

M I N U T E S  
CITY COUNCIL MEETING  
September 6, 2022  
5:30 PM  
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Jason Baskin, Michael Postma, Joyce Poshusta, Geoff Baker 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, Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Dave Merrill, City Attorney Craig Byram, Library Director Julie Clinefelter

APPEARING IN PERSON: Austin Daily Herald, Mary Ann Wolesky, Laura Helle, Bonnie Reitz, Jai Kalsy, Dave Nelson, Gary Quednow, Representative Patti Mueller, Doris Hoy, Helen Jahr, Chris Grev, Kelly Bahl

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

Moved by Council Member Baskin, seconded by Council Member Postma, approving the agenda with additions. Carried.

Moved by Council Member Baskin, seconded by Council Member Waller, approving Council minutes from August 15, 2022. Carried.

#### AWARDS AND RECOGNITIONS

Mary Ann Wolesky stated the Art Festival event was a success and she thanked the City for their help with the event.

Laura Helle echoed that the event was a success and she thanked the volunteers for their time to make a successful event.

Bonnie Rietz presented the City Art Purchase Award. The piece was selected by Council Members Fischer and Poshusta and it will be placed at the Nature Center.

Mayor King read a proclamation declaring September 17, 2022 as KSMQ Public Television Day.

Mayor King read a proclamation declaring September 19 – 26, 2022 as Mower County Historical Society Week.

Mayor King read a proclamation declaring September 9 – 18, 2022 as Welcoming Week.

## CONSENT AGENDA

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

### Licenses

Exempt Gambling (raffle): Austin Area Chamber of Commerce on October 6, 2022  
Food: Hormel Historic Home, 208 4<sup>th</sup> Avenue NW  
Food: Sudanese Community Market, 501 1<sup>st</sup> Street NW  
Mobile Business: Hopper's Mini Donuts, White Bear Lake  
Mobile Business: The Iowa Grill, Mason City  
Temporary Food: Smokin Tailgate, 400 13<sup>th</sup> Street NE  
Temporary Liquor: Austin Area Commission for the Arts on September 23, 2022  
Temporary Liquor: Austin Area Commission for the Arts on October 29, 2022  
Temporary Liquor: Austin Area Commission for the Arts on December 10, 2022  
Temporary Liquor: St. Augustine's Catholic Church on September 24-25, 2022

### Claims:

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

### Event Applications:

Hormel Community Concert on September 15-16, 2022  
Welcoming Week concert at the Library on September 16, 2022  
Welcoming Family Night on September 20, 2022

Carried.

## PUBLIC HEARINGS

A public hearing was held for the municipal consent design aspects of the I-90 bridge replacement project. Public Works Director Steven Lang stated the public hearing is for the Council to review the project details and final design concepts, accept public input on the project and have discussion on the merits of the project. He stated there is no action needed at the meeting. A resolution will be passed at a future meeting. Mr. Lang reviewed the costs for the project noting that the City adopted a visual quality manual for the bridges and the City would be responsible for any costs over 7% of the bridge. The project will be bid in 2023 so the costs may change.

Mr. Lang noted that there may be a noise study for a part of the project for the homes that are along the freeway. The area does not meet the criteria for a MnDOT paid study.

Jai Kalsy, MnDOT representative, stated he is the design manager for the I-90 bridge project. He stated MnDOT will be communicating with the City and Council throughout the project.

Dave Nelson reviewed the I-90 bridge reconstruction designs. He began with the Oakland Avenue bridge noting that the big improvement will be a pedestrian trail on the south side of the bridge which will connect to the new City trail.

The 14<sup>th</sup> Street bridge will be replaced and two roundabouts will be placed on each side of the bridge to accommodate traffic volume growth in the NW area of town.

The 4<sup>th</sup> Street bridge will be replaced with a single point intersection stoplight in the middle of the bridge. He noted that this design does a nice job with high-capacity traffic flow. A small area of right-of-way will need to be purchased from the cemetery as part of the project. The river bridges will also be replaced as part of this project.

The 21<sup>st</sup> Street bridge will be replaced with a standard type bridge. A small area of right-of-way will need to be taken from the motel for drainage. There will also be a trail installed in front of the motel.

Mr. Nelson reviewed the timing for the project noting the bridge work would begin in 2023 and run through 2026. Cross overs will be installed in 2023 to prepare for the construction projects. The Oakland Avenue bridge will be the first project and that will need to be completed prior to work on the 14<sup>th</sup> Street bridge. He stated there will be a website dedicated for the project that the public can visit for updates.

Council Member Baker noted the sound issue from the freeway. He stated some of the areas next to the freeway are non-livable. He would like to use some of the aesthetic funding to improve the sound issues.

Mr. Kalsy stated MnDot has looked at the noise issue and stated the level of noise did not trigger a noise study. However, he stated MnDot is looking for alternatives to mitigate noise.

Gary Quednow, 1407 2<sup>nd</sup> Street NW, stated he lives very near the freeway and noted the last noise study was done in the 1950's. Mr. Quednow stated his home has received damage from the snow plows clearing the freeway. He requested a noise study to be completed.

Mayor King noted it is the job of the Council to look at the entire City. He stated he sees both sides of the noise issue and there are significant concerns the City needs to look at.

Representative Patti Mueller stated she had an opportunity to visit the property and she has asked MnDot if the rules set up are more favorable to a metro area and questioned if a rural area would ever qualify for a noise study. She encouraged the Council to advocate for their constituents.

There were no additional public comments.

A public hearing was held for a five-year tax abatement request from Nicholas and Brianne Erickson. The proposed home is located at 3302 6<sup>th</sup> Street NE and has a proposed value of \$400,000. City Administrator Craig Clark stated the application is in conformance with the City's tax abatement policy.

Council Member Baker questioned the property tax default answer on the application.

There were no public comments.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, approving a five-year tax abatement for Nicholas and Brianne Erickson, subject to the property owners having no tax default. Carried 7-0.

## PETITIONS AND REQUESTS

The Council reviewed an ordinance for the regulation of edible cannabinoids. Police Chief David McKichan stated the ordinance provides licensing, regulation and inspection for the edible cannabinoid products. The State recently adopted a law allowing the sale of THC products with the product delta-9 without State regulation. The products cannot be sold to anyone under 21.

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

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

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

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a fee for the edible cannabinoids license. Carried 7-0.

The addition of holiday pay was discussed for the Environmental Outreach Coordinator.

Council Member-at-Large Austin asked if Labor Day was included in the holiday pay for the Nature Center position.

Human Resources Director Trish Wiechmann stated Labor Day is not included.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, approving holiday pay for the Environmental Education Outreach Coordinator, retroactive to September 1, 2022. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, setting public hearings for October 3, 2022 on fall assessments. Carried 7-0.

City Administrator Craig Clark stated the Coalition of Greater Minnesota Cities suggested the City adopt a resolution requesting a special session.

Moved by Council Member Fischer, seconded by Council Member Postma, approving a resolution encouraging the Minnesota Legislature to hold a special session. Carried 7-0.

Public Works Director Steven Lang requested the Council authorize the fall yard waste program beginning on September 17, 2022 through November 27, 2022 at the Cook Farm site. The site would be open from dawn to dusk and would accept leaves, grass and plants from gardens and flower pots.

Moved by Council Member-at-Large Austin, seconded by Council Member Poshusta, authorizing the annual fall yard waste program. Carried 7-0.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution in support of the bridge investment program discretionary grant application for the I-90 Austin bridges improvement and mobility project. Carried 7-0.

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

Planning and Zoning Administrator Holly Wallace reviewed two annexation ordinances regarding properties in Lansing Township. Ms. Wallace stated the properties are wholly within the City limits and property owners will gain access to City services. She noted there is a business that needs to be hooked up to City sewer shortly.

Moved by Council Member Postma, seconded by Council Member Baskin, for preparation of the ordinances, with the change at number 6 of the first ordinance.

Moved by Council Member Fischer, seconded by Council Member Postma, for adoption and publication of the first Lansing Township annexation ordinance. Carried 7-0.

Moved by Council Member Baker, seconded by Council Member Postma, for adoption and publication of the second Lansing Township annexation ordinance. Carried 7-0.

Doris Hoy noted that she did not ask to be annexed into the City of Austin and does not want city services. She asked what the timeline was for hooking into the City.

Ms. Wallace stated if the properties are compliant, they can remain on their septic systems but if the property is determined to be non-compliant then they would need to hook into the City system.

Moved by Council Member Postma, seconded by Council Member Poshusta, appointing Geoff Smith to the Arts and Culture Committee, term expiring December 31, 2023. Carried.

## CITIZENS ADDRESSING THE COUNCIL

Helen Jahr, Park and Recreation Chair, stated that the Park Board's Council representative asked to be on the agenda but was denied so she addressed the Council under the public forum portion of the meeting. She stated the Park and Rec Director's job position was changed without the knowledge of the park board. The board would like the language to be changed back to reporting to the Park Board.

Mayor King stated he received an e-mail from Council Member Waller to add an agenda item regarding the job position to the Council meeting. Mayor King asked Parks and Recreation Director Dave Merrill if the issue had been discussed with the Park Board and Mr. Merrill stated it had not. Mayor King stated that was the reason it was not placed on the meeting because it needed to be placed on the Park and Recreation board.

Council Member-at-Large Austin asked how job descriptions get changed without board knowledge.

Chris Grev, Park and Rec Board Member, stated it is important for the full Council to hear the Park Board's concerns. She stated the board has requested to be on the agenda for 18 months and have been denied. She stated the job description needs to go back to the way it was previously written. She invited the Council to attend the Park and Rec Board meeting. She stated she is frustrated and doesn't know where to go.

Council Member Baskin stated there have been many Park and Rec issues recently and he would like to use the mediation by the League of Minnesota Cities for the issues.

Council Member Baker asked if the job compensation materially changes if the position reports to the Park Board or if the position reports to the city administrator.

Ms. Wiechmann stated it does not.

Council Member Baker stated the matter is simple and would like to move to change the position description.

Mayor King stated he has concerns about the ramifications of the changes and the position should be similar to the other department heads.

Ms. Grev stated the Park Board is governed by the City Charter and there is some disagreement as to who the Park Director reports to.

Council Member-at-Large Austin stated in previous years, the Council took the Park Board's recommendations straight to a Council meeting.

Mayor King stated the Park Board should have their meeting and then the Council and address it at a future work session.

Kelly Bahl, 505B 24<sup>th</sup> Avenue NW, stated she moved to Austin for the Nature Center. She expressed her concerns about her position being discussed at a public level.

## REPORTS

Council Member Baskin welcomed the students and teachers back to the school year.

Council Member-at-Large Austin thanked the Austin Area Arts Commission for the festival and encouraged people to attend welcoming week events.

Council Member Baker confirmed the job description issue will be on the next work session.

Council Member Postma thanked City staff for their work at the Arts Festival.

Mayor King stated he had a nice time at the NuTek opening.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, adjourning the meeting to September 19, 2022. Carried.

Adjourned: 7:40 p.m.

Approved: September 19, 2022

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

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