurt Potach	LEC Fitness Center
\$370	Pat McGarvey	2023 Flowers

NOW THEREFORE, BE IT RESOLVED that the Austin City Council accepts said gifts to the City of Austin.

Passed by a vote of yeas and nays this 3rd day of April, 2023.

ATTEST: APPROVED:

City Recorder

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Page 1 of 1

Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: March 27, 2023
Subject: Airport FBO (Fixed Base Operator) Lease Extension

In 2013, the City entered into a 5-year lease agreement with Bruce Budahn, Austin Aeroflight, Inc. for the operations and maintenance of the Austin Municipal Airport. Some of the key points of the agreement include:

Operator's Obligations

- Provide day-to-day maintenance of public areas
- Operate from dawn until dusk
- FAA approved flight school
- FAA approved airplane repair and maintenance
- Sales of aviation fuel
- Hangar services and rentals
- Serve as a liaison between the City, FAA, MnDOT Aeronautics and other public agencies
- Coordinate snow removal operations

Consideration for Operator

- Exclusive use and occupancy of Hangar No. 1 (former Hormel Hangar) and Hangar No. 2 (Big Hangar)
- Use of Administration Building
- Right to charge for hangar rental space, fuel sales and services

Terms

- 5-years, April 15, 2013 to April 15, 2018
 - 1st 5-year extension to April 15, 2023
 - 2nd 5-year extension to April 15, 2028

I would recommend approval for this second 5-year extension through April 15, 2028 for the FBO Airport Operation lease. If you have any questions, feel free to contact me.



March 24, 2023

Mr. Steven J. Lang
City Engineer/Public Works Director
City of Austin
500 4th Ave NE
Austin, MN 55912

Good afternoon Mr. Lang,

As per our conversation earlier today, Austin Aeroflight, Inc. would formally request the 2nd of the two 5 year extensions on our lease be presented to the Austin City Council for consideration and approval.

If you or any of the City Council Members have questions, please feel free to email or call, austinaeroflight@austinaeroflight.biz or 1-507-279-9359.

Thank you for the consideration.

Sincerely,

Bruce W. Budahn, Pres.
Austin Aeroflight, Inc.
710 21st Street NE
Austin Municipal Airport
Austin, Minnesota 55912-4165
1-507-433-1813
austinaeroflight@austinaeroflight.biz

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773

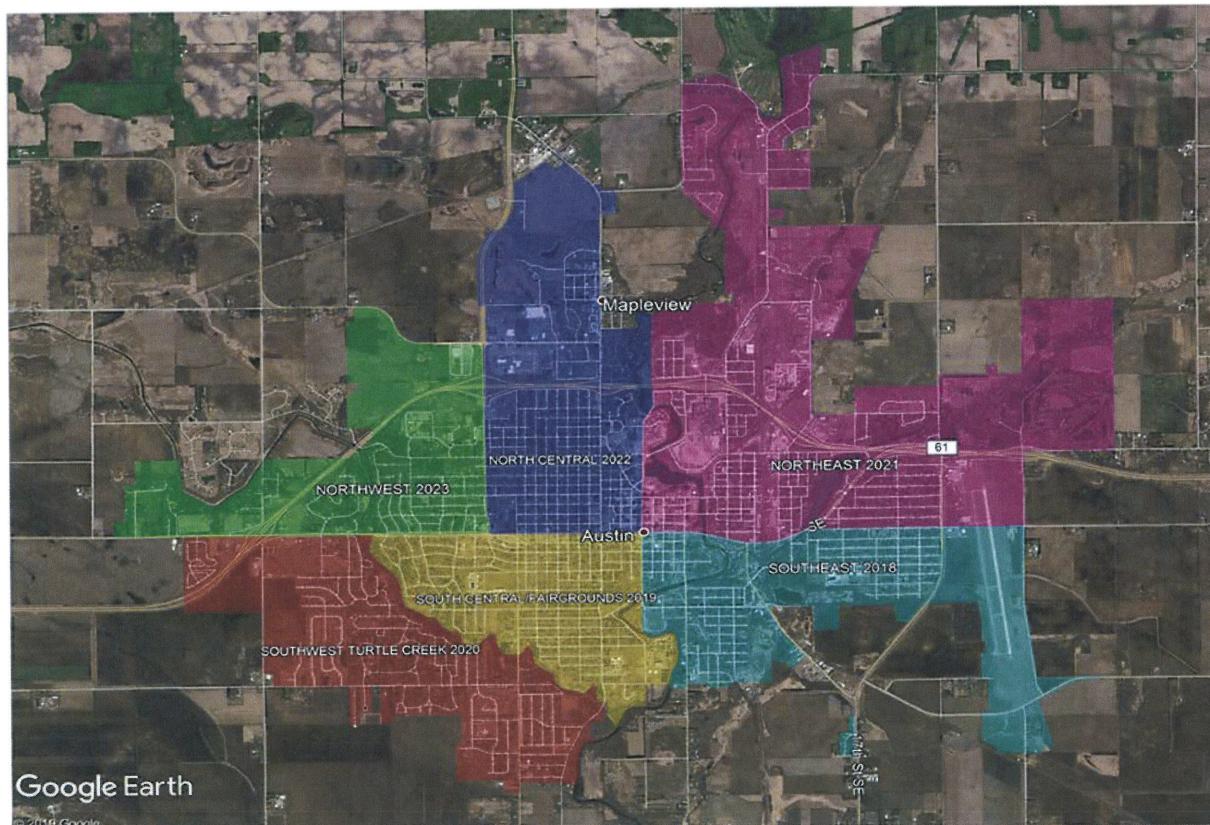


Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: March 28, 2023
Subject: Inflow & Infiltration Implementation Plan
2023 Northwest Sector

We implemented our 'Infiltration/Inflow' or 'I/I' program in 2018. To date we have completed work in the SE, SWC, SW and NE sectors. The goal of the program is to reduce clear water from entering the sanitary sewer system through cracks in the sewer mains and manholes, and from private sources such as sump pumps, seepage collection systems (beaver drains), defective service laterals, and roof drains. Removing this clear water will reduce sewage handling and treatment costs, minimize sanitary sewer overflows, and extend the life of upgrades made to the sewer system and treatment facilities and help to keep us in compliance with the MPCA.



This is a 6-year project with specific sectors identified on the map. The Northwest sector is planned for 2023. Work again will consist of televising, sump pump inspections, manhole inspections, smoke testing and management/analysis of all the data. The 2023 Northwest area has about 800 structures for sump pump inspections and 54,000 feet of sanitary sewer for inspection. These numbers are down slightly from previous sectors in the SE, SWC, SW and NE.

We have received a proposal from WHKS in the amount of \$162,040 to continue their work in the Northwest sector for 2023, televising will be a separate additional contract. Work will include the following:

<u>2023</u>	
• Project Management & Meetings	\$ 8,000
• Background and Data Review	\$ 2,500
• Manhole Inspections	\$ 24,800
• Smoke Testing	\$ 18,000
• Dye Testing	\$ 2,500
• CCTV Coordination & Review	\$ 20,000
• Sump Pump Inspection	\$ 66,240
• Analysis, Report & GIS Mapping	\$ 20,000
• Sanitary Sewer Televising CCTV	<u>\$ 0</u> (<i>\$65,000 separate contract</i>)
	\$162,240

The sump pump inspection program was postponed for the SW Sector in 2020 due to the pandemic. We are now working to catch up, so sump pump inspections will be started this year in the North Central Sector and when complete will carry over into the Northwest Sector. Sump inspections will likely carry into summer of 2024.

In the spring of 2024, a comprehensive report will be prepared from the manhole inspections and sewer televising results identifying areas of repair on a 1 to 5 scale. This information will then be used to create a repair program to be laid out in the 5-year and beyond CIP.

I would recommend moving forward with WHKS for year six of the sanitary sewer I&I reduction project. This project will be funded using sanitary sewer user fees. If you have any questions, please feel free to contact me.

CIP Budget			
Year	Sector	Estimated Cost	Actual Cost
2018	Southeast	\$350,000	\$351,000
2019	South Central	\$400,000	\$397,265
2020	SW Turtle Creek	\$350,000	\$304,950
2021	Northeast	\$400,000	\$410,880
2022	North Central	\$400,000	\$454,179
2023	Northwest	<u>\$350,000</u>	<u>\$230,000 estimated</u>
		\$2,250,000	\$2,148,274 estimated

RESOLUTION NO.

APPROVING A CONTRACT FOR SUMP PUMP AND I & I PROJECTS
IN THE NORTH WEST QUADRANT

WHEREAS, the Engineering Department has requested a proposal for a sanitary sewer inspection services as part of the infiltration and inflow reduction project; and

WHEREAS, the project would include sump inspections, manhole inspections, televising and smoke testing in the “North West” sector of the City of Austin; and

WHEREAS, the City of Austin has received a proposal from WHKS in the amount of \$230,000; and

WHEREAS, the Engineering Department recommends extending the contract to WHKS.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves the agreement for contract with WHKS in the amount of \$230,000 for a sump pump inspection and I & I project in the “North West” sector of the City of Austin.

Passed by a vote of yeas and nays this 3rd day of April, 2023.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: March 28, 2023
Subject: Design Proposal, Hwy 218/14th Street NW Sanitary Sewer

The City of Austin owns a sanitary sewer line that crosses under Hwy 218/14th Street NW just north of the I-90 interchange. The sewer line was installed in 1998 to facilitate the Target Development. During construction the line was directionally bored under Hwy 218/14th Street NW, while the roadway remained open to traffic. Over time the sewer line has settled or moved creating backfall on the pipe. This has been, and continues to be, a maintenance issue for our crews and if neglected could cause a sewer backup for the businesses.

The I-90 Bridge project provides us the opportunity to correct the settlement issue by reconstructing the sewer line across Hwy 218/14th Street NW. During the bridge replacement project, traffic lanes will be closed allowing for the sewer line to be excavated (open-cut) versus the original directional boring method. The open-cut method of construction can lay the pipe more accurately across a flat grade.

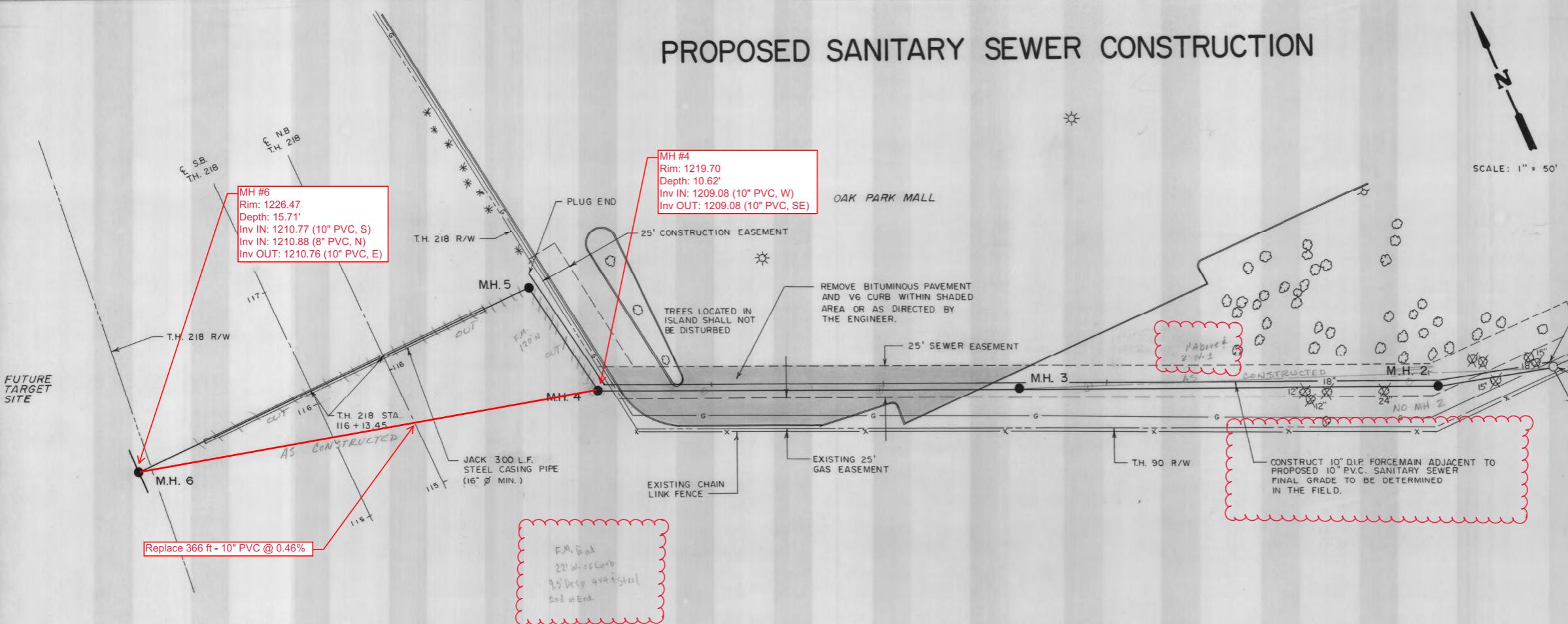
In order to complete this work and coordinate with the bridge construction we would recommend hiring SRF to develop plans and specification for the sewer construction, incorporate the sewer plans into the larger MnDOT bridge replacement project and complete the reconstruction of the sewer main in conjunction with the bridge project phasing and traffic control. We have received a proposal from SRF in the amount of \$13,216 to complete the following:

- Project Management
- Data Collection
- Construction Plans
- Permitting.

The work would then be bid as part of the MnDOT bridge reconstruction project and the City would be responsible for the associated sewer construction costs. I would recommend approving this design work to SRF for the Hwy 218/14th Street NW sanitary sewer project. The total project, including construction is estimated to cost \$100,000 and would be funded through Sewer User Fund. If you have any questions, feel free to contact me.

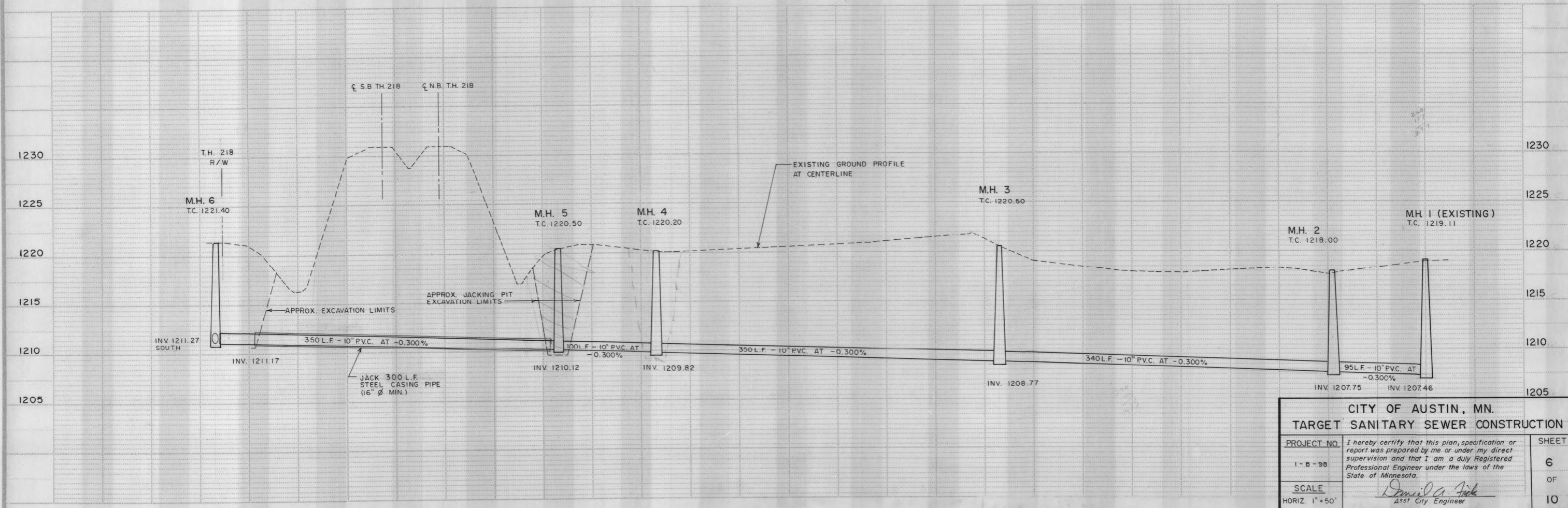
PROPOSED SANITARY SEWER CONSTRUCTION

AUSTIN



NOTES

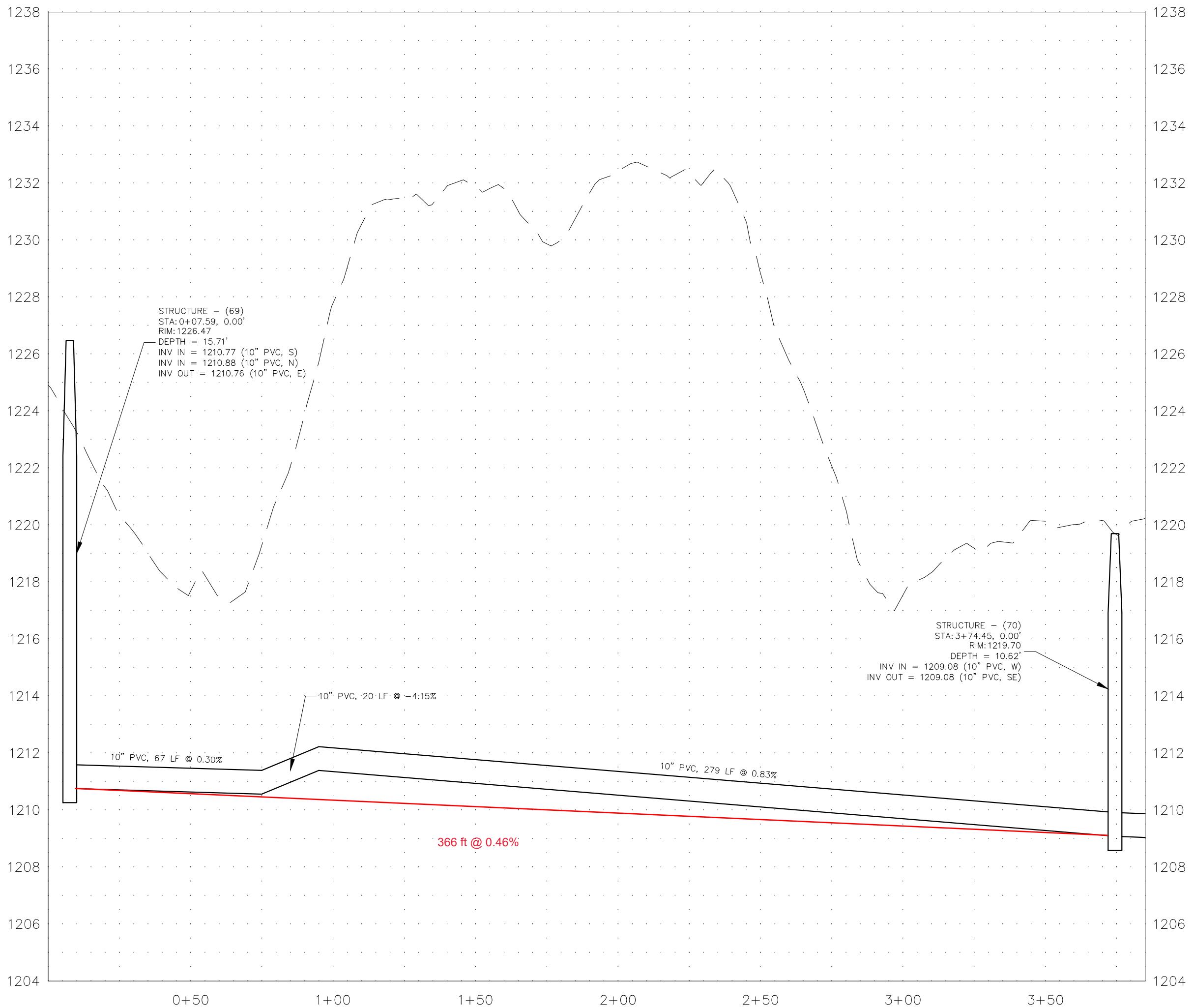
1. NOTIFY GOPHER STATE ONE CALL BEFORE CONSTRUCTION.
2. SANITARY SEWER CONSTRUCTION SHALL BE CONFINED TO THE R/W & DESIGNATED CONSTRUCTION EASEMENTS
3. DESIGNATES TREES TO BE REMOVED BY THE CONTRACTOR.
4. SEWER DITCH EXCAVATION MATERIAL SHALL BE CAST TO THE LESSER LANDSCAPED SIDE OF THE TRENCH WHENEVER POSSIBLE.
5. THE CONTRACTOR SHALL NEATLY TRIM ALL BRANCHES AS DETERMINED BY THE ENGINEER WHICH ARE IN THE WAY OF BACKHOE OPERATION.
6. CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS SEEDING AND SODDING LIMITS TO BE DETERMINED BY THE ENGINEER.



PROJECT NO.	I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.	SHEET
1-B-98	6	
SCALE	OF	
HORIZ. 1" = 50'	10	
VERT. 1" = 5'	Date 4-2-98 Reg No. 23399	

*Daniel O. Jack
Asst City Engineer*

S-905



RESOLUTION NO.

APPROVING DESIGN SERVICES WITH
SRF FOR THE HIGHWAY 218 & 14TH STREET NW SANITARY SEWER

WHEREAS, the City of Austin owns a sanitary sewer line under the Highway 218 & 14th Street NW interchange; and

WHEREAS, the sewer line was installed in 1998 and has settled over time; and

WHEREAS, the I-90 bridge reconstruction provides an opportunity to correct the issue while the bridge is being replaced; and

WHEREAS, SRF has provided a proposal in the amount of \$13,216 for design services on the project; and

WHEREAS, the services would include project management, data collection, construction plans and permitting, and;

WHEREAS, the contract would be funded through the sewer user fund; and

WHEREAS, City staff recommends awarding the contract to SRF.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves the contract for sanitary sewer design services on Highway 218 & 14th Street NW sanitary sewer project with SRF.

Passed by a vote of yeas and nays this 3rd day of April, 2023.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Craig Clark,
City Administrator



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9941
craigc@ci.austin.mn.us
www.ci.austin.mn.us

March 29, 2023

To: City Council
FROM: Craig D. Clark, Administrator
RE: Tom Dankert Performance Pay Adjustment

The contract the City of Austin entered into with Tom Dankert, Director of Administrative Services in 2002, and updated in 2020 with technical changes and compensation for his efforts to process the Comprehensive Annual Financial Report (CAFR), provide a section that allows for an amount of up to 3 percent for “exceptional service” for his performance the preceding year. Included in the packet is Exhibit 1 is Mr. Dankert’s current employment agreement and specifically item 16 which references the additional compensation. Council approved this adjustment in past years and he has asked for this consideration for 2022 included as Exhibit 2.

As is stipulated in the employment contract Mr. Dankert is to submit his efforts during the preceding year as well as the goals for 2023. I’ve attached his 2022 recap as well as 2023 goals for your benefit and are included as part of Exhibit 2 as well.

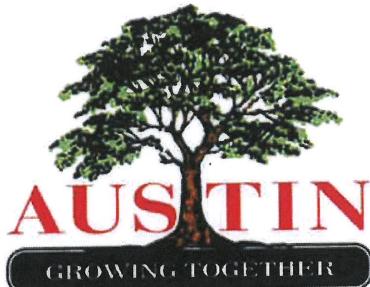
As is further provided in the employment contract the City Administrator is to provide comments to the City Council and recommend a performance payment for his preceding year of service focused on exceptional efforts.

Tom Dankert provided valuable service in preparation of the 2023 budget assisting with further reductions as Council looked to scale back the levy. Our wastewater treatment plant (WWTP) continues to take skilled effort as we work with the Public Facilities Authority at the State of Minnesota. Tom’s expertise in monitoring the rate lock with PFA was a significant savings for our taxpayers and a casual finance officer might have been reticent to raise this issue or so closely monitor the rates in a timely fashion.

The skill Tom has to navigate the most complex financial issues as well as his responsiveness are truly impressive. To be unblemished on the audit is a complement to his leadership and ability to work others as a team to make sure our financial affairs are worthy of the trust we place in him and the finance department. Projects like the KSMQ building or the forthcoming 40-unit affordable housing project always go smoothly because of his careful stewardship of these projects financially but I recognize these are not small accomplishments.

With these and many other points, I would recommend to the City Council the 3 percent lump sum payment of \$4,140.86 as provided in Mr. Dankert's contract. This decision is left for the City Council and I look for your final direction.

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Phone: 507-437-9940

www.ci.austin.mn.us

MEMO

TO: Craig Clark, City Administrator

FROM: Tom Dankert ¹⁰⁰

DATE: February 17, 2023

SUBJECT: Annual Goals

<U:\Word\2023\Miscellaneous\Goals Dankert 2022 - memo.doc>

Section 16 of my Employment Agreement (attached) lists the eligibility to receive an extra 3% compensation as exceptional service pay. I would request Council to review Section 16 and make a determination as is their option for the 2022 year that just ended.

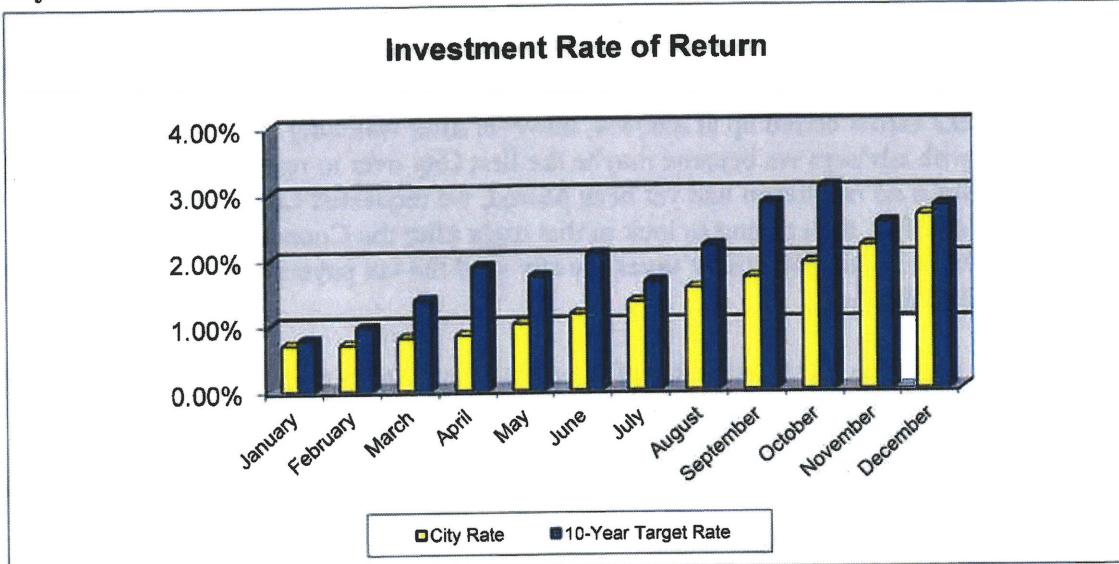
Part of this requirement is to forward to the City Council a result of my goals for the prior year, and a list of goals for the upcoming year. In the past, I have provided something like the attached (most years it went directly to the retreat) for goals.

Thanks, and please call if you have any questions.

FINANCE DEPARTMENT UPDATE

Results of 2022:

City:



- The sudden increase in the federal funds rate during the year made it impossible to hit the target (10-year Treasury note, less 1%). The Prime Rate increased from 3.25% at the beginning of the year and closed out at 7.50%! Never have I (or my brokers) seen such a sudden increase in rates. High inflation and supply chain issues continue to play into this, with more rate increases expected in 2023. With large projects such as cash flowing KSMQ construction until repayment, and the WWTP potential to use our cash until the State's PFA loan got locked in prevented us from tying up cash for any real significant time. In early 2023 these projects will be complete (KSMQ) or funded through a PFA loan (WWTP expansion), so we can now invest a little more aggressively. However we have again changed out investment strategy to stay short-term (1-3 years) with an occasional longer investment maturity here and there if the rate is enticing enough. We are not seeing much above the 5% range however.
- The 2021 audit resulted in no audit findings or findings of non-compliance, and the Certificate of Achievement Award for Financial Reporting was received by the City for the 37th consecutive year. The Port Authority also did not have any findings of non-compliance. A key to the 2021 audit was the Single Audit for the ARPA Act funding we received. While this proved to be one of the most challenging Single Audits (between the auditors and the state/fed's), we passed with flying colors. Great job by staff!
- 2023 budget and 5-Year Capital Improvement Plan have been approved by council and is currently being implemented by staff. The budget included a tax levy increase within the parameters set by the elected officials, and brings back to work positions that had been vacated a year earlier. We started off with the Mayor's budget request and tax levy at 7.05%, but was reduced by Council through a series of work sessions.

- We have spent significant time with the PFA (State of Minnesota), Dorsey & Whitney (our bond attorneys), BakerTilly (our financial advisors), Hormel Foods Corporation, and internal staff in regards to the financing of the WWTP expansion. The project will be budgeted at over \$100 million, with roughly half coming from Hormel Foods Corporation, for which we are working with to ensure timely reimbursement (Hormel is paying cash for the improvements as we pay for them). On the City side, after some grants are used up, we will be accessing a PFA loan through the State of Minnesota at an annual interest rate of 1.912%. As you may recall, the original interest rate we were given 6 weeks earlier ended up at 2.638%, however after watching the markets and consulting with advisors we became maybe the first City ever to reject the original PFA rate lock. Since no resolution had yet been passed, we requested Council to officially reject the first offer, then opting to lock in that night after the Council meeting, ending up with the 1.912%. This potentially saves the city (and the tax payers) up to \$3.6 million over the life of the loan.
- The Austin Part-time Firefighters Relief Association continues to have City assistance in order to ensure timely report filing, passing audits, and getting the State Fire Aid. A number of retirements at the end of 2022 will also create some payouts, and calculation reviews to ensure they meet the bylaws and state requirements.
- We are in the process of implementing GASB 87 for lease accounting. This will be effective with the financial statements we present for the year ended December 31, 2022.
- We worked successfully with the Austin HRA to line up funding for a potential 40-unit affordable housing project by the post office. Three Rivers Community Action Committee did receive the competitive funding for the housing tax credits (only 1 in 4 applications usually get funded).
- The Finance Department hired Michael Gosha to replace the retiring Don Tomlinson in the IT Department. Michael has been a welcome addition to our staff and continues to perform at a high level.
- We successfully upgraded the audio/visual equipment in the Council Chamber, as was budgeted for. The new system is much easier for our cable tv programmer to operate, and now streams live to the Internet as well.

2023 Goals:

1. Maintain the Cash and Investment Rate of Return at or above the rate of the 5-Year Treasury bond, less 2.00%. As market rates continue to fluctuate, finding the right legal investment to place the citizen's money in continues to challenge us. Our current portfolio for purchases is structured around 1-3 year agencies and CD's, as they are providing us the best value right now. However, we believe 2023 will continue to be volatile as the fed tries to tame inflation.
2. Work with the auditors for the 2022 audit, with no findings of non-compliance and another year of receiving the Certificate of Achievement in Financial Reporting for our

Annual Comprehensive Financial Report (ACFR). The Single Audit will be required this year for the use of the ARPA funds.

3. Complete the budget preparation and 5-Year Capital Improvement Plan on a timely basis (dependent upon receipt of documents from affected stakeholders) in a method that is approved by a majority of the elected officials.
4. This will be the year we spend plenty of cash on the WWTP, so timely billing and collecting of funds from Hormel Foods for their portion of the cost, along with reimbursements from the PFA for our loan will need to be watched closely, as we could see several million dollars being spent every month on this project.
5. As a member of the LOGIS we might be scheduled to implement the new software in 2023. This is a four-month process that LOGIS is planning on. Please note when we went with LOGIS, our 2009 implementation started nine months prior to going live. Four months for the new implementation will challenge staff.
6. Continue to assist the Austin Parttime Firefighters Relief Association with the monitoring of their cash and investment reconciliations in an effort to make their annual audit as seamless as possible. Not really part of my job, but doing this ensures we avoid the problems we had years ago with delinquent reports and the threat of lost State Fire Aid.
7. We will be working closely with the Austin HRA for the new 40-unit affordable housing project in 2023. Creating a TIF District and loan documents will take considerable time to ensure the project is done right and meets state TIF requirements.
8. During 2023 we should be in a position to officially close out the KSMQ bonding bill grant and The Hormel Foundation matching grant. This has taken considerably more time than earlier anticipated, however the end result of a new studio downtown far outweighs the challenges we have had to overcome.

EMPLOYMENT AGREEMENT FOR TOM DANKERT

Agreement made this 20th day of April, 2020, between the City of Austin, a Municipal Corporation under the laws of the State of Minnesota, hereinafter referred to as the "City" and Tom Dankert, 2800 8th Avenue SW, Austin, Minnesota, hereinafter referred to as "Dankert".

1. The City employs Dankert and Dankert accepts employment upon the terms and conditions of this Agreement.
2. The term of this Agreement shall effectively begin on January 1, 2002, and Dankert shall continue thereafter as a full time at-will employee of the City until and unless terminated by either City or Dankert or by Dankert retiring voluntarily.
3. The annual salary to be paid Dankert will be as outlined on the City of Austin's base pay plan attached as reference. The City Council shall provide a performance review annually each year. In the event Dankert receives a satisfactory performance review at the end of twelve months, the City Council will provide an adjustment to Dankert's salary in accordance with the results of that review as determined by the City Council.
4. Dankert will be entitled to participate in PERA (Public Employees Retirement Association Fund). In addition, Dankert will be permitted to participate in the Deferred Compensation plan as may be made available to employees of City.
5. The City will make available to Dankert a comprehensive health insurance program similar to that provided to other City of Austin employees during his employment and during his retirement from the City of Austin should he choose to retire from the City of Austin. Said health coverage terms and monthly premium charged by the City of Austin to Dankert after retirement to be the same as for all other retired former City employees. The City will also make available to Dankert income protection (60% of income--maximum \$4,000.00 per month) and life insurance (\$40,000.00 policy) available to him on the same basis as they are made available to other City employees with the City paying 40% of the income protection insurance premium and Dankert paying 60% of the premium, and the City paying 100% of the life insurance premium. Dankert will contribute to health insurance in the future as may be required of other non-union City employees and as may be adjusted by the City Council from time to time.
6. Dankert shall be entitled to eleven paid holidays.
7. Dankert shall be entitled to 25 days of vacation days in calendar year 2020. Effective January 1, 2021 and going forward, Dankert shall be entitled to 30 days of vacation.
8. Dankert will accumulate sick leave days at the same rate as other non-union employees. Upon retirement from the City of Austin Dankert shall be entitled to payment of his unused accumulated sick leave at 100% of accumulation, which shall not exceed an amount equivalent of one year of pay.

9. The City will provide Dankert \$400.00 per month car allowance to compensate him for the use of his personal car for City business.
10. Dankert shall be entitled to such bereavement leave as provided to other non-union employees.
11. Dankert will be reimbursed for business expenses relating to City activities including local conferences, seminars, Chamber of Commerce, service clubs and other activities as may be authorized by the City Council from time to time.
12. The City will reimburse Dankert for his dues, subscriptions and conferences attended at the Minnesota Society of CPAs, AICPA, Minnesota GFOA, National GFOA, the League of Minnesota Cities and the National League of Cities to the extent those items are budgeted and approved by the City Council from time to time. Other professional development programs and seminars will be provided for in accordance with the budget provisions and subject to the approval of the City Council.
13. Dankert shall be considered a fulltime employee of the City. The City Council reserves the right to terminate Dankert's employment as Director of Administrative Services at any time with or without cause. Upon termination by the City, either with or without cause, Dankert shall be entitled to receive his weekly pay for a total of 180 days as severance pay. If Dankert determines to resign voluntarily from his employment with the City, he will be required to give a minimum of 45 days' notice but will not be entitled to severance pay unless he retires pursuant to the retirement provisions of the PERA in which event he shall be entitled to payment of his unused accumulated sick leave at 100% of accumulation, which shall not exceed an amount equivalent of one year of pay.
14. Dankert shall have such duties as are set forth in the City of Austin Administrative Services Director's job description attached hereto and made a part hereof and in addition thereto such duties as are delegated to the Director of Administrative Services and such other duties as may be assigned to the Director of Administrative Services from time to time by the City Council of the City of Austin.
15. The City reserves the right to revise and amend the fringe benefits provided in this agreement, i.e., insurance, sick leave, vacation, holidays, expense reimbursement, etc., to be consistent with benefits provided to other City supervisory personnel or to change said agreement as may be mutually agreeable between the parties hereto.
16. For each fiscal year during the term of this Employment Agreement, Dankert shall be eligible to receive, as additional compensation, an annual lump sum payment in an amount not to exceed 3% of his preceding fiscal year's regular annual salary, said amount to be considered as payment for exceptional service rendered by Dankert during his preceding year of employment with the City. The award of said exceptional service payment to Dankert by the City shall be set by the City Council within its sole and continuing discretion, it being acknowledged and agreed that the City is not obligated to award such exceptional service payment at any time during the term of this Employment Agreement. In order to assist the

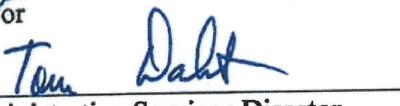
City Council in evaluating the performance of Dankert during a preceding fiscal year, Dankert shall, within 30 days of the year-end completion or March 1 whichever is sooner, provide to the City Council a written statement of goals to be accomplished by Dankert during the next fiscal year. The City Council shall acknowledge and approve the statement of goals submitted by Dankert. Within 30 days of the conclusion of said fiscal year, Dankert shall submit to the City Council and the City Administrator a written report setting forth the status of each goal to be accomplished and the efforts and service rendered by Dankert to effectuate said goals. The foregoing report shall be reviewed by the City Administrator, whose comments, along with said report, shall be reviewed by the City Council for its recommendation on whether or not the City should award to Dankert additional payment for exceptional service rendered during the preceding fiscal year. Said recommendation shall be made within 30 days of the submission of the report from Dankert.

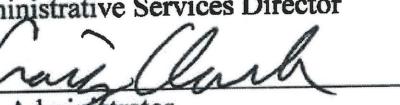
17. In consideration of the hybrid position of the Director of Administrative Services and the additional tasks performed by Dankert, an additional \$12,000 of compensation is due and payable as regular compensation in the first payroll period of July of each year as a lump sum payment.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this 20th day of April, 2020.

CITY OF AUSTIN

BY: 
Its: Mayor

BY: 
Its: Administrative Services Director

BY: 
Its: City Administrator


Tom Dankert

RESOLUTION NO.

**RESOLUTION AWARDING DIRECTOR OF ADMINISTRATIVE SERVICES
A LUMP SUM PAYMENT FOR 2022 EXCEPTIONAL SERVICE**

WHEREAS, Resolution No. 16050, dated April 20, 2020, serves as an employment agreement for the Director of Administrative Services Tom Dankert; and

WHEREAS, paragraph 16 of said agreement allows for the consideration of additional compensation in an annual lump sum payment up to and not to exceed 3% of the preceding fiscal year's regular annual base salary, per the adopted 2022 BPS, for exceptional service; and

WHEREAS, the City Council concurs with the recommendation of the City Administrator to award a 3% lump sum 2022 exceptional service payment; and

NOW, THEREFORE, BE IT RESOLVED, that a one-time lump sum payment of \$4,140.86, for exceptional service in 2022, as provided for in paragraph 16 of the Director of Administrative Services employment agreement, be given.

Passed by a vote of Yeas and Nays on this 3rd day of April 2023

YEAS _____

NAYS _____

ATTEST:

City Recorder

APPROVED:

Mayor

**CITY OF AUSTIN
MOWER COUNTY, MINNESOTA**

Resolution No.

A RESOLUTION AUTHORIZING AUSTIN STAFF TO EXECUTE ALL NECESSARY DOCUMENTS TO ENSURE AUSTIN'S PARTICIPATION IN THE MULTISTATE SETTLEMENTS RELATING TO OPIOID SUPPLY CHAIN PARTICIPANTS, AND IN THE MINNESOTA OPIOIDS STATE-SUBDIVISION MEMORANDUM OF AGREEMENT

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against opioid supply chain participants related to the opioid crisis; and

WHEREAS, the Minnesota Attorney General has signed on to multistate settlement agreements with several opioid supply chain participants, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

WHEREAS, there is a deadline of April 18, 2023, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

WHEREAS, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement, as amended (the "State-Subdivision Agreement"); and

WHEREAS, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota;

NOW, THEREFORE, BE IT RESOLVED, the City of Austin supports and agrees to the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Austin supports and opts in to all future multistate settlement agreements with opioid supply chain participants; and

BE IT FURTHER RESOLVED, Austin authorizes city staff to execute all necessary documents to ensure Austin's participation in the multistate settlement agreements, including the Participation Agreement and accompanying Release, and in the State-Subdivision Agreement.

Passed by a vote of yeas and nays this 3rd day of April, 2023.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor