

**MINUTES**  
**COMMITTEE-OF-THE-WHOLE WORK SESSION**  
**August 7, 2023**  
**City Council Chambers**

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Laura Helle, Michael Postma, Jason Baskin, and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: Council Member Joyce Poshusta

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert and Police Chief David McKichan  
Public Works Director Steven Lang, Assistant City Engineer Mitch Wenum, Fire Chief Jim McCoy, Park and Rec Director Dave Merrill, Human Resources Director Trish Wiechmann and City Clerk Ann Kasel

APPEARING IN PERSON: Austin Daily Herald, KAUS Radio, Chris Grev

Mayor King opened the meeting at 5:53 p.m.

**Item No. 1 – Expansion of Austin Utilities Service Territory**

Austin Utilities Director Mark Nibaur stated Austin Utilities is in the process of transferring electric service territory from Freeborn Mower Electric Cooperative to Austin Utilities as a result of the City annexing property. He stated this is the first territory expansion for Austin Utilities. The Austin Utilities Board approved the expansion via resolution at their April 18, 2023 meeting.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, recommending approval of Austin Utilities' service territory. Carried.

The item will be on the August 21, 2023 Council Agenda.

**Item No. 2 – 2024 Hormel Foundation Grant Requests**

Director of Administrative Services Tom Dankert reviewed the 10 projects that have been submitted by staff for the 2024 Hormel Foundation. The Council ranked the projects in the following order:

- CHIP Program - \$225,000
- Emerald Ash Borer treatment and tree planting - \$75,000
- Single Family Lot Incentive - \$200,000
- Bandshell/Community Park ADA & Access Improvements - \$71,250
- Delivering the Data: Hotspot Data Plans 2024 - \$60,000
- Riverside Arena Handicapped Elevator Lift - \$50,000

Jay C. Hormel Nature Center Education Programs - \$50,000  
Fire Prevention and Education - \$5,000  
Ruby Rupner Facility Upgrades - \$75,000  
Hormel Nature Center Radios - \$13,000

Mr. Dankert also noted there is a quality-of-life grant in the amount of \$97,078 that is funneled through the City for the benefit of the 4<sup>th</sup> of July fireworks and the Austin Artworks Center.

Mr. Dankert stated the City typically receives around \$475,000 worth of funding.

The Council discussed the single-family home lot incentive. Council Member-at-Large Austin noted he would rate that grant request higher if the incentive would go to a builder and not areas where lots are already being sold.

Council Member Postma suggested the incentive go only for infill lots.

Council Member Baskin stated he would like to support the program for a year and see what happens.

The item will be on the August 21, 2023 Council agenda.

### **Item No. 3 – Waste Water Treatment Plant Nitrogen Update**

Public Works Director Steven Lang provided an update as to the total nitrogen requirement for the new Waste Water Treatment Plant. He stated there is not a current limit for total nitrogen by the City of Austin is known to be a high contributor when compared to other treatment plants in the state. He stated that the MPCA is expected to implement a total nitrogen limit in the next 10 years. The recycle piping and pumps are estimated to be \$600,000 to \$750,000 to reduce nitrogen further. He stated this would be a change order on the project.

Council Member-at-Large Austin asked if being proactive garners any favor with the State for the future requirements.

Mr. Lang stated it would move the City down on the State list but it is likely the City will still be a top producer of nitrogen.

Council Member Baskin asked what is the driver for the nitrogen.

Mr. Lang replied it is the industry in the City.

Mr. Lang stated financially it may be better to wait until the State mandate because the State may provide funds at that time but environmentally it is better to do it now.

Moved by Council Member Baker, seconded by Council Member Baskin, recommending not to install nitrogen reducing piping at this time. Carried.

#### **Item No. 4 – Cannabis Ordinance and Moratorium**

City Administrator Craig Clark presented a proposed cannabis moratorium ordinance and a proposed ordinance which modifies the current tobacco ordinance to account for the legalization of the use of cannabis products in public. Mr. Clark proposed a moratorium on the retail sale of cannabis products until January 1, 2025.

Mr. Clark also provided proposed modifications to Chapter 6.60 of the City Code which provides for smoking prohibitions public areas. The ordinance changes would prohibit smoking cannabis flower and cannabinoid products in public places such as parks.

City Attorney Craig Byram stated possession is legal now but licenses to sell will not be available until January 2025. This moratorium power was granted to cities by the legislature to give cities time to study and implement local regulations and zoning regulations for cannabis. He stated if the City gets clear understanding of what we want to do locally earlier then the City can lift the moratorium. He stated the City plans to have a zoning plan well in advance of any licenses being issued.

Council Member Postma stated he doesn't see the need for a moratorium if the City cannot issue licenses without the State offices being ready.

Mr. Byram stated the moratorium may not be needed but legislation can change and the City wants to make sure they have enough time to get the zoning ready. The moratorium can always be rescinded early if needed.

Moved by Council Member Baker, seconded by Council Member Baskin, recommending adoption of the cannabis moratorium and cannabis use ordinances. Carried.

The items will be on the August 21, 2023 Council Agenda.

#### **Item No. 5 – Policy for Outside Entity Participation**

City Attorney Craig Byram brought back the policy for outside entity participation. The matter was reviewed at a previous work session and brought to the Department Head staff meeting for comment.

The Council expressed they would like the item for approval on the next Council meeting.

The item will be on the August 21, 2023 Council Agenda.

#### **Item No. 6 – Parks and Recreation Master Plan**

Parks and Recreation Director Dave Merrill reviewed a draft of the master plan. Mr. Merrill stated there are four goals from the plan:

1. Concentrate Austin's resources towards improving prominent parks.

2. Ensure that all residents have access to safe parks and recreational facilities
3. Preserve the civic and environmental significance of Austin's existing green space
4. Enhance connectivity and accessibility between Austin's parks and between adjacent communities

Council Member Baskin asked what the total cost for the master plan would be. He stated he would like to pinpoint the highest priorities.

Mr. Merrill stated it is difficult to put a figure on all of the improvements as a whole.

Council Member Helle stated much of the proposed improvements are in the five-year capital improvement program.

Mr. Merrill stated the master plan is a working document and serves as a guide for the future.

The Council discussed the master plan. The item will be discussed at a future work session.

#### **Item No. 7 – Schindler's Way Bike Skills Course Proposal**

Parks and Recreation Director Dave Merrill presented a proposed draft of a proposal to expand the Schindler's Way Bike area to include a skills course for beginner, intermediate and advanced bike riders. The Southern Minnesota Bike Club would raise funds for the construction and would maintain the areas. The City would need to approve additional liability coverage for the activity on the property which is owned by Hormel Foods.

Moved by Council Member Postma, seconded by Council Member Helle, recommending approval of an agreement with Hormel Foods for the Schindler's Way bike skills course. 5-1 Council Member Baker voting nay.

The item will be on the August 21, 2023 Council agenda.

#### **Item No. 8 - Administrative Report**

City Administrator Craig Clark stated Mr. Merrill will be done at the end of the week. He asked if the Council would like to move forward with posting the position.

Council Member Helle stated the Park Board had discussion on the topic. There is some confusion on the charter as to if the Park Board has ultimate control or if City administration has control. The Park Board stated the chain of command is unclear and would like to clarify that.

Chris Grev stated there have been two directors leave in 4 years. She stated there is work that has to be done prior to hiring another director.

Council Member Helle added that the Park and Rec staff are also unclear.

Council Member Baker stated the Park and Rec Director should work for the City Administrator. He stated he would be against an interim.

CM Austin agreed that the Park and Rec Director should report to the City Administrator. He stated he would like to find a quality candidate that everyone can agree on.

Chris Grev stated the City Charter states the Park and Rec Director reports to the Park and Rec Board. She stated the Council cannot modify the charter without the proper steps.

Library Director Julie Clinefelter stated there was pieces to follow up on and she stated they haven't been completed.

Council Member Postma stated every director position shall to report to the City Administrator. He noted there isn't a point on having additional discussion on the topic.

Council Member Baskin stated the City Attorney has given an opinion on the topic and the City should follow it. He stated he would prefer a permanent hire but would support an interim position.

Council Member Helle questioned if the Council is drawing a line that the Park and Rec Director reports to the City Administrator. The Council agreed that the Park and Rec Director does report to the City Administrator and directed the City to post the position.

#### **Item No. 9 – Open Discussion**

None.

Moved by Council Member Baker, seconded by Council Member Basking, adjourning the meeting at 7:59 p.m.

Respectfully Submitted,

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Ann M. Kasel  
City Clerk