

M I N U T E S  
CITY COUNCIL MEETING  
May 4, 2020  
5:30 PM  
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Member Joyce Poshusta and Council Member-at-Large Jeff Austin

MEMBERS APPEARING ELECTRONICALLY: Council Members Steve King, Paul Fischer, Rebecca Waller, Laura Helle and Jason Baskin

MEMBERS ABSENT: None.

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Public Works Director Steven Lang, Fire Chief Jim McCoy, Police Chief David McKichan, Park and Rec Director Kevin Nelson, City Attorney Craig Byram, Human Resources Director Trish Wiechmann and City Clerk Ann Kasel

STAFF APPEARING ELECTRONICALLY: Library Director Julie Clinefelter and Planning and Zoning Administrator Holly Wallace

OTHERS PRESENT: Austin Daily Herald

OTHERS APPEARING ELECTRONICALLY: Honorary Council Oballa Oballa, Peter Green, Kurt Potach

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

Removed from the agenda:

(res) 10. Approving an DNR grant agreement for 509 South Main Street.

Moved by Council Member King, seconded by Council Member Baskin, approving the agenda as amended. Carried.

Moved by Council Member Fischer, seconded by Council Member King, approving Council minutes from April 20, 2020. Carried.

CONSENT AGENDA

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

Licenses:

Concrete: Blackstone Construction, Inc, Albert Lea  
Food: Canteen Vending, 500 14<sup>th</sup> Ave NE  
Massage Therapist: Fairy Apolo, 507 7<sup>th</sup> Avenue NW  
Massage Therapist: Susan Chandler, 1500 6<sup>th</sup> Street NW

Claims:

- a. Pre-list of bills
- b. Credit Card Report.

Carried.

PUBLIC HEARING

A public hearing was held for sidewalk improvements on 4<sup>th</sup> Avenue NW from 12<sup>th</sup> Street to 14<sup>th</sup> Street NW. Public Works Director Steven Lang stated the project consists of the construction of a sidewalk along the Wescott Field complex. The sidewalk would be 8 feet wide to accommodate snow clearing equipment. The project is estimated at \$65,000 and the actual cost of the project would be billed to the property owner, which is Independent School District #492.

Moved by Council Member Fischer, seconded by Council Member Poshusta, ordering the improvement, approving plans and specifications and ordering advertisement for bids for sidewalk improvements on 4<sup>th</sup> Avenue NE. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Poshusta, setting the final assessment hearing for October 5, 2020. Carried 7-0.

PETITIONS AND REQUESTS

Public Works Director Steven Lang proposed a dental amalgam ordinance which would limit the discharge of mercury into the sanitary sewer system. The ordinance would require the installation of an amalgam separator by July 1, 2020 which would remove 99% of the mass solids from waste water. There would also be requirements for record keeping and reporting. He noted that the regulations have already been enacted by the Minnesota Dental Association and dentist offices should already be following the guidelines.

The ordinance was reviewed at the April 20, 2020 Council meeting and based on feedback from dental offices it was modified to remove certain cleaning products from the ordinance.

Council Member Helle stated she appreciated the City working with local business owners to craft the ordinance.

Council Member Baskin asked what would happen if the City did not adopt the ordinance.

Mr. Lang stated it is a MPCA requirement to have the ordinance in place by July and the City may be fined if it is not adopted.

Council Member King asked if amalgam can come from other sources besides dental offices.

Mr. Lang stated it can come from other sources but dental offices are identified as a main source. He added that it is difficult to separate amalgam once it is in the waste stream so it is important to remove it prior.

Peter Green stated there is a difference between amalgam and mercury. He questioned if the City has done testing for it at the Waste Water Treatment Plant and what other sources could contribute to the amount in the stream. He stated the ordinance language appears to put the blame on dental offices and he questioned if there were additional language changes from the last meeting.

Mr. Lang stated the language is the same as the previous Council meeting except for striking out the specific cleaning products as requested. He added that the MPCA has identified dental offices as a possible source of amalgam in the waste water.

City Attorney Craig Byram stated he doesn't read the language the same in the first paragraph of the ordinance. Just because it says dental offices have been identified as a significant source doesn't mean they are the only source for amalgam in the waste water. He added if the City can identify other sources then those businesses would also be subject to regulation. He stated that if an immaterial change is made to the ordinance it would not need to be reposted.

After additional discussion, moved by Council Member Baskin, seconded by Council Member Poshusta, for preparation of the ordinance with the removal of the last sentence in the first paragraph of section one. Carried.

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

Moved by Council Member-at-Large Austin, seconded by Council Member Poshusta, for summary publication of the ordinance. Carried 7-0.

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

Moved by Council Member Poshusta, seconded by Council Member Fisher, adopting a resolution accepting a donation to the City of Austin on behalf of Matchbox Children's Theatre. Carried 7-0.

Public Works Director Steven Lang requested the Council approve three permanent easement deed restrictions as part of the Turtle Creek 2 sanitary sewer project. He stated the deed restrictions are a requirement of the Point Source Implementation Grant.

Moved by Council Member Fischer, seconded by Council Member King, approving easement deed restrictions for the Turtle Creek 2 sanitary sewer project. Carried 7-0.

Public Works Director Steven Lang requested the Council approve an airport funds transfer agreement with the City of Cambridge in the amount of \$150,000. Mr. Lang stated the City has older funding from the FAA which must be used in a specific time period. The City of Austin would transfer Cambridge \$150,000 of those older funds and it would be repaid in 2022.

Moved by Council Member Fischer, seconded by Council Member Helle, approving an airport funds transfer agreement with the City of Cambridge. Carried 7-0.

City Administrator Craig Clark requested the Council approve a three-year labor agreement with the International Association of Firefighters and approve memorandum of agreements of their contract. The agreement would include the base pay schedule and retroactive pay to July 1, 2019.

Moved by Council Member King, seconded by Council Member Helle, approving a labor contract and memorandums of agreement with IAFF. Carried 7-0.

Moved by Council Member Poshusta, seconded by Council Member Fischer, adopting a resolution approving the City's participation in the Office of the Secretary of State Auditor's 2020 voluntary performance measurements program.

Moved by Council Member Fischer, seconded by Council Member Helle, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1904 22<sup>nd</sup> Drive SW, Mitchell Property. Carried.

Moved by Council Member Poshusta, seconded by Council Member King, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 110 12<sup>th</sup> Street NE, Patel Property. Carried.

## HONORARY COUNCIL MEMBER COMMENTS

Honorary Council Member Oballa Oballa stated he is learning a lot with the honorary council member program. He stated he has received questions about the 4<sup>th</sup> of July.

## REPORTS

Council Member Baskin stated that he has a call with the White House Office of Intergovernmental affairs in the next week.

Council Member Helle reminded residents to stay at home and wear masks when out in public.

City Administrator Craig Clark noted the MN legislative session is scheduled to adjourn May 18<sup>th</sup> and there likely won't be much action on the bonding bill until the last minute.

Moved by Council Member-at-Large Austin, seconded by Council Member King, adjourning the meeting to May 4, 2020. Carried.

Adjourned: 6:13 p.m.

Approved: May 18, 2020

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

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