

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

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Laura Helle, 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, Library Director Julie Clinefelter, Waste Water Treatment Plant Superintendent Chad Heard and City Clerk Ann Kasel

APPEARING IN PERSON: Mark Nibaur, Pat Lynch, Kathy Serratore, Patty Mueller, Jon Erichson, Cody Fox, Austin Daily Herald

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

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

Moved by Council Member Fischer, seconded by Council Member Postma, approving Council minutes from November 6, 2023 and November 16, 2023. Carried.

AWARDS AND RECOGNITIONS

Kathy Serratore, with Marcusen Park Baseball Association, thanked the City for their help with the loan to replace the lighting at the park. They recently paid off the loan for the lighting.

Representative Patti Mueller stated she spent some of the summer traveling around to the Minnesota State prisons and noted some are in very poor shape. The House bonding committee also visited Austin to view their bonding requests. She also updated the Council on the paid family leave act which applies to government employees.

CONSENT AGENDA

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

Licenses:

Cigarette (transfer): Buy the Way Foodmart, 1205 Oakland Place SE
Gas Station (transfer): Buy the Way Foodmart, 1205 Oakland Place SE
Liquor Catering: Green Mill of Albert Lea, Albert Lea

Claims:

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

Carried.

PUBLIC HEARINGS

A public hearing was held to review a currency exchange license application from Tienda y Taqueria Guerrero, Inc. City Clerk Ann Kasel stated a public hearing is required to be held annually for the renewal of the license. There have been no complaints regarding the currency exchange license.

There were no public comments.

Moved by Council Member Baker, seconded by Council Member Poshusta, adopting a resolution approving a currency exchange license from Tienda y Taqueria Guerrero, Inc. Carried 7-0.

PETITIONS AND REQUESTS

Public Works Director Steven Lang stated the City originally received a MnDNR grant in April of 2018 in the amount of \$1,125,000 for the North Main Street flood control project. There was \$300,000 on the grant when North Main was completed and that was approved to be used for the Waste Water Treatment Plant levee project. An additional \$4 million dollars was recently added to that project through grant amendment number 3 for additional funding for the Waste Water Treatment Plant levee. Mr. Lang requested the Council approve grant amendment number 3 to the Community Flood Risk Reduction grant.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting a resolution approving grant amendment number 3 to the Community Flood Risk Reduction Grants with the MnDNR. Carried 7-0.

Mr. Lang expressed his appreciation of MnDNR grant manager Pat Lynch for his work on the flood control projects. Mr. Lang provided a slide show of the before and after progress from flooding events to highlight the major improvements that have been made in Austin for flooding.

Jon Erichson, former City Engineer, thanked Pat Lynch for all of his efforts.

Cody Fox, Cedar River Watershed District, also thanked Pat for his work on the projects.

Mayor King presented Mr. Lynch with a certificate of appreciation and a key to the City.

Mr. Lynch stated he appreciated the City's appreciation of his work and he stated the DNR uses Austin as a model of how to do things.

Moved by Council Member Baker, seconded by Council Member Poshusta, appointing Tyler Hulsebus to the Austin Utilities Board, term expiring December 31, 2024.

City Administrator Craig Clark requested the Council approve a contract for 33 employee evaluations with Assessments International.

Chad Heard read a statement from City employees stating there is a trust problem with the City and the employees would like the Council to get Employee Strategies back to solve the culture issues the City has. He stated employees have built trust with Employee Strategies and that trust is very valuable.

Council Member Poshusta stated she has changed her mind about going with Assessments International for the 360's. She stated she is saddened that employees are upset about the lack of trust with administration. She stated the willingness of the employees to engage in conversations shows the commitment that employees have to solving the issues. She thanked Chad Heard for reading the employee statement. She asked what the real reason is that Employee Strategies isn't wanting to work with the City.

Mayor King stated he had assured Employee Strategies that the City was committed to the process. Then Council Member Baskin found a different company for the 360's for an economy of scale. That proposal was brought forward and it was an unintended consequence that Employee Strategies dropped the City. He stated the plan is still the same but with different vendors.

Council Member Helle stated there was some key information missing from the last Council meeting. She stated the recommendation from Employee Strategies was for one or two 360's that were custom designed for the City's current issues, which was the reason they were at a higher price point. She stated she did not understand when she made her vote that the 360's were not comparable products being presented. She stated she wasn't clear if the materials presented to Council didn't include that information but that information didn't come to her until after the vote to use Assessment International. She stated she would like to spend money on professional development but the 360's aren't going to improve the culture. She stated the funds set aside for 360's could be turned over the department heads for individual professional development.

Mayor King stated the Council has made a significant investment into employees with the City's insurance contribution and he is committed to doing better for employees.

Council Member-at-Large Austin stated he voted for the Assessment International plan to provide more evaluations for employees. However, he stated if he had known all the information at the time of the vote, he would have voted differently.

Council Member Baskin thanked Mr. Heard for his statement. He stated he is committed to improving the culture in Austin and it should have been done years ago. He commended the employees for showing up and for trying to make progress.

Council Member Postma stated he appreciated Mr. Heard's well thought out and well written letter and he too was disappointed that Employees Strategies is no longer available to work with. He would like to table the Assessments International proposal and work to find other options.

Council Member Baker agreed that it is a tragedy that Employee Strategies is gone. He stated he would like to figure out a better way.

After additional discussion, moved by Council Member Poshusta, seconded by Council Member Baker to table the Assessments International proposal. Carried 7-0.

Moved by Council Member Poshusta, seconded by Council Member-at-Large Austin, to call for a closed session to evaluate leadership the week of November 27th.

Mayor King questioned if the motion could be made since it wasn't on the agenda.

City Attorney Craig Byram stated two members of Council can call for a special meeting. He stated the intent of the meeting isn't clear to him and if it would need to be closed. He stated the motion should specify the employee for an evaluation.

Council Member Poshusta modified her motion to include the employee – Craig Clark and to have the meeting as soon as possible. Motion seconded by Council Member Helle.

Council Member Baker asked if there needs to be a vote on the meeting.

City Attorney Byram stated there does not need to be a vote on the motion to call the meeting since two Council Members called it. He stated calling a special meeting usually doesn't happen at a Council meeting, it is usually just put on the calendar.

Mayor King stated there will be no vote on the item and the meeting will be added to the calendar.

City Clerk Ann Kasel requested the Council approve 2024 liquor licenses. She stated all of the licensees have completed the paperwork and provided the requested information.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting a resolution granting 2024 off-sale liquor licenses, club on-sale licenses and wine on-sale licenses. Carried 6-0 with Council Member Helle abstaining.

City Clerk Ann Kasel stated the State of Minnesota allocated annual funding for election administration to counties beginning in 2023. Mower County received \$9,008.58 with 50% going to the County, 50% to the government unit that administers absentee voting (which is the

County) and the remaining 25% to be allocated amongst the cities and townships based on their share of registered voters. The City of Austin would receive \$1,479.86. The County has requested each city or township adopt a resolution to allow that funding to be used to offset election expenses. She requested the Council approve the resolution.

Moved by Council Member Baker, seconded by Council Member Poshusta, adopting a resolution approving a voter operations, technology & election resources (VOTER) agreement. Carried 7-0.

City Clerk Ann Kasel requested the Council set polling places for the 2024 elections. She stated the locations are unchanged from the previous year and thanked the School District for being a good partner.

Council Member Baskin asked why the City doesn't use the Holiday Inn as a single voting location like in 2020.

Ms. Kasel stated the reason the Holiday Inn worked in 2020 was due to the pandemic because half of the voters voted via absentee mail ballot. One location could not accommodate all of the City's voters in a normal election year.

Moved by Council Member Baker, seconded by Council Member Baskin, adopting a resolution setting polling locations for the 2024 elections. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a cooperative construction agreement with the State of Minnesota and Mower County for the construction of the 4th Street NW bridge. The agreement sets forth the funding sources and responsibilities for each entity in the project. Mr. Lang detailed the breakdown for the \$829,262.28 allocated to the City.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution approving a cooperative construction agreement with MnDOT for the I-90 bridge replacement project. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a bench rental agreement with United States Bench Corporation for advertising benches located in the public right-of-way. The agreement provides for \$36 per bench per year resulting in \$1,080 in revenue.

Council Member Baskin asked if the rate of the rental agreement could be negotiated for a higher rate in 2024.

Mr. Lang stated he could go back to the company to attempt to get an increased rate. He stated he did try to contact the company prior to the Council meeting but the representative was off for the week.

Moved by Council Member Postma, seconded by Council Member Baskin, to table the bench agreement item with US Bench Corp. Carried.

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

Moved by Council Member Postma, seconded by Council Member Fischer, adopting a resolution approving Austin Youth Hockey's off-site gambling license for bingo at the Austin Country Club. Carried 7-0.

City Administrator Craig Clark requested the Council approve a business development grant application for infrastructure in the Creekside Business Park. The total project is estimated to be \$4.375 million with half of the project hopefully being funded by the grant.

Moved by Council Member Baker, seconded by Council Member Baskin, adopting a resolution approving a business development public infrastructure grant. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a rezoning ordinance request from John Riles. She stated the petitioner is requesting to rezone his property from an "I-1" light industrial to an "R-O" residential office district. She stated the residential office is a less intensive use and the current garage is proposed to be converted to office space. The Planning Commission reviewed the matter at their November 14, 2023 meeting and recommended approval of the rezone by a 7-0 vote.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, for preparation of the ordinance. Carried.

Moved by Council Member Austin, seconded by Council Member Baker, for adoption and - publication of the ordinance. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a variance request from John Riles. She stated the petitioner plans to convert the existing garage to offices and build an addition which would require an 8-foot variance from the 25-foot setback requirement. The Planning Commission reviewed the matter at their November 14, 2023 meeting and recommended approval of the variance by a 7-0 vote, contingent upon approval of the rezoning of the property.

Moved by Council Member-at-Large Austin, seconded by Council Member Baker, approving a variance request. Carried.

Planning and Zoning Administrator Holly Wallace requested the Council approve the plat for Cook Farm Business Park Fourth Addition. The Planning Commission reviewed the matter at their November 14, 2023 meeting and recommended approval of the plat by a 7-0 vote.

Moved by Council Member Fischer, seconded by Council Member Baker, adopting a resolution approving a plat for Cook Farm Business Park Fourth Addition. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a flood plain ordinance update. She stated the letter of map revision into the zoning ordinance is the final step in the process to remove property which is now protected by a flood berm or levee near the Cedar River or Mill Pond. She requested the Council approve the ordinance and approve summary publication.

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

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

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

CITIZENS ADDRESSING THE COUNCIL

Tim Sorgine asked if the City would reconvene the Drug Task Force.

Mayor King stated that group has been disbanded.

REPORTS

City Administrator Craig Clark stated the Parks and Recreation Director hiring process is finishing up. He also stated there will be City/County meeting on Tuesday at 4 p.m.

Administrative Services Director Tom Dankert stated the Truth in Taxation meeting will be held on December 6th at 6:00 p.m. Also, the information for that hearing and the CIP is on the City website.

He also stated the City was awarded nearly \$600,000 in Hormel Foundation Grants for 2024. He thanked the Foundation for its generosity to the City.

Council Member Poshusta thanked the Fire Department for including the Council in the recent controlled house burn.

Council Member Fischer thanked the Fire Department staff for the very informational event at the house burn.

Council Member Baskin also thanked the Fire Department for their event. He stated he appreciated the opportunity to understand the department better. He also thanked staff for their work on the Hormel Foundation grants.

Council Member-at-Large Austin thanked the Hormel Foundation for their generosity. He also reported that the Library Board recently met and authorized use of the Weinke Funds for the purchase of six laptops for a digital literacy program.

Council Member Baker stated he appreciated the employee feedback meeting with the firefighters.

Council Member Postma thanked the Fire Department for the house burn opportunity. He also read the City employee anniversaries for November.

Council Member Helle stated she is hearing a concerning narrative from city leaders that employees will never be satisfied no matter what leaders do. She stated this is not true. She commended the hard-working employees and acknowledged they are asking for respect, communication, appreciation, honesty and integrity. She stated City leaders need to stop defending themselves, address the power struggles, focus on getting a purpose and values retreat set up and for Council to push the values that employees are asking for.

Mayor King stated he recently attended the CGMC conference. He thanked employees for their part in making Austin a great City.

Moved by Council Member Baker, seconded by Council Member Helle, adjourning the meeting to December 4, 2023. Carried.

Adjourned: 7:02 p.m.

Approved: December 4, 2023

Mayor: _____

City Recorder: _____