

M I N U T E S  
CITY COUNCIL MEETING  
May 15, 2017  
5:30 PM  
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Jeff Austin, Judy Enright, Steve King, David Hagen, Laura Helle, Paul Fischer and Council Member-at-Large Janet Anderson

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Public Works Director Steven Lang, Fire Chief Jim McCoy, City Attorney David Hoversten, Police Chief Brian Krueger, Park and Rec Director Kim Underwood, Planning and Zoning Administrator Holly Wallace, Interim Library Director Sara Steinhoff, City Clerk Ann Kasel and Detective Mark Walski

OTHERS PRESENT: Kirsten Lindbloom, Charles Mills, KAUS Radio, Austin Daily Herald, Public, Frank Windish, Jeanine Vorland

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

Moved by Council Member King, seconded by Council Member Hagen, approving the agenda. Carried.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, approving the Council minutes from May 1, 2017. Carried.

#### AWARDS, RECOGNITIONS AND REPORTS

Mayor Stiehm read a proclamation declaring May 26 & 27, 2017 Buddy Poppy Days.

Kirsten Lindbloom received the Positively Austin Community Service Award and a key to the City from Mayor Stiehm.

#### CONSENT AGENDA

Moved by Council Member Enright, seconded by Council Member King, approving the consent agenda as follows:

Licenses:

Concrete: Hutch & Sons Builders, LLC, PO Box 632, Austin

Temporary 3.2 Beer: Austin Jaycees at Packer Arena on May 20, 2017 and August 19, 2017



Temporary Liquor: Pacelli Catholic Schools on June 16, 2017  
Exempt Gambling (raffle): United Catholic Schools Foundation on June 16, 2017

Claims:

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

Event Applications:

Freedom Festival requests from the Chamber of Commerce, June 30 – July 4, 2017

VFW Memorial Day Parade on May 29, 2017

Local Advisory Council Walk for Mental Health on May 19, 2017

Carried.

PUBLIC HEARINGS:

A public hearing was held regarding the revocation of a massage establishment license for Serenity Massage. City Attorney David Hoversten requested the revocation due to multiple ordinance violations discovered by the police department including a masseuse touching a client's genitalia, failure to license massage therapists, failure to have a local manager, and having linens less than 12 inches off the floor.

Detective Mark Walski testified on that April 18<sup>th</sup> he received e-mails and phone calls from concerned citizens regarding the massage establishment. Detective Walski investigated and found advertisements for the establishment on sex-trafficking websites. A search warrant was obtained on April 21<sup>st</sup>, and on April 24<sup>th</sup> an undercover officer visited the premises for a massage appointment. The ordinance violations in question for the hearing arose from that April 24<sup>th</sup> incident.

Detective Walski stated he spoke with Mr. Windish who identified himself as a sole-proprietor of the business and that he did not have a local manager. Mr. Windish told Detective Walski a woman by the name of Anna in Rochester ran the day-to-day operations of the business and that he had picked up the masseuse at the airport and didn't know where she came from. Detective Walski noted the masseuse was not licensed by the City.

Frank Windish stated he invested money in the business and would like to be able to keep his business open. He added he did not believe that an act of prostitution took place on April 24<sup>th</sup>.

Mower County Attorney Kristen Nelson noted the masseuse is in a treatment facility and getting help from being a sex-trafficking victim.

Attorney Hoversten recommended revocation of the license by the City Council.

Moved by Council Member King, seconded by Council Member Fischer, to prepare findings of facts and order for revocation of the license for Serenity Massage to be reviewed at the June 5, 2017 Council meeting. Carried.



## PETITIONS AND REQUESTS:

City Administrator Craig Clark presented the 2017 Council goals and requested the Council adopt the goals.

Moved by Council Member Enright, seconded by Council Member Hagen, adopting 2017 Council goals. Carried.

City Clerk Ann Kasel requested the Council adopt resolutions for certain job descriptions that were removed from the charter by recommendation from the Charter Commission in 2014. A public hearing was held in October of 2015 with no objections to the matter. City staff have reviewed each description to ensure all the duties from the charter are incorporated into the proposed descriptions.

Moved by Council Member King, seconded by Council Member Austin, adopting a resolution adopting a job description for the Director of Administrative Services. Carried 7-0.

Moved by Council Member Enright, seconded by Council Member King, adopting a resolution adopting a job description for the Public Works Director. Carried 7-0.

Moved by Council Member-at-Large Anderson, seconded by Council Member King, adopting a resolution adopting a job description for the Fire Chief. Carried 7-0.

Moved by Council Member Austin, seconded by Council Member Fischer, adopting a resolution adopting a job description for the City Clerk. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council approve closing Fund 45000 and transferring the remaining amounts into the general fund, Fund 11000. He stated the collections on the downtown street improvement assessments are largely complete and any future downtown improvements would be handled by Fund 49000.

Moved by Council Member Austin, seconded by Council Member King, adopting a resolution closing Fund 45000 into General Fund 11000. Carried 7-0.

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

Public Works Director Steven Lang requested the Council approve a final closeout report for the 2015 pavement rehabilitation project at the Austin Municipal Airport. The contract for the work was with Struck & Irwin Paving, Inc. and the final amount has been certified at \$248,677.70. The project is funded mostly through federal funds.

Moved by Council Member Enright, seconded by Council Member Hagen, adopting a resolution approving an Airport project close out report. Carried 7-0.



Parks and Recreation Director Kim Underwood requested Council authorize a special archery only deer hunt in City limits to control the deer population. The hunt would be on public property from November 1 to December 20<sup>th</sup>. The details for the hunt will be finalized at a later date.

Charles Mills, 2003 9<sup>th</sup> Street SW, stated he has spent a substantial amount of money in landscaping and on a fence to keep the deer from eating his vegetation. He spoke in support of the deer hunt.

Jeanine Vorland with the Minnesota Department of Natural Resources stated the hunt will need to take place over multiple years to have an impact on the deer population.

Council Member Enright stated it is illegal to feed deer in Mower County due to chronic wasting disease in surrounding counties and she would like to see the City adopt an ordinance making it illegal to feed deer.

Ms. Vorland encouraged citizens to report deer feeding to a DNR conservation officer.

Moved by Council Member King, seconded by Council Member Hagen, authorizing a special deer hunt in the City of Austin and allow the Park & Rec Director to process the same hunt application for ten years. Carried.

Planning and Zoning Administrator Holly Wallace reviewed a rezoning request from Brian and Kathleen Dolan at 3108 4<sup>th</sup> Street NW and Dennis Boysen at 3202 4<sup>th</sup> Street NW to rezone their properties from a “R-1” Single Family Residential District to a “B-2” Community Business District. The rezoning would be to accommodate a proposed improvement and to bring the area in compliance with the 2016 comprehensive plan. The Planning Commission reviewed the matter at their May 9, 2017 meeting and recommended approval by a 7-0 vote.

Moved by Council Member Austin, seconded by Council Member Enright, for preparation of the ordinance to rezone 3108 and 3202 4<sup>th</sup> Street NW from an “R-1” Single Family District to a “B-2” Community Family District. Carried.

Moved by Council Member Austin, seconded by Council Member Enright, for adoption and publication of the ordinance to rezone 3108 and 3202 4<sup>th</sup> Street NW from an “R-1” Single Family District to a “B-2” Community Family District. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a request for preliminary and final plat approval for the Cook Farm Business Park Second Addition. The area was platted to accommodate a proposed development. The Planning Commission reviewed the matter at their May 9, 2017 meeting and recommended approval by a 7-0 vote.

Moved by Council Member Enright, seconded by Council Member Hagen, adopting a resolution approving a plat for Cook Farm Business Park Second Addition. Carried 7-0.



Moved by Council Member Enright, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1010 11<sup>th</sup> Avenue SW, Johnson Property. Carried.

Moved by Council Member Enright, seconded by Council Member King, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 408 8<sup>th</sup> Avenue SE, Alvarez Property. Carried.

#### CITIZENS ADDRESSING THE COUNCIL

Charles Mills, 2003 9<sup>th</sup> Avenue SW, thanked the Council for authorizing the deer hunt and encouraged the Council to adopt an ordinance to prohibit feeding wildlife in the City.

#### REPORTS

Council Member Hagen praised another successful recycling event and thanked Steven Lang for working at the event.

Council Member-at-Large Anderson stated the Austin Police Department recently conducted liquor server training.

Council Member Austin stated he is pleased with the progress at the Nature Center.

Council Member King thanked Chief McCoy and Council Member Fischer for helping out with the electronics recycling event.

Council Member Enright stated she is selling Chamber raffle tickets to raise money for the 4<sup>th</sup> of July celebration.

City Administrator Craig Clark stated he and the Mayor went to the Coalition of Greater Minnesota Cities legislative action day.

Public Works Director Steven Lang thanked volunteers for their help with the recycling event. The event filled five semi-trailers worth of electronic items.

Moved by Council Member King, seconded by Council Member Fischer, adjourning the meeting to June 5, 2017. Carried.

Adjourned: 6:29 p.m.

Approved: June 5, 2017

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

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