

A G E N D A
CITY COUNCIL MEETING
MONDAY, MAY 3, 2021
5:30 P.M.
COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Roll Call.

(mot) 1. Adoption of Agenda.

(mot) 2. Approving minutes from April 19, 2021

3. Recognitions and Awards.

Welcoming Christopher Moore as Honorary Council Member

(mot) 4. *Consent Agenda

Licenses:

Exempt Gambling (bingo): American Legion Auxiliary Post 91 – August 10-15, 2021

Exempt Gambling (raffle): Mower County Pheasants Forever – July 31, 2021

Mobile Business: Classic Kitchen, 22133 State Hwy 56, Austin

Right of Way: Alcon Excavating, 2258 Marion Rd SE, Rochester

Right of Way: Hodgman Concrete & Masonry, 2360 Majestic Ln NE, Owatonna

Right of Way: Michels Pipeline, Inc., 817 Main Street, Brownsville, WI

Taxi Driver: Nicole Stadig, 1000 14th Street NW, Apt 101

Claims:

a. Pre-list of bills

b. Credit Card and Financial Report.

Event Applications:

Austin High School Post Prom Movie on May 15, 2021

Austin High School Senior Parade on June 2, 2021

PUBLIC HEARINGS:

5. Public hearing on sanitary sewer improvement assessments for the “Turtle Creek 2” area.
The amount to be assessed is \$104,100 at 4% for 10 years.

a. Presentation of the project and associated assessments.

b. Call for written objections.

c. Motion to adjourn and continue the hearing on those properties for which written objections to the assessment have been filed.

(res) d. Resolution declaring the cost.

(res) e. Resolution adopting the assessment roll.

BID OPENINGS AND AWARDS:

6. Awarding bid for airport lighting improvements.

(res) a. Awarding bid.

PETITIONS AND REQUESTS:

- (res) 7. Approving a contract with SEH for engineering services on the airfield lighting project at the Austin Municipal Airport.
- (res) 8. Approving a modified ICM agreement with Hormel Foods for the domestic plant.
- (res) 9. Approving a modified ICM agreement with Hormel Foods for the industrial plant.
- (res) 10. Approving a modified ICM agreement with Hormel Foods for the spice annex.
- (res) 11. Approving the County Board classification of forfeited tax property, public sale of said property and declaring the City's intention to reassess unpaid assessments.
- (res) 12. Approving the County Board classification of forfeited tax property and declaring the City's intention to redevelop said property.
13. Setting public hearings for June 7, 2021 for deferred sanitary sewer and water assessments.
- (res) a. Setting a public hearing for deferred sanitary sewer assessments.
- (res) b. Setting a public hearing for deferred water assessments.
14. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at the following locations:
- (mot) a. 1204 11th Avenue SW, Duncan Property.
- (mot) b. 107 2nd Street SE, NC Real Estate Property.
- (mot) c. 1205 7th Avenue NW, DAK Solutions Property.
- (mot) d. 503 8th Avenue SE, Wakefield Property.
- (mot) e. 207 3rd Avenue SW, Dune Acquisitions Property.
- (res) 15. Approving a consulting contract with SEH for right-of-way permitting review. *(backup to follow)*

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Monday, May 17, 2021** at 5:30 pm in the Council Chambers.

All items listed with an asterisk () are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member or citizen so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

M I N U T E S
CITY COUNCIL MEETING
April 19, 2021
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Jason Baskin, Michael Postma, Oballa Oballa, Joyce Poshusta and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: None

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert and Police Chief David McKichan

STAFF APPEARING ELECTRONICALLY: Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Human Resources Director Trish Wiechmann, Park and Rec Director Kevin Nelson, City Attorney Craig Byram, Library Director Julie Clinefelter and City Clerk Ann Kasel

OTHERS APPEARING ELECTRONICALLY: Austin Daily Herald, Honorary Council Member Teresa Lugo

APPEARING IN PERSON: Tim Sorgine

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

Added to the Agenda:

Consent Agenda Addition

Licenses:

Food: Sudanese Community International Market, 501 1st Street NW
Right of Way: Knutson Construction, Rochester

Addition to Agenda

(res) 19 (A). Approving the flood acquisition of 1206 12th Drive SW.

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

Moved by Council Member Fischer, seconded by Council Member Oballa, approving Council minutes from April 5, 2021. Carried.

CONSENT AGENDA

Moved by Council Member Baskin, seconded by Council Member Waller, approving the consent agenda as follows:

Licenses:

Exempt Gambling (raffle): Whitetails Unlimited Southern MN Chapter on May 22, 2021
Mobile Vendor: Mimi's Cones, 1208 10th Avenue SW
Right of Way Contractor: Midwest Diversified Utilities, Ellendale
Tree Removal: RJ's Contracting, Albert Lea
Food: Sudanese Community International Market, 501 1st Street NW
Right of Way: Knutson Construction, Rochester

Claims:

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

Event Applications:

Stepping Out for Autism Walk on June 6, 2021
AHS Prom Grand March on May 15, 2021

Carried.

PETITIONS AND REQUESTS

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting resolution setting a public hearing for May 3, 2021 for Turtle Creek 2 sewer assessments.
Carried 7-0.

Public Works Director Steven Lang stated the City has received a grant for the Austin Municipal airport in the amount of \$13,000 from the Coronavirus Response and Relief Supplement Appropriations Act for the operations and maintenance of the airport. Mr. Lang requested the Council accept the donation.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution accepting a Coronavirus Response and Relief Grant for the Austin Municipal Airport. Carried 7-0.

Public Works Director Steven Lang stated the City owns a building at the Austin Municipal Airport known as the Anderson Building. The recent renter vacated the lease and Mr. Lang stated he has negotiated a new lease with Lanny Bastianson for three years at \$2,400 per year. He requested approval of the lease.

Moved by Council Member Baskin, seconded by Council Member Fischer, approving a lease agreement with Lanny Bastianson. Carried 7-0.

Public Works Director Steven Lang stated the City is required to have an annual stormwater public meeting and he requested the Council set that meeting for May 4 at 4:00 p.m.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, setting the annual stormwater public meeting for May 4, 2021. Carried.

City Administrator Craig Clark stated the City created a tax increment financing district for the NuTek project and he presented the tax increment financing redevelopment agreement for the project. The agreement outlines the project and tax increment financing reimbursable costs and the conditions for the reimbursement. Mr. Clark requested the Council approve the agreement.

Moved by Council Member Fischer, seconded by Council Member Oballa, approving a tax increment financing redevelopment agreement. Carried 7-0.

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

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, appointing An Le to the Human Rights Commission, term expiring 12/31/2021. Carried.

Moved by Council Member Postma, seconded by Council Member Baskin, appointing Lia Culbert to the Human Rights Commission, term expiring 12/31/2021. Carried.

Moved by Council Member Oballa, seconded by Council Member Poshusta, appointing Christopher Moore as the Honorary Council Member, May through July 2021. Carried.

Planning and Zoning Administrator Holly Wallace reviewed an off-street parking appeal submitted by ISG on behalf of WDS and the Austin Port Authority regarding property to be acquired and developed by Nu-tek. She stated the company is requested 51 parking stalls for the facility instead of the required 116 due to the small number of employees relative to the size of the building. The building code requires 1 space for every 400 sq feet of building but the facility is large compared to the number of workers and there is room for future parking expansion, if required. The Planning Commission reviewed the matter at their April 14, 2021 meeting and recommended approval of the off-street parking appeal.

Moved by Council Member Baskin, seconded by Council Member Postma, approving an off-street parking appeal submitted by ISG on behalf of WDS and the Austin Port Authority for the property to be acquired and developed by Nu-Tek. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a minor subdivision of property petitioned by Lance and Snow Pogones. Ms. Wallace stated the petitioners own a parcel of land with a property on it and they would like to split off a piece of the property and build a new home. The property is outside the City limits but would fall within the City's extraterritorial area for development purposes. City and Austin Utilities staff have reviewed the request and recommend approval.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting a resolution approving a lot split for Lance and Snow Pogones. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 500 2nd Avenue SE, Phoon Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 707 6th Avenue SW, Batikare Property. Carried.

Moved by Council Member Postma, seconded by Council Member Oballa, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1104 11th Avenue SW, Jones Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 401 9th Street SW, Sanchez Property. Carried.

BID OPENINGS AND AWARDS

The City received the following bids for Shirley Theel Park tile installation:

Contractor	Bid
Hodgman Drainage Co.	\$58,358.75
Hansen Hauling & Excavating	\$60,638.75
SJ Iverson Construction	\$65,219.25

Public Works Director Steven Lang stated the project would install drain tile in Shirley Theel Park to keep the baseball and soccer fields in usable condition. He stated that funding would come from the Hormel Foundation for the project and recommended awarding the bid to Hodgman Drainage Co.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, awarding the bid for Shirley Theel Park tile installation to Hodgman Drainage Co. Carried 7-0.

The City received the following bids for 18th Avenue NW median improvements:

Contractor	Base Bid	Alt 1	Alt 2
Doyle Connor Co.	\$25,257.50	\$34,920	\$66,096
Legends Concrete, Inc.	\$31,975.00	\$43,640	\$90,720

Public Works Director Steven Lang stated the project will consist of removing the deteriorated landscaping and filling the medians with concrete pavement. He stated the City bid alternates for regular and colored/stamped concrete. He recommended awarding the contract to Doyle Connor Co. using regular concrete.

Moved by Council Member Fischer, seconded by Council Member Poshusta, awarding the bid for 18th Avenue NW median improvements with alternate 1 to Doyle Connor Co. Carried 7-0.

The City received the following bid for an asphalt mill and overlay on 8th Place/Avenue NW & 8th Avenue SW:

Contractor	Bid
Ulland Brothers, Inc.	\$207,881.20

Public Works Director Steven Lang stated the mill and overlay will take place this summer and recommended awarding the bid to Ulland Brothers, Inc.

Moved by Council Member Fischer, seconded by Council Member Waller, awarding the bid for 8th Avenue/Place NW and 8th Avenue SW mill and overlay to Ulland Brothers, Inc. Carried 7-0.

Public Works Director Steven Lang stated the City would like to purchase the property at 1206 12th Drive SW. The home is not in the flood plain but it meets the criteria for the City's Flood Control plan because the infrastructure will be removed. An appraisal was completed and the property was valued at \$78,000. There will be another \$17,000 for asbestos abatement and demolition costs with total funding of \$105,000 for the project coming from Local Option Sales Tax Funds.

Moved by Council Member Fischer, seconded by Council Member Baskin, approving the flood acquisition of 1206 12th Drive SW. Carried 7-0.

CITIZENS ADDRESSING THE COUNCIL

Tim Sorgine spoke in favor of the use of recreational marijuana and a local moratorium on the prosecution of people using it until it is legal.

HONORARY COUNCIL MEMBER COMMENTS

Honorary Council Member Teresa Lugo thanked the Council for the opportunity to be the Honorary Council Member. She stated she learned a lot about the City.

CLOSED MEETING

Moved by Council Member Fischer, seconded by Council Member Baskin, to closed the meeting at 6:07 p.m. pursuant to Minn. Stat. § 13D.05, subd. 3(c) to develop or consider offers or counteroffers for the purchase or sale of real or personal property. The property to be considered are parcel identification numbers 34.460.1040; 34.865.0541; and 34.865.0610. Carried.

See DVD of closed meeting

Moved by Council Member Baskin, seconded by Council Member Waller, to reopen the meeting at 7:40 p.m.

Moved by Council Member Baskin, seconded by Council Member Postma, move forward with Stencil proposal at the YMCA site for a six-month due diligence period. Carried 4-3 with Council Members Waller, Poshusta and Council Member-at-Large Austin voting nay and Mayor King voting aye to break the tie. Council Member Oballa abstained from voting.

REPORTS

City Administrator Craig Clark stated the City submitted a proposal to the US House for earmarks for the Waste Water Treatment Plant.

Moved by Council Member Fischer, seconded by Council Member Baskin, adjourning the meeting to May 3, 2021. Carried.

Adjourned: 7:49 p.m.

Approved: May 3, 2021

Mayor: _____

City Recorder: _____

Austin POLICE DEPARTMENT



LAW ENFORCEMENT CENTER 201 1st ST NE STE 2 AUSTIN, MINNESOTA 55912 (507) 437-9400 FAX (507) 437-9546

EVENT APPLICATION

1. Event Title Post Prom Movie
2. Name/Address of Organization Austin High School Prom Committee
3. Contact Person Jane Carlson E-mail jane.carlson@austin.k12.mn.us
Phone 507-319-8255 Cell Phone _____
4. Alternate Contact Lisa Quednow E-mail lisa.quednow@austin.k12.mn.us
Phone 507-460-1800 Cell Phone _____
5. Date of Event May 15, 2021 Approximate Number of Participants 100-200
6. Assembly Area Location and Description Wescott Field NW Corner - on the grass football field
(Post Prom)
7. Starting Time of Event 9:00 Estimated Termination Time 10:30
8. Starting Point _____
9. Termination Point _____
10. Portion of Street Width: *(Run/Walk Events: Runners and walkers are to remain in the furthest right lane or out of the vehicle traffic lane as much as possible. Organizers are responsible for providing personnel wearing reflective safety gear along the route to assist participants at intersections.)* _____

11. Please draw a map on the back of this form, or attach a map or PDF of the event route, and indicate if barricades are needed. Travel route of event (and/or street closures with barricades):
This should not impact anything other than the possibility of neighbors hearing the movie, which will play from 9:00-10:30. Our reason for the form is to make sure that activity falls within the guidelines - the movie won't be loud enough to disturb people but the close neighbors will possibly hear it. All of the post prom activities will be held within the Wescott complex so that it is outdoors and COVID friendly. There will not be a dance, just food trucks and a movie.

Jane Carlson
Signature of Applicant

4/26/21
Date

Approved upon compliance with the following terms and conditions: _____

[Signature]
City Engineer

Digitally signed by Steven
Lang
Date: 2021.04.26 09:42:40
-05'00'

Date

[Signature] 1177 4.26-21
Chief of Police or Designated Officer Date

Ann Kasel

From: David McKichan <davidm@CO.MOWER.MN.US>
Sent: Monday, April 26, 2021 9:24 AM
To: Ann Kasel
Cc: Steven Lang; Craig Clark; Steve King; Jeff McCormack; Travis Martin; Michael Hartman; Mike Tischer; jane.carlson@austin.k12.mn.us
Subject: FW: AHS Post Prom
Attachments: POLICE DEPARTMENT.pdf

Ann,

As this is not asking for the use of any public streets or roadways, it is not something that we normally approve. This seems to meet the outdoor event requirements in place and our agency would not take any enforcement action against an event such as this. The field can certainly seemingly handle the 200 or so kids they anticipate from an outdoor venue standpoint. I am approving and sending it to Council however under the noise ordinance section that gives events such as these some leeway under the ordinance.

Subd. 4. This section shall not be construed to prohibit or limit the normal activities incidental to the Mower County Fair or other exhibitions or **shows conducted by the permission of the Council**, even though such activities exceed time limits and other noise limits set forth in this section

<https://staysafe.mn.gov/>

Outdoor events and entertainment

Beginning March 15, 2021 at 12 p.m.

Open at 50% capacity, no more than 250 people.

On **April 1, 2021**, venues with occupant capacity greater than 500 may increase patron count as follows:

- For seated outdoor venues: the venue may operate with an additional 25% of the occupant capacity above 500, with a maximum capacity not to exceed 10,000 for the entire venue (seated venues must have assigned seating, and patrons must remain seated).
- For non-seated outdoor venues: the venue may operate with an additional 15% of the capacity above 500, with a maximum capacity not to exceed 10,000 for the entire venue.
- Use the [Venue Occupancy Calculator](#) to calculate reduced capacity of your facility/venue after April 1.

Social distancing is required.

No food or beverage service or consumption between 11 p.m. and 4 a.m.

Masks required.

Dave

From: Cheryl Hays [mailto:Chays@ci.austin.mn.us]
Sent: Monday, April 26, 2021 9:06 AM

Austin POLICE DEPARTMENT



LAW ENFORCEMENT CENTER 201 1st ST NE STE 2 AUSTIN, MINNESOTA 55912 (507) 437-9400 FAX (507) 437-9546

EVENT APPLICATION

1. Event Title Senior Parade
2. Name/Address of Organization Class of 2021
3. Contact Person Dylan Kaercher E-mail dylankaercher93@gmail.com
Phone _____ Cell Phone 507-438-0271
4. Alternate Contact Kathy Owens E-mail Kathy.Owens@austin.k12.mn.us
Phone _____ Cell Phone 219-6358
5. Date of Event June 2 (Rainday June 3) Approximate Number of Participants _____
6. Assembly Area Location and Description Riverland Parking lot
7. Starting Time of Event 7:00 Estimated Termination Time 7:30
8. Starting Point Riverland College parking lot
9. Termination Point Front of high school
10. Portion of Street Width: (Run/Walk Events: Runners and walkers are to remain in the furthest right lane or out of the vehicle traffic lane as much as possible. Organizers are responsible for providing personnel wearing reflective safety gear along the route to assist participants at intersections.) whole street?
11. Please draw a map on the back of this form, or attach a map or PDF of the event route, and indicate if barricades are needed. Travel route of event (and/or street closures with barricades): _____

Kathy Owens
Signature of Applicant

4/21/21
Date

Approved upon compliance with the following terms and conditions: _____

sfj

Digitally signed by Steven Lang
Date: 2021.04.26 10:37:37 -05'00'

City Engineer

Date

[Signature] 1021

Chief of Police or Designated Officer Date

4-22-21

* Start

Riverland
Parking Lot

→ 14th St. NW

4th St. NW

← 4th Ave NW

Wescott

← 3rd Ave NW

→ 3rd St. NW

AHS

* End of Parade
(Cars alternate)

→ 3rd Ave

RESOLUTION NO.

**RESOLUTION DECLARING COST TO BE ASSESSED
AND ORDERING PREPARATION OF PROPOSED ASSESSMENT**

WHEREAS, the City Council has approved the project for sanitary sewer improvements in the Turtle Creek 2 area.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN,
MINNESOTA:**

1. The portion of the cost to be assessed against the benefited property owners is declared to be \$104,100.
2. Assessments shall be payable in equal annual principal installments extending over a period of ten (10) years, the first of the installments to be payable on or before the first Monday in January, 2022, and shall bear interest at the rate of 4% per annum from June 1, 2021.
3. The City Clerk, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and shall file a copy of such proposed assessment in the City Clerk's Office for public inspection.
4. The City Recorder shall upon completion of such proposed assessment, notify the Council thereof.

Passed by the Austin City Council this 3rd day of May, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed on all objections to the proposed assessment for the following local improvement:

Turtle Creek 2 Sanitary Sewer Improvements

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MINNESOTA:

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement and the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual principal installments extending over ten (10) years, the first of the installments to be payable on the first Monday in January 2022 and shall bear interest at the rate of 4 percent per annum. The first installment shall be added interest on the entire assessment from June 1, 2021 until December 31, 2022. To each subsequent installment when due shall be added interest one (1) year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, except that no interest shall be charged if the entire assessment is paid by October 31 of the assessing year. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st of the payment year.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.

Passed by the Austin City Council this 3rd day of May, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

185 extra days
Fund -49480.4204

Resolution No.

Turtle Creek 2
Sanitary Sewer Project
Interest at 4% starting June 1, 2021
10 years

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Annette Schuler 34.518.0020	Lot 1 E. of Extended W. line of Street		Oak Hill Subd.	\$14,950.00
Scott & Sharon Kaplan 34.518.0030	Lot 2		Oak Hill Subd.	\$14,950.00
Mary Elizabeth Olson 34.518.0040	Lot 3		Oak Hill Subd.	\$14,950.00
Dennis & Krista Hawley 34.518.0050	Lot 4		Oak Hill Subd.	\$7,450.00
Kyler & Amanda Green 34.518.0060	Lots 5 & 6		Oak Hill Subd.	\$14,950.00
Vernon & Heidi Neitzell 34.822.0030	OLS NW¼ Sec. 5, NE¼ Sec. 6 02064 Out Lot 3 Exc. .45 Ac. SW Cor. & ¼ Int. in OL's A, B, C, D & Common Area		5-102-18	\$14,950.00
David & Louise Berhow 34.876.0020	3 Ac. In E½ NE¼		6-102-18	\$6,950.00
Arlyn & Joleen Krause 34.876.0190	1.25 Ac. W½ NE¼		6-102-18	\$14,950.00

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Steven Lang, PE
Date: April 29, 2021
Subject: Bids – Airfield Lighting
CP 21310

The City of Austin received bids for upgrades to the airfield lighting at the Austin Municipal Airport on April 28, 2021. The proposed project will involve replacement of 58 runway lights, 136 taxiway lights with LED and other ancillary systems. Alternate #1 is a bid for airfield signage replacement. The bids are summarized below.

Contractor	Base Bid	Alternate #1
Werner Bros., Inc.	\$322,780.00	\$52,400.00
Neo Electric Solutions, LLC	\$356,724.00	\$38,040.00
Fox Electric Co.	\$400,999.50	\$49,772.00
Engineer's Estimate	\$326,060.00	\$51,700.00

The project will be funded 100% FAA dollars with a Federal AIP Grant. We would recommend awarding the base bid to Werner Bros. Inc. in the amount of \$322,780, contingent upon successful grant application. If you have any questions, please contact me.

Project Cost Summary

2021 Airfield Lighting	\$322,780
Design Engineering (SEH)	\$ 49,300
Construction Engineering	\$ 24,000
Administration (City of Austin)	\$ 2,000
	\$398,080

RESOLUTION NO.

**AWARDING BID – AIRFIELD LIGHTING AT THE AUSTIN
MUNICIPAL AIRPORT**

WHEREAS, pursuant to an advertisement for bids for the following:

Airfield Lighting at the Austin Municipal Airport

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alt. #1</u>
Werner Bros., Inc.	\$322,780.00	\$52,400.00
Neo Electrical Solutions, LLC	\$356,724.00	\$38,040.00
Fox Electric Co.	\$400,999.50	\$49,772.00
Engineer's Estimate	\$326,060.00	\$51,700.00

AND, WHEREAS, it appears Werner Bros, Inc. is the lowest responsible bidder; and

WHEREAS, the project will be funded 100% with a Federal AIP grant; and

WHEREAS, the project is contingent upon successful receipt of the Federal AIP grant.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota that the bid of Werner Bros., Inc. is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Werner Bros., Inc., subject to the successful award of a Federal AIP grant, in the name of the City of Austin for the following:

Airfield Lighting at the Austin Municipal Airport

Passed by a vote of yeas and nays this 3rd day of May, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engr./Public Works Dir.
507-437-9949
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: April 29, 2021
Subject: Airfield Lighting Improvements, Construction Admin & Inspection

We have received a proposal from SEH for construction administration and inspection services related to the Airfield Lighting Improvements in the amount of \$24,000. Work associated with the construction administration and inspection includes:

Administration

- Pre-Construction Meeting
- Shop Drawing Review
- Progress Meetings
- Pay Estimates
- Record Drawings
- FAA Reporting for Project Closeout

Inspection

- Construction Observation
- Construction Coordination
- Final Inspection/Punch list

The project will be funded 100% FAA dollars with a Federal AIP Grant. At this time, I would recommend moving forward a contract with SEH in the amount of \$24,000 for the Construction Administration and Inspection services for this portion of the project. If you have any questions, please contact me.

Project Cost Summary

2021 Airfield Lighting	\$322,780
Design Engineering (SEH)	\$ 49,300
Construction Engineering	\$ 24,000
Administration (City of Austin)	\$ 2,000
	\$398,080

RESOLUTION NO.

APPROVING ENGINEERING CONSULTING SERVICES
FOR AIRFIELD LIGHTING IMPROVEMENTS AT THE AUSTIN MUNICIPAL AIRPORT

WHEREAS, the City of Austin has awarded a bid for Airfield Lighting Improvements at the Austin Municipal Airport; and

WHEREAS, the project will require construction and inspection services; and

WHEREAS, SEH has provided a proposal in the amount of \$24,000 for the services; and

WHEREAS, funds for the project are eligible for 100% reimbursement through a FAA grant; and

WHEREAS, the Engineering Department recommends extending the contract to SEH.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves the agreement for contract with SEH in the amount of \$24,000 and authorizes the Mayor and City Recorder to execute all contract documents.

Passed by a vote of yeas and nays this 3rd day of May, 2021.

YEAS 7

NAYS 0

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engineer/P.W. Director
507-437-9950
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: April 28, 2021
Subject: Individual Control Mechanism
Hormel Foods Corporation

Hormel discharges sanitary sewer from their Austin Plant to the WWTP. The discharge from the facility is regulated by an Individual Control Mechanism (ICM). The ICM sets forth limitations, conditions and requirements for sanitary sewer discharges. Those items include:

- Flow (quantity of water discharged)
- CBOD (strength of the discharged water)
- TSS (suspended solids)
- TKN (nitrogen)
- pH

The WWTP is split into two facilities, a Domestic Plant and an Industrial Plant. Attached are two ICM agreements regulating flow and strength to both the Domestic and Industrial Plants. We work very closely with management and staff at the Hormel Plant to monitor flow and strength the stay within the parameters of the ICM agreement.

The ICM agreements were approved in December 2017. Hormel Foods has worked with City staff to requested the following modification:

- Item 3, language regarding pH sampling revised

We would recommend approving this modification to the 5-year agreement with Hormel Foods Corporation for both the Domestic and Industrial ICM discharge agreements. If you have any questions, please feel free to contract me.

INDIVIDUAL CONTROL MECHANISM BETWEEN THE CITY OF AUSTIN AND HORMEL FOODS CORPORATION DOMESTIC PLANT

The City of Austin operates wastewater treatment facilities serving the City. The facilities that are operated by the city are the Industrial and Domestic plants. By agreement between the City of Austin and Hormel Foods Corporation, only wastewater from Hormel Foods can be treated at the Industrial Plant. The Domestic Plant accepts wastewater from all residents, businesses, and industries including Hormel Foods Corporation. Hormel Foods Corporation operates a facility which discharges approximately 2.1 million gallons per day on a monthly average. The purpose of this agreement is to allow the discharge of wastewater from Hormel Foods to the Domestic wastewater treatment facility operated by the City; to set forth limitations, conditions, and requirements for the discharge; and to specify the rights and obligations of the parties to this agreement. This agreement is made under the provisions of the City of Austin's Ordinance Sec. 3.30 RULES AND REGULATIONS RELATING TO SEWER USE AND SERVICE CHARGE.

Hormel Foods Corporation: Hormel Foods, a pork processor, has a pretreatment system located at their facility. They have three DAF units followed by lime thickening and a plate filter press. The monitoring point for Hormel is Hope Street lift station just south of Hormel's property. A composite sampler is located at the Hope Street lift station along with a flow meter which is monitored and maintained by the City of Austin.

- 1) Under the authority of the City's ordinance and consistent with the conditions of the ordinance, the City agrees to accept and treat the wastewater discharged by Hormel Foods within the limits and in accordance with the conditions set forth in this agreement at the Domestic WWTP.
- 2) Hormel Foods is allowed to discharge wastewater to the City's wastewater Domestic treatment facilities. Hormel Foods shall comply with all discharge prohibitions contained in the ordinance and shall limit its discharge to within the following limits:

	Maximum Monthly Average	Units
Flow:	.3	Million gallons/day
CBOD:	3,500 lbs.	Pounds/day
Ammonia:	400 lbs.	Pounds/day
TSS	2,000 lbs.	Pounds/day
pH	6.0 – 10.5	

- 3) The City shall monitor the wastewater discharge from Hormel Foods by representative sampling as follows:

Flow: Daily – Read flow meter total at wastewater treatment facilities
 CBOD: Five times per week – 24 hour composite samples
 TKN: Five times per week – 24 composite samples
 TSS: Five times per week – 24 hour composite samples
 pH: Once per day / grab sample

Analyses of all parameters shall be performed by the City of Austin or another laboratory mutually agreed to by Hormel Foods and the City.

- 4) Hormel Foods shall notify the City immediately by phone, and within seven (7) days in writing, of any spill or slug discharge which may result in a violation of the limits stated

above. Hormel Foods shall notify the City of any changes in discharge which will require amendment of this agreement at least 180 days prior to the planned change. Until superseded, the limitations contained in this agreement shall be controlling.

- 5) This agreement is enforceable under the provisions of the ordinance. A violation of this agreement shall be a violation of the ordinance and subject to the enforcement provisions contained in the ordinance.
- 6) Hormel Foods shall pay for all costs when diverted to the Domestic Section of the facility. Hormel Foods shall pay for the diverted quantity at the current recovery rate minus any related cost for the collection system. Diversion of wastewater from the Industrial plant to the Domestic plant shall be at the discretion of the city.
- 7) For all reporting purposes and compliance conformance the City of Austin will combine the Industrial Control Mechanisms limits as identified in Section 2 of both the Industrial and Domestic WWTP agreements.
- 8) As provided for in Section 3.30 Subd. 7, of the ordinance, duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter the Hormel Foods facility for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of the ordinance.
- 9) The City shall provide opportunity for Hormel Foods to obtain a split of any samples of the wastewater the City collects. Hormel Foods shall be allowed to review the records maintained by the City regarding their discharge.
- 10) Any record or other information obtained by the City of Austin or furnished to by the owner or operator of one or more SIU's as it applies to wastewater, which are certified by said owner or operator, and said certification, as it applies to wastewater is approved in writing by the city to relate to (a) sales figures, (b) processes or methods of production unique to the owner or operator, or (c) information which would tend to affect adversely the competitive position of said owner operator, shall be only for the confidential use of the City of Austin in discharging its statutory obligations, unless otherwise specifically authorized by said owner or operator. Provided, however that all such information may be used by the City of Austin in compiling or publishing analysis, reports, or summaries relating to the general condition of the wastewater and how it effects the city's Wastewater Treatment Facility so as long as such analyses or summaries do not identify any owner or operator who has so certified. Notwithstanding the foregoing, the City of Austin may disclose any information, whether or not otherwise considered confidential which it is obligated to disclose in order to comply with city state federal laws and regulations, to the extent and for the purpose of such governmentally required disclosure.
- 11) This agreement may be renewed or modified by mutual consent of the City and Hormel Foods. This agreement is not transferable except with the prior written permission of the City and prior agreement in writing to the transfer and all conditions in the agreement by the parties involved.

This agreement will expire on December 31st, 2022.

Agreed to:

CITY OF AUSTIN, MINNESOTA

HORMEL FOODS CORPORATION

By: _____
Steve King
Mayor

By: _____
Kari Pollak
Austin Plant Manager

Date: _____

Date: _____

By: _____
Tom Dankert
City Recorder

Date: _____

RESOLUTION NO.

**RESOLUTION AUTHORIZING INDIVIDUAL CONTROL MECHANISM AGREEMENT
BETWEEN THE CITY OF AUSTIN AND HORMEL FOODS CORPORATION – DOMESTIC PLANT
MODIFIED AGREEMENT**

WHEREAS, an agreement with Hormel Foods Corporation outlining the terms and conditions for their wastewater discharge is required as part of the city's National Pollution Discharge Elimination System (NPDES) Permit to operate the Wastewater Treatment Plant; and

WHEREAS, in June 2004, the Austin City Council authorized by agreement the discharge of wastewater by Hormel Foods Corporation at the Wastewater Treatment Plant; and

WHEREAS, due to MPCA requirements, the City of Austin is required to develop a Delegated Pretreatment Program which includes enhancements to the Individual Control Mechanisms; and

WHEREAS, the Individual Control Mechanism with Hormel Foods must be modified to account for waste that is diverted from the Industrial waste water plant to the Domestic plant.

NOW THEREFORE, BE IT RESOLVED that the City Council approves the agreement and that such agreement will be effective immediately upon adoption of this resolution and will expire on December 31, 2022.

Passed by a vote of yeas and nays this 3rd day of May, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

**INDIVIDUAL CONTROL MECHANISM
BETWEEN
THE CITY OF AUSTIN
AND HORMEL FOODS CORPORATION
INDUSTRIAL PLANT**

The City of Austin operates wastewater treatment facilities serving the City. The facilities that are operated by the city are the Industrial and Domestic plants. By agreement between the City of Austin and Hormel Foods Corporation, only wastewater from Hormel Foods can be treated at the Industrial Plant. The Domestic Plant accepts wastewater from all residents, businesses, and industries including Hormel Foods Corporation. Hormel Foods Corporation operates a facility which discharges approximately 2.1 million gallons per day on a monthly average. The purpose of this agreement is to allow the discharge of wastewater from Hormel Foods to the Industrial wastewater treatment facility operated by the City; to set forth limitations, conditions, and requirements for the discharge; and to specify the rights and obligations of the parties to this agreement. This agreement is made under the provisions of the City of Austin's Ordinance Sec. 3.30 RULES AND REGULATIONS RELATING TO SEWER USE AND SERVICE CHARGE.

Hormel Foods Corporation: Hormel Foods, a pork processor, has a pretreatment system located at their facility. They have three DAF units followed by lime thickening and a plate filter press. The monitoring point for Hormel is Hope Street lift station just south of Hormel's property. A composite sampler is located at the Hope Street lift station along with a flow meter which is monitored and maintained by the City of Austin.

- 1) Under the authority of the City's ordinance and consistent with the conditions of the ordinance, the City agrees to accept and treat the wastewater discharged by Hormel Foods within the limits and in accordance with the conditions set forth in this agreement at the Industrial WWTP.
- 2) Hormel Foods is allowed to discharge wastewater to the City's wastewater Industrial treatment facilities. Hormel Foods shall comply with all discharge prohibitions contained in the ordinance and shall limit its discharge to within the following limits:

	Maximum Monthly Average	Units
Flow:	2.1	Million gallons/day
CBOD:	22,000 lbs.	Pounds/day
Ammonia:	1,500 lbs.	Pounds/day
TSS	11,000 lbs.	Pounds/day
pH	6.0 – 10.5	

- 3) The City shall monitor the wastewater discharge from Hormel Foods by representative sampling as follows:

Flow: Daily – Read flow meter total at wastewater treatment facilities
CBOD: Five times per week – 24 hour composite samples
TKN: Five times per week – 24 composite samples
TSS: Five times per week – 24 hour composite samples
pH: Once per day / grab sample

Analyses of all parameters shall be performed by the City of Austin or another laboratory mutually agreed to by Hormel Foods and the City.

- 4) Hormel Foods shall notify the City immediately by phone, and within seven (7) days in writing, of any spill or slug discharge which may result in a violation of the limits stated

above. Hormel Foods shall notify the City of any changes in discharge which will require amendment of this agreement at least 180 days prior to the planned change. Until superseded, the limitations contained in this agreement shall be controlling.

- 5) This agreement is enforceable under the provisions of the ordinance. A violation of this agreement shall be a violation of the ordinance and subject to the enforcement provisions contained in the ordinance.
- 6) Hormel Foods shall pay for all costs at the Industrial Section of the Wastewater Treatment Facilities. In the event Hormel Foods Industrial Wastewater is required to be diverted to the Domestic Section of the facility, Hormel Foods shall pay for the diverted quantity at the current recovery rate minus any related cost for the collection system. Diversion of wastewater shall be at the discretion of the Wastewater Treatment Superintendent.
- 7) For all reporting purposes and compliance conformance the City of Austin will combine the Industrial Control Mechanisms limits as identified in Section 2 of both the Industrial and Domestic WWTP agreements.
- 8) As provided for in Section 3.30 Subd. 7, of the ordinance, duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter the Hormel Foods facility for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of the ordinance.
- 9) The City shall provide opportunity for Hormel Foods to obtain a split of any samples of the wastewater the City collects. Hormel Foods shall be allowed to review the records maintained by the City regarding their discharge.
- 10) Any record or other information obtained by the City of Austin or furnished to by the owner or operator of one or more SIU's as it applies to wastewater, which are certified by said owner or operator, and said certification, as it applies to wastewater is approved in writing by the city to relate to (a) sales figures, (b) processes or methods of production unique to the owner or operator, or (c) information which would tend to affect adversely the competitive position of said owner operator, shall be only for the confidential use of the City of Austin in discharging its statutory obligations, unless otherwise specifically authorized by said owner or operator. Provided, however that all such information may be used by the City of Austin in compiling or publishing analysis, reports, or summaries relating to the general condition of the wastewater and how it effects the city's Wastewater Treatment Facility so as long as such analyses or summaries do not identify any owner or operator who has so certified. Notwithstanding the foregoing, the City of Austin may disclose any information, whether or not otherwise considered confidential which it is obligated to disclose in order to comply with city state federal laws and regulations, to the extent and for the purpose of such governmentally required disclosure.
- 11) This agreement may be renewed or modified by mutual consent of the City and Hormel Foods. This agreement is not transferable except with the prior written permission of the City and prior agreement in writing to the transfer and all conditions in the agreement by the parties involved.

This agreement will expire on December 31st, 2022.

Agreed to:
CITY OF AUSTIN, MINNESOTA

HORMEL FOODS CORPORATION

By: _____
Steve King
Mayor

By: _____
Kari Pollak
Austin Plant Manager

Date: _____

Date: _____

By: _____
Tom Dankert
City Recorder

Date: _____

RESOLUTION NO.

**RESOLUTION AUTHORIZING INDIVIDUAL CONTROL MECHANISM AGREEMENT
BETWEEN THE CITY OF AUSTIN AND HORMEL FOODS CORPORATION – INDUSTRIAL PLANT
MODIFIED AGREEMENT**

WHEREAS, an agreement with Hormel Foods Corporation outlining the terms and conditions for their wastewater discharge is required as part of the city's National Pollution Discharge Elimination System (NPDES) Permit to operate the Wastewater Treatment Plant; and

WHEREAS, in June 2004, the Austin City Council authorized by agreement the discharge of wastewater by Hormel Foods Corporation at the Wastewater Treatment Plant; and

WHEREAS, due to MPCA requirements, the City of Austin is required to develop a Delegated Pretreatment Program which include enhancements to the Individual Control Mechanisms; and

WHEREAS, the Individual Control Mechanism with Hormel Foods must be modified to account for waste that is diverted from the Industrial waste water plant to the domestic plant.

NOW THEREFORE, BE IT RESOLVED that the City Council approves the agreement that such agreement will be effective immediately upon adoption of this resolution and will expire on December 31, 2022.

Passed by a vote of yeas and nays this 3rd day of May, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773



Steven J. Lang, P.E.
City Engineer/P.W. Director
507-437-9950
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: April 28, 2021
Subject: Individual Control Mechanism
Hormel Annex (revised)

Hormel discharges sanitary sewer from their Hormel Annex Spice Plant to the WWTP. The discharge from the facility is regulated by an Individual Control Mechanism (ICM). The ICM sets forth limitations, conditions and requirements for sanitary sewer discharges. Those items include:

- Flow (quantity of water discharged)
- CBOD (strength of the discharged water)
- TSS (suspended solids)
- TKN (nitrogen)
- pH

The ICM agreement was approved in December 2019, revised May 2020. Hormel Foods has worked with City staff to requested the following modifications:

- Paragraph 2, remove the estimated flow language
- Item 2, remove the temporary Jan 2020 to Sept. 2020 limits
- Item 3, add sample location and include composite sample language
- Item 4, add billing language in accordance with City ordinance

We would recommend approving this modification to the 5-year agreement with Hormel Foods Corporation for the Hormel Annex Facility located at 1816-9th Street NE. If you have any questions, please feel free to contract me.

**INDIVIDUAL CONTROL MECHANISM (ICM)
BETWEEN
THE CITY OF AUSTIN
AND
HORMEL FOODS CORPORATION, ANNEX**

The City of Austin (the City) operates a wastewater treatment plant that serves the businesses and citizens located within the City of Austin. The Hormel Foods Corporation Annex facility located in Austin MN, is a spice/dry ingredient facility.

Hormel Foods Corporation Annex (permittee): Is a spice/dry ingredient producer that contributes to the Austin Wastewater Treatment Facility. The Hormel Annex is located at 1816 9th Street NE. Operation includes two production shifts and one sanitation.

The purpose of this agreement is to authorize the discharge of wastewater from the permittee to the wastewater Treatment plant operated by the City; to set forth limitations, conditions and requirements for the discharge; and to specify the rights and obligations of the parties to this agreement. This agreement is made under the provisions of the City of Austin's Ordinance Sec. 3.30 RULES AND REGULATIONS RELATING TO SEWER USE AND SERVICE CHARGE (ordinance).

1. Under the authority of the City's ordinance and consistent with the conditions of the ordinance, the City agrees to accept and treat the wastewater discharged from the permittee within the limits and in accordance with the conditions set forth in this ICM.
2. The permittee is allowed to discharge wastewater to the City's wastewater treatment facility. The permittee shall comply with all discharge prohibitions contained in the ordinance and shall restrict its discharge to the following limits:

	<u>Average Daily (Note 2)</u>	<u>Maximum Monthly (Note 3)</u>	<u>Min. Max.</u>
Flow: (Note 1)	13,000 gpd		
CBOD:	335 lbs/day	500 lbs/day	
TSS: (Note 5)	335 lbs/day	500 lbs/day	
TKN: (Note 6)	30 lbs/day	45 lbs/day	
pH			6.0 – 10.5

Note 1: The daily flow for a week is calculated by dividing total flow since the last reading by the number of days since the last reading.

Note 2: The average daily limit is calculated by averaging the daily flow for each of the weeks in that month.

Note 3: The maximum monthly limit is based off the highest daily flow for each of the weeks in that month.

Note 4: A week is defined as 7 days starting Sunday at 12:00 a.m. to the following Saturday at 11:59 p.m.

Note 5: Solid or viscous substances that may cause an obstruction or interfere with the operation of the lift station or wastewater treatment plant are prohibited.

Note 6: A rate has not been established for this pollutant. If the council adopts a rate for this it will be incorporated into the monthly billings.

3. The City shall monitor the wastewater discharge from the permittee on a weekly basis, or as deemed necessary. All analysis shall be performed by the City. The City will test the effluent at the manhole near the parking lot entrance on the west side of the facility. Effluent samples are a composite sample, except for pH which is measured via grab sample.

4. The permittee will be billed per the City of Austin's Ordinance Sec. 3.30 RULES AND REGULATIONS RELATING TO SEWER USE AND SERVICE CHARGE (ordinance) for CBOD and TSS (strong waste) charges on a separate monthly basis. The sewer flow charge will be billed on the regular monthly utility bill by the Austin Utilities.
5. As provided in the ordinance, duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter Hormel Foods Corporation Annex for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of the ordinance.
6. The Permittee shall take all reasonable precautions to minimize all accidental discharges including prohibited slugs, spills and bypasses.
7. The permittee shall notify the City immediately by phone and within (7) days in writing, of any spill or slug discharge which may violate the limits specified in this ICM.
8. The City will require the permittee to cease discharging to the sanitary sewer should the lift station or sanitary sewer system experience mechanical or structural failure or if high water flow conditions interfere with the conveyance of sewage or operation of the treatment facility.
9. Any record or other information obtained by the City or furnished to by the permittee as it applies to wastewater, which are certified by said permittee, and said certification, as it applies to wastewater is approved in writing by the city to relate to (a) sales figures, (b) processes or methods of production unique to the permittee, or (c) information which would tend to affect adversely the competitive position of said permittee, shall be only for the confidential use of the City in discharging its statutory obligations, unless otherwise specifically authorized by said owner or operator. Provided, however that all such information may be used by the City in compiling or publishing analysis, reports, or summaries relating to the general condition of the wastewater and how it effects the city's wastewater treatment facility so as long as such analyses or summaries do not identify permittee who has so certified. Notwithstanding the foregoing, the City may disclose any information, whether or not otherwise considered confidential which it is obligated to disclose in order to comply with city state federal laws and regulations, to the extent and for the purpose of such governmentally required disclosure.
10. This ICM is not exclusive. This ICM shall not release the Permittee from conditions set forth by the Minnesota Pollution Control Agency, Minnesota Department of Health, Minnesota Department of Natural Resources or the community in which the site is located
11. This ICM is enforceable under the provisions of the ordinance. A violation of this ICM shall be a violation of the ordinance and subject to the enforcement provisions of the ordinance.
12. The ICM shall not release the Permittee from any liability, duty or penalty imposed by local, state or federal statutes, regulations or license requirements regarding waste disposal.
13. Flow will be based off of Austin Utilities public water meter readings.
14. The Permittee shall pay applicable Permit fees, add-on service charges, Strength Charges, Load Charges and all other fees as outlined. Any fees that are over 90 days due by the neglect of the Permittee may result in the termination of this ICM.
15. All outstanding bills must be paid by 30 days after execution of this document.
16. The ICM may be renewed or modified by mutual consent of the City, and permittee. This ICM is not transferable except with the prior written permission of the City and prior agreement in writing to the transfer and all conditions in the ICM by the parties involved.

17. This agreement expires on December 31st, 2025 and is subject to be re-opened at the request of either party.

Agreed to:

City of Austin, Minnesota

Hormel Foods Corporation

By: _____
Steve King
Mayor

By: _____

Date: _____

Date: _____

By: _____
Tom Dankert
City Recorder

Date: _____

RESOLUTION NO.

**RESOLUTION AUTHORIZING INDIVIDUAL CONTROL MECHANISM AGREEMENT
BETWEEN THE CITY OF AUSTIN AND HORMEL FOODS CORPORATION – HORMEL ANNEX
MODIFIED AGREEMENT**

WHEREAS, an agreement with Hormel Foods Corporation outlining the terms and conditions for their wastewater discharge is required as part of the city's National Pollution Discharge Elimination System (NPDES) Permit to operate the Wastewater Treatment Plant; and

WHEREAS, in June 2004, the Austin City Council authorized by agreement the discharge of wastewater by Hormel Foods Corporation at the Wastewater Treatment Plant; and

WHEREAS, due to MPCA requirements, the City of Austin is required to develop a Delegated Pretreatment Program which include enhancements to the Individual Control Mechanisms; and

WHEREAS, the Individual Control Mechanism with Hormel Foods must be modified to account for waste that is diverted from the Industrial waste water plant to the Domestic plant.

NOW THEREFORE, BE IT RESOLVED that the City Council approves the agreement and that such agreement will be effective immediately upon adoption of this resolution and will expire on December 31, 2025.

Passed by a vote of yeas and nays this 3rd day of May, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Ann M. Kasel, City Clerk



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9943
Fax: 507-434-7197
www.ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Ann M. Kasel
Date: April 26, 2021
Subject: Reassessment of forfeited property

The proposed resolutions list the properties that were forfeited to the State of Minnesota for non-payment of real estate taxes in tax year 2020. Most of the properties had outstanding special assessments. In order to reassess the properties for these special assessments the City needs to pass a resolution declaring the amount of the outstanding assessments on each parcel. The parcels will then go to public auction by Mower County.

The second resolution has one property listed that the HRA would like to rehab. The City must declare its intention to retain the property and petition the County Board to do so.

Please let me know if you have any questions.

RESOLUTION NO.

RESOLUTION APPROVING COUNTY BOARD CLASSIFICATION OF FORFEITED TAX PROPERTY, PUBLIC SALE OF SAID PROPERTY AND DECLARING THE CITY'S INTENTION TO REASSESS UNPAID ASSESSMENTS

WHEREAS, the City Council of the City of Austin has received certificates from the County Board of Mower County certifying that the following land is classified as nonconservation land and sale of said parcels to the adjacent property owners or at public sale:

- 34.095.0240 Lot 9 & S 27.75 ft Lot 10, Block 3, Berry Addition to the City of Austin, Mower County, Minnesota.
305 1st Street SW
- 34.165.0680 Lot 34, Block 3, Crane 2nd Addition to the City of Austin, Mower County, Minnesota.
1105 14th Avenue NE
- 34.240.0010 Lots 1 & 2 exc W 60 feet, Block 5, Elmhurst Addition to the City of Austin, Mower County, Minnesota.
600 21st Avenue NW
- 34.340.0170 Lot 1, and .1 Ac Old RR ROW W & SW of Lot, Block 2, Kaufman 2nd Addition to the City of Austin, Mower County, Minnesota.
700 10th Avenue SE
- 34.365.1750 Lot 12, Block 8, Kenwood Park Addition to the City of Austin, Mower County, Minnesota.
907 9th Avenue SW
- 34.600.0040 North Half of Lot 1, Block 3, Railroad Addition to the City of Austin, Mower County, Minnesota.
900 8th Avenue NE
- 34.600.0500 S ½ N ½ Lot 1 & S ½ N ½ W ½ Lot 2, Block 8, Railroad Addition to the City of Austin, Mower County, Minnesota.
710 8th Street NE
- 34.600.0940 Lot 6, Block 10, Railroad Addition to the City of Austin, Mower County, Minnesota.
700 10th Street NE
- 34.790.0410 Lot 4, Block 4, Woodlawn Park Addition to the City of Austin, Mower County, Minnesota.
1205 4th Street NW
- 34.795.1010 Lot 9, Block 10, Yates & Lewis Addition to the City of Austin, Mower County, Minnesota.
611 1st Avenue NW
- 34.860.0220 .33 AC in E ½ SW ¼ NE ¼ Section 2-102-18, City of Austin, Mower County, Minnesota.
1303 Oakland Avenue East

34.916.0221 N ½ OL 12 in the Ramsey Park Outlots in 26-103-18, Mower County, Minnesota.
1400 30th Avenue NE

AND, WHEREAS, there remains principal and interest on unpaid assessments as described below:

34.095.0240	Lot 9 & S 27.75 ft Lot 10, Berry Addition to the City of Austin, Mower County, Minnesota. 305 1 st Street SW	\$4,323.94
34.165.0680	Lot 34, Block 3, Crane 2nd Addition to the City of Austin, Mower County, Minnesota. 1105 14 th Avenue NE	\$2,317.88
34.240.0010	Lots 1 & 2 exc W 60 feet, Block 5, Elmhurst Addition to the City of Austin, Mower County, Minnesota. 600 21 st Avenue NW	\$ 702.74
34.340.0170	Lot 1, and .1 Ac Old RR ROW W & SW of Lot, Block 2, Kaufman 2 nd Addition to the City of Austin, Mower County, Minnesota. 700 10 th Avenue SE	\$4,941.41
34.365.1750	Lot 12, Block 8, Kenwood Park Addition to the City of Austin, Mower County, Minnesota. 907 9 th Avenue SW	\$2,098.79
34.600.0040	North Half of Lot 1, Block 3, Railroad Addition to the City of Austin, Mower County, Minnesota. 900 8 th Avenue NE	\$17,516.16
34.600.0500	S ½ N ½ Lot 1 & S ½ N ½ W ½ Lot 2, Block 8, Railroad Addition to the City of Austin, Mower County, Minnesota. 710 8 th Street NE	\$ 128.11
34.600.0940	Lot 6, Block 10, Railroad Addition to the City of Austin, Mower County, Minnesota. 700 10 th Street NE	\$17,807.65
34.790.0410	Lot 4, Block 4, Woodlawn Park Addition to the City of Austin, Mower County, Minnesota. 1205 4 th Street NW	\$24,640.06
34.795.1010	Lot 9, Block 10, Yates & Lewis Addition to the City of Austin, Mower County, Minnesota. 611 1 st Avenue NW	\$27,286.70
34.860.0220	.33 AC in E ½ SW ¼ NE ¼ Section 2-102-18, City of Austin, Mower County, Minnesota. 1303 Oakland Avenue East	\$10,865.87
34.916.0221	N ½ OL 12 in the Ramsey Park Outlots in 26-103-18, Mower County, Minnesota. 1400 30 th Avenue NE	\$22,290.80

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MINNESOTA:

That the foregoing classification as set forth above by the County Board of Mower County, Minnesota is hereby approved and that the City Council of the City of Austin approves the sale of said parcels to the adjacent property owners or at public sale.

BE IT FURTHER RESOLVED that it is the intention of the City of Austin to reassess the cancelled and unpaid levied special assessment remaining after the sale of such property.

Passed by a vote of Yeas and Nays this 3rd day of May, 2021.

Yeas

Nays

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

**RESOLUTION APPROVING COUNTY BOARD CLASSIFICATION OF FORFEITED
TAX PROPERTY AND DECLARING THE CITY'S INTENTION TO REDEVELOP
SAID PROPERTY**

WHEREAS, the City Council of the City of Austin has received certificates from the County Board of Mower County certifying that the following land is classified as nonconservation land and sale of said parcels to the adjacent property owners or at public sale:

34.365.1140 Lot 3, Block 6, Kenwood Park Addition to the City of Austin, Mower County,
Minnesota.
609 8th Avenue SW

AND, WHEREAS, there remains principal and interest on unpaid assessments as described below:

34.365.1140 Lot 3, Block 6, Kenwood Park Addition to the City of Austin, Mower County,
Minnesota.
609 8th Avenue SW \$ 0.00

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MINNESOTA:

That the foregoing classification as set forth above by the County Board of Mower County, Minnesota is hereby approved.

BE IT FURTHER RESOLVED that it is the intention of the City of Austin to retain and redevelop said property.

Passed by a vote of Yeas and Nays this 3rd day of May, 2021.

Yeas

Nays

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Ann M. Kasel, City Clerk



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9943
Fax: 507-434-7197
www.ci.austin.mn.us

MEMORANDUM

To: Mayor and City Council
From: Ann M. Kasel
Re: Assessment of Deferred Sewer and Water Properties
Date: April 28, 2021

Attached are two proposed resolutions that call for the first of two public hearings for the assessment of deferred sanitary sewer and water properties. The Council reviewed the matter at their April 5, 2021 work session and recommended moving the assessments forward on the properties where the 30-year deferral period had expired.

We would request the public hearing take place on June 7, 2021. Notice will be mailed to each property owner and published in the Austin Daily Herald.

Please let me know if you have any questions.

RESOLUTION NO.

**RESOLUTION CALLING
HEARING ON IMPROVEMENT**

WHEREAS, the City Council of the City of Austin deferred certain sanitary sewer assessments for a period of 30 years; and

WHEREAS, the deferral period for said sanitary sewer assessments has passed and the City desires to assess the sanitary sewer assessments.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Austin, Minnesota:

- A. The Council will consider the improvements on the properties in accordance with the reports and assessments of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Section 429.011 and 429.111 as amended, at an estimated total cost of the improvements as follows:

\$265,000

- B. A public hearing shall be held on such proposed improvement on the June 7, 2021 in the Council Chambers of the Municipal Building at 5:30 p.m., and the City Clerk shall give mailed and published notice of such hearing on improvement as required by law.

Passed by the Austin City Council on the 3rd day of May, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

**RESOLUTION CALLING
HEARING ON IMPROVEMENT**

WHEREAS, the City Council of the City of Austin deferred certain water assessments for a period of 30 years; and

WHEREAS, the deferral period for said water assessments has passed and the City desires to assess the water assessments.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Austin, Minnesota:

- A. The Council will consider the improvements on the properties in accordance with the reports and assessments of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Section 429.011 and 429.111 as amended, at an estimated total cost of the improvements as follows:

\$56,000

- B. A public hearing shall be held on such proposed improvement on the June 7, 2021 in the Council Chambers of the Municipal Building at 5:30 p.m., and the City Clerk shall give mailed and published notice of such hearing on improvement as required by law.

Passed by the Austin City Council on the 3rd day of May, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

Memorandum

To: Mayor and City Council

Cc: Matthew & Odessa Duncan
1204 11th Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1204 11th Ave SW, Duncan Property

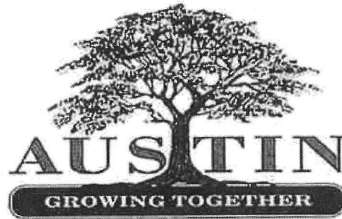
Date: April 30, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 1204 11th Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

Therefore, I am requesting the Mayor and City Council to approve empowering the Planning & Zoning Department to act on the removal of this junk. Such action is permitted by the City Code Section 10.14.

Thank You

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

March 24th, 2021

Matthew & Odessa Duncan
1204 11th Ave SW
Austin, MN 55912

RE: Zoning Violations at 1204 11th Ave SW, Austin, MN 55912

Dear Matthew & Odessa:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 24th, 2021 at this site and the following issues need to be resolved:

1. Remove all junk/garbage from property- front and side of garage

The violation of Austin City Code Sections 10.01 Subd 2 & 3, 10.14 Subd.1(B) 4 and 10.14 Subd.4-6 were found. These City Code sections read as follows:

City Code Section 10.01 Subd. 2. *Disposal required.* Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this section. Garbage shall be collected or otherwise lawfully disposed of, at least once each week during the year.

City Code Section 10.01 Subd 3. Deposit of garbage or refuse. It is unlawful:

D. For any person to deposit anywhere within the city any refuse in a manner that it may be carried or deposited by the elements upon any public place or any other premises within the city;

City Code Section 10.14, Subd. 1(B):

JUNK. All scrap metal, rags, batteries, paper, trash, rubber tires, debris, waste, wood, and/or construction materials not used in connection with a building or which is carried as inventory in an on-going construction business at a lawful place of business, dismantled vehicles, machinery and appliances or parts thereof and parts of vehicles, glass, tinware, plastic, aluminum and/or steel cans, old or discarded household goods, household furnishings or furniture, hardware or appliances. Neatly stacked firewood located so as to comply with the setback requirements as set forth in Chapter 11 and in accordance with side yard or rear yard setback requirements shall not be considered junk.

City Code Section 10.14, Subd. 4. *Notice and abatement.*

B. *Public nuisances affecting health*

5. Accumulations of manure, refuse or other debris;

D. *Public nuisances affecting peace and safety.*

16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

City Code Section 10.14, Subd. 4(E-G)
NOTICE AND ABATEMENT.

E. Whenever a public officer or other person charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the City enforcement officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

F. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

G. If an emergency exists that presents an immediate danger to citizens affecting their safety, the officer shall require immediate abatement of such nuisance. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council and may take such other appropriate action as may be necessary. The Council may, after notice to the owner or occupant, provide for the abating of the nuisance by the City.

City Code Section 10.14, Subd. 5:

RECOVERY OF COST. The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Recorder shall prepare a bill for the cost and mail it to the owner. There upon, the amount shall be immediately due and payable at the Office of the City Recorder. Ownership shall be presumed to be the owner as shown on the records of the County Treasurer unless the City Recorder has reason to know that such information is not accurate, in which event, notice shall be given to such other person as the City Recorder has reason to believe is, in fact, the true owner of said premises.

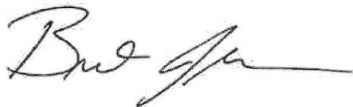
City Code Section 10.14, Subd. 6:

ASSESSMENT. If the cost of abating said nuisance is not paid in full to the City Recorder before September 1, next, then on or before September 1, next, following the abatement of the nuisance, the City Recorder shall list the total unpaid charges along with other such charges, as well as other charges for current services to be assessed under Minnesota Statutes 429.101 against each separate lot or parcel to which charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Please resolve the City Code violations within **10 days** of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations.

Your cooperation with this matter will be greatly appreciated, and if you have any questions, please call me at my office at (507)437-9950.

Sincerely,



Brent Johnson
Zoning Inspector



April 28, 2021
9:11 AM

1204 11th Ave SW - Junk

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

Memorandum

To: Mayor and City Council

Cc: NC Real Estate
PO Box 525, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 107 2nd St SE, NC Real Estate Property

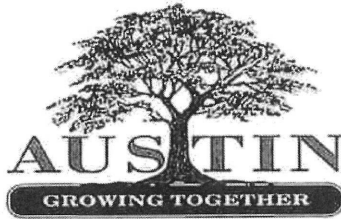
Date: April 30, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 107 2nd St SE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

Therefore, I am requesting the Mayor and City Council to approve empowering the Planning & Zoning Department to act on the removal of this junk. Such action is permitted by the City Code Section 10.14.

Thank You

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

April 14th, 2021

NC Real Estate LLC
PO Box 525
Austin, MN 55912

RE: Zoning Violations at 107 2nd St SE, Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on April 1st, 2021 at this site and the following issues need to be resolved:

1. Remove all junk/garbage from property

The violation of Austin City Code Sections 10.01 Subd 2 & 3, 10.14 Subd.1(B) 4 and 10.14 Subd.4-6 were found. These City Code sections read as follows:

City Code Section 10.01 Subd. 2. *Disposal required.* Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this section. Garbage shall be collected or otherwise lawfully disposed of, at least once each week during the year.

City Code Section 10.01 Subd 3. Deposit of garbage or refuse. It is unlawful:

D. For any person to deposit anywhere within the city any refuse in a manner that it may be carried or deposited by the elements upon any public place or any other premises within the city;

City Code Section 10.14, Subd. 1(B):

JUNK. All scrap metal, rags, batteries, paper, trash, rubber tires, debris, waste, wood, and/or construction materials not used in connection with a building or which is carried as inventory in an on-going construction business at a lawful place of business, dismantled vehicles, machinery and appliances or parts thereof and parts of vehicles, glass, tinware, plastic, aluminum and/or steel cans, old or discarded household goods, household furnishings or furniture, hardware or appliances. Neatly stacked firewood located so as to comply with the setback requirements as set forth in Chapter 11 and in accordance with side yard or rear yard setback requirements shall not be considered junk.

City Code Section 10.14, Subd. 4. *Notice and abatement.*

B. *Public nuisances affecting health*

5. Accumulations of manure, refuse or other debris;

D. *Public nuisances affecting peace and safety.*

16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

City Code Section 10.14, Subd. 4(E-G)
NOTICE AND ABATEMENT.

E. Whenever a public officer or other person charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the City enforcement officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

F. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

G. If an emergency exists that presents an immediate danger to citizens affecting their safety, the officer shall require immediate abatement of such nuisance. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council and may take such other appropriate action as may be necessary. The Council may, after notice to the owner or occupant, provide for the abating of the nuisance by the City.

City Code Section 10.14, Subd. 5:

RECOVERY OF COST. The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Recorder shall prepare a bill for the cost and mail it to the owner. There upon, the amount shall be immediately due and payable at the Office of the City Recorder. Ownership shall be presumed to be the owner as shown on the records of the County Treasurer unless the City Recorder has reason to know that such information is not accurate, in which event, notice shall be given to such other person as the City Recorder has reason to believe is, in fact, the true owner of said premises.

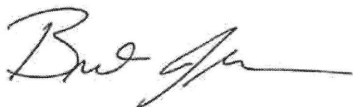
City Code Section 10.14, Subd. 6:

ASSESSMENT. If the cost of abating said nuisance is not paid in full to the City Recorder before September 1, next, then on or before September 1, next, following the abatement of the nuisance, the City Recorder shall list the total unpaid charges along with other such charges, as well as other charges for current services to be assessed under Minnesota Statutes 429.101 against each separate lot or parcel to which charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Please resolve the City Code violations within 10 days of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations.

Your cooperation with this matter will be greatly appreciated, and if you have any questions, please call me at my office at (507)437-9950.

Sincerely,



Brent Johnson
Zoning Inspector



April 28, 2021
9:24 AM

107 2nd St SE - garbage/Junk

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

Memorandum

To: Mayor and City Council

Cc: DAK Solutions LLC
1828 Country Rd A14, Decorah, IA 52101

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1205 7th Ave NW, DAK Solutions Property

Date: April 30, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 1205 7th Ave NW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

Therefore, I am requesting the Mayor and City Council to approve empowering the Planning & Zoning Department to act on the removal of this junk. Such action is permitted by the City Code Section 10.14.

Thank You

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

April 7th, 2021

DAK Solutions LLC
1828 Country Rd A14
Decorah, IA 52101

RE: Zoning Violations at 1205 7th Ave NW, Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on April 6th, 2021 at this site and the following issues need to be resolved:

1. Remove all junk/garbage from property

The violation of Austin City Code Sections 10.01 Subd 2 & 3, 10.14 Subd.1(B) 4 and 10.14 Subd.4-6 were found. These City Code sections read as follows:

City Code Section 10.01 Subd. 2. *Disposal required.* Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this section. Garbage shall be collected or otherwise lawfully disposed of, at least once each week during the year.

City Code Section 10.01 Subd 3. Deposit of garbage or refuse. It is unlawful:

D. For any person to deposit anywhere within the city any refuse in a manner that it may be carried or deposited by the elements upon any public place or any other premises within the city;

City Code Section 10.14, Subd. 1(B):

JUNK. All scrap metal, rags, batteries, paper, trash, rubber tires, debris, waste, wood, and/or construction materials not used in connection with a building or which is carried as inventory in an on-going construction business at a lawful place of business, dismantled vehicles, machinery and appliances or parts thereof and parts of vehicles, glass, tinware, plastic, aluminum and/or steel cans, old or discarded household goods, household furnishings or furniture, hardware or appliances. Neatly stacked firewood located so as to comply with the setback requirements as set forth in Chapter 11 and in accordance with side yard or rear yard setback requirements shall not be considered junk.

City Code Section 10.14, Subd. 4. *Notice and abatement.*

B. *Public nuisances affecting health*

5. Accumulations of manure, refuse or other debris;

D. *Public nuisances affecting peace and safety.*

16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

**City Code Section 10.14, Subd. 4(E-G)
NOTICE AND ABATEMENT.**

E. Whenever a public officer or other person charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the City enforcement officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

F. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

G. If an emergency exists that presents an immediate danger to citizens affecting their safety, the officer shall require immediate abatement of such nuisance. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council and may take such other appropriate action as may be necessary. The Council may, after notice to the owner or occupant, provide for the abating of the nuisance by the City.

City Code Section 10.14, Subd. 5:

RECOVERY OF COST. The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Recorder shall prepare a bill for the cost and mail it to the owner. There upon, the amount shall be immediately due and payable at the Office of the City Recorder. Ownership shall be presumed to be the owner as shown on the records of the County Treasurer unless the City Recorder has reason to know that such information is not accurate, in which event, notice shall be given to such other person as the City Recorder has reason to believe is, in fact, the true owner of said premises.


City Code Section 10.14, Subd. 6:

ASSESSMENT. If the cost of abating said nuisance is not paid in full to the City Recorder before September 1, next, then on or before September 1, next, following the abatement of the nuisance, the City Recorder shall list the total unpaid charges along with other such charges, as well as other charges for current services to be assessed under Minnesota Statutes 429.101 against each separate lot or parcel to which charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Please resolve the City Code violations within **10 days** of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations.

Your cooperation with this matter will be greatly appreciated, and if you have any questions, please call me at my office at (507)437-9950.

Sincerely,



Brent Johnson
Zoning Inspector



1205 7th Ave NW - Junk

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

Memorandum

To: Mayor and City Council

Cc: William & Deborah Wakefield
503 8th Ave SE, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 503 8th Ave SE, Wakefield Property

Date: April 30, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 503 8th Ave SE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B) and 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

Therefore, I am requesting the Mayor and City Council to approve empowering the Planning & Zoning Department to act on the removal of this junk. Such action is permitted by the City Code Section 10.14.

Thank You

**City of Austin
Zoning Department**



**500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us**

April 30, 2021

William & Debora Wakefield
503 8th Ave SE
Austin, MN 55912

RE: Zoning Violations at 503 8th Ave SE, Austin, MN

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on April 28, 2021 at this site and the following issues need to be resolved:

- 1. Remove all junk from property**
- 2. No Parking in front yard**

This is a repeat offense and the matter has been referred to the Austin City Council for corrective action. You are being fined under the following City Code:

1.98 CIVIL PENALTIES.

Subd. 1. Purpose.

- A. The City Council seeks to offer an alternative method of enforcement for city code violations rather than relying on the criminal court system. The formal criminal prosecution process does not provide an environment to adequately address the unique and sensitive issues that are involved in city code violations, including, but not limited to, neighborhood concerns, livability issues, economic impact, physical limitations of the offenders and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. In addition, the court system is a slow, overburdened and methodical process that is not conducive to dealing with the violations in a prompt and timely manner. Finally, the penalties afforded the criminal court system are restricted to fines or physical confinement, which are not always effective solutions to address city code violations.

Subd. 4. Compliance letter.

- C. Exceptions to issuance of a compliance letter. For violations of any of the following sections, the city shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided in division (E) below.

1. Repeat offender. If the same offender commits a subsequent violation within 24 months after a compliance letter has been issued for a same or similar offense.

Subd. 5. Administrative citation

A. Generally.

1. Upon the failure to correct the violation specified in the compliance letter within the time frame established in the compliance letter or any extension thereof granted by the city, or for any offense for which a compliance letter is not required, an administrative citation may be issued.

If you have any questions, please call me at my office at (507)437-9951.

Sincerely,

A handwritten signature in dark ink, appearing to read "Brent Johnson", is written over a horizontal line.

Brent Johnson
Zoning Inspector



April 28, 2021
9:20 AM

503 8th Ave SE - garbage

No front yard parking

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

Memorandum

To: Mayor and City Council

Cc: Dune Acquisitions LLC
508 Oakland Ave W, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 207 3rd Ave SW, Dune Acquisitions Property

Date: April 30, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 207 3rd Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

Therefore, I am requesting the Mayor and City Council to approve empowering the Planning & Zoning Department to act on the removal of this junk. Such action is permitted by the City Code Section 10.14.

Thank You

City of Austin
Zoning Department



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9950
Fax: 507-437-7101
www.ci.austin.mn.us

April 9th, 2021

Dune Acquisitions LLC
508 Oakland Ave W
Austin, MN 55912

RE: Zoning Violations at 207 3rd Ave SW, Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on April 9th, 2021 at this site and the following issues need to be resolved:

1. **Remove junk from property**
2. **Provide current registration for all vehicles, and must be operable. Remove from property or store in an enclosed structure**

The violation of Austin City Code Sections 10.14 Subd.1(B), 10.33 Subd.1(G)& Subd. 2(B-1) and 10.14 Subd.4-6 were found. These City Code sections read as follows:

City Code Section 10.14, Subd. 1(B):

JUNK. All scrap metal, rags, batteries, paper, trash, rubber tires, debris, waste, wood, and/or construction materials not used in connection with a building or which is carried as inventory in an on-going construction business at a lawful place of business, dismantled vehicles, machinery and appliances or parts thereof and parts of vehicles, glass, tinware, plastic, aluminum and/or steel cans, old or discarded household goods, household furnishings or furniture, hardware or appliances. Neatly stacked firewood located so as to comply with the setback requirements as set forth in Chapter 11 and in accordance with side yard or rear yard setback requirements shall not be considered junk.

City Code Section 10.14, Subd. 4. Notice and abatement.

B. Public nuisances affecting health

5. Accumulations of manure, refuse or other debris;

D. Public nuisances affecting peace and safety.

16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

City Code Section 10.33 Subd. 1 (G)

Operable equipment for transportation of people, goods or material and equipment ordinarily used for recreational purposes. Including shall be, by way of example and not limitation, automobiles, trucks, pick-up trucks, trailers, marine crafts, snowmobiles, all terrain vehicles, motor homes, pick-up campers, buses, and camping trailers.

City Code Section 10.33 Subd. 2. Off-street outside parking within residential districts.

B. The number of vehicles permitted for outside parking in rear yard and side yard areas shall be limited as follows:

1. Two currently registered passenger vehicles registered to the licensed owner/occupant of the residence may be parked in the rear or side yard areas.

**City Code Section 10.14, Subd. 4(E-G)
NOTICE AND ABATEMENT.**

E. Whenever a public officer or other person charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the City enforcement officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

F. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

G. If an emergency exists that presents an immediate danger to citizens affecting their safety, the officer shall require immediate abatement of such nuisance. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council and may take such other appropriate action as may be necessary. The Council may, after notice to the owner or occupant, provide for the abating of the nuisance by the City.

City Code Section 10.14, Subd. 5:

RECOVERY OF COST. The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Recorder shall prepare a bill for the cost and mail it to the owner. There upon, the amount shall be immediately due and payable at the Office of the City Recorder. Ownership shall be presumed to be the owner as shown on the records of the County Treasurer unless the City Recorder has reason to know that such information is not accurate, in which event, notice shall be given to such other person as the City Recorder has reason to believe is, in fact, the true owner of said premises.

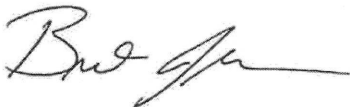
City Code Section 10.14, Subd. 6:

ASSESSMENT. If the cost of abating said nuisance is not paid in full to the City Recorder before September 1, next, then on or before September 1, next, following the abatement of the nuisance, the City Recorder shall list the total unpaid charges along with other such charges, as well as other charges for current services to be assessed under Minnesota Statutes 429.101 against each separate lot or parcel to which charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Please resolve the City Code violations within 10 days of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations.

Your cooperation with this matter will be greatly appreciated, and if you have any questions, please call me at my office at (507)437-9950.

Sincerely,



Brent Johnson
Zoning Inspector



April 28, 2021
9:06 AM

207 3rd Ave SW - Sunk