

M I N U T E S
CITY COUNCIL MEETING
January 18, 2022
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Human Resources Director Trish Wiechmann

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

APPEARING IN PERSON: Austin Daily Herald, Mr. Timm's 4th grade class, Aubrey Green

OTHERS APPEARING ELECTRONICALLY: Eric Zweber

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

Added to the agenda:

4. Consent Agenda:

Temporary Liquor: Mower County Ag Society on February 25 & 26, 2022

Temporary Liquor: Mower County Ag Society on August 9 – 14, 2022

(mot) 19. Appointing William Budion as the honorary Council Member – February through April, 2022.

Moved by Council Member Fischer, seconded by Council Member Waller, approving the agenda as amended. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, approving Council minutes from January 3, 2022. Carried.

CONSENT AGENDA

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

Licenses:

Exempt Gambling (raffle): NWTf Cedar River Longbeards Chapter on January 29, 2022
Food: United Asian Grocery, 1300 18th Avenue NW, Suite C
Massage Therapist: Jody Nelson, 804 16th Avenue SE
Massage Establishment: DS Massage, 2105 3rd Avenue SE
Massage Therapist: Daniel Stallkamp, 2105 3rd Avenue SE
Tree Removal: Koehler's Yard Service, 89190 State Hwy 251
Temporary Liquor: Mower County Ag Society on February 25 & 26, 2022
Temporary Liquor: Mower County Ag Society on August 9 – 14, 2022

Claims:

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

Carried.

PETITIONS AND REQUESTS

Mr. Timm's 4th grade class from Southgate requested permission to plant trees on City property on the north side of the Waste Water Treatment Plant. Spencer requested to plant a community orchard to help stop hunger. He stated they would plant apple and pear trees along the bike path.

Moved by Council Member Baskin, seconded by Council Member Waller, to plant four fruit trees near the bike path by the Waste Water Treatment Plant. Carried.

Assistant City Engineer Mitch Wenum proposed a 7% increase to the 2022 assessment rates. Mr. Wenum stated the Council reviewed the matter at the January 3, 2022 work session and recommended a 7% increase instead of a 5% increase. This would get the City closer to the goal of assessing 40% of the project cost to the homeowners.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution setting 2022 assessment rates. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council approve an audit engagement letter for 2021 with CliftonLarsonAllen, LLP.

Moved by Council Member Poshusta, seconded by Council Member Baskin, accepting the audit engagement letter from CliftonLarsonAllen, LLP. Carried.

Planning and Zoning Administrator Holly Wallace reviewed an updated zoning and subdivision ordinance. Ms. Wallace stated the City's comprehensive plan was updated in 2016 and it was

recommended that the zoning and subdivision regulations also be updated. In 2019, WSB was hired to assist the City with the update. The Planning Commission reviewed the document at their January 11, 2022 meeting and recommended approval by a 5-1 vote.

Eric Zweber with WSB was the consultant on the file and worked with the City for the update. He stated he has worked with the City, Planning Commission and has taken input from the public for the update. The update will bring the City code into compliance with statutes and make it easier to read. He reviewed the code chapters for the Council.

Council Member Postma asked about the subdivision ordinance.

Mr. Zweber stated there needs to be preliminary and final plats along with park dedications. He stated there are provisions for 5 or less lots for less requirements to allow for quicker development. There is also the option for an administrative lot split for smaller subdivisions.

Moved by Council Member Fischer, seconded by Council Member Oballa, adopting a resolution for preparation of the ordinance. Carried.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution for adoption of the ordinance. Carried 7-0.

Moved by Council Member Poshusta, seconded by Council Member Postma, adopting a resolution for summary publication of the ordinance. Carried 7-0.

City Administrator Craig Clark requested the Council approve a memorandum agreement with the State of Minnesota for an opioid lawsuit from the State Attorney General. The suit may recover some losses the county has faced because of the opioid crisis.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution authorizing the execution of a Minnesota opioids state subdivision memorandum of agreement. Carried 7-0.

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

City Administrator Craig Clark requested the Council approve the granting of an easement to Metro Fibernet, LLC for the property that is leased by KSMQ Public Television. The easement would provide access to their hut site with a 2 foot by 92-foot-wide easement.

Moved by Council Member Oballa, seconded by Council Member Postma, adopting a resolution granting an easement to Metro Fibernet, LLC. Carried 7-0.

Assistant City Engineer Mitch Wenum stated the City was deeded property from Hormel Foods that the City would like to dedicate for street purposes. The piece is a small sliver of land that created a gap in the description of the roadway property

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution dedicating property for street purposes. Carried 5-0 with Council Members Baskin and Oballa abstaining.

Assistant City Engineer Mitch Wenum requested the approve an individual control mechanism agreement with MN Freezer Warehouse. The business loses a lot of water in the summer months due to evaporation from their condensation units. Meters have been installed to measure the amount of evaporation and the City will issue them a credit for the amount lost at the end of the cooling season

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution approving an ICM agreement with Minnesota Freezer Warehouse. Carried 7-0.

Assistant City Engineer Mitch Wenum presented the feasibility report for the 40th Street & 5th Avenue NW street construction project. He stated the project is feasible and will cost approximately \$160,000. He requested that the Council call for a public hearing on April 4, 2022.

Aubrey Green, 3713 5th Avenue NW, stated she would like the road paved because she like to play on the road.

Moved by Council Member Baskin, seconded by Council Member Oballa, adopting a resolution receiving a feasibility report and calling for a public hearing on April 4, 2022 for street improvements on 40th Street W (Oakland Avenue W to 5th Avenue NW) and 5th Avenue NW - (40th Street NW to Dead End), Project 22108. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a variance request from Gregory Hovland. She stated the property owner is petitioning for a variance for the construction of a 2,400 square foot shed. The lot is 1.4 acres and with the new shed the lot coverage would be approximately 8%. The maximum lot coverage allowed is 40%. The Planning Commission reviewed the matter at their January 11, 2022 meeting and recommended approval by a 6-0 vote.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving a variance request from Gregory Hovland. Carried.

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a resolution approving an off-site gambling permit for the Fraternal Order of the Eagles at the Mower County Fairgrounds on February 25 & 26, 2022.

Moved by Council Member Fischer, seconded by Council Member Waller, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 307 7th Street NE, Cruz Property. Carried.

Moved by Council Member Baskin, seconded by Council Member Oballa, appointing William Budion as the honorary council member – February to April 2022. Carried.

Austin Utilities Director Mark Nibaur requested the Council approve an amendment to Austin Utilities' agreement with Minnesota Municipal Gas. The amendment would allow the agency to expand the participants allowed to join in a natural gas prepay contract to purchase gas at a discount. The Council needs to approve the contract for Austin Utilities.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution amending the Minnesota Municipal Gas Agreement. Carried 7-0.

REPORTS

City Administrator Craig Clark stated March 2nd is the Coalition of Greater MN Cities legislative action day.

Moved by Council Member Fischer, seconded by Council Member Waller, adjourning the meeting to February 7, 2022. Carried.

Adjourned: 6:12 p.m.

Approved: February 7, 2022

Mayor: _____

City Recorder: _____