

A G E N D A
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 7, 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 August 16, 2021

3. Recognitions and Awards.

 Welcoming Week Proclamation

 Scott Wiechmann, VFW Commander 9/11 20th Anniversary

(mot) 4. *Consent Agenda

Licenses:

 Exempt gambling: Austin Area Chamber of Commerce on October 7, 2021

 Exempt gambling: United Catholic Schools Foundation on November 3, 2021

 Food: Five Below, Inc, 1001 18th Avenue NW

 Hotel/Motel: Ramsey Retreat, 4101 13th Street NE

 Mobile Business: On the Hook Fish and Chips, LLC, Laramie, Wyoming

 Mobile Business: Stage Coach BBQ & Grill, Brownsdale

 Right-of-Way: Kelm Lawn & Landscaping, Faribault

 Temporary Liquor: St. Augustine Catholic Church on September 25, 2021

Claims:

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

PUBLIC HEARINGS:

5. Public hearing on sidewalk improvement assessments for 8th Street NW (8th Avenue NW to 13th Avenue NW). The amount to be assessed is \$8,421.41 at 3.5% for 15 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.

 d. Resolution declaring the cost.

 e. Resolution adopting the assessment roll.

BID OPENINGS AND AWARDS:

6. Receiving bids for residential asbestos abatement.

(res) a. Awarding bid.

(res) 7. Receiving bids for airport snow removal.
a. Awarding bid.

PETITIONS AND REQUESTS:

(res) 8. Adopting a revised assessment roll for 1st Avenue NE & 16th Street NE.
a. Rescinding resolution 16240.
b. Adopting a revised assessment roll.

(res) 9. Setting public hearings for fall assessments on October 4, 2021.

(res) 10. Accepting donations to the City of Austin.

(mot) 11. Reviewing an ordinance regarding parking or storing of motor vehicles.
a. For preparation of the ordinance.
b. For adoption and publication of the ordinance.

(mot) 12. Reviewing an ordinance for liquor licensing updates.
a. For preparation of the ordinance.
b. For adoption and publication of the ordinance.

(res) 13. Approving a property exchange with James Snee and authorizing the execution of the deed for exchange.

(res) 14. Approving the renewal of a limited use permit for the I-90 pedestrian bridge - Todd Park Trail.

(res) 15. Approving the renewal of a limited use permit for the Nature Center pedestrian trail.

(res) 16. Approving the renewal of a limited use permit for the I-90 pedestrian underpass east of 6th Street NE.

(mot) 17. Authorizing the yard waste program for 2021 – scheduled for September 18 to November 27, 2021.

(mot) 18. Authorizing participation with Impact Austin for a phase one discovery tour with Velocity Group and authorizing \$5,000 in funding from 2021 contingency.

(res) 19. Approving a request for proposals for a DEED Economic Adjustment Assistance Program.

(res) 20. Approving a modification to a design services contract with SEH for the Waste Water Treatment Plant. *(backup to follow)*

(res) 21. Approving a property split for Argus Nelson.

(res) 22. Approving a property split for Kraig Kestner.

(res) 23. Declaring the property as 904 13th Avenue NE a hazardous structure.

(mot) 24. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 605 12th Street NE, Ubaldo Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

(mot) Adjourn to **Monday, September 20, 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
August 16, 2021
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Oballa Oballa (5:35 p.m.), Joyce Poshusta and Council Member-at-Large Jeff Austin

MEMBERS APPEARING ELECTRONICALLY: Council Member Michael Postma

MEMBERS ABSENT: Council Member Jason Baskin

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

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

OTHERS APPEARING ELECTRONICALLY: Austin Daily Herald, Mikela Huot, Nathan Stencil

APPEARING IN PERSON:

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

Added to the agenda:

Consent Agenda

Licenses:

Temporary Liquor: St. Augustine's Catholic Church on August 27, 2021

(res) 17. Approving engineering design services for the 21st Avenue NE project.

Removed from Agenda

13. Granting deed restrictions on Todd Park for a DNR grant.

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

Moved by Council Member Fischer, seconded by Council Member Waller, approving Council minutes from August 2, 2021. Carried.

CONSENT AGENDA

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

Licenses:

- Exempt Gambling (paddlewheels): Austin Morning Lions Club on October 29, 2021
- Right of Way: JJD Companies, LLC, Blooming Prairie
- Temporary Liquor: St. Augustine's Catholic Church on August 27, 2021

Claims:

- a. Pre-list of bills
- b. Investment and Credit Card Report.
- c. Melissa Baldus, 2000 11th Avenue SW. The matter has been forwarded to the City Attorney to protect the City's interest.

Carried.

PUBLIC HEARINGS

A public hearing was held for the review of a proposed establishment of a tax increment financing (redevelopment) district No. 16 and for the proposed adoption of a tax increment financing plan. City Administrator Craig Clark stated the proposal is for a redevelopment of the old YMCA site. He stated the TIF district would allow the Port Authority to recover the cost of acquisition of the property.

Mikela Huot stated that the document provides the authority to use the tax increment to finance the property.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Oballa, establishing tax increment financing (redevelopment) district no. 16 and adopting a tax increment financing plan therefor. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Oballa, authorizing an interfund loan advance of certain costs in connection with tax increment financing district no. 16 within municipal development district no. 1. Carried 6-0.

PETITIONS AND REQUESTS

Director of Administrative Services Tom Dankert requested the Council approve the 2021 Hormel Foundation grant rankings which were ranked in the following order at the August 2, 2021 work session:

1. I 90 Bridges	\$630,000
2. Affordable Housing Grant	\$600,000
3. Nature Center Bridge Replacement	\$ 50,000
4. Wildwood Park Playground	\$ 65,000
5. Oakland Avenue West Trail	\$100,000
6. JC Hormel Nature Programs	\$ 45,000
7. Hot Spot Plans	\$ 38,000
8. Fire Prevention & Education	\$ 5,000
9. Curb Appeal Project	\$ 75,000
10. Hormel Family Statute	\$150,000 Tie
10. Flashing Crosswalk	\$ 25,000 Tie

Also included in the City request, but not ranked, is a Quality of Life grant in the amount of \$93,826.

Moved by Council Member Fischer, seconded by Council Member Waller, approving 2021 Hormel Foundation grant rankings. Carried.

Library Director Julie Clinefelter stated the Library applied for and was awarded a construction improvement grant in the amount of \$319,800 for improvements to the current building and the construction of a project room on the west side of the library which will open to the outdoors. She stated there will also be additional conference and study rooms. The grant awarded is in the amount of \$319,800 and requires a fifty percent local match. The City would fund \$250,000 of that amount and the other \$69,800 will come from donations.

Moved by Council Member Oballa, seconded by Council Member Waller, adopting a resolution accepting a Minnesota Department of Education Construction grant for the Austin Public Library. Carried 6-0.

Administrative Services Director Tom Dankert stated the City needs to formally accept the grant from the federal government.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution accepting coronavirus local fiscal recovery fund established under the American Rescue Plan Act. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution accepting donations to the City of Austin. Carried 6-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, appointing Varinh Van Vugt to the Human Rights Commission, term expiring December 31, 2022. Carried.

Planning and Zoning Administrator Holly Wallace reviewed an annexation ordinance for City owned parcels in Lansing/Red Rock township property. She stated the properties are tax exempt so no future tax payments will be made to the Townships.

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

Moved by Council Member Fischer, seconded by Council Member Waller, for adoption of the ordinance. Carried 6-0.

Planning and Zoning Administrator Holly Wallace reviewed an annexation ordinance for Austin Township property owned by Don Richardson. She stated Mr. Richardson has a failing septic system and would like to connect to City sewer. The property is adjacent to the City boundary and less than 120 acres so it can be annexed by ordinance without township approval.

Moved by Council Member Oballa, seconded by Council Member Waller, for preparation of the ordinance. Carried.

Moved by Council Member Fischer, seconded by Council Member Oballa, for adoption of the ordinance. Carried 6-0.

Public Works Director Steven Lang requested the Council accept an airfield lighting grant for the Austin Municipal Airport. He stated the grant includes the replacement of 58 runway lights and 136 taxiway lights along with design and construction engineering services. The project would involve a federal and state grant.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution accepting a Federal and State airfield lighting grant for the Austin Municipal Airport. Carried 6-0.

Public Works Director Steven Lang requested the Council approve a grant in the amount of \$32,000 from the 2021 American Rescue Plan. The grant can be used for operations, personnel, cleaning, sanitization, janitorial services or debt service payments.

Moved by Council Member Oballa, seconded by Council Member Waller, adopting a resolution accepting an airport grant from the American Rescue Plan for the Austin Municipal Airport. Carried 6-0.

Public Works Director Steven Lang stated the Council previously approved evaluation services for the Cedar River Siphons and it was determined a new siphon should be constructed. The next step is to develop plans and specifications and WHKS has provided an estimate in the amount of \$41,200 for those services which would be split between local option sales tax funds and Waste Water Treatment Plant funds.

Moved by Council Member Fischer, seconded by Council Member Oballa, adopting a resolution approving engineering design services with WHKS for the Cedar River siphons. Carried 6-0.

Public Works Director Steven Lang stated the City received proposals for the design of 21st Street NE. The following proposals were received:

	Base Bid	Geotechnical	Section 4(f)	Bidding
WHKS	\$79,500	Not included	Not included	Some included
Bolton & Menk	\$94,830	Included	Included	Included
SEH, Inc.	\$84,930	+\$15,000	+\$3,240	+\$1,790

Mr. Lang recommended awarding the bid to Bolton & Menk due to their strong background in civil engineering. The project is estimated to cost \$1.4 million and is expected to be constructed in 2022.

Moved by Council Member Fischer seconded by Council Member Oballa, adopting a resolution approving engineering design services with Bolton & Menk for the 21st Avenue NE project. Carried 6-0.

Fire Chief Jim McCoy stated the Fire Department applied for and received a grant from International Paper in the amount of \$5,500 for the purchase of vapor protection firefighting hoods.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution accepting a grant from International Paper for the Austin Fire Department. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Waller, declaring the property at 709 Oakland Avenue West a hazardous structure. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 713 4th Avenue NE, Miller Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1004 5th Street NW, Marquardt Property. Carried.

Moved by Council Member Waller, seconded by Council Member Fischer, adopting a resolution Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1206 12th Street NW, Sheehan Property. Carried.

REPORTS

City Administrator Craig Clark discussed WWTP funding with Senator Klobuchar's office.

Council Member Poshusta thanked staff for all their work to obtain grants for the City. She asked what the Coronavirus grant would be used for.

Administrative Services Director Tom Dankert stated the funding would be used for police and fire emergency services and other related loss of revenue expenses.

Mayor King stated the Austin Art Works Festival will be the weekend of August 28th and Welcoming Week will be the week of September 10th.

Moved by Council Member Waller, seconded by Council Member-at-Large Austin, adjourning the meeting to September 7, 2021. Carried.

Adjourned: 6:05 p.m.

Approved: September 7, 2021

Mayor: _____

City Recorder: _____

City of Austin



500 Fourth Avenue N.E.
Austin, Minnesota 55912
Phone: 507-437-9940
www.ci.austin.mn.us

Proclamation

WHEREAS: Next week, we celebrate Welcoming Week as a way of creating home together with communities around the world. Welcoming Week is about bringing neighbors together across lines of differences to build relationships and work together on shared goals; and

WHEREAS: Austin's success depends on making sure that all residents and community members feel welcome here. Today, new residents are a vital part of our community – bringing fresh perspectives and new ideas, starting businesses and contributing to the vibrant diversity and the quality of life that we all value for current and future generations; and

WHEREAS: We must come together as a community with compassion and unity, with welcome and respect, and with a shared vision that all residents of the City of Austin are safe and that civil rights are protected. Austin is committed to racial and ethnic equity and the inclusion of all residents in creating the foundation of a vibrant community; and

WHEREAS: The City of Austin encourages the business community, civic groups, other units of government and community institutions to undertake initiatives beyond this proclamation, to make the region a welcoming place for new and long-term residents alike; and

WHEREAS: Regardless of where we are born or what we look like, we are residents of Austin united in our efforts to build a stronger community. By recognizing the contributions that we all make to create a vibrant culture and a growing economy, we make our community more prosperous and more inclusive to all who call it home; and

FURTHER: The City of Austin does hereby recognize, today and during Welcoming Week 2021, the value of ensuring that all are welcome here. We urge all residents of Austin to reach out to and welcome all who live in and visit our community. I invite all residents of Austin to join this movement by taking action in the spirit of unity across differences.

NOW, THEREFORE, I, Stephen M. King, Mayor of Austin, do hereby proclaim September 10 through September 19, 2021 as

WELCOMING WEEK 2021

Stephen M. King, 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

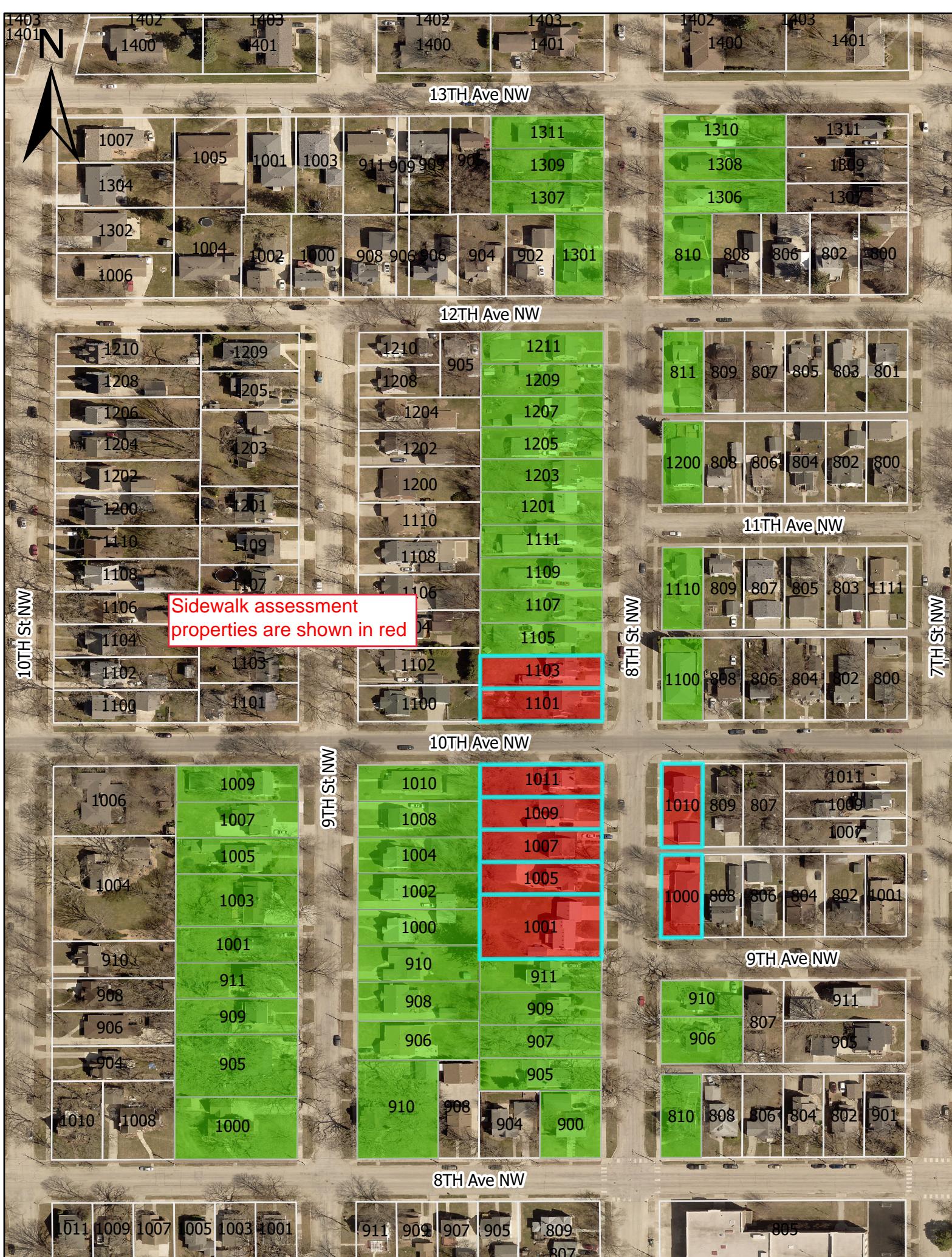
To: Mayor & Council
From: Mitch Wenum, PE
Date: September 1, 2021
Subject: 8th Street NW Sidewalk Assessment

Every summer, we evaluate sidewalks to determine those in need repair for the following year's street reconstruction projects. Those sidewalks in need of repair are then included on the assessments that are sent to the property owners over the winter.

Unfortunately, during construction this summer we discovered that we had missed evaluating the sidewalks on 9 properties on 8th Street NW. We then evaluated the sidewalks, 8 of the 9 properties required sidewalk repairs. Since the assessment rolls were already approved by the Council this spring, we were unable to add the sidewalk repair costs onto their assessment.

To be fair to all property owners on the project we decided to send a separate assessment notice to those 8 properties for their sidewalk repair costs. Attached is a map of the properties being assessed.

If you have any questions, please contact me.



RESOLUTION NO.

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

WHEREAS, the City Council has approved the sidewalk project for 8th Street NW (8th Avenue NW to 13th Avenue NW).

**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 \$8,421.41
2. Assessments shall be payable in equal annual principal installments extending over a period of fifteen (15) 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 3.5% per annum from November 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 7th day of September, 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:

Sidewalks on 8th Street NW (8th Avenue NW to 13th Avenue NW)

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 fifteen (15) years, the first of the installments to be payable on the first Monday in January 2022 and shall bear interest at the rate of 3.5 percent per annum. The first installment shall be added interest on the entire assessment from November 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 7th day of September, 2021.

YEAS

NAYS

ATTEST:

City Recorder

Mayor

APPROVED:

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Sidewalk improvements on 8th Street NW
Project No. 21101
Interest at 3.5% starting November 1, 2021
15 years

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<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
James C & Julie Lura 34.045.0010	Lots 1 & 2	1	Baudler East View	\$767.26
Felicia Howie 34.045.0030	Lot 4	1	Baudler East View	\$645.20
Laura S Helle 34.045.0040	Lot 5	1	Baudler East View	\$856.00
Steven R Hall 34.045.0050	Lot 6	1	Baudler East View	\$1,714.93
Wayne Goodnature 34.045.0060	Lot 1	2	Baudler East View	\$1,389.26
David O & Judith Laskewitz 34.045.0070	Lot 2	2	Baudler East View	\$131.65
James And Cynthia Corbly Joint Revocable Living Trust 34.790.1010	Lot 1	9	Woodlawn Park	\$138.58
Patricia A Magee 34.790.1120	Lot 12	9	Woodlawn Park	\$2,778.53
			TOTAL:	\$8,421.41

City of Austin
Zoning Department



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

Memorandum

To: Mayor & Council

From: Holly Wallace, Planning & Zoning Administrator

cc: Steven J. Lang, Public Works Director

Date: August 31st, 2021

Subject: Asbestos Abatement,
1206 12th DR SW
907 9th AVE SW
1005 9th ST NW
906 13th AVE NE
202 4th ST SE

We received bids for asbestos abatement at 1206 12th DR SW, 907 9th AVE SW, 1005 9th ST NW, 906 13th AVE NE and 202 4th ST SE on August 30th, 2021. The work will include removal of duct wrap, window glazing, transite siding, sink liner, vinyl flooring and floor tile. The bids are summarized below:

<u>Contractor</u>	<u>Total Bid</u>
Asbestrol	\$ 27,460.00
Environmental Plant Services, Inc.	\$ 30,350.00
MAVO Systems, Inc.	\$ 65,550.00

We would recommend awarding the bid to Asbestrol. The flood buyout will be funded with 100% local option sales tax and hazardous demo will be funded from nuisance budget, tax levy and capital improvement revolving fund. If you have any questions, feel free to contact me.

Cost breakdown per location:

1206 12 th DR SW- Flood Buyout	\$ 4,850.00
907 9 th AVE SW- Hazardous Demo	\$ 4,130.00
1005 9 th ST NW- Hazardous Demo	\$ 4,970.00
906 13 th AVE NE- Hazardous Demo	\$ 8,930.00
202 4 th ST SE- Hazardous Demo	\$ 4,580.00

RESOLUTION NO.

AWARDING BID – ASBESTOS ABATEMENT

WHEREAS, the City received bid for the following:

Asbestos Building Abatement
1206 12th Drive SW, 907 9th Avenue SW, 1005 9th Street NW,
906 13th Avenue NE, 202 4th Street SE

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

<u>Contractor</u>	<u>Base Bid</u>
Asbestrol	\$27,460.00
Environmental Plant Services	\$30,350.00
Mavo Systems	\$65,550.00

AND, WHEREAS, it appears Asbestrol is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota that the base bid Asbestrol is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Asbestrol in the name of the City of Austin for the following:

Asbestos Building Abatement
1206 12th Drive SW, 907 9th Avenue SW, 1005 9th Street NW,
906 13th Avenue NE, 202 4th Street SE

Passed by a vote of yeas and nays this 7th day of September, 2021

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

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: September 2, 2021
Subject: Snow Removal Bids, Austin Municipal Airport

We hire a contractor to remove snow and ice at the Austin Municipal airport. The contractor is responsible for clearing snow from the runway, apron, taxiway and all adjacent connecting taxiways. Bruce Budahn, the Fixed Base Officer or Airport Manager, assists with the snow removal process with a front-end loader that has a sweeper, pusher and snow blower attachments. The snow removal is typically based around the flight schedule of incoming and outgoing aircraft.

Earlier this summer, our snow removal contractor that we have used for the past 6 years announced that he would no longer be able to clear snow for us at the airport. We solicited bids from 5 local contractors and received the following price quotes:

	Motor Grader	Front-end Loader
Koehler's Yard Service	\$140.00	\$140.00 per hour
Damel Corp. Inc.	No Bid	
Jensen Excavating & Trucking	No Bid	
Hansen Hauling & Excavating	No Bid	
Jim's Excavation & Demo	No Bid	
2020/21 Rate	\$140.00	\$140.00 per hour

We estimate a typical winter will include 150 hours of snow remove for a total snow removal budget of \$20K to \$25K for a winter season. This is funded through our Airport Fund with a portion of the costs reimbursed through our MnDOT Airport Maintenance funds. I would recommend awarding the snow removal work to Koehler's Yard Service. If you have any questions, feel free to contact me.

Dear Mayor and Austin City Council,

I would love working with you to service the Austin Airport. The crew size is around 20 dependable people and growing. The equipment services our sites well and on time and our references will back that up. We use Arctic Pushers that are sectionals. Each 3' section has its own down pressure which cleans lots much better than rigid one piece cutting bars. This mean a cleaner lot with less snow remaining and thus, less salt is used. We have 14' and 17' sectionals priced accordingly per hour. We have several loaders and a grader. I have met with Bruce, Steven and Joe and understand the scope of work needed to complete the job.

References:

Austin MarketPlace/Marshalls location	920 621 1493	Victor -Slaby and Associates
Austin Post Office	507 434 4748	Jason
Austin/Albert Lea Mid-America	952 563 6663	Connor
Cornerstone Financial	612 730 1525	Todd Ehret
Dominoes Pizza	641 583 2441	Mark
Egan Electric	507 438 2322	Kevin Kestner
Faith E. Free Church	507 437 1000	Shelly
FoxPointe Condos	636 346 3915	Gene
Grace Baptist Church	507 438 0749	Dan Reed
Holy Cross/HeadStart	507 458 5018	David Watkins
Hormel Historic Home	507 433 4243	Holly
Hormel Leaning Tree Prop.	507 437 5436	Mike Page
Hormel Science Park	507 219 0156	Angie Goetz
Huffman Flooring	507 433 6440	Joe
HyVee	507 437 7625	Britt
Mayo Gold Cross	507 951 9956	Trish
McDonalds (3)	507 473 5167	Scott
MedCity Mobility	507 433 9000	
Regency Properties/Aldi location	812 491 7687	Jason
Target Corp.	866 571 4609	Ferrandino & Son
USDA	507 254 1600	Ron Carlson
Village Co-op	507 433 1310	Norma
Walgreens, Dollar Gen. . . .	610 313 2869	USM/Jeff
Walmart	866 571 4609	Ferrandino & Son / Waren Ext. 1105
Woodcrest Mng./Old ShopKo location	817 381 2112	Connie

We would love taking care of your property for you! We have a family owned business with extra employees that are handpicked and enjoyable to associate with. They have good attitudes, clean language and are honest and personable. They enjoy doing this type of work. We are very flexible with pricing and are willing to work with yours. So please call if you have any questions and I would love to meet with you and prove that we are what we say. I assume that is why we have been doing this full-time and growing in Austin since 1999.

Mel Koehler

507 440 3406

RESOLUTION NO.

AWARDING BID – AIRPORT SNOW REMOVAL

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

Airport Snow Removal

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

<u>Contractor</u>	<u>Motor Grader</u>	<u>Front End Loader</u>
Koehler's Yard Service	\$140/hour	\$140/hour
Damel Corp. Inc.	No bid	
Jensen Excavating & Trucking	No bid	
Hansen Hauling & Excavating	No bid	
Jim's Excavating & Demo	No bid	

AND, WHEREAS, it appears Koehler's Yard Service is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota that the bid of Koehler's Yard Service is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Koehler's Yard Service in the name of the City of Austin for the following:

Airport Snow Removal

Passed by a vote of yeas and nays this 7th day of September, 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: Mitch Wenum, PE
Date: September 1, 2021
Subject: 1st Avenue NE & 16th Street NE Assessments

Every summer, we evaluate sidewalks to determine those in need repair for the following year's street reconstruction projects. Those sidewalks in need of repair are then included on the assessment notices that are sent to the property owners over the winter.

Each year we get requests from property owners to re-evaluate their sidewalks, because they do not agree with our determination. We will always perform a re-evaluation, but typically it results in no change or very minor adjustments.

On the 1st Avenue & 16th Street NE project we had several requests for sidewalk re-evaluation. During the re-evaluations we noticed that many of the sidewalk panels scheduled for replacement were a type of exposed aggregate concrete that we do not typically see in the rest of Austin. The sidewalk panels were in good condition and met ADA requirements, so we determined that they could remain in place.

In order to be fair to all of the other property owners, we decided to re-evaluate all of the sidewalks on the project. Many of the sidewalk panels were the exposed aggregate style and in good condition. These panels do not need to be replaced resulting in lower sidewalk assessment costs for property owners.

The re-evaluation resulted in lower sidewalk replacement costs for 54 of the 68 property owners on the project. We would recommend rescinding Resolution 16240 and adopting the revised assessment roll for this project.

If you have any questions, please contact me.

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Street and sidewalk improvements on 16th Street NE & 1st Avenue NE
Project No. 21104
Interest at 3.5% starting November 1, 2021
15 years

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Larry D & Margaret M Miland 34.190.0470	N54ft N1/2 Out Lot 23 & 24		Decker Acres	\$1,934.93
Jill M Van Hooser 34.190.0510	N150ft OL 25		Decker Acres	\$3,123.82
Jacqueline Stanley 34.190.0520	N1/2 Out Lot 26		Decker Acres	\$3,930.52
Marc E Hammero & Pamela H Hammero Joint Revocable Trust 34.190.0550	N1/2 Out Lot 27		Decker Acres	\$3,470.27
Marty W & Angela M Paris 34.190.0560	Out Lot 28 Exc S150ft		Decker Acres	\$3,477.20
Salvador Gutierrez Gomez 34.190.0590	Out Lot 29 Exc S150ft		Decker Acres	\$3,123.82
Ricky J McKee 34.190.0610	Out Lot 30 exc S150ft		Decker Acres	\$3,293.58
Mark M & Tanya Engesser 34.190.0630	N1/2 Out Lot 31		Decker Acres	\$3,300.51
Kirk B & Mary Olsen 34.190.0640	N1/2 Out Lot 32		Decker Acres	\$3,300.51
Jill Noble 34.190.0660	Out Lot 33 Exc S1/2		Decker Acres	\$3,526.50
Eric J & Rachel M Sippel 34.190.0690	N150ft Out Lot 34		Decker Acres	\$3,629.64
Gus D & Ann Maxfield 34.190.0710	N150ft Out Lot 35		Decker Acres	\$4,464.58
The Welcome Mat LLC 34.190.0720	Out Lot 36 Exc S150ft		Decker Acres	\$3,809.79

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Street and sidewalk improvements on 16th Street NE & 1st Avenue NE
Project No. 21104
Interest at 3.5% starting November 1, 2021
15 years

Page 2

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Matthew S Grobe 34.190.0740	Out Lot 37 Exc S150ft		Decker Acres	\$3,900.93
Genaro Duarte 34.190.0770	Out Lot 38 Exc S150ft		Decker Acres	\$4,248.98
Christine M Haros 34.190.0780	Out Lot 39 Exc S1/2		Decker Acres	\$3,640.03
Travis Haasch 34.190.0810	N1/2 Out Lot 40		Decker Acres	\$3,785.54
Pan Bue 34.190.0830	Out Lot 41 Exc S150ft		Decker Acres	\$3,987.28
Enrique Camarena Corzo 34.190.0850	Out Lot 42 Exc S150ft		Decker Acres	\$3,640.03
Ethan Wightkin 34.190.0860	Out Lot 43 Exc S150ft		Decker Acres	\$3,470.27
Diana K Medgaarden & Ricky A Severtson 34.190.0890	Out Lot 44 Exc S150ft		Decker Acres	\$3,300.51
Sean W Morgan 34.190.0900	Out Lot 45 Exc N150ft		Decker Acres	\$3,466.28
Kenneth J & Sheryl D Gorman 34.190.0920	Out Lot 46 Exc N150ft		Decker Acres	\$3,123.29
Dale Rugg 34.190.0940	Out Lot 47 Exc N150ft		Decker Acres	\$3,123.29
Thavy Mounbuoa 34.190.0950	Out Lot 48 Exc N150ft		Decker Acres	\$3,123.29
Alex J Bute 34.190.0960	Out Lot 49 Exc N150ft		Decker Acres	\$3,123.29

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Street and sidewalk improvements on 16th Street NE & 1st Avenue NE
Project No. 21104
Interest at 3.5% starting November 1, 2021
15 years

Page 3

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Gladys Cisneros 34.190.1010	S1/2 Out Lot 50		Decker Acres	\$3,516.92
Alfredo Cruz & Jennifer Maldonado 34.190.1020	Out Lot 51 Exc N1/2		Decker Acres	\$3,123.29
Coelee K Smalley 34.190.1050	Out Lot 52 Exc N150ft		Decker Acres	\$3,625.65
Jessica List 34.190.1070	Out Lot 53 Exc N150ft		Decker Acres	\$4,712.43
Zachary L Hanson 34.190.1080	S150FT Out Lot 54		Decker Acres	\$3,123.29
Scott F King & Penny S Christianson 34.190.1110	S150ft Out Lot 55		Decker Acres	\$3,296.52
Francisco & Maria O Torres 34.190.1120	Out Lot 56 Exc N150ft		Decker Acres	\$3,296.52
Wayne L Rogne 34.190.1140	S150ft Out Lot 57		Decker Acres	\$3,473.21
Kimberly Hillson 34.190.1160	Out Lot 58 Exc N150ft		Decker Acres	\$3,289.59
Gary B & Caryl A Olson 34.190.1190	S1/2 Out Lot 59 Exc E10ft		Decker Acres	\$2,598.19
Jason C & Lyn M Merritt 34.190.1210	S1/2 E10ft Out Lot 59 & S1/2 Out Lot 60		Decker Acres	\$4,353.02
Mark & Lori Wills 34.190.1240	Out Lot 61 Exc N150ft		Decker Acres	\$3,991.82
Lonnie M & Holly Ann Arndt 34.190.1250	Out Lot 62 Exc N150ft		Decker Acres	\$3,296.52

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Street and sidewalk improvements on 16th Street NE & 1st Avenue NE
Project No. 21104
Interest at 3.5% starting November 1, 2021
15 years

Page 4

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Talon Krachmer 34.190.1270	Out Lot 63 Exc N1/2		Decker Acres	\$3,716.52
Carmon Siewert & S Ulwelling 34.190.1300	Out Lot 64 Exc N150ft		Decker Acres	\$4,110.68
Maximo Manzano Fuentes 34.190.1310	S1/2 Out Lots 65 & 66		Decker Acres	\$162.83
Phanny Viramonth 34.410.0110	Lot 13	1	Lewis Park	\$3,172.24
Maurice P & Renee Harty Living Trust 34.410.0120	Lots 14 to 21	1	Lewis Park	\$28,067.69
Theodore Michael Frazier 34.410.0150	Lot 1 & W25ft Lot 2	2	Lewis Park	\$4,179.39
Marcia K Adams 34.410.0240	Lot 11	2	Lewis Park	\$2,640.73
Lisa M Hall 34.410.0250	Lots 12 & 13	2	Lewis Park	\$5,781.07
Steven C Brown 34.410.0260	Lot 14	2	Lewis Park	\$2,802.19
Diane M Johnson 34.410.0270	Lot 15	2	Lewis Park	\$2,625.50
Ranae M Carroll 34.410.0280	Lot 16	2	Lewis Park	\$2,625.50
Alyssa T Randall 34.410.0290	Lot 17	2	Lewis Park	\$2,865.35
Joshua Maxfield 34.410.0300	Lot 18	2	Lewis Park	\$3,364.63

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Street and sidewalk improvements on 16th Street NE & 1st Avenue NE
Project No. 21104
Interest at 3.5% starting November 1, 2021
15 years

Page 5

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Gregory L Arens 34.410.0310	Lot 19	2	Lewis Park	\$3,148.64
Jackie R Jensen 34.410.0320	Lot 20	2	Lewis Park	\$5,607.43
Holy Cross Ev Lutheran Church 34.410.0321	Lots 1 & 2	3	Lewis Park	\$18,076.25
Holy Cross Ev Lutheran Church 34.410.0322	Lot 3	3	Lewis Park	\$3,991.88
Vernon L Dunham 34.410.0330	Lot 4	3	Lewis Park	\$3,235.29
Dawn Pope 34.410.0340	Lot 5	3	Lewis Park	\$2,813.95
Warren Neil Radford 34.410.0350	Lot 6	3	Lewis Park	\$2,990.64
Darin Finley 34.410.0360	Lot 7	3	Lewis Park	\$3,139.62
Joshua J Lowe 34.410.0370	Lot 8	3	Lewis Park	\$2,640.73
Dune Acquisitions LLC 34.410.0380	Lot 9	3	Lewis Park	\$2,640.73
Brett A Tufte 34.410.0390	Lot 10	3	Lewis Park	\$3,183.59
Holy Cross Ev Lutheran Church 34.410.0452	Lots 18, 19 & 20	3	Lewis Park	\$7,874.40
Scott A Ohm 34.410.0459	Lots 7, 8, & 9, all East of Oakland PL NE, & all of Lot 10	4	Lewis Park	\$9,456.68

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Street and sidewalk improvements on 16th Street NE & 1st Avenue NE
Project No. 21104
Interest at 3.5% starting November 1, 2021
15 years

Page 6

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Ellen Kay Borner 34.410.0460	Lot 11	4	Lewis Park	\$3,193.94
Debra Malm 34.410.0470	Lot 12	4	Lewis Park	\$5,977.00
Holy Cross Ev Lutheran Church 34.410.0475	All that part of Lots 13, 14 & 15 East of Lake	4	Lewis Park	\$9,846.72
			TOTAL	\$289,947.49

City of Austin
Ann M. Kasel, City Clerk



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

MEMORANDUM

To: Mayor and City Council
From: Ann M. Kasel
Re: Setting Assessment Hearings
Date: August 19, 2021

Attached is a resolution for the fall assessment hearings. The resolutions will set the assessment hearings for October 4, 2021 at 5:30 p.m. for the following items:

- Snow removal
- Junk removal
- Weed removal and grass mowing
- Tree assessments
- Miscellaneous sidewalk and driveway projects
- Forfeited property reassessments
- Administrative Citations
- Sewer Connections
- Hazardous Housing Mitigation
- Unpaid Sewer Bills
- Other unpaid City billings

Each property owner will be mailed notice of the hearing and a notice will be published in the Austin Daily Herald.

Please let me know if you have any questions.

RESOLUTION NO.

RESOLUTION SETTING HEARING ON PROPOSED ASSESSMENTS

WHEREAS, by resolution passed by the Council, the City Clerk is directed to prepare proposed assessments on the cost of the following projects:

2021 snow removal
2021 junk removal
2021 weed and grass removal
Tree Removal
Miscellaneous sidewalk and indrive projects
Forfeited Property reassessments
Administrative citations
Sewer connections
Hazardous Housing Mitigation
Unpaid Sewer bills
Other unpaid City billings

AND, WHEREAS, the City Clerk has notified the Council that such proposed assessments have been completed and filed in the office for public inspection.

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

1. A hearing shall be held on the 4th day of October, 2021 in the City Hall Council Chambers at 5:30 pm to pass upon such proposed assessments, and at such time and place all persons owning property affected by such improvements will be given an opportunity to be heard with reference to such assessments.
2. The City Clerk is hereby directed to cause a notice of hearing on proposed assessments to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement. The City Clerk shall cause mail notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The owner of any property so assessed may pay his or her assessment at any time prior to certification of the assessment on such property with interest accrued to the date of payment to the City, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessments. He or she may at any time thereafter pay to the City the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made.

Passed by a vote of yeas and nays this 7th day of September, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



Planning & Zoning Department
507-437-9950
Fax 507-437-7101

Memorandum

To: Mayor and City Council

From: Holly Wallace, Planning & Zoning Administrator

Date: September 1, 2021

Re: Amending City Code, Chapter 10, Section 10.33, Subd. 2(C) and Subd. 1(G)

Adding language requiring registration of vehicles located in allowed front yard parking areas and clarifying the definition of recreational vehicles as a subset of vehicles.

Existing 2(C):

C. Outside parking of vehicles shall not be permitted in any portion of the front yard unless the vehicle is parked on a driveway or on a parking area directly adjacent to the side of the driveway. The square footage of the front yard which is devoted to green space shall always be as required by the applicable provisions of the City of Austin Zoning Ordinance.

Proposed:

C. Outside parking of vehicles shall not be permitted in any portion of the front yard unless the vehicle is parked on a driveway or on a **hard-surfaced** parking area directly adjacent to the side of the driveway **and vehicles are currently registered to the licensed property owner/occupant**. The square footage of the front yard which is devoted to green space shall always be as required by the applicable provisions of the City of Austin Zoning Ordinance.

Existing 1(G):

VEHICLE or **VEHICLES**. Operable equipment for transportation of people, goods or material and equipment ordinarily used for recreational purposes. Included 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.

Proposed:

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

ORDINANCE NO. _____

**AN ORDINANCE FOR THE CITY OF AUSTIN, MINNESOTA AMENDING CHAPTER 10,
SECTION 10.33, REGARDING PARKING OR STORING OF MOTOR VEHICLES.**

The Common Council of the City of Austin does ordain:

SECTION 1. Section 10.33, Subdivision 2 (C), of City Code Chapter 10, shall be amended to read as follows:

C. Outside parking of vehicles shall not be permitted in any portion of the front yard unless the vehicle is parked on a driveway or on a hard-surfaced parking area directly adjacent to the side of the driveway and vehicles are currently registered to the licensed property owner/occupant. The square footage of the front yard which is devoted to green space shall always be as required by the applicable provisions of the City of Austin Zoning Ordinance.

SECTION 2. Section 10.33, Subdivision 1 (G), of City Code Chapter 10, shall be amended to read as follows:

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

Passed by a vote of yeas and nays this _____ day of _____, 2021

ATTEST:

City Recorder

APPROVED:

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 King and Council
 From: Ann M. Kasel, City Clerk
 Re: Liquor Regulations in the City of Austin
 Date: August 20, 2021

Limitation of more than one on-sale license

Liquor licensing in Austin (and Minnesota as a whole) has been historically restrictive. The ownership limitation provision is regulated by Austin City Code Section 5.05 which states:

No person shall be granted an off-sale license at more than one location nor shall any person be granted an on-sale liquor license at more than one location.

This portion of the code was actually modified in 2013 to be less restrictive because Hy-Vee wanted to have an on-sale license in their newly-built store in addition to the off-sale liquor store. The code prior to 2013 prohibited holding both types of licenses.

Minnesota Statute Section 340A.412, Subd 3 states that a municipality may not issue more than one off-sale intoxicating liquor license to any one person or for any one place. Therefore, it is regulated by State statute that there can not be more than one off-sale in a municipality. (This does not apply to gas stations because that alcohol content is lower and is classified as 3.2 beer and not intoxicating liquor.)

The restriction is not in statute for on-sale licenses. However, some cities have chosen to keep that restriction. The Council would need to decide if they would like to change this provision in the code to allow for more than one on-sale license per owner.

Limitation on number of licenses

There is a limitation to the number of on-sale intoxicating liquor licenses that a city can issue to exclusive bars. By State Statute 340A.413 that number is 18 for Austin. That total does not include clubs, restaurants, hotels or theaters.

The City Code (Section 5.19) further limits that number to 16 for exclusive bars. It then limits the number for restaurant/hotels by the following:

2 - Class I	- Having an assessed value over \$250,000
2 - Class II	- Having an assessed value over \$350,000
1 - Class III	- Having an assessed value over \$450,000
1 - Class IV	- Having an assessed value over \$450,000 plus 100 hotel rooms
5 - Class IA	- Having an assessed value over \$50,000

This classification system was established by Council in 2004 to encourage high value establishments to build in Austin and obtain liquor licenses.

If the Council would like to be consistent with Minnesota Statutes it should repeal the classification language and refer to Minn. Stat. 340A.413 to determine the number of exclusive bars. There would be no limit on hotels and restaurants.

The Council reviewed proposed changes to the liquor code at their August 16, 2021 work session and recommended the attached ordinance to modify and bring the City Code in alignment with State statutes.

Please contact me if you have any questions.

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF AUSTIN,
MINNESOTA AMENDING CITY CODE CHAPTER 5
SECTIONS 5.05, SECTION 5.19 AND SECTION 5.32 SUBD 9**

The Council of the City of Austin does ordain:

Section 1. Austin City Code Chapter 5, Section 5.05, Section 5.19 and Section 5.32 subd. 9 are hereby repealed.

Section 2. New Section 5.05, Section 5.19 and Section 5.32 subd. 9 are hereby enacted and should read as follows:

§ 5.05 LIMITATION ON OWNERSHIP

No person shall be granted an off-sale liquor license at more than one location. For the purpose of this section, any person owning an interest of 5%, or more, of the entity to which the license is issued, or such ownership by a member of his or her immediate family, shall be deemed to be a licensee.

§ 5.19 NUMBER OF ON-SALE LIQUOR LICENSES

The number of on-sale liquor licenses in the City shall be regulated by M.S. Chapter 340A.413.

§ 5.32 SUBD. 9 LIQUOR LICENSE RESTRICTIONS AND REGULATIONS

No more than one off-sale license shall be held by any person. For the purpose of this subdivision, any person owning a beneficial interest of 5% or more of any licensed establishment shall be considered a licensee.

Passed by a vote of yeas and nays this 7th day of September, 2021

YEAS

NAYS

APPROVED:

Mayor

ATTEST:

City Recorder

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: August 26, 2021
Subject: Snee Property Exchange

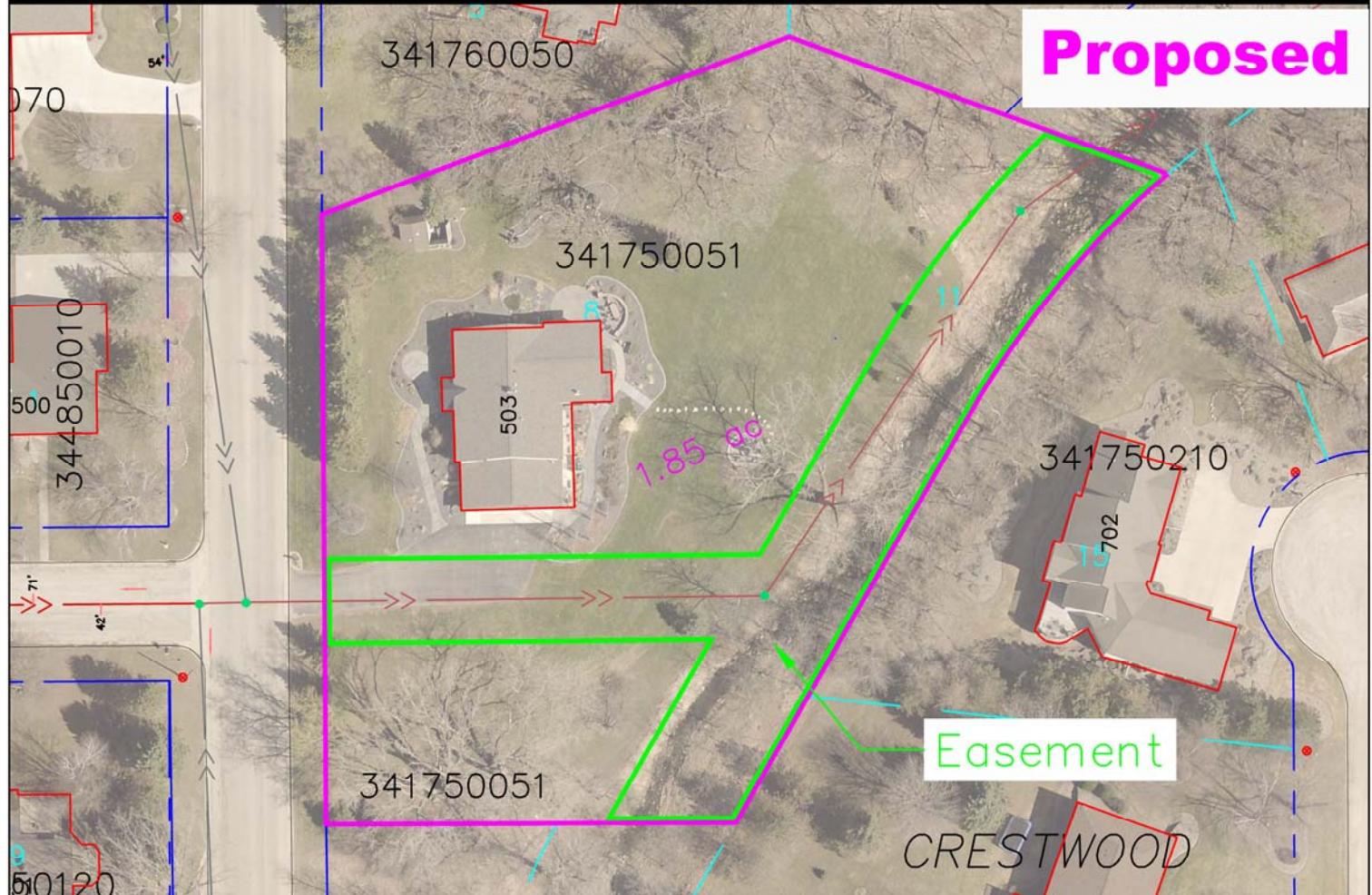
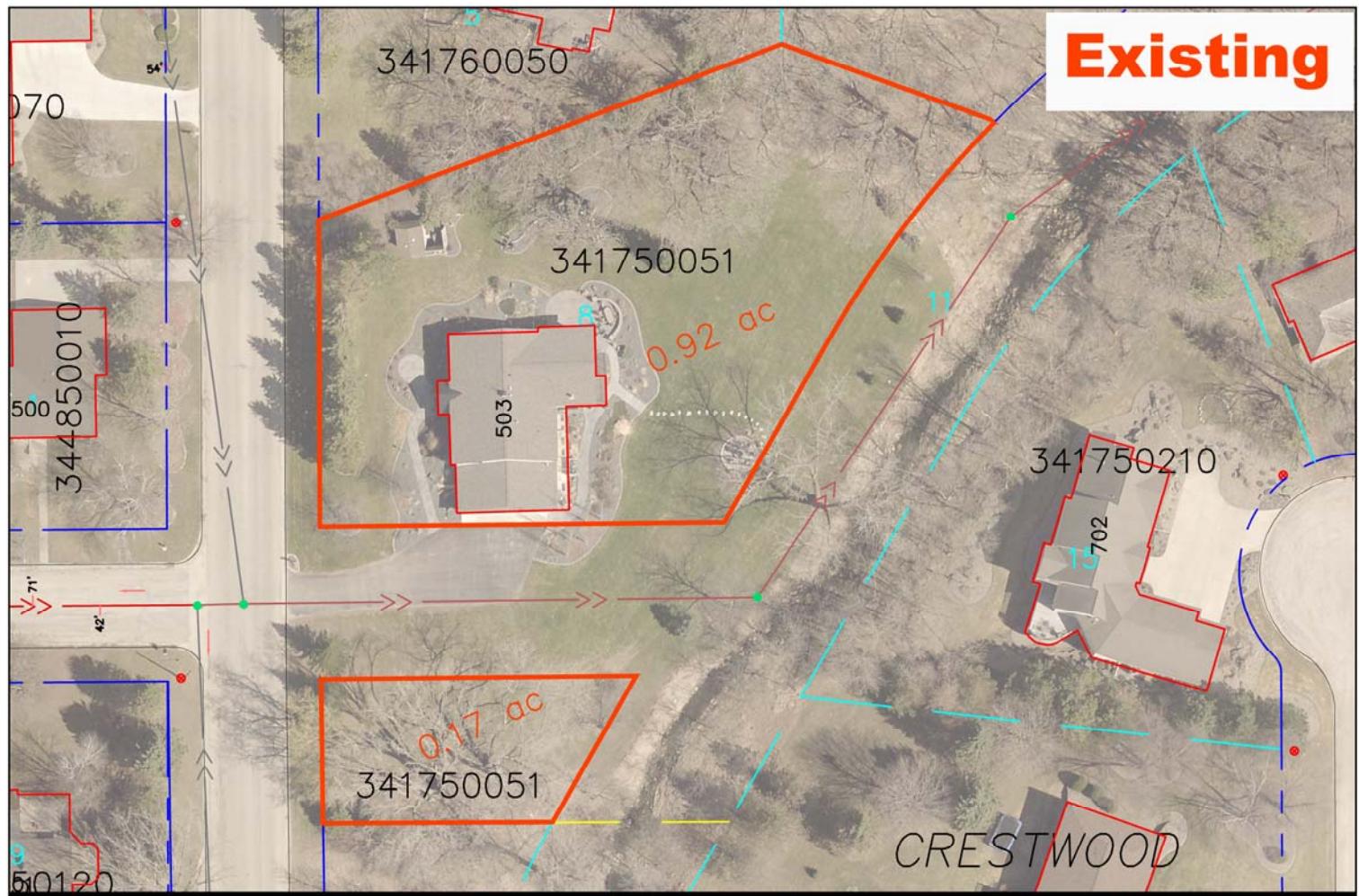
The Snee property located at 503 24th Street SW has a unique situation whereas it is bisected by city property. In 1965, the city purchased a 66ft wide parcel in alignment with 5th Avenue SW for sanitary sewer extension. This left Outlot 8 bisected into two lots with a small remnant parcel consisting of 0.17 acres. The small remnant parcel has limited development options due to our zoning code requirements.

To remedy this situation, we have been working with the Snees on possible land exchange options. We have proposed that the city would deed to Snee the 5th Avenue extension parcel to reestablish the original boundaries of Outlot 8. In addition, the city would deed a portion of Outlot 11 expanding Snees property boundaries. In exchange, Snees would grant the city an easement for the sanitary sewer and they would compensate the city for the new property gained outside of the easement.

The land value for the new property gained outside of the easement is based on the County recorders valuation for the existing Snee property at \$1.62/sf. The value of the additional land was calculated as follows:

- 5th Avenue 4038.89sf, property gained by reducing from 66ft parcel to 40ft easement
- Outlot 11 5697.75sf, property gained adding 66ft of Outlot 11, less 50ft easement
- Total 9736.64sf
 @ \$1.62/sf
- **Land Cost** **\$15,773.36**
 - \$ 52.05, Deed tax
 - \$ 50.00, Recording fee
 - \$ (1.00), Easement
- **Total Cost** **\$15,874.41**, Snee payment to City

This exchange has the potential to benefit both parties. Snees will have a larger contiguous lot and will allow more standard zoning regulations for use of their property. The City will retain use of the property via the easement, gain an initial payment of \$15,874.41 and long-term benefit of increased taxable property. For these reasons, we would recommend approval of the proposed property exchange. If you have any questions, feel free to contact me.



(Top 3 inches reserved for recording data)

WARRANTY DEED

eCRV number: _____

DEED TAX DUE: \$52.05

DATE: August ____,.2021

FOR VALUABLE CONSIDERATION, The City of Austin, a Municipal Corporation under the laws of Minnesota ("Grantor"), hereby conveys and warrants to James P. Snee and Tammy M. Snee ("Grantee"), as joint tenants, real property in Mower County, Minnesota, legally described as follows:

A portion of Outlot 8 (sometimes referred to as Lot 8), Crestwood Hills, First Addition, Mower County, located in the Southwest Quarter of the Southwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota, described as follows:

Commencing at the southwest corner of the southwest one quarter of Section 4, Township 102 North, Range 18 West; thence easterly along the south line of said one quarter a distance of 406 feet; thence northerly at a deflection angle to the left of 89 degrees 43 minutes a distance of 1145.81 feet, this point being on the south line of 5th Avenue SW and also the northeast corner of Lot 9, Block 2, Nob Hill First Addition, Mower County, Minnesota; thence easterly at a deflection angle to the right of 90° 00' a distance of 66 feet to the point of beginning; thence easterly along this line a distance of 146.62 feet to the west line of Lot 11, Crestwood Hills Second Addition, Mower County, Minnesota; thence northeasterly at a deflection angle to the left of 60°00' along the west line of Lot 11, a distance of 76.20 feet; thence westerly at a deflection angle to the left of 120°00' a distance of 184.72 feet to the east right-of-way line of 24th Street SW; thence southerly at a deflection angle to the left of 90°00' a distance of 66 feet to the point of beginning.

AND

A portion of the following described property lying south of an easterly extension of the common boundary line between Outlot 7 and Outlot 8, Crestwood Hills, First Addition, Mower County, all being a part of Outlot 11 (sometimes referred to as Lot 11), Crestwood Hills, Second Addition, located in the Southwest Quarter of the Southwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota:

Commencing at the Northeast corner of Lot 9, Crestwood Hills Second Addition, Mower County, Minnesota; thence northeasterly along the west line of Lot 11, Crestwood Hills Second Addition, Mower County, Minnesota, a distance of 94.40' to the point of beginning; thence easterly at a deflection angle to the right of 60° a distance of 76.20, this point being on the east line of Lot 11, Crestwood Hills Second Addition and 32.50' northeasterly from the northwest corner of Lot 14, Crestwood Hills Second Addition, Mower County, Minnesota; thence northeasterly along the easterly line of said Lot 11, a distance of 607.16' to the easterly most corner of said Lot 11, this point also being the northeast corner of Lot 16, Crestwood Hills Second Addition; thence from this point continue on a straight line across Turtle Creek to the northwest corner of Lot 1, Block 5, Streverling South

Addition to the City of Austin; thence northwesterly on a straight line to the southwest corner of Lot 11, Block 1, Streverling South Addition to the City of Austin; thence westerly on a straight line to the center line of Turtle Creek and the northeast corner of Lot 11, Crestwood Hills Second Addition, this point also being the easterly most point on Lot 7, Crestwood Hills First Addition, Mower County, Minnesota; thence Southwesterly along the westerly line of said Lot 11, a distance of 742.11' to the point of beginning.

Said above-described parcels all being a part of that real property conveyed to the City of Austin by Warranty deed dated April 15, 1965, and recorded in the records of the Mower County Recorder's Office in Book 268, Page 248.

This Conveyance also includes, in addition to the above-described parcels, all that part of Outlot 11 (sometimes referred to as Lot 11), Crestwood Hills, Second Addition, Mower County, lying north of an easterly extension of the south line of Outlot 8 (sometimes referred to as Lot 8), Crestwood Hills, First Addition, Mower County, and lying south of the above-described parcels.

Check here if all or part of the described real property is Registered (Torrens)

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions: None.

Check applicable box:

- The Seller certifies that the Seller does not know of any wells on the described real property.
- A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

City of Austin

By: _____

Steve King

Its: Mayor

By: _____

Tom Dankert

Its: City Recorder

State of Minnesota, County of Mower

This instrument was acknowledged before me on August _____, 2021, by Steve King as Mayor and by Tom Dankert as City Recorder of City of Austin, Minnesota.

(Stamp)

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Hoversten, Johnson, Beckmann & Hovey, LLP
807 West Oakland Avenue
Austin, MN 55912
507-433-3483

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
James and Tammy Snee
503 24th Street SW
Austin, MN 55912

Permanent Easement

THIS INDENTURE, made this _____ day of August, 2021, between the City of Austin (hereinafter "City"), a Municipal Corporation, under the laws of the State of Minnesota. and James P. Snee and Tammy M. Snee, husband and wife (hereinafter "Grantor").

WITNESSETH, that Grantor, in consideration of the sum of one dollar and other valuable consideration, paid by the City, the receipt whereof is hereby acknowledged, do hereby grant, bargain, and convey unto the City, a non-exclusive perpetual easement for the purpose of constructing, maintaining and replacing below grade utility installations, including but not limited to sanitary sewer installations, and providing for rain water drainage on, across, or beneath the surface, and all associated infrastructure, together with the rights of ingress and egress for the same, with the unrestricted rights to improve the same free and clear of all encumbrances, both easements over, under and across the following described real estate in Mower County, Minnesota; described as follows:

A 40.00-foot-wide strip across that part of the Southwest Quarter of the Southwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota; with the centerline of said easement ("Line A") described as follows:

Commencing at the southwest corner of Outlot 8 (sometimes referred to as Lot 8), Crestwood Hills, First Addition, thence northerly along the east line of 24th Street SW, a distance of 95.30 feet, to the point of beginning of Line A; thence North 89°30'55" East a distance of 231.85 feet, more or less, to the easterly line of Outlot 11, Crestwood Hills, Second Addition, which is the point of termination of Line A.

The sidelines of said portion of this easement are lengthened or shortened to terminate on the easterly line of 24th Street SW and the easterly line of said Outlot 11.

AND

A 50.00-foot-wide strip across that part of the Southwest Quarter of the Southwest Quarter of Section 4, Township 102 North, Range 18 West, Mower County, Minnesota; with the centerline of said easement ("Line B") described as follows:

A line drawn 25.00 feet westerly, measured perpendicularly from the east line of Outlot 11, Crestwood Hills, Second Addition, commencing at the intersection of said line and an easterly extension of the south line of Outlot 8, Crestwood Hills, First Addition, this being the point of beginning, and extending to a point at the intersection of said line and an easterly extension of the common boundary line between Outlot 7 and Outlot 8, Crestwood Hills, First Addition, Mower County, this being the point of termination.

The sidelines of said easement are lengthened or shortened to terminate on the easterly extension of the south property line of Outlot 8, Crestwood Hills, First Addition, Mower

County, and on the easterly extension of the common boundary line between Outlot 7 and Outlot 8, Crestwood Hills, First Addition, Mower County.

The location and confines of said Easement are further depicted on Exhibit 1.

IN TESTIMONY WHEREOF, the said party of the first part has hereunto set their hand the day and year first above written.

Dated: August ____, 2021

GRANTORS:

James P. Snee

Tammy M. Snee

**STATE OF MINNESOTA
COUNTY OF MOWER**

On this ____ day of August, 2021, before me, personally appeared James P. Snee, and Tammy M. Snee, married to each other, known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as a free act and deed.

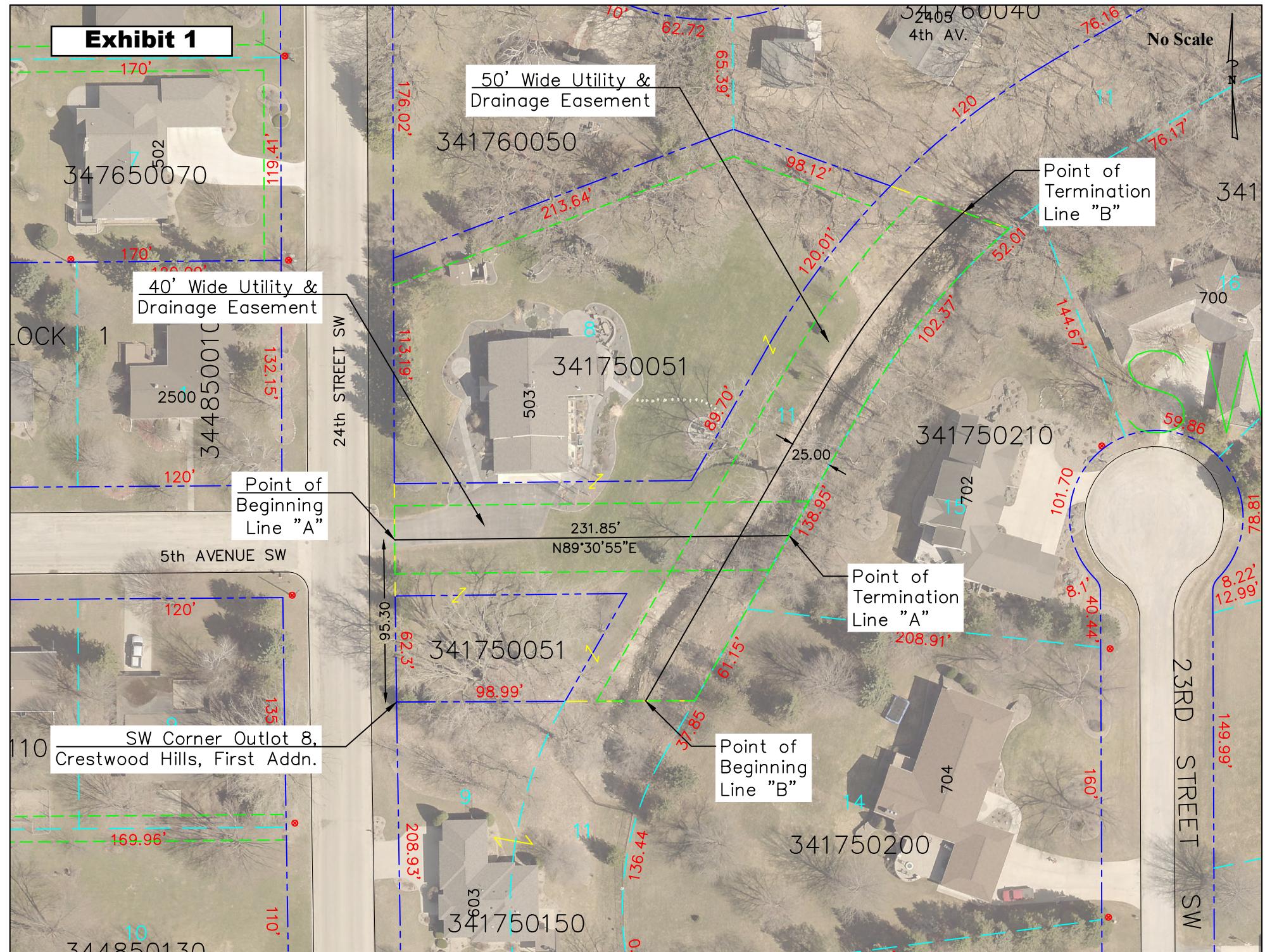
(stamp)

Notary Public

Drafted By:

Hoversten, Johnson, Beckmann & Hovey, LLP
807 West Oakland Avenue
Austin, MN 55912
507-433-3483

Exhibit 1



RESOLUTION NO.

**RESOLUTION APPROVING THE SALE OF CERTAIN
REAL PROPERTY FROM THE CITY OF AUSTIN, MINNESOTA
TO JAMES P. SNEE AND TAMMY M. SNEE**

WHEREAS, the City of Austin is the owner of certain real property in Outlot 8 of Crestwood Hills First Addition that the City purchased in 1865 for a sanitary sewer extension; and

WHEREAS, the City Council has determined that ownership of the premises is no longer needed for public purposes, and

WHEREAS, James P. Snee and Tammy M. Snee have offered to purchase the premises from the City of Austin in conjunction with an exchange of property and reservation of easement for the price of \$15,874.41, and the City Council has determined that such price is fair and reasonable.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Austin, Minnesota, that the sale and conveyance of the aforescribed premises from the City of Austin to James P. Snee and Tammy M. Snee is hereby approved, and further, that the Mayor and the City Recorder are hereby authorized and directed to execute and deliver the necessary deed of conveyance.

Passed by a vote of Yeas and Nays this 7th day of September, 2021.

YEAS:

NAYS:

APPROVED:

Mayor

ATTEST:

City Recorder

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: August 23rd, 2021
Subject: MnDOT Limited Use Permit (LUP)
Pedestrian Bridge I90, Todd Park Trail

The City of Austin has multiple pedestrian trails, bridges and underpasses that fall within MnDOT right-of-way. These MnDOT roadways that are within City Limits include; Interstate 90 and Highways 218 and 105. When doing work within MnDOT right of way a LUP is required. The permits require renewal after 10 years or the permit will automatically expire.

Attached for your review is a permit renewal for the I90 pedestrian bridge for the Todd Park Trail. I would recommend approval of the agreement extending the use of the facility for 10 years. If you have any questions, please contact me.

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

LIMITED USE PERMIT

C.S. 5080 (T.H. 90)
County of Mower
LUP # 5080-0016
Permittee: City of Austin
Expiration Date: 10/01/2031

In accordance with Minnesota Statutes Section 161.434, the State of Minnesota, through its Commissioner of Transportation, ("MnDOT"), hereby grants a Limited Use Permit (the "LUP") to City of Austin, ("Permittee"), to use the area within the right of way of Trunk Highway No. 90 as shown in red on Exhibit "A", (the "Area") attached hereto and incorporated herein by reference. This Limited Use Permit is executed by the Permittee pursuant to resolution, a certified copy of which is attached hereto as Exhibit B.

Non-Motorized Trail

The Permittee's use of the Area is limited to only the constructing, maintaining and operating a nonmotorized trail ("Facility") and the use thereof may be further limited by 23 C.F.R. 652 also published as the Federal-Aid Policy Guide.

The permittee agrees that this permit totally replaces and supersedes the previously issued permits affecting the Area, specifically: The permit, #5080-006, was issued on May 14th, 1998 on CS 5080 (TH 90). Upon issuance of this permit the earlier issued permit will be cancelled.

In addition, the following special provisions shall apply:

SPECIAL PROVISIONS

1. TERM. This LUP terminates at 11:59PM on 10/01/2031 ("Expiration Date") subject to the right of cancellation by MnDOT, with or without cause, by giving the Permittee ninety (90) days written notice of such cancellation. This LUP will not be renewed except as provided below.

Provided this LUP has not expired or terminated, MnDOT may renew this LUP for a period of up to ten (10) years, provided Permittee delivers to MnDOT, not later than ninety (90) days prior to

the Expiration Date, a written request to extend the term. Any extension of the LUP term will be under the same terms and conditions in this LUP, provided:

- (a) At the time of renewal, MnDOT will review the Facility and Area to ensure the Facility and Area are compatible with the safe and efficient operation of the highway and the Facility and Area are in good condition and repair. If, in MnDOT's sole determination, modifications and repairs to the Facility and Area are needed, Permittee will perform such work as outlined in writing in an amendment of this LUP; and
- (b) Permittee will provide to MnDOT a certified copy of the resolution from the applicable governmental body authorizing the Permittee's use of the Facility and Area for the additional term.

If Permittee's written request to extend the term is not timely given, the LUP will expire on the Expiration Date.

Permittee hereby voluntarily releases and waives any and all claims and causes of action for damages, costs, expenses, losses, fees and compensation arising from or related to any cancellation or termination of this LUP by MnDOT. Permittee agrees that it will not make or assert any claims for damages, costs, expenses, losses, fees and compensation based upon the existence, cancellation or termination of the LUP. Permittee agrees not to sue or institute any legal action against MnDOT based upon any of the claims released in this paragraph.

2. **REMOVAL.** Upon the Expiration Date or earlier termination, at the Permittee's sole cost and expense Permittee will:
 - (a) Remove the Facility and restore the Area to a condition satisfactory to the MnDOT District Engineer; and
 - (b) Surrender possession of the Area to MnDOT.

If, without MnDOT's written consent, Permittee continues to occupy the Area after the Expiration Date or earlier termination, Permittee will remain subject to all conditions, provisions, and obligations of this LUP, and further, Permittee will pay all costs and expenses, including attorney's fees, in any action brought by MnDOT to remove the Facility and the Permittee from the Area.

3. **CONSTRUCTION.** The construction, maintenance, and supervision of the Facility shall be at no cost or expense to MnDOT.

Before construction of any kind, the plans for such construction shall be approved in writing by the MnDOT's District Engineer. Approval in writing from MnDOT District Engineer shall be required for any changes from the approved plan.

The Permittee will construct the Facility at the location shown in the attached Exhibit "A", and in accordance with MnDOT-approved plans and specifications. Further, Permittee will construct

the Facility using construction procedures compatible with the safe and efficient operation of the highway.

Upon completion of the construction of the Facility, the Permittee shall restore all disturbed slopes and ditches in such manner that drainage, erosion control and aesthetics are perpetuated.

The Permittee shall preserve and protect all utilities located on the lands covered by this LUP at no expense to MnDOT and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166 at least 48 hours prior to performing any excavation.

Any crossings of the Facility over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.

4. MAINTENANCE. Any and all maintenance of the Facility shall be provided by the Permittee at its sole cost and expense, including, but not limited to, plowing and removal of snow and installation and removal of regulatory signs. No signs shall be placed on any MnDOT or other governmental agency sign post within the Area. MnDOT will not mark obstacles for users on trunk highway right of way.
5. USE. Other than as identified and approved by MnDOT, no permanent structures or no advertising devices in any manner, form or size shall be allowed on the Area. No commercial activities shall be allowed to operate upon the Area.

Any use permitted by this LUP shall remain subordinate to the right of MnDOT to use the property for highway and transportation purposes. This LUP does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge. No rights to relocation benefits are established by this LUP.

This LUP is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy the Area.

6. APPLICABLE LAWS. This LUP does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.

Permittee at its sole cost and expense, agrees to comply with, and provide and maintain the Area, Facilities in compliance with all applicable laws, rules, ordinances and regulations issued by any federal, state or local political subdivision having jurisdiction and authority in connection with said Area including the Americans with Disabilities Act ("ADA"). If the Area and Facilities are not in compliance with the ADA or other applicable laws MnDOT may enter the Area and perform such obligation without liability to Permittee for any loss or damage to Permittee thereby

incurred, and Permittee shall reimburse MnDOT for the cost thereof, plus 10% of such cost for overhead and supervision within 30 days of receipt of MnDOT's invoice.

7. CIVIL RIGHTS. The Permittee for itself, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event improvements are constructed, maintained, or otherwise operated on the Property described in this Limited Use Permit for a purpose for which a MnDOT activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the Permittee will maintain and operate such improvements and services in compliance with all requirements imposed by the Acts and Regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation, Federal Highway Administration, (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English proficiency will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said improvements.
8. SAFETY. MnDOT shall retain the right to limit and/or restrict any activity, including the parking of vehicles and assemblage of Facility users, on the highway right of way over which this LUP is granted, so as to maintain the safety of both the motoring public and Facility users.
9. ASSIGNMENT. No assignment of this LUP is allowed.
10. IN WRITING. Except for those which are set forth in this LUP, no representations, warranties, or agreements have been made by MnDOT or Permittee to one another with respect to this LUP.
11. ENVIRONMENTAL. The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's right of way. In the event of spillage of regulated materials, the Permittee shall notify in writing MnDOT's District Engineer and shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
12. MECHANIC'S LIENS. The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers', mechanics', or materialmen's liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto.
13. NOTICES. All notices which may be given, by either party to the other, will be deemed to have been fully given when served personally on MnDOT or Permittee or when made in writing addressed as follows: to Permittee at:

Mayor
Austin City Hall
500 4th Ave NE
Austin, MN 55912

and to MnDOT at:

State of Minnesota
Department of Transportation
District 6 Right of Way
2900 48th Street NW
Rochester, MN 55901-5848

The address to which notices are mailed may be changed by written notice given by either party to the other.

14. **INDEMNITY.** Permittee shall indemnify, defend to the extent authorized by the Minnesota Attorney General's Office, hold harmless and release the State of Minnesota, its Commissioner of Transportation and employees and any successors and assigns of the foregoing, from and against:

- (a) all claims, demands, and causes of action for injury to or death of persons or loss of or damages to property (including Permittee's property) occurring on the Facility or connected with Permittee's use and occupancy of the Area, except when such injury, death, loss or damage is caused solely by the negligence of State of Minnesota, but including those instances where the State of Minnesota is deemed to be negligent because of its failure to supervise, inspect or control the operations of Permittee or otherwise discover or prevent actions or operations of Permittee giving rise to liability to any person;
- (b) claims arising or resulting from the temporary or permanent termination of Facility user rights on any portion of highway right of way over which this LUP is granted;
- (c) claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages;
- (d) any laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever filed or maintained for or on account of any work done or materials furnished; and
- (e) any damages, testing costs and clean-up costs arising from spillage of regulated materials attributable to the construction, maintenance or operation of the Facility.

MINNESOTA DEPARTMENT
OF TRANSPORTATION

RECOMMENDED FOR APPROVAL

By: _____
District Engineer

CITY OF AUSTIN

By: _____

Its _____

Date _____

APPROVED BY:

COMMISSIONER OF TRANSPORTATION

And: _____

By: _____
For Director, Office of Land Management

Its _____

Date _____

The Commissioner of Transportation
by the execution of this permit
certifies that this permit is
necessary in the public interest
and that the use intended is for
public purposes.

LUP #5080-0016

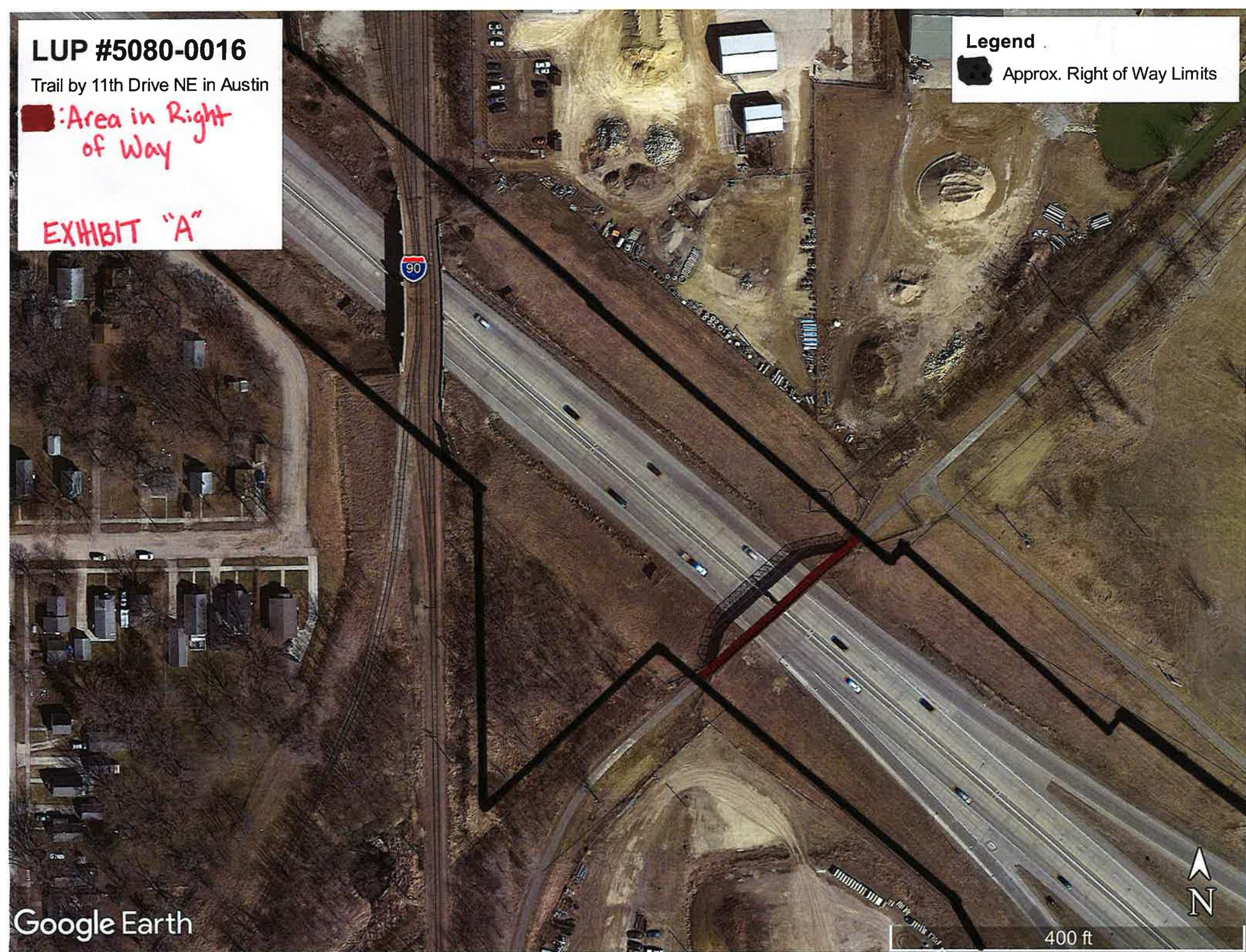
Trail by 11th Drive NE in Austin

: Area in Right of Way

EXHIBIT "A"

Legend

 Approx. Right of Way Limits



Google Earth

 N

400 ft

EXHIBIT B

CITY OF AUSTIN

RESOLUTION

IT IS RESOLVED that the City of Austin enter into Limited Use Permit No. 5080-0016 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for maintenance and use by the City of Austin upon, along and adjacent to Trunk Highway No. 90 and the limits of which are defined in said Limited Use Permit.

IT IS FURTHER RESOLVED by the _____ of the City of Austin,
(Title)
Minnesota that the Mayor and the City Council are authorized to execute the Limited Use Permit.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the City Council of the City of Austin, Minnesota at an authorized meeting held on the _____ day of _____, 2021, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to before me this
_____ day of _____, 2021

Notary Public _____

My Commission Expires _____

NOTARY
STAMP

(Signature)

(Type or Print Name)

(Title)

(Date)

(Signature)

(Type or Print Name)

(Title)

(Date)

C.S. 5080 (T.H. 90)
LUP # 5080-0016

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: August 23rd, 2021
Subject: MnDOT Limited Use Permit (LUP)
Pedestrian Trail I90, Nature Center Trail

The City of Austin has multiple pedestrian trails, bridges and underpasses that fall within MnDOT right-of-way. These MnDOT roadways that are within City Limits include; Interstate 90 and Highways 218 and 105. When doing work within MnDOT right of way a LUP is required. The permits require renewal after 10 years or the permit will automatically expire.

Attached for your review is a permit renewal for the Nature Center Pedestrian Trail. I would recommend approval of the agreement extending the use of the facility for 10 years. If you have any questions, please contact me.

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION**

LIMITED USE PERMIT

C.S. 5080 (T.H. 90)
County of Mower
LUP # 5080-0015
Permittee: City of Austin
Expiration Date: 10/01/2031

In accordance with Minnesota Statutes Section 161.434, the State of Minnesota, through its Commissioner of Transportation, ("MnDOT"), hereby grants a Limited Use Permit (the "LUP") to City of Austin, ("Permittee"), to use the area within the right of way of Trunk Highway No. 90 as shown in red on Exhibit "A", (the "Area") attached hereto and incorporated herein by reference. This Limited Use Permit is executed by the Permittee pursuant to resolution, a certified copy of which is attached hereto as Exhibit B.

Non-Motorized Trail

The Permittee's use of the Area is limited to only the constructing, maintaining and operating a nonmotorized trail ("Facility") and the use thereof may be further limited by 23 C.F.R. 652 also published as the Federal-Aid Policy Guide.

The permittee agrees that this permit totally replaces and supersedes the previously issued permit affecting the Area, specifically: The permit, #5080-0008, was issued on June 27th, 2013 on CS 5080 (TH 90). Upon issuance of this permit the earlier issued permit will be cancelled.

In addition, the following special provisions shall apply:

SPECIAL PROVISIONS

1. TERM. This LUP terminates at 11:59PM on 10/01/2031 ("Expiration Date") subject to the right of cancellation by MnDOT, with or without cause, by giving the Permittee ninety (90) days written notice of such cancellation. This LUP will not be renewed except as provided below.

Provided this LUP has not expired or terminated, MnDOT may renew this LUP for a period of up to ten (10) years, provided Permittee delivers to MnDOT, not later than ninety (90) days prior to

the Expiration Date, a written request to extend the term. Any extension of the LUP term will be under the same terms and conditions in this LUP, provided:

- (a) At the time of renewal, MnDOT will review the Facility and Area to ensure the Facility and Area are compatible with the safe and efficient operation of the highway and the Facility and Area are in good condition and repair. If, in MnDOT's sole determination, modifications and repairs to the Facility and Area are needed, Permittee will perform such work as outlined in writing in an amendment of this LUP; and
- (b) Permittee will provide to MnDOT a certified copy of the resolution from the applicable governmental body authorizing the Permittee's use of the Facility and Area for the additional term.

If Permittee's written request to extend the term is not timely given, the LUP will expire on the Expiration Date.

Permittee hereby voluntarily releases and waives any and all claims and causes of action for damages, costs, expenses, losses, fees and compensation arising from or related to any cancellation or termination of this LUP by MnDOT. Permittee agrees that it will not make or assert any claims for damages, costs, expenses, losses, fees and compensation based upon the existence, cancellation or termination of the LUP. Permittee agrees not to sue or institute any legal action against MnDOT based upon any of the claims released in this paragraph.

2. **REMOVAL.** Upon the Expiration Date or earlier termination, at the Permittee's sole cost and expense Permittee will:
 - (a) Remove the Facility and restore the Area to a condition satisfactory to the MnDOT District Engineer; and
 - (b) Surrender possession of the Area to MnDOT.

If, without MnDOT's written consent, Permittee continues to occupy the Area after the Expiration Date or earlier termination, Permittee will remain subject to all conditions, provisions, and obligations of this LUP, and further, Permittee will pay all costs and expenses, including attorney's fees, in any action brought by MnDOT to remove the Facility and the Permittee from the Area.

3. **CONSTRUCTION.** The construction, maintenance, and supervision of the Facility shall be at no cost or expense to MnDOT.

Before construction of any kind, the plans for such construction shall be approved in writing by the MnDOT's District Engineer. Approval in writing from MnDOT District Engineer shall be required for any changes from the approved plan.

The Permittee will construct the Facility at the location shown in the attached Exhibit "A", and in accordance with MnDOT-approved plans and specifications. Further, Permittee will construct

the Facility using construction procedures compatible with the safe and efficient operation of the highway.

Upon completion of the construction of the Facility, the Permittee shall restore all disturbed slopes and ditches in such manner that drainage, erosion control and aesthetics are perpetuated.

The Permittee shall preserve and protect all utilities located on the lands covered by this LUP at no expense to MnDOT and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166 at least 48 hours prior to performing any excavation.

Any crossings of the Facility over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.

4. MAINTENANCE. Any and all maintenance of the Facility shall be provided by the Permittee at its sole cost and expense, including, but not limited to, plowing and removal of snow and installation and removal of regulatory signs. No signs shall be placed on any MnDOT or other governmental agency sign post within the Area. MnDOT will not mark obstacles for users on trunk highway right of way.
5. USE. Other than as identified and approved by MnDOT, no permanent structures or no advertising devices in any manner, form or size shall be allowed on the Area. No commercial activities shall be allowed to operate upon the Area.

Any use permitted by this LUP shall remain subordinate to the right of MnDOT to use the property for highway and transportation purposes. This LUP does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge. No rights to relocation benefits are established by this LUP.

This LUP is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy the Area.

6. APPLICABLE LAWS. This LUP does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.

Permittee at its sole cost and expense, agrees to comply with, and provide and maintain the Area, Facilities in compliance with all applicable laws, rules, ordinances and regulations issued by any federal, state or local political subdivision having jurisdiction and authority in connection with said Area including the Americans with Disabilities Act ("ADA"). If the Area and Facilities are not in compliance with the ADA or other applicable laws MnDOT may enter the Area and perform such obligation without liability to Permittee for any loss or damage to Permittee thereby

incurred, and Permittee shall reimburse MnDOT for the cost thereof, plus 10% of such cost for overhead and supervision within 30 days of receipt of MnDOT's invoice.

7. **CIVIL RIGHTS.** The Permittee for itself, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event improvements are constructed, maintained, or otherwise operated on the Property described in this Limited Use Permit for a purpose for which a MnDOT activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the Permittee will maintain and operate such improvements and services in compliance with all requirements imposed by the Acts and Regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation, Federal Highway Administration, (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English proficiency will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said improvements.
8. **SAFETY.** MnDOT shall retain the right to limit and/or restrict any activity, including the parking of vehicles and assemblage of Facility users, on the highway right of way over which this LUP is granted, so as to maintain the safety of both the motoring public and Facility users.
9. **ASSIGNMENT.** No assignment of this LUP is allowed.
10. **IN WRITING.** Except for those which are set forth in this LUP, no representations, warranties, or agreements have been made by MnDOT or Permittee to one another with respect to this LUP.
11. **ENVIRONMENTAL.** The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's right of way. In the event of spillage of regulated materials, the Permittee shall notify in writing MnDOT's District Engineer and shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
12. **MECHANIC'S LIENS.** The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers', mechanics', or materialmen's liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto.
13. **NOTICES.** All notices which may be given, by either party to the other, will be deemed to have been fully given when served personally on MnDOT or Permittee or when made in writing addressed as follows: to Permittee at:

Mayor
Austin City Hall
500 4th Ave NE
Austin, MN 55912

and to MnDOT at:

State of Minnesota
Department of Transportation
District 6 Right of Way
2900 48th Street NW
Rochester, MN 55901-5848

The address to which notices are mailed may be changed by written notice given by either party to the other.

14. **INDEMNITY.** Permittee shall indemnify, defend to the extent authorized by the Minnesota Attorney General's Office, hold harmless and release the State of Minnesota, its Commissioner of Transportation and employees and any successors and assigns of the foregoing, from and against:

- (a) all claims, demands, and causes of action for injury to or death of persons or loss of or damages to property (including Permittee's property) occurring on the Facility or connected with Permittee's use and occupancy of the Area, except when such injury, death, loss or damage is caused solely by the negligence of State of Minnesota, but including those instances where the State of Minnesota is deemed to be negligent because of its failure to supervise, inspect or control the operations of Permittee or otherwise discover or prevent actions or operations of Permittee giving rise to liability to any person;
- (b) claims arising or resulting from the temporary or permanent termination of Facility user rights on any portion of highway right of way over which this LUP is granted;
- (c) claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages;
- (d) any laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever filed or maintained for or on account of any work done or materials furnished; and
- (e) any damages, testing costs and clean-up costs arising from spillage of regulated materials attributable to the construction, maintenance or operation of the Facility.

MINNESOTA DEPARTMENT
OF TRANSPORTATION

RECOMMENDED FOR APPROVAL

CITY OF AUSTIN

By: _____
District Engineer

By: _____

Its _____

Date _____

APPROVED BY:

COMMISSIONER OF TRANSPORTATION

By: _____
For the Director of Office of Land Management

And: _____

Its _____

Date _____

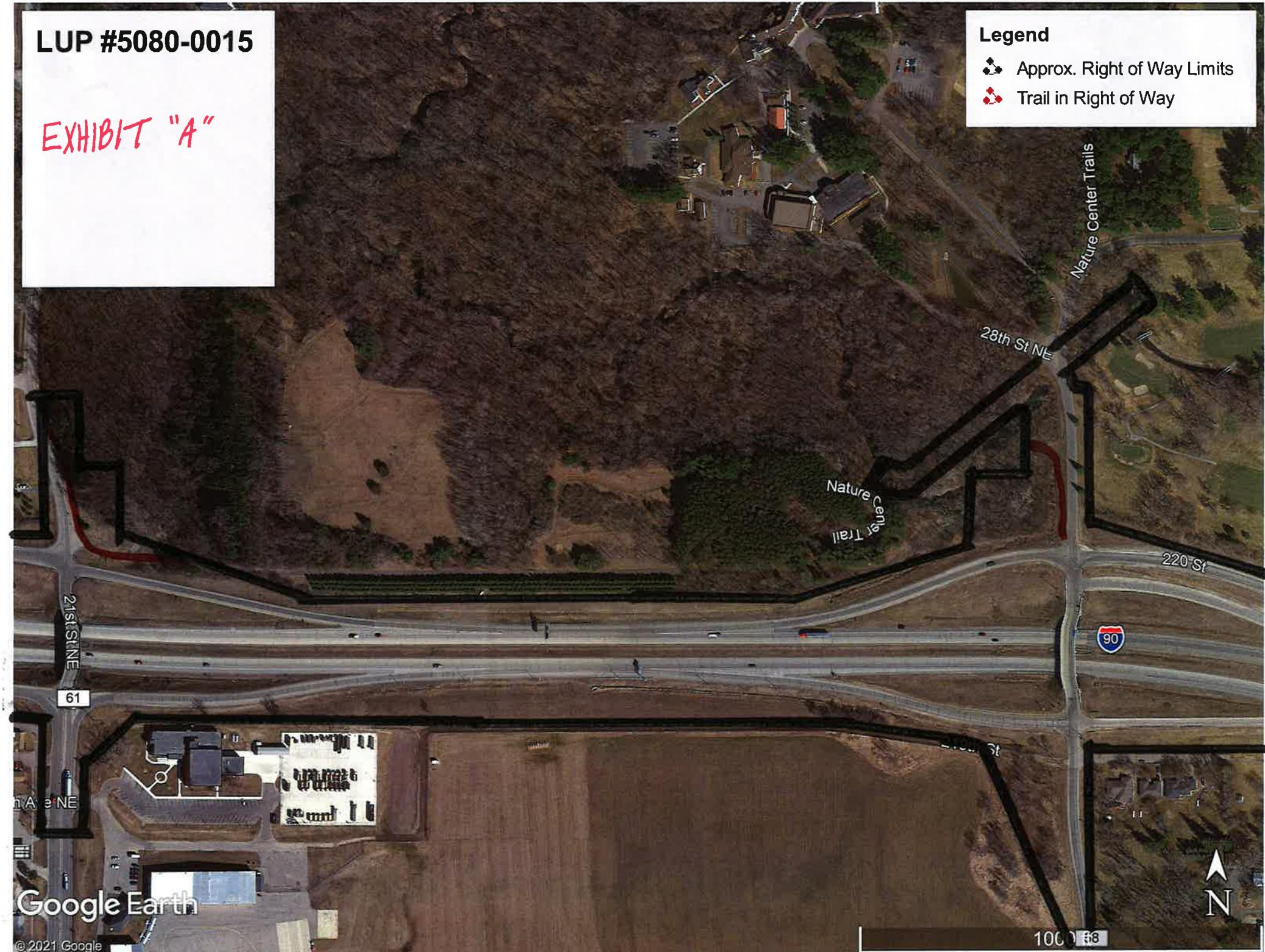
The Commissioner of Transportation
by the execution of this permit
certifies that this permit is
necessary in the public interest
and that the use intended is for
public purposes.

LUP #5080-0015

EXHIBIT "A"

Legend

- Approx. Right of Way Limits
- Trail in Right of Way



Google Earth

© 2021 Google

EXHIBIT B

CITY OF AUSTIN

RESOLUTION

IT IS RESOLVED that the City of Austin enter into Limited Use Permit No. 5080-0015 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for maintenance and use by the City of Austin upon, along and adjacent to Trunk Highway No. 90 and the limits of which are defined in said Limited Use Permit.

IT IS FURTHER RESOLVED by the _____ of the City of Austin,
(Title)
Minnesota that the Mayor and the City Council are authorized to execute the Limited Use Permit.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the City Council of the City of Austin, Minnesota at an authorized meeting held on the _____ day of _____, 2021, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to before me this
_____ day of _____, 2021

Notary Public _____

My Commission Expires _____

*NOTARY
STAMP*

(Signature)

(Type or Print Name)

(Title)

(Date)

(Signature)

(Type or Print Name)

(Title)

(Date)

C.S. 5080 (T.H. 90)
LUP # 5080-0015

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: August 23rd, 2021
Subject: MnDOT Limited Use Permit (LUP)
Pedestrian Underpass I90, east of 6th Street NE

The City of Austin has multiple pedestrian trails, bridges and underpasses that fall within MnDOT right-of-way. These MnDOT roadways that are within City Limits include; Interstate 90 and Highways 218 and 105. When doing work within MnDOT right of way a LUP is required. The permits require renewal after 10 years or the permit will automatically expire.

Attached for your review is a permit renewal for the I90 box culvert (underpass) east of 6th Street NE. I would recommend approval of the agreement extending the use of the facility for 10 years. If you have any questions, please contact me.

STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION

LIMITED USE PERMIT

C.S. 5080 (T.H. 90)
County of Mower
LUP # 5080-0018
Permittee: City of Austin
Expiration Date: 08/09/2031

In accordance with Minnesota Statutes Section 161.434, the State of Minnesota, through its Commissioner of Transportation, ("MnDOT"), hereby grants a Limited Use Permit (the "LUP") to City of Austin, ("Permittee"), to use the area within the right of way of Trunk Highway No. 90 as shown in red on Exhibit "A", (the "Area") attached hereto and incorporated herein by reference. This Limited Use Permit is executed by the Permittee pursuant to resolution, a certified copy of which is attached hereto as Exhibit B.

Non-Motorized Trail

The Permittee's use of the Area is limited to only the constructing, maintaining and operating a nonmotorized trail ("Facility") and the use thereof may be further limited by 23 C.F.R. 652 also published as the Federal-Aid Policy Guide.

In addition, the following special provisions shall apply:

SPECIAL PROVISIONS

1. TERM. This LUP terminates at 11:59PM on 08/09/2031 ("Expiration Date") subject to the right of cancellation by MnDOT, with or without cause, by giving the Permittee ninety (90) days written notice of such cancellation. This LUP will not be renewed except as provided below.

Provided this LUP has not expired or terminated, MnDOT may renew this LUP for a period of up to ten (10) years, provided Permittee delivers to MnDOT, not later than ninety (90) days prior to the Expiration Date, a written request to extend the term. Any extension of the LUP term will be under the same terms and conditions in this LUP, provided:

- (a) At the time of renewal, MnDOT will review the Facility and Area to ensure the Facility and Area are compatible with the safe and efficient operation of the highway and the Facility

and Area are in good condition and repair. If, in MnDOT's sole determination, modifications and repairs to the Facility and Area are needed, Permittee will perform such work as outlined in writing in an amendment of this LUP; and

(b) Permittee will provide to MnDOT a certified copy of the resolution from the applicable governmental body authorizing the Permittee's use of the Facility and Area for the additional term.

If Permittee's written request to extend the term is not timely given, the LUP will expire on the Expiration Date.

Permittee hereby voluntarily releases and waives any and all claims and causes of action for damages, costs, expenses, losses, fees and compensation arising from or related to any cancellation or termination of this LUP by MnDOT. Permittee agrees that it will not make or assert any claims for damages, costs, expenses, losses, fees and compensation based upon the existence, cancellation or termination of the LUP. Permittee agrees not to sue or institute any legal action against MnDOT based upon any of the claims released in this paragraph.

2. **REMOVAL.** Upon the Expiration Date or earlier termination, at the Permittee's sole cost and expense Permittee will:

(a) Remove the Facility and restore the Area to a condition satisfactory to the MnDOT District Engineer; and

(b) Surrender possession of the Area to MnDOT.

If, without MnDOT's written consent, Permittee continues to occupy the Area after the Expiration Date or earlier termination, Permittee will remain subject to all conditions, provisions, and obligations of this LUP, and further, Permittee will pay all costs and expenses, including attorney's fees, in any action brought by MnDOT to remove the Facility and the Permittee from the Area.

3. **CONSTRUCTION.** The construction, maintenance, and supervision of the Facility shall be at no cost or expense to MnDOT.

Before construction of any kind, the plans for such construction shall be approved in writing by the MnDOT's District Engineer. Approval in writing from MnDOT District Engineer shall be required for any changes from the approved plan.

The Permittee will construct the Facility at the location shown in the attached Exhibit "A", and in accordance with MnDOT-approved plans and specifications. Further, Permittee will construct the Facility using construction procedures compatible with the safe and efficient operation of the highway.

Upon completion of the construction of the Facility, the Permittee shall restore all disturbed slopes and ditches in such manner that drainage, erosion control and aesthetics are perpetuated.

The Permittee shall preserve and protect all utilities located on the lands covered by this LUP at no expense to MnDOT and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166 at least 48 hours prior to performing any excavation.

Any crossings of the Facility over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.

4. MAINTENANCE. Any and all maintenance of the Facility shall be provided by the Permittee at its sole cost and expense, including, but not limited to, plowing and removal of snow and installation and removal of regulatory signs. No signs shall be placed on any MnDOT or other governmental agency sign post within the Area. MnDOT will not mark obstacles for users on trunk highway right of way.
5. USE. Other than as identified and approved by MnDOT, no permanent structures or no advertising devices in any manner, form or size shall be allowed on the Area. No commercial activities shall be allowed to operate upon the Area.

Any use permitted by this LUP shall remain subordinate to the right of MnDOT to use the property for highway and transportation purposes. This LUP does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge. No rights to relocation benefits are established by this LUP.

This LUP is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy the Area.

6. APPLICABLE LAWS. This LUP does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.

Permittee at its sole cost and expense, agrees to comply with, and provide and maintain the Area, Facilities in compliance with all applicable laws, rules, ordinances and regulations issued by any federal, state or local political subdivision having jurisdiction and authority in connection with said Area including the Americans with Disabilities Act ("ADA"). If the Area and Facilities are not in compliance with the ADA or other applicable laws MnDOT may enter the Area and perform such obligation without liability to Permittee for any loss or damage to Permittee thereby incurred, and Permittee shall reimburse MnDOT for the cost thereof, plus 10% of such cost for overhead and supervision within 30 days of receipt of MnDOT's invoice.

7. CIVIL RIGHTS. The Permittee for itself, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree that in the event improvements are constructed, maintained, or otherwise operated on the Property described in this Limited Use Permit for a purpose for which a MnDOT activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the Permittee will maintain and operate such improvements and services in compliance with all requirements imposed by the Acts and Regulations relative to nondiscrimination in federally-assisted programs of the United States Department of Transportation, Federal Highway Administration, (as may be amended) such that no person on the grounds of race, color, national origin, sex, age, disability, income-level, or limited English proficiency will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said improvements.
8. SAFETY. MnDOT shall retain the right to limit and/or restrict any activity, including the parking of vehicles and assemblage of Facility users, on the highway right of way over which this LUP is granted, so as to maintain the safety of both the motoring public and Facility users.
9. ASSIGNMENT. No assignment of this LUP is allowed.
10. IN WRITING. Except for those which are set forth in this LUP, no representations, warranties, or agreements have been made by MnDOT or Permittee to one another with respect to this LUP.
11. ENVIRONMENTAL. The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's right of way. In the event of spillage of regulated materials, the Permittee shall notify in writing MnDOT's District Engineer and shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
12. MECHANIC'S LIENS. The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers', mechanics', or materialmen's liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto.
13. NOTICES. All notices which may be given, by either party to the other, will be deemed to have been fully given when served personally on MnDOT or Permittee or when made in writing addressed as follows: to Permittee at:

Mayor
Austin City Hall
500 4th Ave NE
Austin, MN 55912

and to MnDOT at:

State of Minnesota
Department of Transportation
District 6 Right of Way
2900 48th Street NW
Rochester, MN 55901-5848

The address to which notices are mailed may be changed by written notice given by either party to the other.

14. **INDEMNITY.** Permittee shall indemnify, defend to the extent authorized by the Minnesota Attorney General's Office, hold harmless and release the State of Minnesota, its Commissioner of Transportation and employees and any successors and assigns of the foregoing, from and against:

- (a) all claims, demands, and causes of action for injury to or death of persons or loss of or damages to property (including Permittee's property) occurring on the Facility or connected with Permittee's use and occupancy of the Area, except when such injury, death, loss or damage is caused solely by the negligence of State of Minnesota, but including those instances where the State of Minnesota is deemed to be negligent because of its failure to supervise, inspect or control the operations of Permittee or otherwise discover or prevent actions or operations of Permittee giving rise to liability to any person;
- (b) claims arising or resulting from the temporary or permanent termination of Facility user rights on any portion of highway right of way over which this LUP is granted;
- (c) claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages;
- (d) any laborers', mechanics', or materialmens' liens or other liens or claims of any kind whatsoever filed or maintained for or on account of any work done or materials furnished; and
- (e) any damages, testing costs and clean-up costs arising from spillage of regulated materials attributable to the construction, maintenance or operation of the Facility.

MINNESOTA DEPARTMENT
OF TRANSPORTATION

RECOMMENDED FOR APPROVAL

By: _____
District Engineer

APPROVED BY:

COMMISSIONER OF TRANSPORTATION

By: _____
For the Director of Office of Land Management

The Commissioner of Transportation
by the execution of this permit
certifies that this permit is
necessary in the public interest
and that the use intended is for
public purposes.

CITY OF AUSTIN

By: _____

Print Name _____

Its _____

Date _____

By: _____

Print Name _____

Its _____

Date _____

LUP #5080-0018 **EXHIBIT "A"**

Austin Non-Motorized Trail under Interstate 90

 : Approx. Right of Way Limits

 : Area in Right of Way

Legend

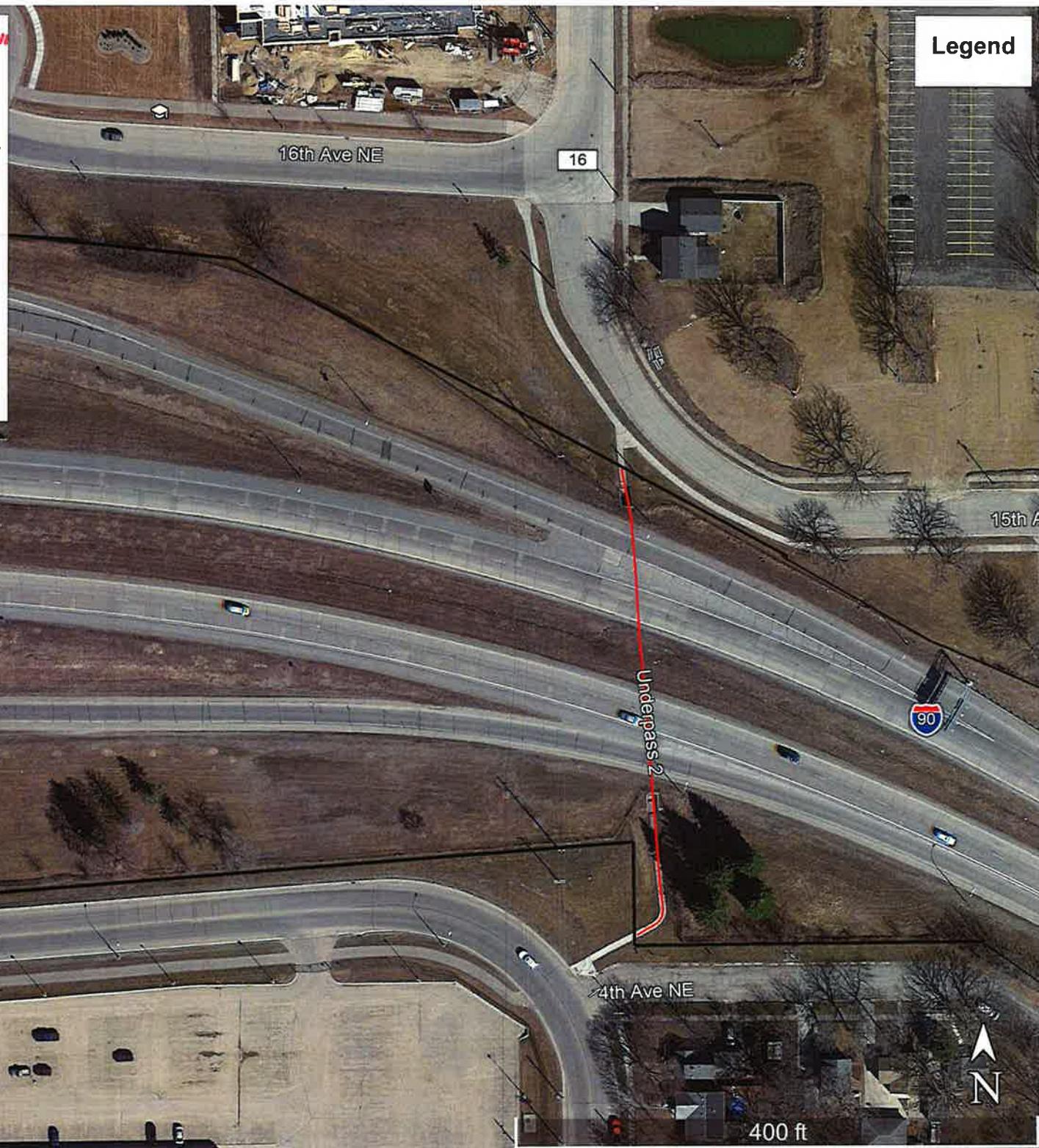


EXHIBIT B
CITY OF AUSTIN

RESOLUTION

IT IS RESOLVED that the City of Austin enter into Limited Use Permit No. 5080-0018 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for maintenance and use by the City of Austin upon, along and adjacent to Trunk Highway No. 90 and the limits of which are defined in said Limited Use Permit.

IT IS FURTHER RESOLVED by the _____ of the City of Austin,
(Title)
Minnesota that the Mayor and the City Council are authorized to execute the Limited Use Permit.

CERTIFICATION

I certify that the above Resolution is an accurate copy of the Resolution adopted by the City Council of the City of Austin, Minnesota at an authorized meeting held on the _____ day of _____, 2021, as shown by the minutes of the meeting in my possession.

Subscribed and sworn to before me this
_____ day of _____, 2021

Notary Public _____

My Commission Expires _____

NOTARY
STAMP

(Signature)

(Type or Print Name)

(Title)

(Date)

(Signature)

(Type or Print Name)

(Title)

(Date)

C.S. 5080 (T.H. 90)
LUP # 5080-0018

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 and City Council
From: Steven J. Lang
Subject: Fall Yard Waste Program
Date: August 31, 2021

The City of Austin provides for an annual fall yard waste program. The City established the Cook Farm as the city wide designation site. This program is well utilized by the public.

We would propose the following for 2021:

- Cook Farm would be the only City of Austin sponsored site available for yard waste
- Site would be available from September 18, 2021 – November 27, 2021
- Site would be open 7 days a week from dawn to dusk
- Site would be limited to the following yard waste:
 - Leaves
 - Grass
 - Plants from gardens and flowers
- Compost from previous years yard waste would be available to the public

This program is funded through the revenues generated by the lease at the Austin Waste Transfer Station.

If you have any questions, please contact me.

City of Austin
Craig Clark,
City Administrator



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9941
craigc@ci.austin.mn.us
www.ci.austin.mn.us

TO: Honorable Mayor and City Council Members

FROM: Craig D. Clark, Administrator

RE: Participation with Impact Austin for a Phase One Discovery Tour with Velocity Group

Impact Austin has advanced bringing forward a phase one effort to work with the Velocity Group to do a field visit in Austin and discover the needed community vision to enhance our sense of place.

Included in the packet are previous case studies (Exhibit 1 and 2) which show a multistep process other communities have engaged in to get to a larger consensus of investment of future resources. As part of this introductory effort, representatives of Hormel Corporate, Hormel Foundation, City of Austin, Impact Austin and Community Stakeholders will be participants in this collaborative effort to develop a Master Plan.

This piece will work to:

- understand barriers to recruitment and retention of talent;
- exploring placemaking to address community priorities;
- work to align funding priorities to meet these determined goals;
- understand community leaders thought process on decision making while connecting community planning documents and funding resources;
- perform a DNA of Place workshop that provides activation models while looking to identify frameworks for future impact;
- make recommendations of additional steps forward; and
- conduct interviews with municipal, non-profit and private market sectors.

The cost for this phase one effort is \$10,000 and the City of Austin has been requested to contribute \$5,000 with the additional \$5,000 being contributed from Hormel Foods. Representatives from Impact Austin will be present to answer any questions. Funding would come from the City's contingency funding.

Council action is requested to approve participation.

8th Street Market

Concept Development & Tenant Programming

Bentonville, AR

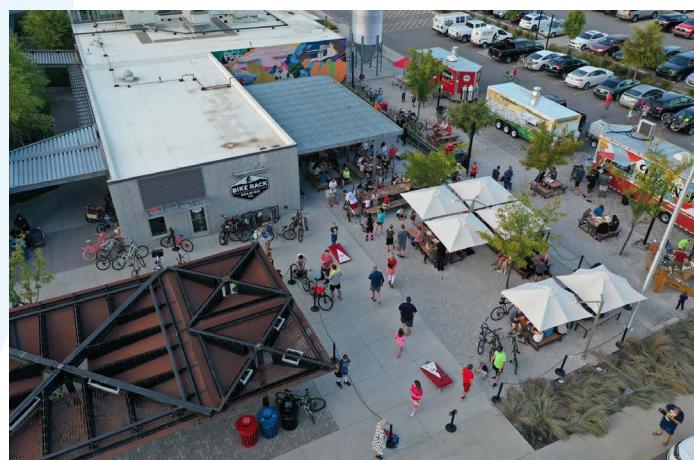
Overview

The Velocity Group was engaged to assist in efforts to revitalize downtown Bentonville, AR. The 8th Street Market was the first physical project to manifest in the emerging Market District. Daniel Hintz helped the city craft the municipal policies and vision, and in turn, identify and develop the 8th Street Market concept, focused around an 87,000-square-foot vacated Tyson plant. In partnership with Brenda Anderson of Blue Crane Development and Paul Esterer of Newmark Moses Tucker Partners, the Velocity Group crafted the tenant programming and overall experience and co-developed the campus. The project now holds a micro-brewery, culinary school, culturally diverse food hall, activated gathering places, food trucks, and multiple retail and restaurant concepts.

The SE Downtown Master Plan was the catalytic project in the Market District, which now includes more than 400 residential units under development. It also features The Momentary contemporary arts venue, a satellite of Crystal Bridges Museum of American Art, and is within walking distance to the new Walmart Headquarters.

Project Contact:

Brenda Anderson
 Blue Crane Development
 brenda@bluecrane.us
 (479) 431-2222



Bryan Midtown Master Plan

Bryan, TX

Overview

Bryan, Texas' undeniable potential was showcased in the redevelopment plan Velocity Group worked on for the 1,500 acres Midtown Corridor project. Led by architecture and master planning firm Miller, Boskus, Lack (MBL)—along with project partners Infill Development, Kimley-Horn, RCLCO and R+T Studios—the team crafted the principle guide in promoting orderly growth, development and redevelopment of the Midtown Bryan area. MBL and Infill also introduced Pattern Zoning, an innovative zoning tool recognized as a novel technique to lower the barriers to executing high-quality, incremental redevelopment projects within Bryan's Midtown area. The concept of pattern zoning was given a Merit Award in the Emerging Projects category from the Center for New Urbanism (CNU) as part of the organization's 2020 Charter Awards.

The plan was adopted by the Bryan City Council on May 12, 2020.

The Velocity Group led the creation, production, and facilitation of the community engagement and activation strategies, which included public events, city steering committee meetings, community design meetings, social media and electronic outreach, video storytelling, and one-on-one meetings. Velocity Group also led the development of the experience districts—a unique Velocity Group process of crafting focused planning areas which incorporates physical, cultural and social realms to clearly distinguish the unique personality of an area. In addition, work included crafting the aligning principles that united the various strategies into a cohesive approach and microeconomic development recommendations—including identifying public/private catalytic projects to stitch the entire length of the corridor together—within each experience district to help foster activity along the corridor.

Project Contact:

Lindsey Hackett
Senior Planner
City of Bryan, TX
LHackett@bryantx.gov



Claremore Community Vision & Comprehensive Plan

Claremore, OK

Overview

The Velocity Group was hired by the city of Claremore, Oklahoma to develop a comprehensive city plan with a focus on the creation of several special districts. Working alongside city staff, non-profit partners, business and community leaders, and planning consultants, the Velocity Group developed the baseline geographic boundaries and identified general experiences for each of the five special districts. This included near-term and long-range project opportunities that align with the district, comprehensive planning goals, and organizational strategies that deepened the capacity of several local organizations. The Velocity Group also produced several public events to highlight areas of town ripe for future development, facilitated numerous public meetings, and provided several business recruitment opportunities.

Project Contact:

Jill Ferenc
Director of Planning &
Development
jferenc@claremorecity.com
(918) 341-2066: ext. 215



Downtown Springdale

Master Plan Project Management

Springdale, AR

Overview

The Velocity Group worked on concurrent strategies of transitioning the volunteer nonprofit Downtown Springdale Alliance (DSA) into a professional downtown organization, merchandising strategic buildings along the downtown trail corridor, and co-managed the Springdale Downtown Master Plan visioning and form-based code process in partnership with the city of Springdale. The downtown master plan was contracted with St. Louis based H3 Studio.

Designing and managing the community outreach efforts, the Velocity Group launched the Downtown Springdale Initiative campaign with a focus on highlighting community participation in all its forms. The campaign utilized social media, an updated website, distinctive videos, direct mailers, and strategic community events to generate champions for the downtown revitalization efforts. The campaign engaged 480 people and generated more than 1,000 community feedback points, which helped get the master plan adopted through the Planning Commission and City Council within two weeks.

Project Contact:

Patsy Christie
Director of Planning
pchristie@springdalear.gov
(479) 750-8588

As the only trailhead downtown along the regional 37-mile Razorback Greenway, the Velocity Group also crafted a Phase 1 merchandising strategy for several key buildings to help jump-start the downtown economy while the master plan process is underway. Actively recruiting and engaging possible tenants to support a robust downtown experience, Velocity Group has positioned the emerging downtown as a one-stop-shop for patrons.

The Velocity Group worked with the DSA Board of Directors to develop a working budget and strategic plan, standardize governance structures and job descriptions, and enhance an inaugural production season.

The downtown master plan vision was adopted in 2016, and the comprehensive form-based code passed in 2017.



Downtown Rogers Master Plan

Rogers, AR

Overview

As a subcontractor for Gateway Planning, Daniel Hintz supported the effort to craft a bold, creative, systematic, and executable revitalization plan that built on Downtown Rogers' rich history and capitalized on the city's momentum to maximize its future potential. As the gateway to Lake Atalanta and one of the most substantial historic downtowns in the region, Rogers benefits from regional growth in a quality way by attracting investment into its downtown.

The team framed a multifaceted opportunity through a detailed market study and uncovered a very strong community vision through extensive early interviews and focus groups. The work resulted in a partnership with the Northwest Arkansas Council, Main Street Rogers, and the Rogers-Lowell Chamber of Commerce, along with key business owners, residents, and city officials.

Daniel worked on the merchandising and activation strategies alongside the planning and implementation recommendations to guide revitalization as a bold and aggressive roadmap to achieve transformational results in Downtown Rogers. The tools developed focus on regional Northwest Arkansas trends, and downtown strengths and opportunities. The final Master Plan and Development Code was adopted by the city in July 2015.

This plan also led to the idea of Frisco Front Park, a landscape design project funded through the Northwest Arkansas Design Excellence Program.



Mount Sequoyah Campus

Master Development & Activation Plan

Fayetteville, AR

Overview

Founded in 1922 by the Methodist Church, Mount Sequoyah Retreat and Conference Center desired an updated vision, mission, and development plan around its unique 37-acre campus on top of Mount Sequoyah in Fayetteville, Arkansas. Working with architecture firm Miller, Boskus, Lack and branding firm Archetype, the Velocity Group led the project, developing a comprehensive plan with an updated brand and story. A multi-phased development and rehabilitation plan identified both costs and new revenue opportunities, as well as activation and experience design recommendations to reposition the campus, deepen value, and build organizational structures for long-term sustainability.



Project Contact:

Jess L. Schload
Executive Director
jess@mountsequoyah.org
(479) 443-4531

Jones Center

Campus Redesign

Springdale, AR

Overview

Gifted to the community of Springdale by Bernice and Harvey Jones, The Jones Center and its 52-acre campus has been an epicenter of recreation, education and non-profit work for over 25 years. In November 2020, The Jones Center received a Design Excellence Grant from the Walton Family Foundation, providing the resources to begin reimagining the campus to ensure another 25 years of living into the organization's mission.

The Jones Trust board hired the Denver-based landscape architecture firm, Civitas, Inc., and the Velocity Group was brought on the team to lead the community engagement and communications strategy. The visioning process occurred entirely during the global pandemic, underscoring the need to push beyond a conventional communications strategy. Virtual meeting technology, video storytelling, robust social media strategies, one-on-one meetings with clear safety protocols, surveys and aligned outdoor activations that exemplified The Jones Center mission.

Our approach broadened The Jones Center social network, deepened diverse community relationships, provided opportunities for small and emerging businesses and strengthened vital stakeholder feedback loops that can be leveraged for future initiatives.

As part of public engagement, three online surveys, each in English, Spanish and Marshallese, garnered over 1,800 responses. Social media interactions exceeded 115,000 people, 13 virtual meetings included more than 300 community members, and in-person community group meetings with over 100 attendees. A project specific website was also launched through the process, with 5,438 site visits from November 2020 – May 2021. We also held three outdoor community events to share information, providing over 800 meals during the pandemic, which included helping launch the first Marshallese food truck in Northwest Arkansas.

www.jonescampusvision.com

Project Contacts:

Scott Jordan, CIVITAS
Senior Project Manager
sjordan@civitasinc.com

Andi Jones, The Jones Center
Special Projects Manager
ajones@jonestrust.org

Jones Center

Campus Redesign

Springdale, AR



Project Contacts:

Scott Jordan, CIVITAS
Senior Project Manager
sjordan@civitasinc.com

Andi Jones, The Jones Center
Special Projects Manager
ajones@jonestrust.org

aledo texas

a Velocity Group Theater of Cool™ Playbook

November 2019

VELOCITY GROUP





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act one:
project overview



1

The Velocity Group was invited by the city of Aledo, Texas to conduct a **Place Accelerator Workshop** to begin aligning the diverse elements of Aledo's unique **DNA of Place™**. Our team held conversations with a wide variety of stakeholders and facilitated collaborative work sessions with elected and appointed city officials to uncover ideas to best calibrate the physical, economic, social, political, legal, technological, environmental, and cultural realms of the community.

This **Theater of Cool™ Playbook** is a result of those conversations – as well as Velocity Group team member observations – with the goal to provide a new perspective for unlocking economic, cultural, and social value for maximum benefit. This document is designed to jump-start intentional conversations about the future of the city and provide inspiration for subsequent strategic actions that ensure Aledo resources are committed with clear goals and expectations.

OUR TEAM



Daniel Hintz is the Founder/Chief Experience Officer of the Velocity Group. His varied background in culinary, marketing, teaching, film, theater, social services, urban planning, and economic development has informed his unique process of planning and activation strategies. He has worked all over North America on projects ranging from comprehensive regional development plans, downtown master plans, outreach and communication initiatives, non-profit capacity building and a wide variety of private developments. In 2008, Daniel earned his Experience Economy Expert certification from Joe Pine and Jim Gilmore, whose seminal work identifying emerging economic trends around consumer values has earned international recognition, including TIME Magazine's Top 100 Business Ideas. He holds a BFA in Film from the University of Colorado Boulder.

Matthew Petty's passion is helping city leaders manage for higher revenues and happier communities. He practices mixed-use development in Northwest Arkansas and teaches nationwide for the Incremental Development Alliance. He has been elected three times to the City Council in Fayetteville, Arkansas, and has helped eliminate parking minimums, liberalize accessory dwelling units, give citizens a right to tactical urbanism, and make food vending accessible to new entrepreneurs. His newest initiative is implementing pattern zones in cities desperate for a scattered site infill technique that scales up.

Brad Lonberger, a senior planner in the Fort Worth office of Kimley-Horn, has written over 50 Form-Based and hybrid zoning codes, most within Texas, and is focused on outcome-driven zoning that maintains flexibility for developers while meeting quality desires of the cities and neighborhoods adjacent. Over the course of his career, he has honed his focus toward the economics of mixed-income and mixed-use development, gearing numerous public and private development projects toward implementation and innovative funding strategies.



Aledo is a city of big thinkers and doers

STATEMENT OF "YES, AND..."

One of the basic tenets of comedy improvisation is a theater protocol known as "["Yes, and..."](#)". The idea is that no matter what is presented, the prevailing attitude is "Yes, and...", which opens options for further exploration instead of immediately negating or disagreeing. The Velocity Group believes this type of open approach to community development provides a catalyst of possibility, putting distance between an immediate no and an open horizon of agreement.

Our team asked the Place Accelerator participants what they would say yes to as we discussed ideas and concerns. The following statements are distilled from those conversations and act as aligning principles for all actions moving forward.

Aledo will say "Yes, and..." to:

- Out of the box thinking, creative solutions, and continued dialogue that engages the entire community;
- Informed decision-making based on sound research and best practices;
- Fiscally-sound policy decisions that strengthen resources and contribute to Aledo's growing economy;
- Fostering partnerships that break limitations and collectively address challenges;
- Enhancing and celebrating what is unique about Aledo.

Building upon these declarations, we have crafted several positioning statements that align these community beliefs with the strategic actions found in this document. Offering a clear message for what sets Aledo apart from other cities within the region, the following statements prompt continued thinking about where you have come from, where you are now, and where you want to go.

Aledo is a city of big thinkers and doers.

We believe in the power of the individual and the strength of a collective vision.

We are a center of learning excellence and a platform for greatness.

We lead by example and cultivate leadership in others.

We are proud of our history, but we are not bound to our past.

Our decisions of today strengthen the Aledo of tomorrow.

THE BIG IDEAS

The following list of ideas was pulled from conversations with local and regional appointed and elected officials, small business owners, developers and investors, school district administrators, industrial and manufacturing entities, and local church leaders. These ideas formed the basis of the Velocity Group's recommendations further in this document.

- Develop a cohesive municipal campus that includes a new city hall, renewed community center building and connects to the community through trails and sidewalks.
- Discuss and outline opportunities for zoning flexibility within municipal code.
- Strengthen the role and identify specific initiatives for the Aledo Economic Development Council.
- Discuss broadening the definition of allowable residential projects and provide a platform for community feedback.
- Continue investing in community parks.
- Allow food trucks in specific areas of the city to offer additional opportunities for local entrepreneurs to invest in the city.
- Provide more public art throughout the city.
- Continue alignment with AISD and the city of Aledo to strengthen the tax base and resources of both the school district and the city.
- Develop clear strategy for business recruitment and development.
- Continue to facilitate regional collaborations with the various economic development groups and neighboring communities to align available resources.
- Continue to provide regular business and economic reports to the community.
- Provide a stronger narrative on why Aledo matters.
- Recruit a wide variety of quality and unique hospitality and culinary offerings.
- Incorporate murals throughout Aledo.
- Discuss options to expand city limits on the northeast side of town.
- Create an endowment for city parks and special city development projects.
- Work with TxDOT on the 1187/FM5 intersection to create another gateway into Aledo and make the intersection safer for the surrounding neighborhoods.





- Provide leads and promote the city as an investment opportunity for additional retail, restaurants, and corporate headquarters.
- Invest in more outdoor play areas and allow open-air cafes that are within walking distance to all the neighborhoods.
- Continue to invest in a comprehensive sidewalk program to connect existing neighborhoods with new neighborhoods and to strengthen overall connectivity within the city.
- Focus on enhancing the neighborhood behind Bryant Grain.
- Create a plan to enhance the aesthetics of city gateways, as they are the first impression.
- Work with AISD to incorporate redevelopment of Vandergriff Elementary Campus in the larger commercial development corridor plan for the area.
- Develop resources and deepen strategic community partnerships to produce more festivals.
- Create a unique identity within the region: Be Aledo.
- Review the existing rules and regulations for zoning, land use, and purpose of municipal development.
- Develop shared parking agreements with the Aledo churches around the downtown area.
- Increase joint meetings with City Council, Economic Development, School Board, etc.
- Develop a plan and cultivate resources to create a City of Aledo Police Department.
- Work with community partners to beautify landscaping along main corridors and include indigenous landscaping in Aledo parks.
- Focus attention on downtown renewal, improved mobility, and neighborhood connectivity.
- Develop more "cool" hangouts for adults, such as breweries, wine bars, etc.
- Develop a collaborative project on the green space between The Summit Church parking lot and the Aledo Community Center.
- Align corporate hiring needs with future development plans to help drive quality of life initiatives.
- Host additional community brainstorming sessions.
- Create development design standards.

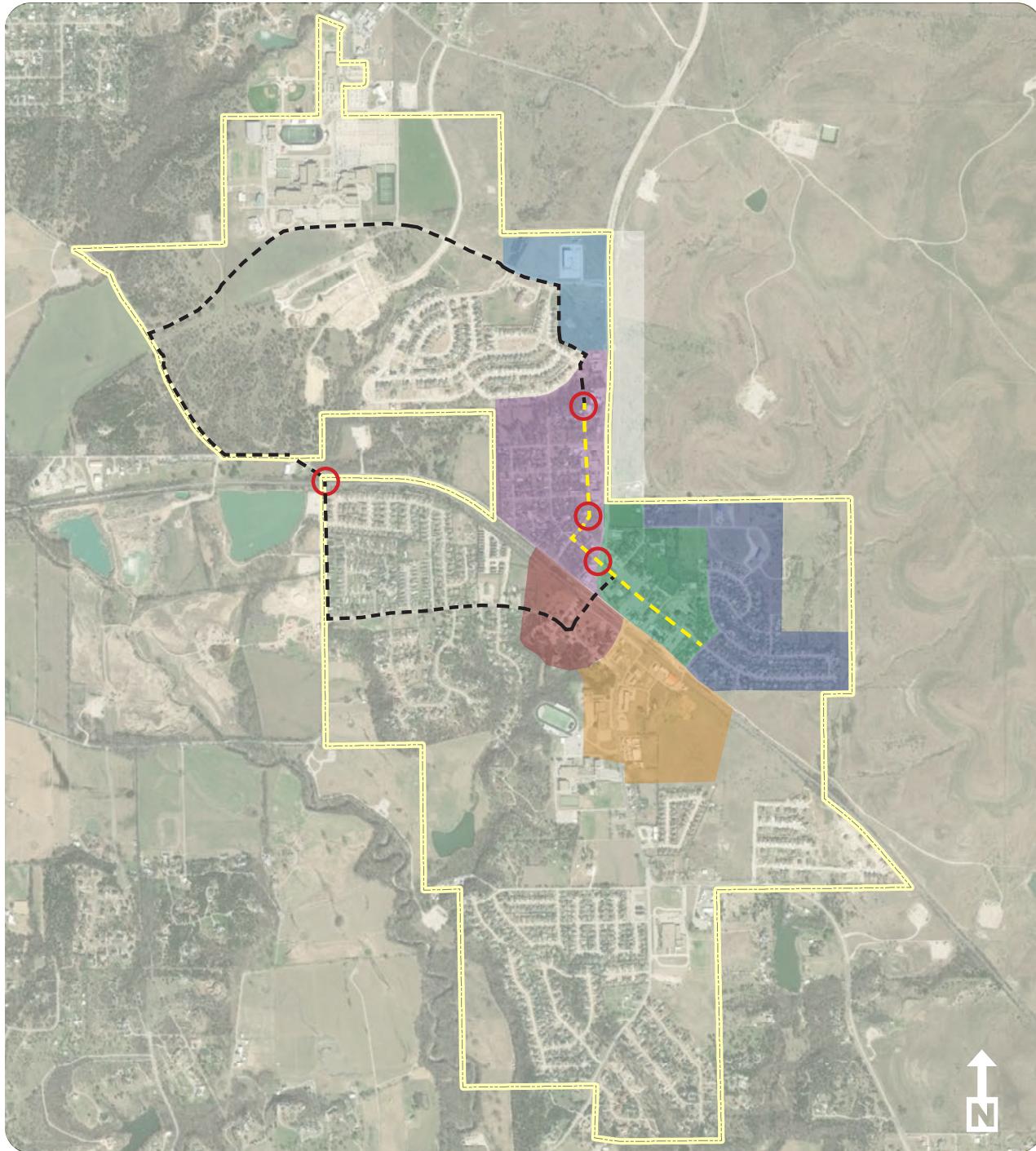
A photograph of a church building with a steeple and a cross, a white van parked in front, and a road with a stop sign and a crosswalk.

act two:
actions &
recommendations



2

The following pages include specific actions and items identified by The Velocity Group for consideration. These recommendations are to be used as conversational points for future policy decisions.



emerging experience districts

- Aledo Gateway
- Pine Street District
- Historic Downtown
- Rolling Hills District
- Civic Center District
- South Commercial District
- Pine/Oak Corridor Improvements
- Pedestrian Trail Improvements
- Key Connecting Components

EXPERIENCE DISTRICTS

The map to the left outlines focused planning districts that identify distinct areas that would need specific strategies and actions to advance a unique emerging personality. As a strategic tool, the experience districts are used to prioritize capital expenditures and inform the community and economic development efforts for these areas. This is not a branding exercise, as the naming of each district is used as a tool to create a common language around a cohesive planning area.

Aledo Gateway - As one of the main entrances to the city, this district should set the aesthetic tone and expectations of the community as well as provide a community gathering place that celebrates the proximity to the high school and school district administrative buildings.

Pine Street District - One of the Aledo's older residential neighborhoods, this district also includes a major commercial corridor. The Pine Street District will need to create a unified approach that fosters both a diverse mixed-use building typology along the Hwy 1187 corridor along with contextually appropriate residential infill. This district will also need updated infrastructure investments such as sidewalks and utilities. This Pine Street District bridges the connections between the Gateway District, including the Parks of Aledo, the broadened boundaries of the Historic Downtown District, and the emerging Civic Center District.

Historic Downtown District - Expand the definition of the downtown

district beyond the two blocks of Front Street to incorporate both sides of Hwy 1187. Focused efforts to develop a full community experience with shopping, dining, and workplaces must also ensure the surrounding neighborhoods are connected to the epicenter of activity.

Rolling Hills District - An adjacent, complete neighborhood to the Historic Downtown District, it is vital to ensure continued municipal infrastructure investments strengthen the connections between the existing neighborhood and downtown core. There are opportunities to facilitate shared parking agreements with religious institutions to ensure the area is not filled with non-revenue generating uses while providing for additional land for residential infill development.

Civic Center District - Ensure a cohesive design for the city hall, the community center, and a new city park to provide a gathering place for city services and community activities that are connected to surrounding neighborhoods and the Historic Downtown District with trails, sidewalks, and public programming.

South Commercial District - Develop a comprehensive economic corridor and connectivity plan that includes alignment with AISD in discussing the future of Vandergriff Elementary Campus. Any plans should include the future of the school as part of an integrated strategy that strengthens appropriate commercial and residential development opportunities alongside the school district's plans.

ALIGNING PRINCIPLES

The **Aligning Principles** below act as an organizing structure to coordinate and prioritize the multiple strategies, initiatives, and actions for individual experience districts that forward a greater Aledo plan.

Continue to invest in a connected and safe Aledo: Sidewalks, trails, and streets are all part of a comprehensive strategy to provide convenient access and connection to the goods, services, neighborhoods, schools, and parks throughout the city. Continue to review and prioritize infrastructure investments in both existing neighborhoods and new development as part of a comprehensive approach to connectivity.

Focus on neighborhood infill as well as new development: Allow for a dynamic mix of diverse types of residential housing for a variety of living styles, and include mixed-use use buildings within the city. This broadened development philosophy should be prioritized along with new large lot single-family homes and single-use commercial buildings on the community edge. This approach creates a strengthened and resilient economic base and provides a quality of living that attracts the diversity of people needed for a growing community.

Support a Strong City Government: Ensure policy and development decisions strengthen the needed human and financial resources to run an efficient municipal government that serves the needs of the community needs and wants.

Align policy decisions that forwards a clear vision for Aledo, deepens the economic value of the community, and contributes to a strong Aledo School District, by ensuring elected and appointed officials have the best information to make informed decisions. Spotlight Aledo as a center of learning excellence by focusing economic development efforts to attract specialty training and education organizations and companies to locate in Aledo.

Facilitate regional coordination and partnerships and position Aledo as a leader in best practices for great placemaking and community development.



code audit

The consulting team reviewed the existing zoning and governance systems of the city, with specific focus on the experience district planning areas. An update to the general standards for development should be considered, with specific discussion on building form and design along with considerations for allowing a wider variety of housing options. To initiate the type of investment stakeholders and community members had discussed during our interviews, we recommend a series of steps to jump-start the process:

- **Hire a Planning Administrator** to expand staff capacity, support an efficient planning process, and provide additional aid in the planning initiatives outlined within this document
- **Begin specific short-term implementation considerations** that improve connectivity – such as assessing and addressing gaps in existing neighborhood sidewalk systems – throughout the emerging experience district planning areas
- **Initiate an in-depth audit of the Experience Districts areas** that explores, through a public process, specific development opportunities, zoning requirements, and implementation strategies that lend to an updated comprehensive strategic plan for the city
- **Create a public improvement plan** within the experience district areas that includes a current conditions financial assessment and a baseline value creation analysis of identified infrastructure needs that forward the long-term financial sustainability plan section of an updated strategic plan for the city.

The following assessment grid identifies where the current city ordinance meets our general recommendations. The analysis identifies areas of consideration during the process of updating the city's general plan.

zoning assessment

TABLE KEY

- ! Consider Review
- + Aligns with Recommendations
- == Either has No Effect On or Plays a Necessary Supportive Function

	Promote mix of uses in key areas	Promote increased density in key areas	Promote mix of housing options	Decrease off-street parking quantity and improve quality	Improve walkability and connectivity	Increase quality of development through higher standards	Comments and Considerations
--	----------------------------------	--	--------------------------------	--	--------------------------------------	--	-----------------------------

ZONING ORDINANCE

Section 1	Title	==	==	==	==	==	No comments
Section 2	Purpose	==	==	==	==	==	No comments
Section 3	Zoning Districts Established	==	==	==	==	==	Districts do not describe the intent, goals or character of the districts. Should consider vision focused descriptions for districts
Section 4	Zoning District Map	==	==	==	==	==	No comments
Section 5	Zoning District Boundaries	==	==	==	==	==	No comments
Section 6	Zoning of Annexed Territory	==	==	==	==	==	No comments
Section 7	Compliance with Zoning Regulations	==	==	!	==	!	7.4 Lot and development rules should not be so exclusive and restrictive in an overall section, rather, should be allocated within specific districts.
Section 10	R-1 - Single Family Residential District	==	==	==	+	+	Good standards for a base residential district
Section 11	R-2 - Single Family Residential District	==	==	==	==	+	"Consider restricting no front entry garages like R-1"
Section 14	PD MF - Planned Development Multifamily Residential District	==	+	==	!	==	Consider alternative MF zoning district types or mixed-use district types
Section 15	C-1 - Commercial District - Office, Light Retail and Neighborhood Services	!	!	!	!	!	C-1 within the DB should be oriented towards more mixed-use opportunities. Connectivity requirements of residential should be required within commercial.
Section 16	C-2 - General Commercial District	!	!	!	!	!	C-2 within the DB should be oriented towards more mixed-use opportunities. Connectivity requirements of residential should be required within commercial.

TABLE KEY

- ! Consider Review
- + Aligns with Recommendations
- == Either has No Effect On or Plays a Necessary Supportive Function

	Promote mix of uses in key areas	Promote increased density in key areas	Promote mix of housing options	Decrease off-street parking quantity and improve quality	Improve walkability and connectivity	Increase quality of development through higher standards	Comments and Considerations
--	----------------------------------	--	--------------------------------	--	--------------------------------------	--	-----------------------------

ZONING ORDINANCE

Section 18	M-1 - Manufacturing/Industrial District Light	!	!	!	!	!	Consider how to transition this use between walkable development areas in order to allow existing uses to be compatible with DB.
Section 20	PD - Planned Development District	==	==	==	==	==	Allows for most of these to be implemented. Design parameters should set minimum requirements for connectivity and higher quality materials
Section 21	DB - Downtown Business District	+	==	!	+	==	A good base for regulations, there needs to be a requirement for "Front Street Type Development" to be the standard type of development in the district. Design and form standards should be used.
Section 23	Use of Land and Buildings (Tables)/Regulations	!	==	==	==	==	Limited mix of uses, zoning cannot regulate "owner-occupied" in residential uses for DB
Section 24	Descriptions/Definitions of Uses	==	==	==	==	==	No comments
Section 25	Special Permits (SP)	!	==	==	==	==	25.3 restricts vending from food trucks by definition
Section 26	Specific Use Permits (SUP)	==	==	==	==	==	No comments
Section 27	Off-street Parking and Loading Requirements	==	==	==	!	==	Should allow for developments to share parking within specific areas. Require standard non-residential parking to allow development to transition uses over time
Section 28	Accessory Building Regulations	==	==	==	==	==	No comments
Section 31	Zoning of Property to be Platted or Annexed	==	==	==	==	==	No comments
Section 32	Classifications of New and Unlisted Uses	==	==	==	==	==	Zoning Administrator should be handling new classifications, not Director of Public Works

a deep dive: tackling specific ideas

PINE STREET <-> OAK STREET CORRIDOR

Connecting the Gateway District and Parks of Aledo to the Downtown Historic District and the Civic Center Districts, this corridor should have consistent improvements constructed along its length such as street trees and human-scaled street lights to ensure a pleasant and safe experience facilitates its use.

- Add a new pedestrian connection from Cherry Street to Bluestem Lane.
- Work with TxDOT to include a HAWK signal across Hwy 1187 to connect East Oak with West Oak.
- Connect Pine Street north and south of the library.
- Partner with Parks of Aledo POA to co-develop trail connection between the private development and the public right-of-way .
- Ensure new pedestrian connections are designed in accordance with *NACTO Bikeway Design Guidelines* for multi-use trails.
- Support an infill development pattern along the corridor that includes a variety of housing and mixed-use building typologies appropriate to the block-by-block context assessment.
- Zone the Pine Street Corridor for mixed-use with a two-story height limit.
- Regulate food trucks and trailers to operate on private property on either side of Pine Street.

ANNEXATIONS AND UTILITY EXTENSIONS

When approached with a proposal for annexation and/or utility extensions, the city should compare the estimated tax returns for the expected life of the new infrastructure with the combined maintenance

and replacement costs of the new infrastructure and the costs of providing essential services to new residential homes. If the projected tax returns do not equal or exceed the calculated life cycle costs, the proposal should be amended.

The same process should be used for upgrading existing infrastructure and neighborhoods, which includes water, sewer, electric, sidewalks, trails, and roads to prioritize municipal investments and maximize limited resources.

NEW CITY HALL

The creation of a comprehensive development plan for the emerging Civic Center District will tie the various city-owned properties together to includes City Hall, existing municipal office buildings, the community center, and adjacent park. Some recommendations for this district include:

- Create a master development plan for the district that includes projected costs, a building program that accommodates future growth and provides a clear vision for community buy-in.
- Consider additional community uses, including partner non-profit agency offices for project revenue share.
- Orient new City Hall to the street and improve street frontage of existing property, with consideration of new development opportunities along Old Annetta Road and the adjacent lots.
- Improve the community center street frontage and parking lot.
- Link the two facilities with a pedestrian crosswalk as an extension of the greater Aledo connectivity plan.

- Create a Civic District signage plan that identifies both the district boundaries and identifies the services provided in the buildings.
- Construct the minimum amount of new parking necessary by sharing parking with the community center and adjacent private properties as much as possible.
- Invest in the redevelopment of adjacent park to position as a Central Park concept for Aledo and survey the connected drainage and floodplain for potential trail routes.
- Envision a bicycle trail network that links each of the schools in the City of Aledo together, and puts the Community Center at the literal center of the network.
- Decommission the basketball park and reuse the surface as a botanical garden that grows along the trail network towards the middle school.

A DYNAMIC FARMERS MARKET

The impact of a robust and diverse farmers market on community can be significant if strategically combined as both a greater economic development strategy and quality of life initiative. In addition to farmers markets serving as an anchor destination experience for an area of town, a well-managed, quality-controlled, and aggressively-promoted market can result in a more viable economy and a weekly convening that creates stronger community.

- Place management of market within the newly structured Aledo Economic Development Advisory Committee independent non-profit agency (details at right).
- Develop a three-year growth strategy that positions the market

as a base for access to locally grown produce for restaurants in Aledo, expands consumer offerings and relevant product beyond produce (proteins, crafts, food trucks), and incorporates into a larger event production season within city promotions.

- Invest in electric and water infrastructure from the Community Center to support and expand the Aledo Farmers Market.

CREATE AN INDEPENDENT 501(C)3

Serving as the centralized information source for all economic development activities and a mission to assist businesses in starting, expanding, locating, and relocating within the city, Aledo Economic Development Advisory Committee is positioned to become an independent entity to lead next level placemaking and development opportunities. As an independent agency and key partner with the city of Aledo, this new organization can procure grants, solicit sponsorships, develop service-oriented membership programs, and work on deal flow that the city cannot currently provide. In addition, the agency would work directly with the regional economic development agencies to ensure additional human and capital resources are available to advance both Aledo and the region.

- Create legal structure and submit non-profit paperwork to the IRS for Letter of Determination by Q1 of 2020.
- Develop Board of Directors and host a strategic planning session to determine organizational overview and three-year growth strategy.
- Negotiate service contract with city of Aledo to provide economic development services.

- Craft formal relationship with Parker County Economic Development Agency and ensure alignment with county initiatives to advocate for focus on Aledo when appropriate.
- Align Parks and Recreation scope with emerging AEDAC scope to ensure collaboration and program capacity building remains a priority in transition.

1187 CORRIDOR

As the main entrance to Aledo's community core, ensuring development patterns reinforce the small town and local community feeling valued by stakeholders during our interview, we offer the following recommendations.

- Orient all development opportunities toward walkable formats.
- Require parking be placed to the side or rear of the building.
- Require future buildings to be located close to the street and have an entrance on the street side.
- Require sidewalks to be constructed with each project.
- Insist adjacent projects connect their parking lots.
- Zone the corridor for mixed-use with a two-story limit.

RESIDENTIAL DEVELOPMENT IN PINE STREET DISTRICT AND ROLLING HILLS DISTRICT

Continued private and municipal investment in existing neighborhoods deepens property value and expands city resources for future investment. In addition, more people living in proximity to the Hwy 1187 Corridor and Historic Downtown District provides the needed density

- to support more restaurants and services desired by the citizenry.
- Adopt small lot standards (40' lot widths, 5' side setbacks, front setbacks by prevailing conditions with variability).
- Allow large lots to be replatted in a courtyard format.
- Allow garages to be converted into separate living units.
- License small cottages to be pre-permitted for construction in large backyards.
- License modest houses to be pre-permitted for construction on typical parcels.

OAK STREET MIXED-USE CORRIDOR

The Oak Street Corridor is the main connection between the Rolling Hills Neighborhood and the expanded Historic Downtown District. Including manufacturing facilities and several churches, the development along this corridor must accommodate both existing needs and future growth opportunities.

- Zone the commercial areas for mixed-use.
- Coordinate the construction of liner buildings and formalized street parking near churches.
- Experiment with shared parking schemes that assist all users, including Front Street businesses.
- Engage with Bryant Grain to ensure expansion and parking needs include a comprehensive strategy that includes engagement with adjacent residents and churches, with the goal to reinforce walkable sidewalks, on-street parking, and continued connectivity to Historic Downtown District.



A large, detailed mural of a woman's face is painted on a light-colored brick wall. The woman has dark hair, a gentle expression, and is wearing a light-colored, patterned garment. The mural is set against a clear blue sky. In the foreground, the dark roof and brick wall of a building are visible.

act three: the big picture



3

Great places are cultivated, human-centered experience platforms that invite exploration, discovery and celebration. Whether trying to attract or retain the best and [brightest](#) to a company or community, designing compelling experiences that constantly engage the imagination is now a necessary skill set for anyone wanting to stay relevant in today's connected world.

Grounded in the concept of experience design, this Theater of Cool™ Playbook offers a framework for developing shared objectives and criteria when crafting your own strategies of engagement. Offering a focus on the creation and delivery of real value, the general perspective of this approach is always about active listening, being an astute observer of the human experience and crafting systems that can respond to discovery.

This approach is centered on deepening a positive human experience and focuses on crafting the choose-your-own adventure environment that builds affinity, engages the imagination and generates long-term value for an idea, project or community.

Let the show begin!



What is your community's value proposition?

KNOW WHO YOU ARE

With an estimated 55% of Boomers, Gen X, and Millennials looking to move within the next five years, **how does your community grab the attention of a possible 93 million people?**

Communities that engage in the intentional and cultivated alignment of the diverse realms in the human experience - economic, social, political, legal and institutional structures, technology, environment, arts and culture - are ones that generate positive attention and investment.

In addition, those cities that embark on a placemaking journey must do so in an open process that invites participation and mines the collective wisdom of the community. The value proposition is driven by a local and diverse ownership culture that compounds access to opportunity over generations.

place typologies



The commodification of the human experience is one of the biggest threats to the health and financial wellbeing of any community. Our land use policies, infrastructure investments and car-oriented development has stripped many cities of their value and weakens both the authentic brand and unique value proposition.

EVERWHERE COMMUNITY

An **Everywhere Community** fails to establish a unique identity by offering commoditized and ubiquitous services and brands. Dominated by auto-oriented design with little or no consideration to context and segregated by use, these are pass through communities and depreciates in value over time.



SOMEWHERE COMMUNITY

A **Somewhere Community** cultivates a unique collective experience and identity that is tethered to a sense of authenticity. Generally walkable, with strong design context, intentional curation, and focuses on building form over use, these areas are destinations and appreciate in value.



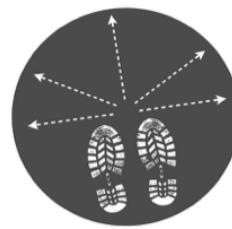


The **DNA of Place™** is the building block of that valuable Somewhere Community. This four dimensional approach to placemaking takes into consideration the complete human experience and is the evolution of community planning beyond both use and form.



SAFETY

- Personal
- Financial
- Physical
- Emotional
- Psychological



SELECTION

- Housing
- Education
- Opportunity
- Social Tapestry
- Diversity/ Inclusion



SERVICE

- Efficiencies
- Quality
- Consistency
- Access
- Respect



SURPRISE

- Innovation
- Collaboration
- Audaciousness
- Grit
- Authenticity

NURTURING YOUR DNA OF PLACE

- 1 Know who you are...and **who you are not**
- 2 Be clear both in **why you matter** and your value proposition.
- 3 Define what actions to take and **align resources to implement**
- 4 Gather a team that **knows how to get things done**



Place is a culmination
of unique experiences...
...and unique stories.

sense of place

**A personal journey that transcends the physical.
A collective narrative that sets expectations.**





place making

- ✓ The act of **crafting** great experiences
- ✓ The act of **cultivating** great experiences
- ✓ The act of **curating** great experiences

A man and a woman are smiling and laughing together. The woman is on the left, wearing a patterned top, and the man is on the right, wearing a light-colored shirt. They are in a room with a blue wall and a white door in the background.

act four:
getting it done



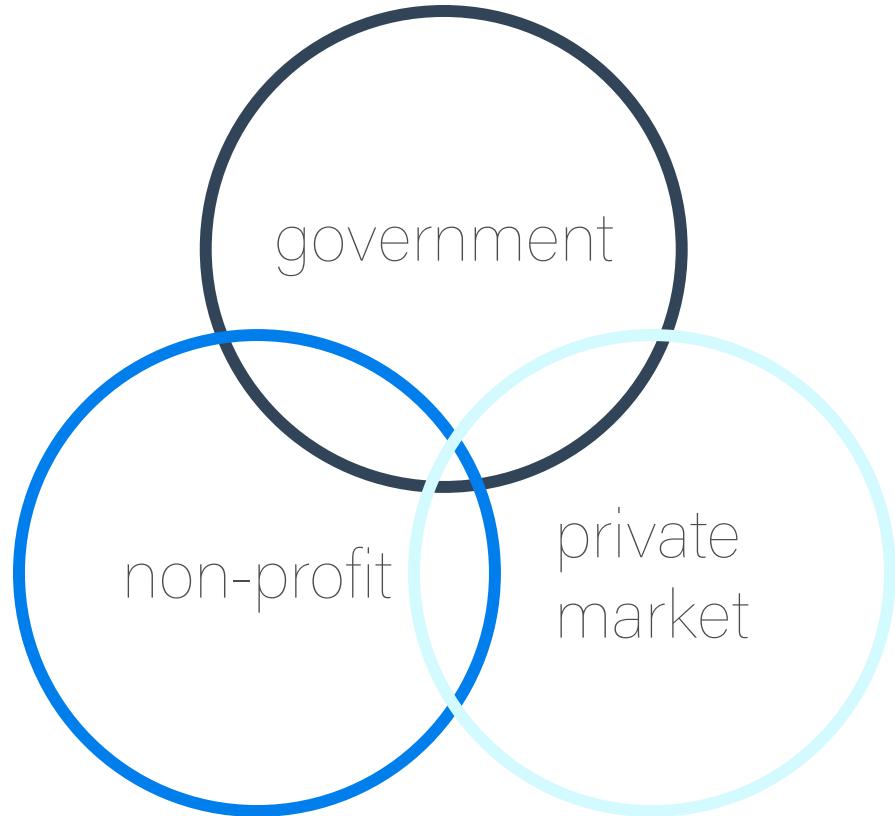
4

A great experience – regardless if it is for an entire community, small event, retailer or restaurant – is both a necessity and an advantage as competition for attention intensifies. Experience design is not a checklist, a recipe, or a series of maneuvers; it is a way of thinking and the following pages offer a point of view to consider when approaching the creation of great places regardless of their context.

Owning your story and using that as a compass for differentiated value, the experience design process integrates numerous tools to deliver value over time. It is also important to track the “customer” journey to ensure that each interaction engages their needs as they want it and when they want it. This attention to detail differentiates between an event (limited) and an experience (expansive).

The **Theater of Cool™** approach to placemaking activates a Somewhere Community by aligning tested urban design principles, free market economics, retail science, street level activations, customer affinity and shopping psychology, community engagement and broad based local opportunity. These elements are outlined and described on the following pages.

the theater of cool™ team



There are three realms that must align to really activate the DNA of Place™ and just as the chemical Catalytic Triad binds the elements of human DNA together, so does the Catalytic Triad model of placemaking binds the DNA of Place™. Each of the three realms play an important part in developing and nurturing the overall community experience, and the organizational capacity in each sector of the Catalytic Triad can either help or hinder the road to success.

The **Municipality's** central role is to establish a clear community developed vision and then remove barriers to implementation through strategic infrastructure investments, predictable decision making, and aligned policies.

The **Civic and Non-Profit** realm is the "keeper of the flame"

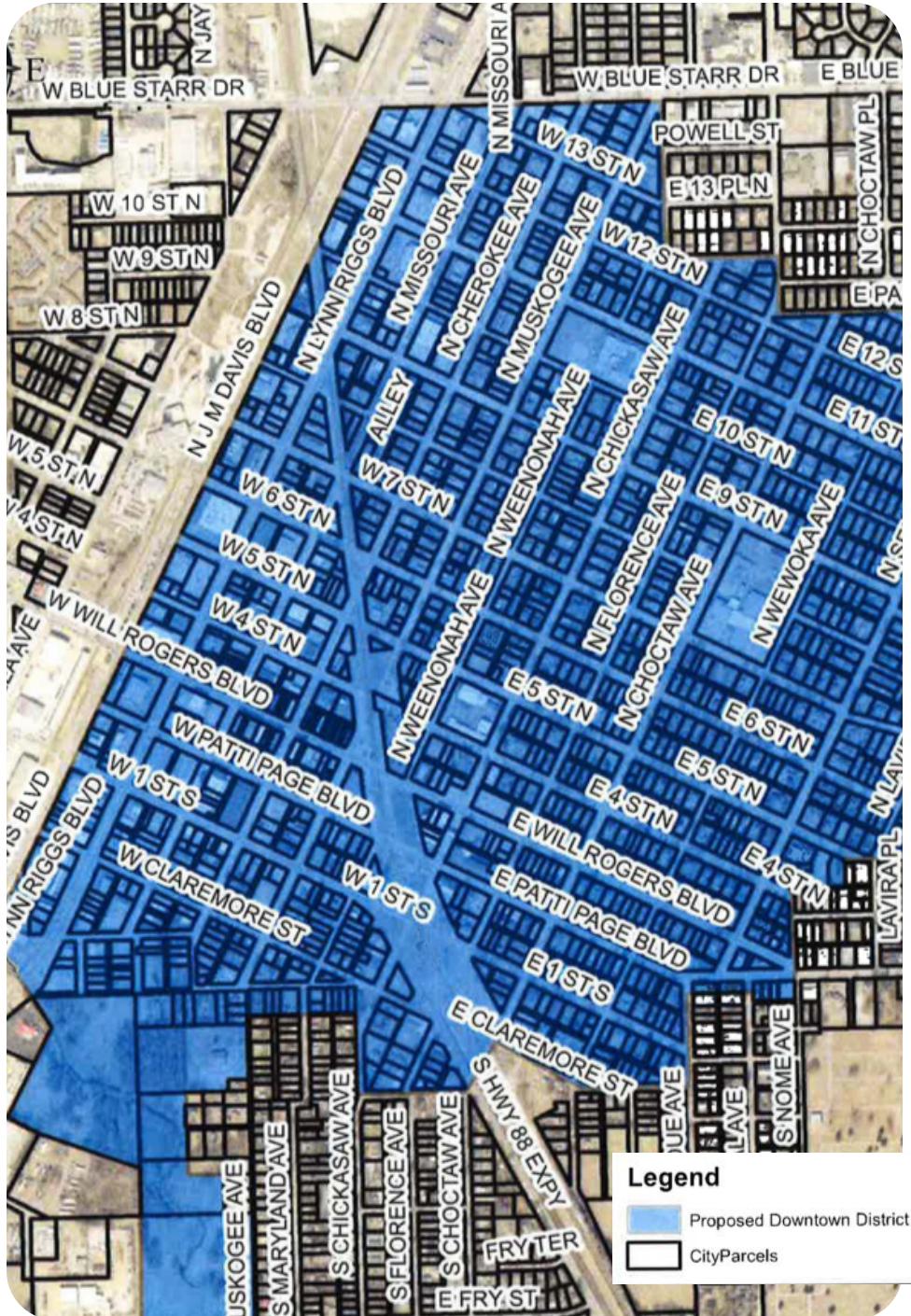
for the vision, acting as curator, concierge and cheerleader in its implementation. Providing support to the municipality in structuring rules and guidelines, facilitating opportunity and aligning various investments, activating spaces that strengthen the brand and driving storytelling efforts are just some of the roles necessary for this sector.

The necessity of a robust and allied **Private Market** cannot be underestimated in the execution of a community vision. The value creation of any plan is driven by the constant fueling of multiple private investments – with a primary focus on fostering local businesses and small developers. The aggregate of multiple investments over time builds a resilient marketplace and drives a community value proposition.



set the stage

- Identify the area in which to focus on in order to align the big vision and placemaking efforts.
- Draw a geographic boundary that is larger than current project efforts
- Craft organizing principles that will align and prioritize implementation strategies

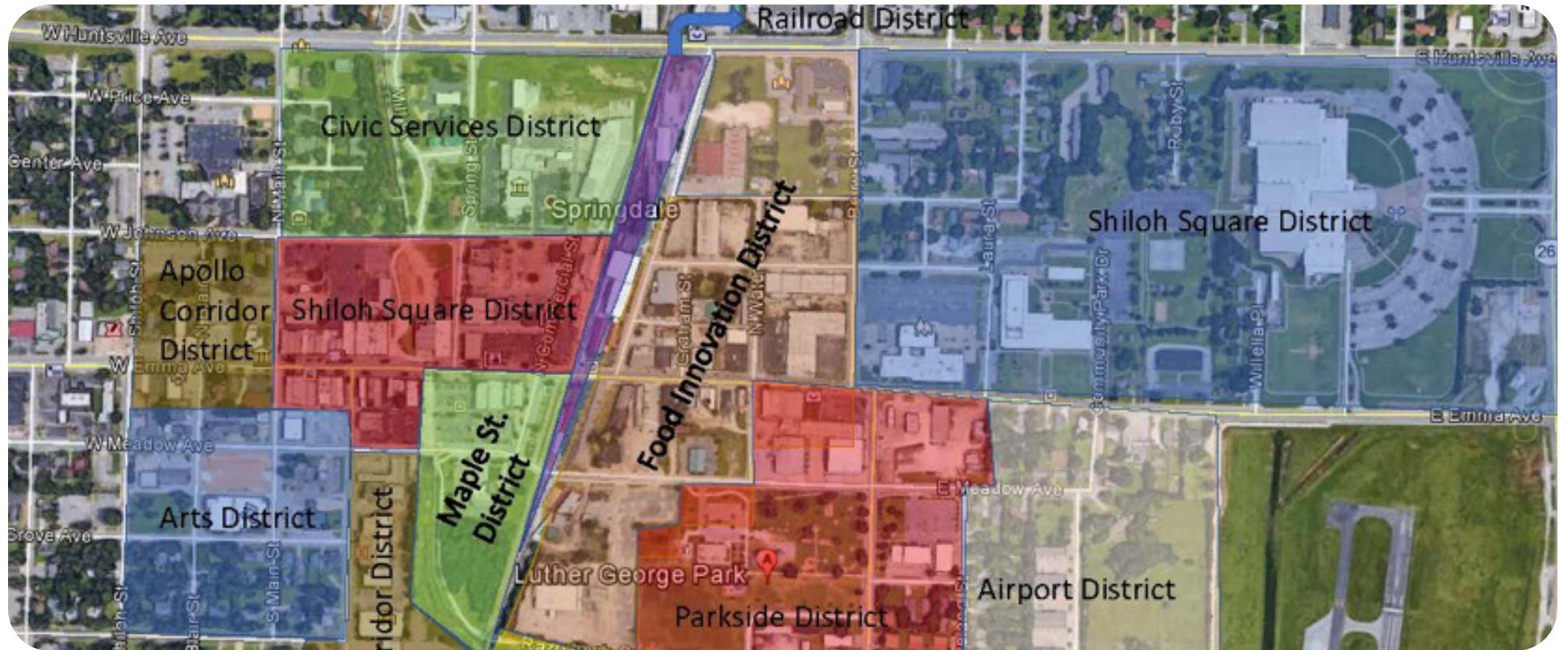




set the stage

EXPERIENCE DISTRICTS

Within the overall planning area, a more nuanced and detailed experience district map is created to build on and enhancing unique centers of emerging or existing activity. By focusing at the block level, specific experience district strategies can be deployed to advance the overall plan. This approach ensures the tactical activations forward the big plans. Each Experience District needs to be treated differently and in many ways, that's the point of this approach. Each district is created to maximize a unique asset and forms alignment for future development, tenant acquisition or programmed activation that advances the value of that unique asset. Craft organizing principles per district that align with larger district approach and help organize implementation strategies





design the set

Align the form and function of the built environment with the purposeful experience infrastructure needed to activate the buildings, public spaces, streets, sidewalks, and alleys.

- Conduct a stress test of building codes and ordinances to ensure vision and desired experience can be implemented
- Inventory infrastructure issues or needs and develop an improvement plan
- Define possible catalytic development sites that can launch vision and beta test process
- Develop complete street plans and understand connectivity to the nodes of activity

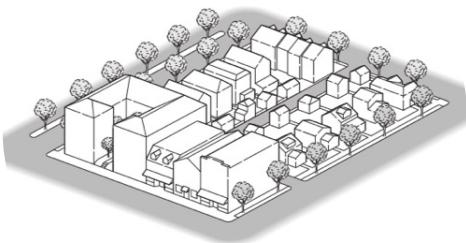




the evolution of the code

While a well-designed built environment is critical to the crafting of great places, the essence of place transcends the physical. We believe that the next big step necessary to craft and develop our communities must take into consideration the overall experience ecosystem.

USE



FORM

A community that wants to effectively manage a contextually appropriate physical environment utilizes a Form-Based Code (FBC) to foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle. The FBC focuses on the relationship between public and private spaces such as the interaction between streets, blocks, and buildings in terms of form, scale and massing, and the use of frontage areas. Form based code provides the context for Set Design in our Theater of Cool™ model outlined later in this Playbook.



EXPERIENCE

This approach aligns the built environment with clear vision, efficient processes, economic resiliency, relevant services, curated activations and omni-channel storytelling. The Experience Code approach requires a cross-discipline perspective that considers and allows by right the multiple aspects of the desired community experience. This is at the core of the Velocity Group approach.



place the props

Strategically recruit, place and promote Theater of Cool™ props, which includes restaurants, retail, public art, grocery stores and other interactive amenities that forward the desired experience.



Victory Row Experience District



The recommendations here provide particular "props," for activation, i.e., potential business and places, for the story unfolding within the Theater of Cool™.



Wine Bar/Small Plate Restaurant
As part of the unique schema located near 2nd Street and Elm could leverage its location near other restaurants and entertainment venues to create a social green room where both actors, artists and audience can mingle before or after performances of the Victory Theater.



Regional Examples:
<http://www.westbankcafe.com/>
<http://www.cassellia.com/>
<http://www.presswnebar.com/>



Arkansas Made Retailer with Demo Kitchen
Focusing on the food, beverage and craft of Arkansas, this specialty retailer can also host a wide variety of programs with their demo kitchen.

Regional Examples:
<http://www.rivernarket.info/shop/detail/the-fried-frog>



Corner Grocery Store
A unique building at the SEC of Elm and 2nd could host a small grocery store that serves the basic grab-n-go, deli and staples, along with an array of beer/wine and specialty food items for the downtown residents and nearby workforce, or grab-and-go opportunities for the active population heading to Lake Aztalan for a picnic, or nearby parks.



Regional Examples:
<http://www.blackboardgrocery.com/>
<http://qgreenstreetgrocerycafe.com/>



The Permanent Pop-Up Store
This eclectic business could serve as an economic incubator for makers space and retail concepts in downtown Rogers. This location could offer short term leases for the retail entrepreneur to launch new concepts. The store would rotate every eight to twelve weeks, completely reinventing itself—from merchandise and design to floor plan and fixtures—and do so at a relatively low cost by testing strategies of marketing, merchandising, and business development.



Bakery with Downtown Living
Bringing back the essence of the Harris Bakery Building, this building could house an active storefront that reveals a small bakery with both sweet and savory, and includes steaming lunch and bistro-style dinner. The remainder of the building could be used for downtown residential lofts.



Regional Examples:
<http://www.profbakeryrls.com>
<http://www.lepanier.com/#loinstory>



launch the show

Plan, fuel and launch the necessary activations that generate positive buzz, community engagement and that vital customer affinity. This process turns the community into the storytellers and champions of place.

- **Invite** people to spend time and hang out
- **Create** opportunities to delight and entertain
- **Inspire** curiosity and discovery





The Four Realms of Experience



First identified in the book *Experience Economy: Work Is Theater* by Joseph Pine and Jim Gilmore, the Four Realms of Experience provide the general components for consideration, offering a delicate but intentional balance between passive and active engagement. The most profound experiences utilize all four realms.

Thrill – How does the experience(s) cause the sensation of pleasure or delight derived from positive surprise or discovery?

Instill – What does the experience designer want the participant to learn about?

Fulfill – How does the experience connect to the needs and wants of the participant?

Chill – How does the experience provide an escape and respite from the everyday?





design paradigms

TIME AS PERSONA

How people use space and place is as varied as the individual and it can become overwhelming when thinking about all the various options needed to engage a vast array of humans. In Design Thinking, practitioners utilize the persona to represent a cluster of users who exhibit similar behavioral patterns in their purchasing decisions, lifestyle choices, etc. In this approach, behaviors, attitudes, and motivations are common to a "type" regardless of age, gender, education, and other typical demographics. In fact, relevant persona work far eclipses the relevancy of demographics in quality experience design.

Using this design thinking paradigm, the concept of time can be broken into specific experience personas to quickly conduct an inventory of needs based on the experiences. For example: If a community wants an early morning crowd in their downtown but don't offer a coffee or breakfast option, the streets will remain empty. Think about the elements needed in your community to activate the following timeframes:

7 a.m. to 9 a.m.

9 a.m. to 11 a.m.

11 a.m. to 1 p.m.

1 p.m. to 4 p.m.

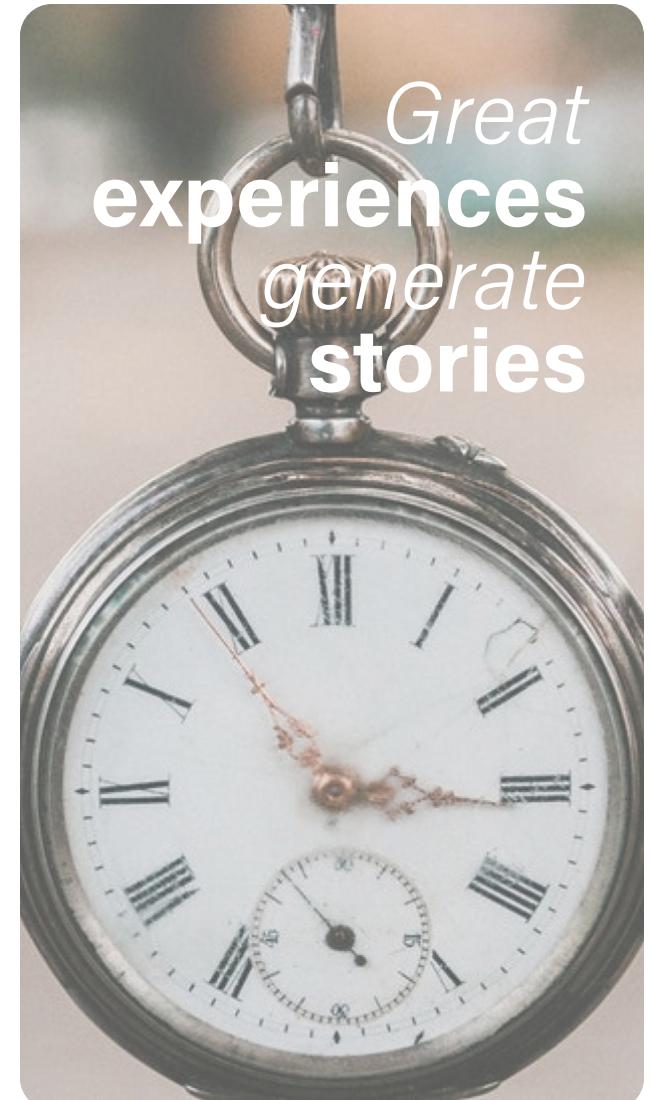
4 p.m. to 7 p.m.

7 p.m. to 10 p.m.

10 p.m. to Midnight

Midnight+

In addition, you can also think about the various days of the week, months, quarters or seasons as individual time personas!



A photograph of a park scene. In the foreground, a person's legs and feet are visible as they sit on the grass. In the middle ground, a person wearing a white hat and a blue and white checkered shirt is sitting on the grass, facing a group of people. In the background, several people are sitting on a long white table, and others are standing or sitting on the grass. The scene is outdoors with trees and buildings visible in the distance.

act five: the power of story

5



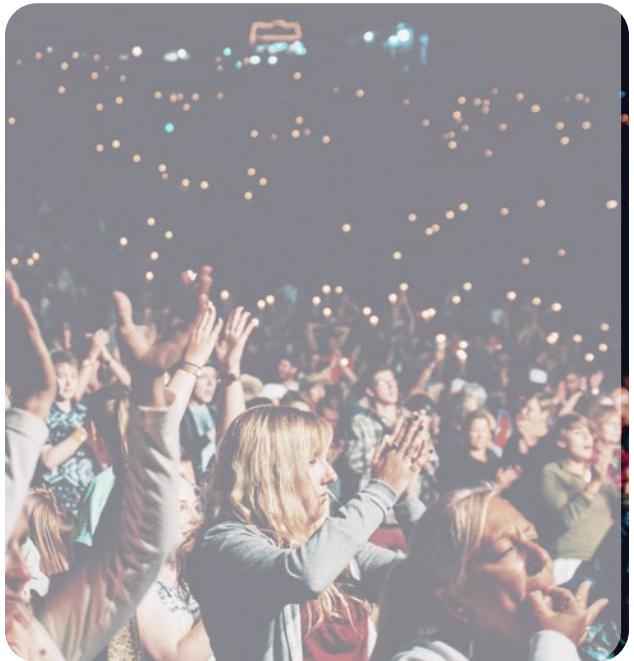
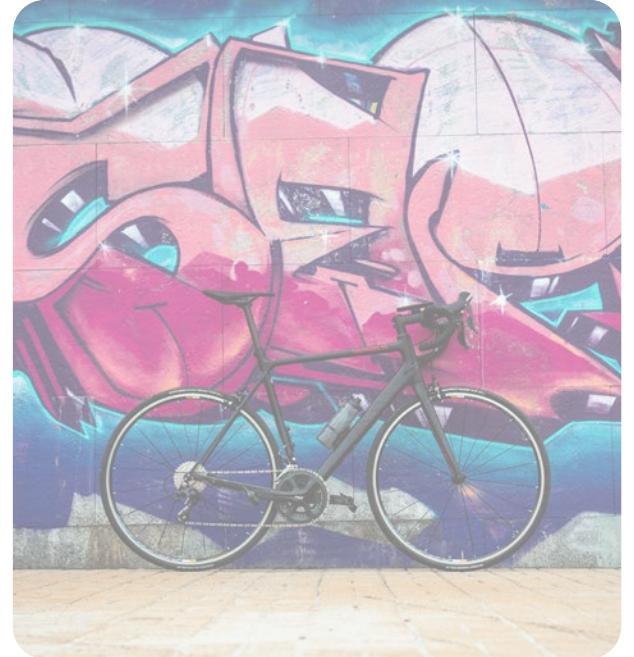
Author Joseph Campbell outlined the common template for a hero's journey – *a hero ventures forth from the world of common day into a region of supernatural wonder: fabulous forces are there encountered and a decisive victory is won: the hero comes back from this mysterious adventure with the power to bestow boons on his fellow man.*

Offering a powerful metaphor for compelling experience design, this model provides a narrative arc that orients the peaks and plateaus activation to keep a person fully engaged from start to finish AND to provide the tools to turn them from participant into storyteller.

In addition, the 19th-century German novelist Gustav Freytag used a pyramid to study common patterns in story plots, putting forth the idea that every narrative arc goes through five dramatic stages: exposition, rising action, climax, falling action, and resolution. Whether designing a streetscape, event, retail activation or public space, thinking of incorporating these dramatic stages as themes can be powerful design tools.

Some big questions to ask when integrating storytelling prompts within an experience:

- Who is the hero?
- What will compel them to venture forth?
- What information needs to be provided to help them on their adventure?
- What fun obstacles can be created to challenge them on their journey?
- When and what is the climax of their adventure and what is their prize?
- Did they accomplish what they set out to do?
- How do they relay their journey to fellow adventurers?



The Network Effect

Track and Measure

The network effect is a phenomenon when an increasing number of people who use a product, service or brand increases its perceived value as the user base expands. A clear example is social media; the more people who join a social network, the more valuable the site becomes for the people who belong. The following model outlines the necessary implementation strategy to grow and capitalize on a social network, with the focus on attraction and retention of users.

(1) Aggregate and Listen

Channel the voices of the community



(2) Curate and Amplify

Curate stories of success and progress



(3) Elate and Inspire

Deliver content to target audiences



Big Ideas. Great Places. Your Stories.



As curators of great places, the Velocity Group believes in setting the stage and providing the tools for people to choose their own adventure. By starting with what you have and where you are, we help identify your unique DNA of Place™ to calibrate an aspirational vision with implementable steps to get to where you want to go. Our approach cultivates and aligns the people, investments and ideas needed for success.

We have worked on projects all over North America, including downtown master plans, economic development initiatives, talent recruitment and retention efforts, tenant recruitment and property development, restaurant and hospitality concepts, organizational planning and capacity building, and community advocacy and engagement initiatives. By focusing on the overall experience of a project, our Theater of Cool™ model merges design, economics, activation and storytelling for a truly unique offering.



DANIEL HINTZ, CEO & FOUNDER

"A city that is able to surprise you and makes you fall in love is a city that is going to engage you for all phases of your life. Communities must constantly engage the imagination and cultivate positive experiences to stay relevant."

Daniel founded the Velocity Group in 2014, using his varied professional background in culinary, hospitality, theater and film, communications, economic development, urban planning and organizational management to help clients realize their projects and initiatives. His work has taken him across North America, engaging with municipalities, non-profits, corporations, small businesses and private developers.

Prior to Velocity Group, Daniel served for six years as the Executive Director of Downtown Bentonville, Inc. in Bentonville, Arkansas, where he helped broker and guide the renaissance of the 1,765 acre downtown district that now includes a growing art, entertainment and culinary scene earning national attention. In 2008, he earned an Experience Economy Expert certification from Joseph Pine and Jim Gilmore, whose thoughts on the rising consumer value of experience and authenticity was listed by TIME Magazine as a Top 10 Ideas Changing the World. In addition, Daniel has also spoken across the country on a wide variety of subjects, including at TEDx, Tyson Foods, Walmart, American Institute of Architects, Arkansas Municipal League, Congress for New Urbanism, American Association of Landscape Architects, Sarkeys Southwest Regional Leadership Forum, National Town Builder Association, International Economic Development Council and many others.

national experience





DANIEL HINTZ
CEO/Chief Experience Designer
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479.200.1812
www.dnaofplace.com

Velocity Group retains exclusive ownership and copyright of all work product, concepts and materials created in development and execution of its services for all general and specific purposes. The DNA of Place™ and Theater of Cool™ are federally trademarked assets of the Velocity Group and cannot be used for any general or specific purpose without the express written consent of Velocity Group. For specific Theater of Cool™ recommendations, each Party shall allow the other Party to use reproductions of work product and services, created for the purpose of performing the Services under a signed Agreement, for promotional materials and marketing, without limitation, as long as the work product is properly attributed to the Party that created the work product.

City of Austin
Craig Clark,
City Administrator



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9941
craigc@ci.austin.mn.us
www.ci.austin.mn.us

TO: Honorable Mayor and City Council Members
FROM: Craig D. Clark, Administrator
RE: Federal Economic Development Administration Grant for Creekside Business Park
Infrastructure

As part of economic development projects costs for infrastructure are always a consideration within an individual commercial development. As a result, John Garry and I have explored opportunities with the Federal EDA and Darrin Fleener, Economic Development Representative covering Minnesota, specifically for possible infrastructure improvements within Creekside to facilitate economic recovery from COVID 19 and otherwise grow or commercial tax base.

The EDA has a Public Works Grant Program (Exhibit 1) that helps expand physical infrastructure while encouraging new business expansion. The fact that NuTek has expanded and other interested companies are considering building in Creekside Business Park helps strengthen our prospective application.

Steven Lang has provided the following costs for City of Austin responsibilities in serval areas within the park (Exhibit 2):

27th Avenue NW – 5th St. to 9th St.

- \$450,000 Street
- \$200,000 Storm/Pond
- \$650,000 Subtotal

5th Street NW – Cul de sac

- \$310,000 Street
- \$370,000 Sanitary
- \$ 50,000 Storm (requires storm pond from 27th Ave. estimate listed above)
- \$730,000 Subtotal

9th Street & 26th Avenue NW

- \$750,000 Street
- \$170,000 Sanitary
- \$ 50,000 Storm
- **\$970,000 Subtotal**
- **\$2,350,000 Total of \$2,350,000**

As you know, Austin Utilities is also an important partner to our development efforts. They have provided the following costs for localized and system improvements in the Creekside area for gas, water and electricity. These costs total \$721,000 for the extensions along the same build out we have proposed as well as \$660,000 for loops systems (Exhibit 3). This would bring a total project cost estimates for AU's portion to \$1,381,000 and a combined total of \$3,731,000.

The Federal grant traditionally provides a 50% matching grant to projects. Due to COVID and American Rescue Plan Act funding has been extended it to an 80/20 Federal/Local match apportionment. It is our understanding that the 80/20 grants will be highly competitive and when exhausted will revert back to the 50/50 match as has been the case.

I would propose we utilize existing fund balance to finance the City and AU's portion of the localized infrastructure. This would help long term with economic recovery by reducing another barrier for development. Should Council wish to recover those fund balance contributions, this could be done at the time of land sale. This would lower the incentive, but remain a significant value to the business-essentially passing along the Federal grant dollars to new businesses and recouping the local contribution. You also recognize this is in partnership with the Austin Port Authority who holds the property in Creekside and is our primary economic development arm for the City. Council could set the expectation as a part of providing these funds to the Port.

This proposal will be sent out to firms requesting their interest and have solicitations back by the next Council meeting. Costs associated with the Federal EDA submission are estimated at \$10,000 and we are in discussions with Austin Utilities for their consideration to pay half of these costs. This quick turnaround is intended to best vie for the possibility of the 80/20 grant funding.

Council direction is requested on approving the RFQ and corresponding resolution.

Federal Economic Development Grant Projects - 2022-2023

For Creekside Business Park area

Creekside Business Park

27 Av NW – 4 St NW to 11 St NW

- \$273,000 Electric

5 St NW – Cul de sac

- \$ 73,000 Electric
- \$ 8,000 Gas
- \$ 53,000 Water
- **\$ 134,000 Subtotal**

9 St NW & 26 Ave NW

- \$ 154,000 Electric
- \$ 17,000 Gas
- \$ 143,000 Water
- **\$ 314,000 Subtotal**

- **\$ 721,000 Total Inside Creekside Business Park**

Creekside Business Park – Ties to Loop to System

Highway 218 – 26 Ave NW to 21 Ave NW

- \$ 330,000 Gas
- \$ 330,000 Water
- **\$ 660,000 Subtotal**

- **\$1,381,000 Total Utilities for Creekside Business Park**

Note: Numbers here are rough estimates only, not to be used for final project application.

The Austin Utilities project areas listed include the area inside Creekside Business Park, similar to the City of Austin projects. It also includes loop feed ties along Hwy 218 south to 21 Av NW. Existing gas and water utility feeds to Creekside are not heavy enough to support significant industrial loads.

Utility Projects

Federal Economic Development Grant

Creekside Business Park

0 150 300 600

SCALE: 1" = 600'

U.S. HIGH

1200

MURPHY CREEK
161KV SUBSTATION



236TH

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC R.R.

27TH AV NW

11TH ST NW

26TH AV NW

5TH ST NW

4TH ST NW

MURPHY

25TH AV NW

JUDICIAL DITCH NO. 26

6TH DR NW

11

WELL AND PUMPHOUSE

23RD AV NW

22ND AV NW

21ST AV NW

20TH AV NW

19TH AV NW

18TH AV NW

17TH AV NW

16TH AV NW

15TH AV NW

14TH AV NW

13TH AV NW

12TH AV NW

11TH AV NW

10TH AV NW

9TH AV NW

8TH AV NW

7TH AV NW

6TH AV NW

5TH AV NW

4TH AV NW

3RD AV NW

2ND AV NW

1ST AV NW

COOPERATIVE RD

PRIVATE RD

FLATS

WAL-MART

OAK TREE LN

BROADWAY

CLINTON ST

MAPLE AV

TAYLOR AV



U.S. HIGHWAY NO. 218

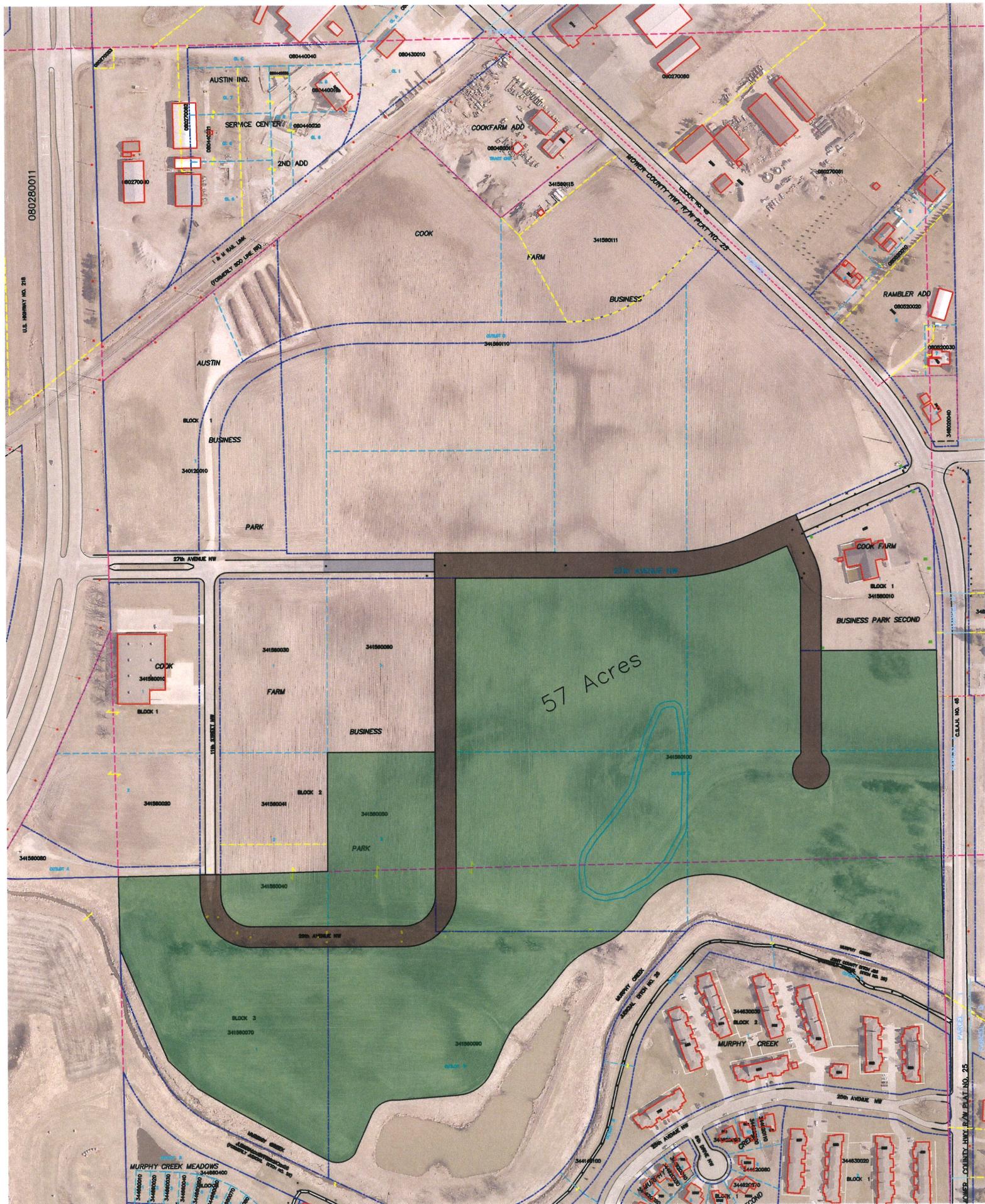
FLATS

COOPERATIVE

PVT VALVE

ST

RD



RESOLUTION NO.

**AUTHORIZING THE REQUEST FOR QUALIFICATIONS FOR A
UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION STUDY**

Applicant Name: City of Austin, Minnesota

WHEREAS, the City of Austin, Minnesota, along with the rest of the State and Country, has experienced economic losses from the COVID 19 pandemic; and

WHEREAS, the Federal Department of Commerce's of Economic Development Association has designed a program is to recover economic losses from the loss of jobs experienced as a result of COVID 19 and Economic Development Assistance Program has received supplemental funding; and

WHEREAS, the City of Austin, Minnesota desires to participate in the program and shall solicit requests for proposals and qualifications from qualified engineering firms; and

WHEREAS, the City of Austin, Minnesota has identified and is committed to providing the necessary match for an estimated \$3,731,000 project for infrastructure development to support tax base and quality job creation within Creekside Business Park; and

WHEREAS, the matching funding source would be the City of Austin's fund balance; and

WHEREAS, the City's matching share: (i) is committed to the project for the period of performance, (ii) will be available as needed, and (iii) is not or will not be conditioned or encumbered in any way that may preclude its use consistent with the requirements of EDA investment assistance; and

WHEREAS, the City of Austin, Minnesota will work with the Austin Port Authority as necessary as the City's economic development arm and owner of the property; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Austin designates the Mayor as the authorized representative for the purposes of the EDA grant and City Recorder to execute agreements, and amendments thereto, as are necessary to implement the project on behalf of the Applicant.

Now, therefore be it also be resolved that the The City Council authorizes the submission of the application to the EDA for the Economic Adjustment Assistance Program; and

The above resolution was adopted by a vote of yeas and nays the City Council (governing body of Applicant) of the City of Austin, Minnesota (Applicant) on September 7, 2021.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

Request for Qualifications

PURPOSE:

The City of Austin, Minnesota desires to seek assistance to proceed with an application for United States Department of Economic for the Development Economic Adjustment Assistance program and recover from the economic loss of jobs experienced as a result of COVID 19. It becomes necessary for the community to have a Preliminary Engineering Report (PER), Environmental Review (ER) and grant submission prepared by a qualified Minnesota licensed civil engineer. The community desires to select the best-qualified engineering firm through the Request for Qualifications process. The community proposes to select and hire an engineering firm to prepare a PER that will provide the appropriate technical information to help the community make important decisions on actions which will best ensure its community economic recovery from the pandemic, and permit the community to produce enhanced wages and improve general economic prosperity.

BACKGROUND INFORMATION:

- (a) *Austin, MN is located along I-90 in southeast Minnesota in Mower County*
- (b) *25,190 population*
- (c.) *Median household income of \$46,970*
- (d.) *Unemployment rate of 3%*

SCOPE OF WORK:

The scope of work will consist of the preparation of a Preliminary Engineering Report (PER) and Environmental Review (ER) to address the (infrastructure extension) needs of the community to include a final design. The PER should thoroughly examine needed infrastructure to meet the demands of immediate and long-term economic development opportunities within the City's business park known as Creekside Business Park. In addition, the scope of work includes preparation of an Environmental Report examining environmental factors associated with the various alternatives examined in the PER. The PER scope of work is more specifically described in detail in the EDA's ED 900 C application supplement for construction program and the Preliminary Engineering Report attached and ED 900 D requirements for design and engineering assistance.

The Contractor (engineer) will provide the Town with (4) copies of the final PER. The selected engineering firm must provide a completed PER within 75 to 90 days, depending on complexity of the PER, to be negotiated by community and selected firm.

PROJECT AREA:

The primary project area is the (Creekside Business Park in the City of Austin, MN).

PROJECT CONTACT:

Craig Clark 500 4th Avenue NE Austin, MN 55912 (507) 437-9941 craigc@ci.austin.mn.us

SUBMITTALS OF PROPOSALS:

Proposals must be submitted to the City Administrator Craig Clark by 5:00 p.m. Sept. 21, 2021, at craigc@ci.austin.mn.us titled, "Response to RFQ for EDA Project".

EVALUATION CRITERIA:

All proposals will be evaluated on the following criteria:

- (a.) Technical qualifications of the engineering firm and any subconsultants

(b.) Technical experience with similar projects – demonstrate by providing contacts (name and phone number) & dates of all similar projects completed in small rural communities in the last 5 years. Community will also conduct its own research of recently completed projects for each firm submitting a proposal.

(c.) Ability to complete the PER and grant application in timely manner by no later than December 31, 2021 – demonstrate by providing a listing of key staff (engineering, community relations, financial expertise, and construction management) and subconsultants who will complete this project, along with brief resumes or evidence of their experience in working with similar projects.

(d.) Experience with multiple funding sources – demonstrate by providing list of projects completed within the last five years that utilize multiple funding sources if deemed feasible.

(e.) Evidence of engineering firm’s ability to provide a complete and thorough PER that complies with the EDA’s ED 900 C application supplement for construction program requirements and ED 900 D requirements for design and engineering assistance.

(f.) Evidence of firm’s ability to design a project appropriate for the utility and infrastructure needs of the business park.

(g.) Experience with the environmental narrative requirements for the National Environmental Policy Act (NEPA) which requires Federal agencies to assess the potential environmental impacts associated with proposed federal actions, including financial assistance.

(h.) Ability to comply with Code of Federal Regulation (CFR) Part 200 - UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS.

SELECTION PROCESS:

Selection may be made based on applications supplied or by interviewing the best qualified applicants.

If interviews are to be conducted, the engineering firms under consideration will be notified as to time, date, and location of these interviews in order for the community’s selection committee to ask specific questions to each candidate and evaluate their responses.

NOTE: Prospective engineering firms are advised that no obligation or commitments are incurred by the community in announcing this Request for Qualifications. It is the intention that city officials after appropriate evaluations and interviews, will select the best qualified engineering firm and enter into an Agreement for such services to complete a PER. The Agreement for Engineering Services to prepare the PER will utilize the prescribed format of the funding agency/agencies. At the option of the community, the selection process may include professional services for the design, construction observation, and construction administration of the improvements, in addition to the completion of the PER.

Public Works Program

What does the Public Works program do?

EDA's Public Works program helps distressed communities revitalize, expand, and upgrade their physical infrastructure. This program enables communities to attract new industry; encourage business expansion; diversify local economies; and generate or retain long-term, private-sector jobs and investment through the acquisition or development of land and infrastructure improvements needed for the successful establishment or expansion of industrial or commercial enterprises.

What kind of public works projects does EDA fund?

EDA Public Works program investments help facilitate the transition of communities from being distressed to becoming competitive by developing key public infrastructure, such as technology-based facilities that utilize distance learning networks, smart rooms, and smart buildings; multitenant manufacturing and other facilities; business and industrial parks with fiber optic cable; and telecommunications and development facilities. In addition, EDA invests in traditional public works projects, including water and sewer systems improvements, industrial parks, business incubator facilities, expansion of port and harbor facilities, skill-training facilities, and brownfields redevelopment.

What criteria are used in determining which projects receive planning grants?

- The project's demonstrated alignment with at least one of EDA's current investment priorities as published on EDA's website at www.eda.gov
- The project's potential to increase the capacity of the community or region to promote job creation and private investment in the regional economy
- The likelihood that the project will achieve its projected outcomes
- Ability of the applicant to successfully implement the proposed project, including the applicant's financial and management capacity and the applicant's capacity to secure the support of key public and private sector stakeholders

What are some examples of successful Public Works projects?

For examples of successful EDA projects, visit <http://www.eda.gov/annual-reports/fy2012/>

How do I get more information on how to apply?

The Federal Funding Opportunity (FFO) is available at <http://www.eda.gov/funding-opportunities/index.htm>. To discuss any project proposals in further detail, contact your EDA Regional Office.



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



Holly Wallace
Planning & Zoning Administrator
507-437-9952 / Fax 507-437-7101
Cellular 1-507-438-2380
Email: hollyw@ci.austin.mn.us

Memorandum

To: Steven Lang, Austin City Engineer
Keven Maxa, Austin Utilities

From: Holly Wallace, Planning & Zoning Administrator

Subject: Requested Minor Subdivision of Property petitioned by Argus Nelson

Date: August 20, 2021

Please find attached surveys to divide one parcel with two homes into two parcels with one home on each. Please make recommendations regarding utilities, easement, site access, or any other relevant information by calling my office at 507-437-9952, at your earliest convenience.

Thank you in advance for your assistance with this matter.



Property Adjustment Application

Mower County requires that a Property Adjustment Application be filled out and presented to the Recorder's office to review for any parcel division or combination that is requested for property within Mower County. Please read and follow the checklist and instructions below in order to help limit any issues in regards to processing the requests.

This application was developed with the goal of helping to ensure that everything regarding the taxpayer's records is as accurate and correct as possible.

- ___ 1. **Check with your local jurisdiction :** Contact your jurisdiction's planning or zoning office to check applicable requirements for land divisions. Mower County Planning and Zoning should be contacted for land not residing within city limits.
- ___ 2. **Fill Out an Application:** The Mower County Property Adjustment Application, on page 2 of this document.
- ___ 3. **Attach the Deed:** Attach the deed that will be used to divide and/or adjust the parcel boundary.
 - a. The deed is the formal paperwork to be filed with the County Recorder that describes the property being divided and/or adjusted. The deed will not be recorded until all current and prior year's taxes and recording fees are paid in full to Mower County. (see Minn. Stat. §272.121).
- ___ 4. **Attach a Survey or an Aerial Photo:** If you have had a survey done on the property, please attach a copy with the application, or depict intent of changes on aerial photo.
 - a. A survey is currently not required by Mower County in order to divide or adjust a boundary. However, it is recommended that you do so to ensure the positional accuracy of the legal description to what exists on the ground.
 - b. An option to obtain an aerial photograph can be obtained at www.co.mower.mn.us/gis.html if you do not currently have one.
- ___ 5. **Current Tax Year Split Estimate:** If you are in need of an estimate of the taxes due to the split, a \$50 processing fee will be required upon estimate paid to: Mower County Assessor's Office. A 48 hour lead time on all estimates is required.

**Bring application to Recorder or
email to: PropertyAdjustment@co.mower.mn.us**

The application that is submitted to the County will be forwarded to the Planning and Zoning Department, GIS Department, and the Assessor's Department for their review and processing. The applicant will be notified of any potential issues, or if the County has any questions regarding the application and its intent.

Please allow up to 30 days in order to process.

For questions please contact:

Recorder - (507) 437-9446
GIS - (507) 437-9584

Planning and Zoning - (507) 437-7718

RETURN APPLICATION TO COUNTY RECORDER FOR REVIEW OR EMAIL TO:
PropertyAdjustment@co.mower.mn.us



Property Adjustment Application

OWNER / APPLICANT INFORMATION

Type of Request: Division Combination

Owner(s) Name: Argus Nelson Properties, LLC Phone #: 507-438-6373

Owner(s) Address: 104 11th St. NE, Austin, MN 55912 Email: _____

If owner is not completing this application, then also complete the information below.

Applicant's Name: Cheryl Brady Phone #: 507-396-0072

Applicant's Address: 329 N. Main, S103, Austin, MN 55912 Email: cbrady@nat.com

EXISTING PARCEL INFORMATION

<u>PIN(s)</u>	<u>Physical Address of Property</u>	<u>Notes</u>
<u>34 . 570 . 0270</u>	_____	_____
_____ . _____ . _____	_____	_____

Location

Legal Description: 1/4 1/4 1/4, Sec __, Twp __, Rng __, Township of: _____

Subdivision: Palmers Addition Block: 7 Lot(s): 1,2,3

RESULTING PARCEL INFORMATION

<u>Resulting Parcels</u>	<u>Acres</u>	<u>New Owner's Name and Phone #</u>
New <input checked="" type="checkbox"/> Existing	_____	<u>Metho Oman</u> _____
New <input type="checkbox"/> Existing	_____	_____
New <input type="checkbox"/> Existing	_____	_____

(Attach copy of each parcel's legal description)

Explain reason why you would like to divide, combine or adjust the boundary of parcel(s): *(This will help us assist you with addressing any items up front with the changes being requested)*
current owner is splitting lots and selling home on Parcel "A"

SIGNATURE

I hereby certify that I am the owner of the property or duly authorized to submit an application on behalf of the landowner and all information provided on this application is accurate and complete. Also, I understand that documents to be recorded to create any new parcel(s) shall match exactly what was proposed by way of this application and shall not differ.

Cheryle Brady

Signature

8/9/2021

Date

Office use only

Taxes Paid TAG's Legal Parties Legal Desc.

RETURN APPLICATION TO COUNTY RECORDER FOR REVIEW OR EMAIL TO:

PropertyAdjustment@co.mower.mn.us

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



Holly Wallace
Planning & Zoning Administrator
507-437-9952 / Fax 507-437-7101
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Memorandum

To: Steven Lang, Austin City Engineer
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Subject: Requested Minor Subdivision of Property petitioned by Kraig Kestner

Date: August 20, 2021

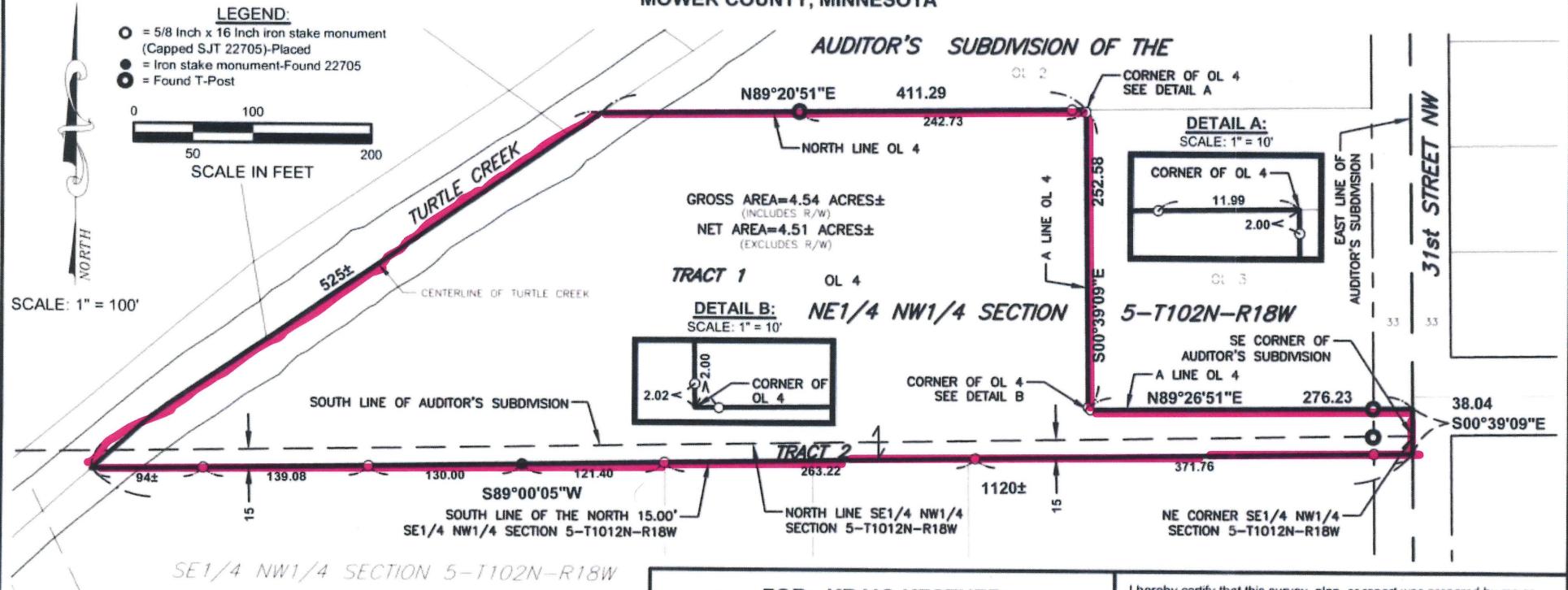
Please find attached surveys of two properties. Parcel A will be split into two tracts. Tract 1 (pink) will be combined with Parcel B, Tract 2 (yellow), remaining, will be sold. Please make recommendations regarding utilities, easement, site access, or any other relevant information by calling my office at 507-437-9952, at your earliest convenience.

Thank you in advance for your assistance with this matter.

PARCEL A

CERTIFICATE OF SURVEY

IN OUTLOT 4, AUDITOR'S SUBDIVISION OF THE NE1/4 NW1/4 SECTION 5-T102N-R18W AND SE1/4 NW1/4 SECTION 5-T102N-R18W
MOWER COUNTY, MINNESOTA



SE1/4 NW1/4 SECTION 5-T102N-R18W

LEGAL DESCRIPTION OF RECORD

Tract 1: Outlot 4, in Auditor's Subdivision of that part of the Northeast Quarter of the Northwest Quarter of Section 5, Township 102 North, Range 18 West lying southeasterly of the centerline of Turtle Creek, Mower County, Minnesota.

Tract 2: The North 15 feet of the Southeast Quarter of the Northwest Quarter of Section 5, Township 102 North, Range 18 West,

Except the North 15 feet of the Southeast Quarter of the Northwest Quarter of Section 5, Township 102 North, Range 18 West, lying northerly and westerly of the centerline of Turtle Creek, Mower County, Minnesota.

FOR: KRAIG KESTNER	
LOCATION MAP NE1/4 SW1/4 SE1/4 T102N Scale: 1" = 4000'	DATE Date: 5/17/2021 Revised date: - Drawn by: ADM Survey: SJT Coord-System: MNDOT CO. NAD83 1996 Page 1 of 1 Job No: 21-198.DWG
COPYRIGHT This document is the property of Jones, Haugh & Smith Inc. and may not be used, copied or duplicated without prior written consent.	

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Steven J. Thompson, L.S. No. 22705

5-21-21

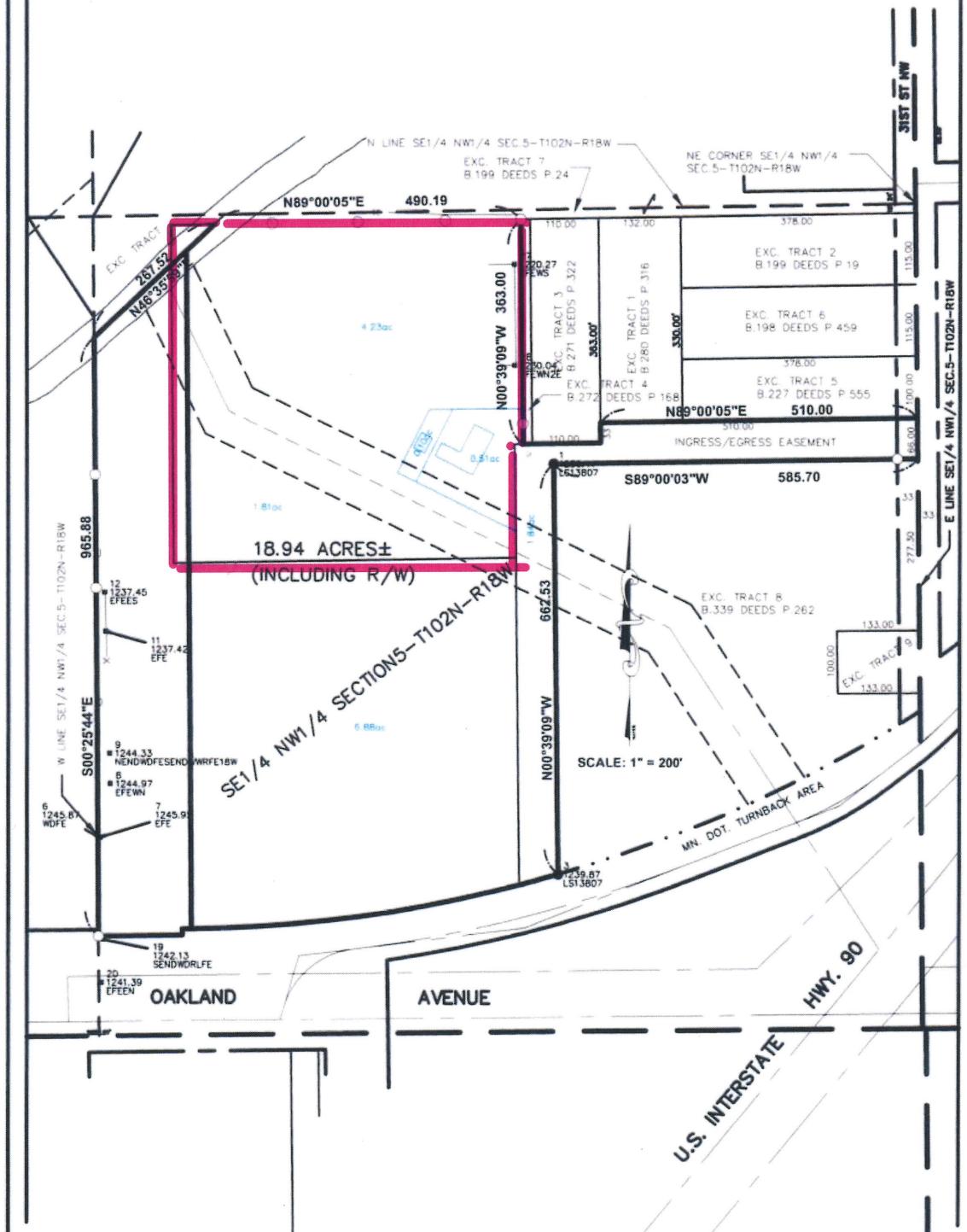
Date

515 South Washington Ave.
Albert Lea, MN 56007
507-373-4876

**JONES
HAUGH
SMITH**
Engineers + Surveyors

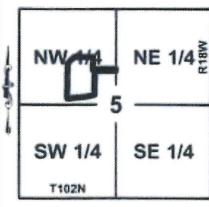
415 West North Street
Owatonna, MN 55060
507-451-4598

CERTIFICATE OF SURVEY

SE1/4 NW1/4 SECTION 5-T102N-R18W
MOWER COUNTY, MINNESOTA

SURVEY FOR: KRAIG KESTNER

LOCATION MAP



Scale: 1 = 4000

Date: 7-25-14 Revised date:-
Drawn by: SJT Survey: SJT
Book: - Page: -
Coord-System: MNDOT CO. NAD83 (96)
Job No: 14-220

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Steven J. Thompson
Date:

L.S. No. 22705

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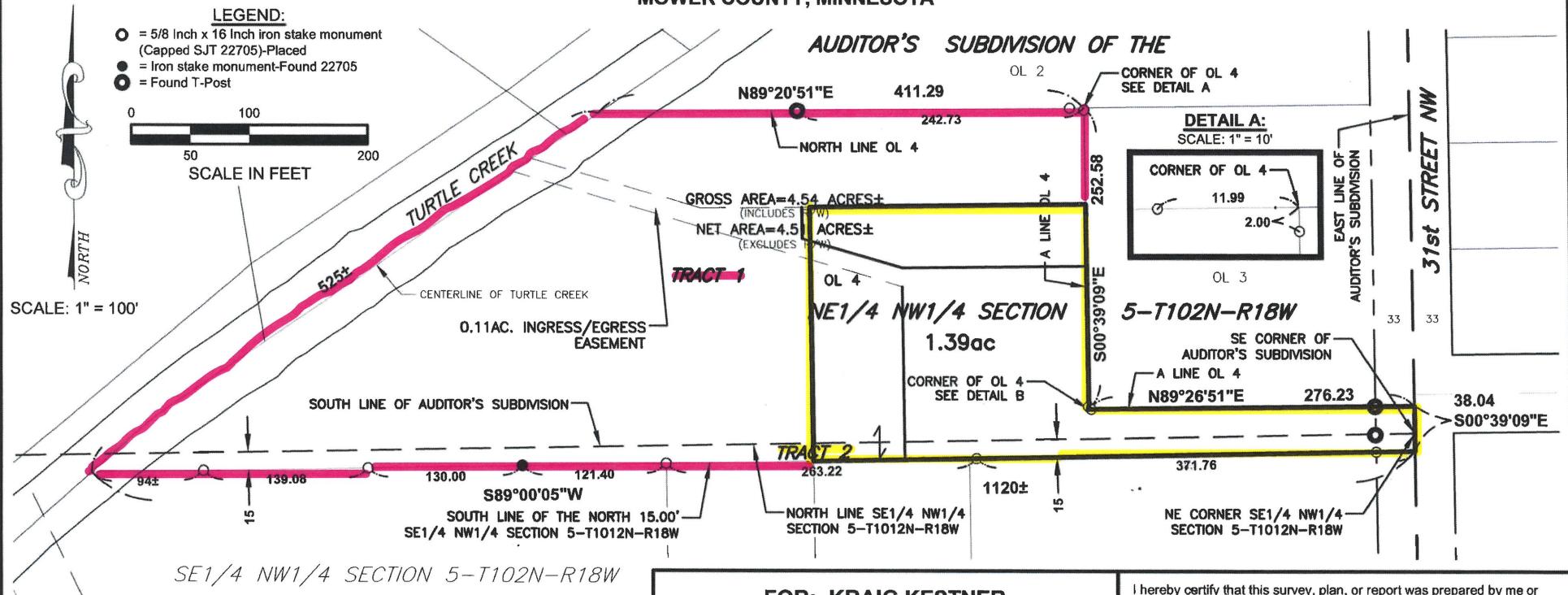


Jones, Haugh & Smith Inc.
515 SOUTH WASHINGTON AVE.
ALBERT LEA, MN. 56007
507-373-4876

Albert Lea • Austin • Owatonna

CERTIFICATE OF SURVEY

IN OUTLOT 4, AUDITOR'S SUBDIVISION OF THE NE1/4 NW1/4 SECTION 5-T102N-R18W AND SE1/4 NW1/4 SECTION 5-T102N-R18W
MOWER COUNTY, MINNESOTA



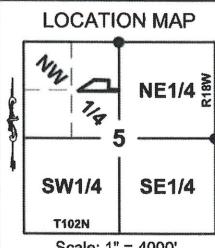
LEGAL DESCRIPTION OF RECORD

Tract 1: Outlot 4, in Auditor's Subdivision of that part of the Northeast Quarter of the Northwest Quarter of Section 5, Township 102 North, Range 18 West lying southeasterly of the centerline of Turtle Creek, Mower County, Minnesota.

Tract 2: The North 15 feet of the Southeast Quarter of the Northwest Quarter of Section 5, Township 102 North, Range 18 West,

Except the North 15 feet of the Southeast Quarter of the Northwest Quarter of Section 5, Township 102 North, Range 18 West, lying northerly and westerly of the centerline of Turtle Creek, Mower County, Minnesota.

FOR: KRAIG KESTNER



Date: 5/17/2021
Revised date: -
Drawn by: ADM
Survey: SJT
Coord-System: MNDOT CO. NAD83 1996
Page 1 of 1
Job No: 21-198PRELIM.DWG

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I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Steven J. Thompson, L.S. No. 22705

Date

JONES HAUGH SMITH
515 South Washington Ave.
Albert Lea, MN 56007
507-373-4876
415 West North Street
Owatonna, MN 55060
507-451-4598
Engineers + Surveyors

**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: Shawn Clow
111 W Lind Ct Mankato, MN 56001

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure located at **904 13th Ave NE, Austin MN 55912**

Date: **September 1, 2021**

May I ask the City Council to review and approve this resolution classifying the property located at 904 13th Ave NE, Austin, Minnesota, as hazardous pursuant to Minnesota Statues 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

If you should have any questions regarding this matter, please call me at my office at 507-437-9952.

Thank You!



July 14th, 2021

Shawn Clow
111 W Lind Ct
Mankato MN 56001

RE: Housing Violations at 904 13th Ave NE, Austin, MN 55912

Dear Shawn:

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 July 12th, 2021 at this site, and the following issues need to be resolved:

1. **Repair/Replace broken windows on house**
2. **Repair/Replace roof decking on garage**
3. **Protective treatment/ weatherproof exterior of house**

The violation of International Property Maintenance Code Sections 304 were found. These Property Maintenance Code Sections read as follows:

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, loose or rotting material; and maintained weatherproof and properly surfaced coated where required to prevent deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if: a) The protective surface is paint (25%) of the area of any plane or wall or other area including window trim, cornice members, porch railing and other such areas; b) More than (25%) of the finish coat of a stucco wall is worn through or chipped away.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drain- age shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water

shall not be discharged in a manner that creates a public nuisance.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. 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 is greatly appreciated.

Sincerely,



Brent Johnson
Zoning Inspector



TIME STAMP



July 12, 2021
2:15 PM



**September 1, 2021
11:31 AM**

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING
LOCATED AT 904 13TH AVE NE AUSTIN, MINNESOTA
OWNED BY SHAWN CLOW.**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 904 13th Ave NE to be a hazardous building for the following reasons:

1. Repair/ Replace roof decking on garage

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on July 14th, 2021 and a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 and 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:

1. Repair/ Replace roof decking on garage

2. The repairs listed above must be made within 30 days after the order is served upon the record owner and in compliance with applicable codes, regulations and permits.
3. The City Council further orders that unless such corrective action is taken, the building(s) is/are ordered to be razed, the foundation(s) filled and the property left free of debris in compliance with all applicable codes, regulations and permits. The structures must be removed within 20 days after the initial 30 day repair period has expired.
4. If corrective action is not taken and an answer is not served within 20 days as specified in Minn. Stat. Section 453.18, a motion for summary enforcement of this order will be made to the District Court of Mower County.
5. In accordance with Minn. Stat. Section 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 14 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.
6. The City Council further orders that if the city is compelled to take any corrective action herein, all necessary costs expended by the city will be assessed against the real estate concerned and collected in accordance with Minnesota Statutes, Section 463.22, 463.161 and 463.21.
7. The Mayor, City Recorder, City Attorney and other officers and employees of the City are authorized and directed to take such action, prepare, sign and serve such papers as are necessary

to comply with this order and to assess the costs thereof against the real estate described above for collection along with taxes.

8. The city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. Sections 463.15 and 463.261.

Passed by a vote of Yeas and Nays this _____ day of _____, 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: Francisco Ubaldo
804 10th Ave NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 605 12th St NE, Ubaldo Property

Date: September 2, 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 605 12th St NE. 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

July 21st, 2021

Francisco Ubaldo
804 10th Ave NW
Austin, MN 55912

RE: Zoning Violations at 605 12th St NE Austin, MN 55912

Dear Francisco:

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 July 21st, 2021 at this site and the following issues need to be resolved:

1. Remove all junk from property

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

City Code Section 10.14, 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



September 1, 2021
11:37 AM

605 12th ST. MORNE

