

M I N U T E S  
CITY COUNCIL MEETING  
August 5, 2024  
5:30 PM  
Council Chambers

MEMBERS PRESENT: Mayor Steve King. Council Members Paul Fischer, Laura Helle, Michael Postma, Geoff Baker, Joyce Poshusta, Jason Baskin 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, Fire Chief Jim McCoy Public Works Director Steven Lang, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Jason Sehon, Library Director Julie Clinefelter, City Attorney Craig Byram, Human Resources Director Trish Wiechmann, and City Clerk Brianne Wolf

APPEARING IN PERSON: MetroNet Representative Jill Cordes and Toby Bremmer, Attorney for the City Brian Grogan, Honorary Council Member Issac Obang

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

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

Moved by Council Member Postma, seconded by Council Member Fischer, approving Council minutes from July 15, 2024. Carried.

#### AWARDS AND RECOGNITIONS

Director of Public Works Steven Lang recognized Tony Martin on his retirement and years of service in the Street Department. Mayor King presented Mr. Martin with a plaque and thanked him for his years of service to the City of Austin.

Officer Mike Hartman recognized Office Daniel Osborne and Pastor Dan Mielke for their work on a negotiation/stand-off crisis situation that resulted in a positive outcome for everyone involved.

Chief David McKichan presented Officer Osborne and Pastor Dan Mielke with Letters of Accommodation for their outstanding work on the stand-off situation. He stated he is very proud of the work they performed during this event.

Pastor Dan Mielke thanked the police for their work, their care, and compassion while working on this call. Officer Osborne thanked Pastor Dan Mielke for his assistance that day.

## CONSENT AGENDA

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

### Licenses:

Mobile Business: Neveria Azteca LLC, Austin MN  
Tree Service: Travis's Tree Service, Albert Lea, MN  
Sign Installer: Vision Sign Company LLC, Blaine, MN  
Exempt Gambling (raffle): Austin Morning Lions on October 25, 2024

### Claims:

- a. Pre-list of Bills
- b. Financial Report
- c. Credit Card Report

### Appointments:

Justin Heskett to the Parks & Rec Board – Term Expiring December 31, 2026

Carried.

## PETITIONS AND REQUESTS

City Administrator Craig Clark reviewed the cable television franchise ordinance with MetroNet. He stated MetroNet would like to discontinue with their cable television provision and repeal the cable television franchise ordinance. Mr. Clark clarified MetroNet will still be providing their fiber streaming services but not their cable television services. MetroNet also requested approval of a settlement agreement related to the discontinuation of the cable franchise agreement with the City of Austin.

Mr. Clark requested Council approval for the repeal of the ordinance and approval of the settlement agreement.

Attorney for the City, Brian Grogan of Moss & Barnett, stated MetroNet, also known as Jaguar, has been in town for eight to ten years. MetroNet still plans on providing fiber needs for the City of Austin. With the discontinuation of the cable franchise agreement, the City would receive payment of approximately \$40,000.

Mr. Grogan stated the downsides are the City doesn't have to continue to have a contract with MetroNet for the delivery of cable service. That doesn't mean they don't have to comply with the City code right of way restoration, provide insurance, provide identification, all the things that you would expect of any company using your right of way. He stated there have been some concerns about right of way restoration and right of way occupation, which is one reason why we have representatives of MetroNet here to be able to answer those questions for the Council.

Council Member Baskin asked MetroNet representatives what the game plan is on right of way restoration.

MetroNet representative Jill Cordes stated ideally install takes about fourteen days this time of year. In the winter, they are playing catch up with trying to get installations completed. MetroNet representative Toby Bremmer stated MetroNet has a footprint ticketing system. They have twenty-four hours to respond and the majority of these tickets have been closed. He stated additionally, City of Austin employees Mr. Lang and Mr. Wenum have sent in complaints that they have taken care of.

Council Member Poshusta asked about turnaround time and Mr. Bremmer stated they have eight days to complete these tickets.

Council Member Fischer asked about the poles located around town that have cords hanging out of them and wanted to know when they will be completed. Mr. Bremmer stated with the work being stopped last year they are behind and now they are working with their contractors to get those issues addressed.

Council Member Poshusta asked who was carrying the liability insurance. She wanted to know if someone were to trip and fall who would be at fault. MetroNet stated if a person were to trip and fall as a result of something they had left out or behind that would be on them.

Council Member Postma stated he has emails from citizens about complaints with misuse in the right of way. He stated there is frustration in the City about the work that MetroNet is doing. He stated this has gone very poorly.

MetroNet representative Jill Cordes stated she would like to continue this conversation and stated being good stewards to the community is very important to MetroNet. She stated if this is a meeting that needs to be done together with their construction crews, they are all in.

Council Member Fischer asked about a call that he had given to Mr. Lang. Mr. Lang stated he relayed the information to MetroNet and they would give that information to their contractors and then they would go and fix the issue.

Council Member Poshusta would like a deadline and if MetroNet doesn't finish by said deadline, can we fine them.

Brian Grogan, stated yes you have tools available to you to impose penalties. He stated within the settlement agreement, part of the provisions and indemnifications will move forward until 2031. Also, there are provisions built into the City code that address anyone that works in the right of way and with that you have enforcement tools, lastly you have rules from the Minnesota Public Utilities Commission. Council has all of these tools to utilize.

Mr. Grogan also relayed the MetroNet Residential Customer Service Telephone Number (877) 407-3224

Mayor King requested a motion for preparation of the ordinance for MetroNet.

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

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

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, approving the settlement agreement with MetroNet. Carried 7-0.

Director of Administrative Services Tom Dankert requested that Council authorize adding the verbiage “or a credit union” to allow the City specific authority to invest in such. Mr. Dankert requested approval of the update to the investment policy.

Moved by Council Member Baker, seconded by Council Member Poshusta, for approval of an update to the investment policy. Carried 7-0.

Moved by Council Member Baker, seconded by Council Member Postma, accepting donations to the City of Austin. Carried 7-0.

#### REPORTS AND RECOMMENDATIONS

City Administrator Craig Clark thanked the members of the Benin Community for inviting him to their 64<sup>th</sup> Celebration of Independence from France.

#### COUNCIL REPORTS

Council Member Helle thanked City leaders for participating in the Matchbox Theater. She stated the Parks and Recreation Department will be meeting on Wednesday, August 6<sup>th</sup> at the Nature Center at 5:15 p.m. and will be discussing dogs in parks.

Council Member Postma thanked all involved in the crisis incident. He invited all to attend National Night Out on August 6<sup>th</sup> at the Bandshell. He acknowledged the Park and Recreation Department for all their work getting the parks cleaned and updated with the new ADA compliant surfaces. He thanked everyone working in the PFAS focus group.

Council Member-at-Large Austin stated there is a Primary Election next week and to get out and vote.

Council Member Baker thanked Park and Recreation Director Jason Sehon for his work on getting a property taken care of that was not well maintained and Council Member Baker received complaints on.

Council Member Baskin thanked City staff for all their great work. He stated the fair starts tomorrow so to get out and enjoy this event.

Council Member Fischer thanked the Street and Sewer Department for the many hours they spent fixing the broken sewer main on 4<sup>th</sup> Avenue NW.

Council Member Poshusta stated we have a fantastic city and thanked all the departments for their service.

