

M I N U T E S
CITY COUNCIL MEETING
October 3, 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, City Attorney Craig Byram, Administrative Clerk Brianne Wolf

APPEARING IN PERSON: Austin Daily Herald, KAUS Radio, Tobias Wilking, Robert Padilla, Julie Skinness

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

Added to the agenda:

(res) 22. Approving a Towards Zero Deaths agreement.

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

Moved by Council Member Postma, seconded by Council Member Poshusta, approving Council minutes from September 19, 2022. Carried.

CONSENT AGENDA

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

Licenses:

Right of Way: Concrete Cowboy, Brownsdale
Sidewalk Café: Gravity Storm Brewery, 309 North Main Street
Sign Installer: 3 Rivers Sign, LLC, Onalaska, Wisconsin

Claims:

a. Pre-list of bills

b. Financial and Credit Card Reports.

Events:

Click or Treat on October 29, 2022

Hometown Christmas on November 25, 2022

Carried.

PUBLIC HEARINGS:

Public hearings were held for the fall assessments on the agenda. For each type of assessment, the individual property owners were mailed a notice of hearing and a public notice was also published in the Austin Daily Herald.

A public hearing was held for the assessment of sanitary sewer assessments.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the cost of improvement for sanitary sewer assessments. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Postma, adopting the assessment roll for sanitary sewer assessments. Carried 7-0.

A public hearing was held for assessments for miscellaneous sidewalk and driveway projects.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution declaring the cost of improvement for miscellaneous sidewalk and driveway projects. Carried 7-0.

Moved by Council Member Postma, seconded by Council Member Fischer, adopting the assessment roll for miscellaneous sidewalk and driveway projects. Carried 7-0.

A public hearing was held for the assessment of 2022 snow removal.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution for assessments for 2022 snow removal. Carried 7-0.

A public hearing was held on assessments for 2022 junk and garbage removal.

Tobias Wilking, 1208 5th Street NW, stated he received a zoning citation and believes he is being harassed by his neighbor.

Planning and Zoning Administrator Holly Wallace stated the citation was for a repeat offense and if the zoning department makes multiple contacts, then there will be a fine assessed.

City Attorney Craig Bryam stated Mr. Wilking's complaint is actually for a different public hearing on the agenda and that there is an appeal process for the administrative citation when it is sent out. The time period to file the appeal has expired.

There were no additional public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution for assessments for 2022 junk and garbage removal. Carried 7-0.

A public hearing was held for the assessments for 2022 grass and weed removal.

There were no public comments.

Moved by Council Member Poshusta, seconded by Council Member Postma, adopting a resolution for assessments for 2022 grass and weed removal. Carried 7-0.

A public hearing was held for assessments for administrative citations.

Roberto Padilla, 804 1st Avenue NW, stated he received a letter for a zoning citation and stated he did not received previous letters. He stated accumulates garbage and junk as part of his job from cleaning out houses and there was a period of time when the landfill is closed.

Planning and Zoning Administrator Holly Wallace stated the certified letters were not claimed.

Mayor King suggested they keep the garbage in a different location and they need to abide by the City ordinance.

Ms. Wallace stated a second citation was voided because they came in immediately and spoke to City staff.

Parks and Recreation Director Dave Merrill stated he had been speaking with Jessica Alfaro Hernandez about three administrative citations she received. He requested the Council waive the late fees of \$50 for her. She never picked up the certified letters that were sent to her.

Mayor King stated Ms. Hernandez should have shown up to the Council meeting.

Moved by Council Member Postma, seconded by Council Member Waller, to accept the fine for Jessica Alfaro Hernandez as presented. Carried.

There were no additional public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution for the assessment of Park and Recreation administrative citations. Carried 7-0.

Moved by Council Member Poshusta, seconded by Council Member Waller, adopting a resolution for the assessment of zoning administrative citations. Carried 7-0.

Moved by Council Member Waller, seconded by Council Member Fischer, adopting a resolution for the assessment of rental housing administrative citations. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution for the assessment of sump pump administrative citations. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution for the assessment of building department administrative citations. Carried 7-0.

A public hearing was held for the assessment of unpaid vacant property fees.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution for the assessment of unpaid vacant property fees. Carried 7-0.

A public hearing was held for the assessment of tree removal bills.

Lori Clark, 904 8th Avenue NE, questioned why a tree was removed from her property.

There were no additional public comments.

Moved by Council Member Postma, seconded by Council Member Poshusta, adopting a resolution for the assessment of tree removal bills with the removal of the Jack Clark parcel and continuing that at the October 17, 2022 Council meeting. Carried 7-0.

A public hearing was held for the assessment of hazardous housing abatements.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution for the assessment of hazardous housing abatements. Carried 7-0.

A public hearing was held for the assessment of forfeited property reassessments.

There were no public comments.

Moved by Council Member Postma, seconded by Council Member Waller, adopting a resolution for the assessment of forfeited property reassessments. Carried 7-0.

A public hearing was held for the assessment on unpaid street repair assessments.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting an assessment for unpaid street repair assessments. Carried 7-0.

PETITIONS AND REQUESTS

City Administrator Craig Clark requested the Council renew the tax abatement program for another five years, through December 31, 2025. He stated the program was originally established in 2016 and there have been 65 abatements approved.

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a resolution approving the renewal of the tax abatement program through December 31, 2025. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council pass the yearly motion stating that the City does not waive the statutory tort threshold limits for claim liability.

Moved by Council Member Baskin, seconded by Council Member-at-Large Austin, authorizing the City Recorder to sign a waiver stating the City does not waive statutory tort limits. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a noise study in Pasture Heights Addition. The residents of that area requested a noise study as part of the I-90 bridge project but the level of noise did not meet State requirements. The Council discussed the matter at their September 19, 2022 work session and recommended funding the study. Mr. Lang stated the City received a proposal from SRF Consulting Group in the amount of \$11,350 and recommended approval of the contract. He stated the proposal includes on-site noise testing.

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a resolution approving a noise study with SRF Consulting Group. Carried 7-0.

Moved by Council Member Postma, seconded by Council Member Fischer, adopting a resolution setting a public hearing on October 17, 2022 for the assessment of a sanitary sewer property. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the property at 1017 10th Avenue SW a hazardous structure. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the property at 1203 11th Avenue NW a hazardous structure. Carried 7-0.

Police Chief David McKichan requested the Council approve a TZD grant agreement with the State of Minnesota.

Moved by Council Member Baskin, seconded by Council Member Postma, adopting a resolution approving a Toward Zero Deaths grant agreement. Carried 7-0.

REPORTS

City Administrator Craig Clark stated the City received a reply from the legislature stating they are supportive of the special session.

CITIZENS ADDRESSING THE COUNCIL

Julie Skiness, 814 29th Avenue SE, stated her grandson was attacked at a City park recently and she had concerns about the safety in the parks.

Police Chief McKichan stated he is aware of the incidents in the parks. He reviewed the data of calls from previous years in the parks.

Ms. Skiness would like people to be held accountable for their actions in the parks.

COUNCIL REPORTS

Council Member Baskin stated public safety is very important. He also stated Hunt for a Cure is on Saturday, October 8th.

Council Member Postma thanked everyone who donated to the flower program.

Council Member Poshusta expressed her concerns about safety in the parks.

Moved by Council Member-at-Large Austin, seconded by Council Member Postma, adjourning the meeting to October 17, 2022. Carried.

Adjourned: 6:28 p.m.

Approved: October 17, 2022

Mayor:

City Recorder: