

**A G E N D A**  
**CITY COUNCIL MEETING**  
**MONDAY, DECEMBER 6, 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 November 15, 2021 and November 22, 2021

3. Recognitions and Awards.

(mot) 4. \*Consent Agenda

Licenses:

Cab Driver: Michael Skurdahl, 200 25<sup>th</sup> Street SW, #107

Exempt Gambling (raffle): Whitetails Unlimited Southern MN Chapter at the  
Holiday Inn on January 8, 2022

Claims:

a. Pre-list of bills

b. Financial and Credit Card Report.

c. Bonnie Wiste, 2101 Burr Oak Drive, Unit B. The matter has been forwarded to the  
City Attorney to protect the City's interest.

Reappointments to Boards and Commissions:

Ron Felten to the Fire Civil Service Committee, term expiring 12/31/2024

Jerry McCarthy to the HRA Board, term expiring 12/31/2026

Miguel Garate to the Human Rights Commission, term expiring 12/31/2024

Lia Culbert to the Human Rights Commission, term expiring 12/31/2024

An Le to the Human Rights Commission, term expiring 12/31/2024

Nitaya Jandragholica to the Library Board, term expiring 12/31/2024

Shannon Lysne to the Library Board, term expiring 12/31/2024

Helen Jahr to the Park and Recreation Board, term expiring 12/31/2025

Randy Forster to the Pillars of the City Board, term expiring 12/31/2024

Mike Ankeny to the Pillars of the City Board, term expiring 12/31/2024

Rita Srock to the Planning Commission, term expiring 12/31/2025

Jay Lutz to the Planning Commission, term expiring 12/31/2025

Laura Ramirez to the Police Civil Service Committee, term expiring 12/31/2024

Chuck Moline to the Port Authority, term expiring 12/31/2027

Elizabeth Leyk to the Culture and Arts Commission, term expiring 12/31/2024

Miranda Moen to the Culture and Arts Commission, term expiring 12/31/2024

Amy Thuesen to the Culture and Arts Commission, term expiring 12/31/2024

New Appointments to Boards and Commissions:

Joe Fuhrman to the HRA Board, term expiring 12/31/2026

Kristi Beckmann to the Library Board, term expiring 12/31/2024

Taggart Medgaarden to the Pillars of the City board, term expiring 12/31/2024

**PUBLIC HEARINGS:**

5. Reviewing the renewal of a currency exchange license for Tienda y Taqueria Guerrero.  
(res) a. Approving 2022 currency exchange license.

**PETITIONS AND REQUESTS:**

- (res) 6. Establishing license and miscellaneous operational fees for 2022.
- (res) 7. Accepting 2022 Hormel Foundation Grants.
- (res) 8. Accepting donations to the City of Austin.
- (res) 9. Accepting additional American Rescue Plan Act funds.
- (res) 10. Approving an agreement with Discover Austin.
- (res) 11. Designating 2022 Municipal State Aid Streets.
- (res) 12. Approving a bench rental agreement with United States Bench Corporation.
- (res) 13. Requesting feasibility reports for 2022 street construction projects.
- (res) 14. Approving a Community Flood Risk grant extension.
- (res) 15. Setting 2022 seasonal, temporary and part-time wage rates.
- (res) 16. Establishing deed restrictions for Todd Park.
17. Reviewing a lot combination requested by Mark Lang.  
(res) a. Review or deny lot combination.
- (mot) 18. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 107 2<sup>nd</sup> Street SE, Torres Property.

**CITIZENS ADDRESSING THE COUNCIL**

**HONORARY COUNCIL MEMBER COMMENTS**

**REPORTS AND RECOMMENDATIONS:**

City Administrator

City Council



(mot) Adjourn to **Monday, December 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  
November 15, 2021  
5:30 PM  
Council Chambers

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

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, Assistant City Engineer Mitch Wenum, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Kevin Nelson, Human Resources Director Trish Wiechmann, City Attorney Craig Byram and City Clerk Ann Kasel

APPEARING IN PERSON: Honorary Council Member Kris Heichel, Austin Daily Herald

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

Additions to the Agenda:

(mot) 15. Approving up to \$19,500 in contingency funds for carpeting and a dais remodel in the City Council chambers.

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

Moved by Council Member Fischer, seconded by Council Member Waller, approving Council minutes from November 1, 2021. Carried.

CONSENT AGENDA

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

Licenses:

Right of Way: Choice Heating and Air Conditioning, LLC, Racine

Claims:

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

Carried.

BID OPENINGS AND AWARDS

Public Works Director Steven Lang stated an EQ/Digester cover failed in January of 2021. An agreement was reached with Hormel Foods for the replacement of the cover. Mr. Lang presented the agreement and stated that Hormel Foods agrees to pay for 100% of the costs of the replacement of the cover which is in the estimated amount of \$2,133,800.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving an addendum to the Waste Water Treatment Plant agreement with Hormel Foods. Carried 5-0 with Council Member Oballa abstaining.

The following bids were received for the replacement of the EQ/Digester cover at the Waste Water Treatment Plant:

	Wapasha Const. Co. Inc.	Rubin Const.	The Joseph Company, Inc.	Staab Const. Corporation
Base Bid	\$ 898,800	\$1,400,000	\$ 340,000	\$ 700,000
Alternate #1	\$1,075,000	\$ 667,000	\$1,793,000	\$1,927,000
Alternate #2	\$1,032,200	\$ 750,000	\$1,751,000	\$2,100,000
Base Bid + Alt 1	<b>\$1,973,800</b>	\$2,067,000	\$2,133,000	\$2,627,000
Base Bid + Alt 2	\$1,931,000	\$2,150,000	\$2,091,000	\$2,800,000

Mr. Lang stated the City would like to award the base bid plus alternate #1 to Wapasha Construction Company, Inc.

Moved by Council Member Fischer, seconded by Council Member Postma, awarding the bid for the replacement of EQ/Digester cover #2 to Wapasha Construction Company, Inc. Carried 5-0 with Council Member Oballa abstaining.

Mr. Lang requested the Council approve a contract with SEH, Inc. in the amount of \$120,000 for construction services on the project.

Moved by Council Member Fischer, seconded by Council Member Waller, awarding an engineering construction services contract to SEH, Inc. for the EQ/Digester replacement project. Carried 5-0 with Council Member Oballa abstaining.

PETITIONS AND REQUESTS

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution setting a public hearing for December 20, 2021 for the adoption of the 5-year Capital Improvement Plan. Carried 6-0.

Director of Administrative Services Tom Dankert requested the Council authorize the signature of a waiver stating the City does not waive statutory tort limits for liability cases.

Moved by Council Member Oballa, seconded by Council Member Waller, authorizing the City Recorder to sign a waiver stating the City does not waive statutory tort limits. Carried.

Moved by Council Member Fischer, seconded by Council Member Oballa, adopting a resolution granting 2022 off-sale licenses, club on-sale licenses and wine on-sale licenses. Carried 6-0.

City Clerk Ann Kasel stated the legislature requires cities to set polling places by December 31<sup>st</sup> of each year and requested the Council approve the proposed resolution for 2022 polling places.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution setting polling locations for 2022 elections. Carried 6-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, reappointing Mary Lindgren to the Austin-Mower County Homeownership Fund, term expiring December 31, 2024. Carried.

Public Works Director Steven Lang stated the City assessed a project on 4<sup>th</sup> Drive SW in 2016 and Gregory and Cynthia Low objected to the assessments on three parcels that they own. One of the properties that covers two parcels was recently sold and the assessments were paid in full. The other property has 245 feet of frontage which resulted in a higher than normal assessment amount. Mr. Lang stated he identified the north 104 feet as unbuildable due to it being in the flood plan and requested the Council authorize dropping the assessment on that portion of the property. Mr. Lang requested the Council approve billing Mr. and Mrs. Low \$7,906.64 for the project work.

Moved by Council Member Fischer, seconded by Council Member Waller, authorizing billing Gregory and Cynthia Low \$7,906.64 for 2016 street improvements. Carried.

Parks and Recreation Director Kevin Nelson stated the playground surface at Lions Park was replaced in 2018 and is failing. The company has offered a warranty refund in the amount of \$17,987.37 to be applied to a different company's product for replacement. Mr. Nelson requested the Council authorize the use of \$20,000 budgeted for Parks equipment to be used for the replacement surface.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, authorizing \$20,000 of Parks equipment capital dollars for a replacement playground surface. Carried.

Planning and Zoning Administrator Holly Wallace requested the Council approve a lot split for First United Methodist Church. The Church would like to split a vacant lot into two

pieces, one of which will be sold to Clasen-Jordan Mortuary and the other will be retained by the Church and combined into their existing lot.

Moved by Council Member Fischer, seconded by Council Member Waller, approving a lot split request from First United Methodist Church. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 204 4<sup>th</sup> Street SE, Hernandez Property. Carried.

Moved by Council Member Postma, seconded by Council Member Fischer, approving up to \$19,500 in contingency funds for carpeting and a dais remodel in the City Council chambers. Carried 5-1 with Council Member-at-Large Austin voting nay.

## REPORTS

City Administrator Craig Clark stated the Senate capital improvement committee will be at the Waste Water Treatment Plant.

He noted there may be a special meeting on the EDA grant for Creekside Business Park on November 22<sup>nd</sup> at 4 p.m.

Director of Administrative Services Tom Dankert stated the truth in taxation information is on the web.

Council Member Oballa Oballa stated he appreciated the visitors from St. Joan of Arc church from St. Paul.

Moved by Council Member Waller, seconded by Council Member Oballa, adjourning the meeting to December 6, 2021. Carried.

Adjourned: 6:00 p.m.

Approved: December 6, 2021

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

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

M I N U T E S  
CITY COUNCIL MEETING  
November 22, 2021  
4:00 PM  
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Michael Postma, Oballa Oballa, Jason Baskin (4:02 p.m.) Joyce Poshusta and Council Member-at-Large Jeff Austin

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Public Works Director Steven Lang

STAFF APPEARING  
ELECTRONICALLY: City Clerk Ann Kasel and City Attorney Craig Byram

Mayor King called the meeting to order at 4:00 p.m.

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

Moved by Council Member-at-Large Austin, seconded by Council Member Postma, adopting a resolution rescinding resolution 16353. Carried 6-0.

City Administrator Craig Clark stated the Council previously adopted a resolution for the Federal EDA grant application for Creekside Business Park with a project amount of \$3,731,000. After review, it was discovered that the project will cost approximately \$7,709,368.

Public Works Director Steven Lang stated the original estimate did not account for storm sewer and pond requirements, engineering costs and contingency funding. Mr. Lang stated he met with the EDA representative and he indicated that the EDA would feel comfortable with a \$3-\$3.5 million grant, resulting in a total project amount of \$4,375,000. Mr. Lang requested the project focus on 27<sup>th</sup> Avenue NW and 9<sup>th</sup> Street NW. The local match would be \$875,000 and would come from fund balance.

Council Member Postma asked if the currently outlined retention ponds would be enough for the whole park.

Mr. Lang stated the one pond will be expanded for the park.

Moved by Council Member Baskin, seconded by Council Member Oballa, adopting a resolution authorizing a request for qualifications for a DEED Economic Adjustment Assistance Program. Carried 7-0.

Mayor King stated he recently attended a Coalition of Greater Minnesota Cities conference and Council Member Oballa did a great job.

He also thanked Mr. Lang and the Waste Water Treatment Plant crew and their presentation for the legislature.

Moved by Council Member Waller, seconded by Council Member Fischer, adjourning the meeting to December 6, 2021. Carried.

Adjourned: 4:12 p.m.

Approved: December 6, 2021

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

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

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](http://www.ci.austin.mn.us)

## Memorandum

**To:** Mayor & Council  
**From:** Ann M. Kasel  
**Date:** November 30, 2021  
**Subject:** Hearing for Currency Exchange license renewal for Tienda Y. Taqueria Guerrero

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The State of Minnesota issues currency exchange licenses and suggests cities hold public hearings for the renewals. We received the attached letter dated November 3, 2021 for the renewal of a currency exchange license for Tienda Y. Taqueria Guerrero which requires the City hold a public hearing for citizen input. The license was originally issued in 2013 and the City has not received any complaints regarding the establishment.

We would recommend the approval of the license renewal. Please let me know if you have any questions.



November 3, 2021

Sent via e-mail and regular mail to:  
[annk@ci.austin.mn.us](mailto:annk@ci.austin.mn.us)

City of Austin  
Attention: City Clerk – Ann Kasel  
500 4<sup>th</sup> Avenue NE  
Austin, MN 55912

RE: Currency Exchange License Renewal for 2022

Dear Ms. Kasel:

The following currency exchange licensee has made application to renew their currency exchange license to operate at:

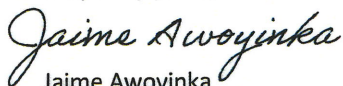
Tienda y Taqueria Guerrero Inc  
301-D 4<sup>th</sup> Avenue NE  
Austin, MN 55912  
NMLS #1543380

Pursuant to Minnesota Statutes Chapter 53A.04, we are notifying your office that a complete currency exchange license renewal application has been filed with the Department of Commerce. The renewal application included the names of the officers and owners of the licensee, background checks on each of the owners and officers from the Minnesota Bureau of Criminal Apprehension, a fee schedule of all fees to be charged by the currency exchange office, a \$10,000 surety bond valid through December 31, 2022, and the \$500 renewal fee. If you wish to receive a copy of the complete currency exchange license renewal application form that was filed with this office, please call Jessica at 651-539-1570 or via email at [jessica.trouten@state.mn.us](mailto:jessica.trouten@state.mn.us) and the renewal form will be emailed to you.

Minnesota Statutes Chapter 53A.04 requires the Department of Commerce to submit any application for licensure as a currency exchange to the governing body of the local unit of government in which the currency exchange business is located. The law further requires the governing body to give published notice of its intention to consider the issue and shall solicit testimony from interested persons, including those in the community in which the licensee is located. If the governing body has not approved or disapproved the issue within 60 days of receipt of the application, concurrence is presumed. The governing body shall have the sole responsibility for its decision. The state shall have no responsibility for that decision. Your cooperation in forwarding this information to the proper unit within your organization is appreciated.

Your reply must be received within 60 days of receipt of this letter. If you have any questions, please contact me at the telephone number or email listed below.

Very truly yours,



Jaime Awoyinka  
Financial Institutions Division  
651-539-1721  
[Jaime.awoyinka@state.mn.us](mailto:Jaime.awoyinka@state.mn.us)

### **Notice of Public Hearing**

NOTICE IS HEREBY GIVEN, that the Austin City Council will meet at 5:30 P.M. on December 6, 2021, in the Council Chambers in the lower level of the Municipal Building, 500 - 4th Avenue N.E., to consider the renewal of a currency exchange license for Tienda Y. Taqueria Guerrero, Inc. located at 301-D 4<sup>th</sup> Avenue NE, Austin. Public comments will be taken at the hearing.

/s/ Ann M. Kasel  
City Clerk

PUBLISH: Austin Daily Herald  
November 20, 2021

## **RESOLUTION NO.**

### **RESOLUTION APPROVING THE APPLICATION OF TIENDA Y TAQUERIA GERRERO, INC. FOR A CURRENCY EXCHANGE OPERATION REGULATED BY THE MINNESOTA DEPARTMENT OF COMMERCE**

WHEREAS, Tienda Y Taqueria Guerrero, Inc. originally submitted an application to the Minnesota Department of Commerce on May 23, 2013 for a currency exchange license; and

WHEREAS, the City of Austin approved the license on September 3, 2013; and

WHEREAS, the Minnesota Department of Commerce mailed the application for renewal the City of Austin on November 3, 2021; and

WHEREAS, pursuant to Minnesota Statute Section 53A-04 (a) states as follows:

Within 30 days after the receipt of a complete application, the commissioner shall deny the application or submit the application to the governing body of the local unit of government in which the applicant is located or is proposing to be located. The commissioner may not approve the application without the concurrence of the governing body. The governing body shall give published notice of its intention to consider the issue and shall solicit testimony from interested persons, including those in the community in which the applicant is located or is proposing to be located. If the governing body has not approved or disapproved the issue within 60 days of receipt of the application, concurrence is presumed. The commissioner must approve or disapprove the application within 30 days from receiving the decision of the governing body. The governing body shall have the sole responsibility for its decision. The state shall have no responsibility for that decision.

WHEREAS, the matter was set for a public hearing on December 6, 2021. Notice for said public hearing was published on November 20, 2021; and

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council hereby approves of the renewal application submitted to the Minnesota Department of Commerce for the request of a currency exchange operation at Tienda Y Taqueria Guerrero, Inc. located at 301-D 4<sup>th</sup> Avenue NE, Austin, Minnesota.

Passed by the Austin City Council this 6th day of December, 2021

YEAS

NAYS

ATTEST:

APPROVED:

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City Recorder

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Mayor

## RESOLUTION NO.

ESTABLISHING AND FIXING LICENSE FEES AND MISCELLANEOUS  
OPERATIONAL FEES OF THE CITY OF AUSTIN FOR THE YEAR 2022

**WHEREAS**, pursuant to Austin City Code, Section 6.04 requires that the City Council by resolution fix and determine fee for licenses.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the City Council of the City of Austin sets the following license fees to be effective January 1, 2022:

Bowling Alley	\$ 20.00/first alley \$ 10.00/ each additional alley
Cab Company	\$ 50.00 each vehicle
Cab Driver	\$ 50.00
Cigarette	\$ 75.00
Commercial Hauler	\$ 50.00 each vehicle
Community Festival	\$ 100.00 per day
Food	\$ 75.00 \$ 25.00 temporary
Food/Mobile	\$ 75.00
Food/Sidewalk Café	\$ .00
Garbage Hauler	\$ 50.00 each vehicle
Gas Bulk Storage	\$ 75.00
Gasoline Station	\$ 75.00
Hotel/Motel	\$ 75.00
Junk/Salvage Dealer	\$125.00
Kennel	\$125.00
Massage Establishment	\$100.00
Massage Therapist	\$100.00
Mechanical Amusement Device – Owner	\$ 15.00 per location

Mechanical Amusement Device - Premises	\$ 15.00 per device
Pawn Shop Investigation Fees	\$100.00 sole proprietor \$200.00 partnership \$300.00 Corporation
Pawn Shop	\$100.00
Pool Tables	\$ 20.00 1st table \$ 5.00 each additional table
Right of Way Contractor	\$ 75.00
Sandwich Board sign	\$ 30.00
Sign Installer	\$ 75.00
Small Vehicle Passenger Service Owner	\$ 50.00
Small Vehicle Passenger Service Driver	\$ 50.00
Special Vehicle (UTV)	\$ 30.00
Peddler	\$ 10.00 per day \$ 25.00 per week
Theatre	\$100.00
Tree Service	\$ 75.00
Water Conditioning	\$ 50.00
License Investigation fees	\$ 10.00 license 30.00 Cab Company and Cab Driver 30.00 Small Veh. Owner and Driver 55.00 Massage 30.00 Peddler
License Late fees	
First 10 days overdue	10% of license fee
Second 10 days overdue	20% of license fee
Third 10 days overdue	30% of license fee
Over 30 days overdue	40% of license fee

**AND, WHEREAS,** the City of Austin has certain fees for miscellaneous business operations.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the City Council of the City of Austin sets the following miscellaneous business operational fees to be effective January 1, 2022, and that a copy of this resolution which sets forth the approved fees shall be on file in the office of the City Clerk.

Administrative Citations	\$300 – Building code violations \$200 – MN State Fire code violations \$100 – All other code violations Repeat violations within 24 months 25%, 50% and 100% increased, doubling after the 4 <sup>th</sup> violation to a maximum of \$2,000
Administrative Billing Fee (for nuisance type billings)	\$ 65.00
Air Tank Fill	\$ 15.00
Airport Hangar fees	\$ .10 per sq. ft
Animal Adoption	\$ 10.00
Animal Impounding fees	\$ 20.00 - 1st time 30.00 - 2nd time 40.00 - 3rd time 50.00 - 4 <sup>th</sup> or more times 15.00 + per day boarding
Assessment Searches	\$ 25.00
Auto Extrication or Haz Mat/ Gas Line Strike	\$250.00/hour, Engine/Ladder, one-hour minimum \$125.00/hour, Rescue/Tanker, one-hour minimum \$100.00/hour, Command/Brush/Utility, one-hour minimum Duty fire personnel, one hour minimum Paged fire personnel, two hour minimum
Cat Permanent License	\$ 10.00 - Spayed/neutered \$ 25.00 - Not spayed/neutered \$ 3.00 - Replacement
Daycare/Foster care inspections	\$ 50.00
Dog Permanent License	\$ 10.00 - Spayed/neutered \$ 25.00 - Not spayed/neutered \$ 3.00 - Replacement
Copy Fees	\$ .25 - one-sided

	.50 - two-sided .50 - 11x17 paper .50 – color copies
Code Book	\$ 100.00
Code Book Supplement	\$ 15.00
Credit Card Fee	3.5% on all charges
False alarms (after two false alarms)	\$ 100.00
Filing Fees	\$ 25.00 (per City Charter)
Finance Fees	1% unpaid balance per month after 30 days or a minimum of \$10.00 per month
Fire Reports	\$ 15.00
Fire Watch	Hourly rate billed per each fire fighter
Fireworks Permit	\$ 100.00
Flow Test	\$ 30.00
Maps	\$ 8.00 4' x 5' (approx. size) \$ 4.00 2' x 3' (approx. size)
Media Copies	\$ 10.00 DVD
Moving Permits	\$ 160.00 Police escort (minimum), if required
Notarial Services	\$ 1.00 per document
NSF Check Fees	\$ 40.00
Parking Permit Fees	\$ 20.00 per month (individual marked spot) \$ 20.00 per month (rental permit) \$ 100.00 per year (designated lot)
Parking Violation	\$ 10.00 over time \$ 20.00 fire hydrant
Parking Violation – Snow Emergency	\$ 25.00
Pawn fees electronic transactions	\$ 1.50 per billable transaction
Pawn fees manual transaction	\$ 2.50 per billable transaction

Rental Licensing Fees	\$120 Single family property \$100 + \$20 per unit Multi family property 20% of license fee for late fee \$50 reinspection fee \$500 failure to register fee
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Right-of-Way Management Fees	\$ 75.00 Registration Fee \$ 60.00 Excavation Permit Fee \$ 92.50 Hole-Spot Excavation \$ 0.20/lf Trenching/Directional Boring \$ 60.00 Lane Closure \$ 60.00 Overweight/Width Load \$ 100.00 House Moving \$ 60.00 Garage Moving \$ 30.00 Roll-off Dumpster \$ 30.00 Permit Extension
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Sanitary Sewer Cleaning Jetter/Vac Rental	\$ 450.00 1 <sup>st</sup> hour \$ 350.00 every hour thereafter \$ 125.00 disposal \$ 30.00 per hour additional for overtime \$ 200.00 per hour televising service
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Sanitary Sewer Permit Fee:

Residential Equivalent Unit (REU), 1 REU = \$750.00

Residential Property	1 REU per dwelling unit
Non-residential Property	1 REU per 300 gpd or per 20 fixture units, whichever is greater
Commercial Property	1 REU per 300 gpd or per 20 fixture units, whichever is greater
Industrial Properties	Commercial criteria; and maximum daily Industrial Wastewater for process flow

Sewer Lateral Development Charge:

Gravity System	\$14,950 per connection
Gravity system/grinder pump combo	\$18,200 per connection
Gravity system w/ lift station	\$14,950 per connection

Sewer Service Charge:

4" service	\$1,000 per connection
6" service	\$1,200 per connection

Sidewalk Snow Removal	\$ .65 per linear foot
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Sidewalk Salt/Sand	\$ .25 per linear foot
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Sign Replacement	\$ 225.00 sign & post replacement \$ 115.00 every additional sign
Vacant Property Registration Fee	\$120.00 per property
Vehicle forfeiture	\$ 150.00 administration fee \$ 20.00 per day storage
Waste Water Treatment Plant Disposal	\$2,500 Annual Administration \$250 Sample Collection (per round) \$57.35 Tanker (per 6000 gal.load)
Zoning fees	\$ 300.00 Conditional Use Permit \$ 400.00 Platting(plus \$25.00 per lot) \$ 300.00 Rezoning \$ 300.00 Variance \$ 125.00 Fence Appeal \$ 125.00 Sign Appeal \$ 225.00 Interim Use Permit (1-2 years) \$ 300.00 Interim Use Permit (3-5 years)
Zoning Compliance Letters	\$ 30.00 Residential \$100.00 Commercial \$ 50.00 Rush Fee (2 days)

Passed by a vote of yeas and nays this \_\_\_\_ day of December, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

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



Phone: 507-437-9940

[www.ci.austin.mn.us](http://www.ci.austin.mn.us)

MEMO

TO: Mayor and City Council

FROM: Tom Dankert <sup>TDD</sup>

DATE: November 17, 2021

SUBJECT: Hormel Foundation Grants approved for 2022  
U:\Word\2021\Hormel Foundation 2021\Hormel Foundation 2022 Grants approved for CC.doc

The listing below are the grants that have been approved by The Hormel Foundation for 2022:

1. I90 Bridge Replacement enhancements - \$630,000
2. Affordable Housing Grant - \$600,000
3. Jay C. Hormel Nature Center Bridge Replacement - \$50,000
4. Wildwood Park Playground - \$65,000
5. Oakland Avenue West Trail - \$100,000
6. Jay C. Hormel Nature Center Education Programs - \$45,000
7. Delivering the Data: Hotspot Data Plans 2022 - \$38,000
8. Fire Prevention and Education - \$5,000
9. Curb Appeal Project (CAP) - \$75,000
10. Tie - Flashing Crosswalk - \$25,000

Additionally, we were approved the following pass-thru grants:

- Quality of Life - \$93,826 (this includes \$2,000 for Leadership Austin; \$20,000 for the 4<sup>th</sup> of July festival; \$71,826 to the Austin Artworks Center for rent and property tax reimbursement).

We would request Council approve the above grants via resolution up front as opposed to when the funds are actually received in 2022. Additionally, in 2022 we will pass a budget amendment to include the revenues/expenses into our budgets.

We would also like to thank The Hormel Foundation for their generous grants to the City of Austin. In total we have been approved for \$1,726,826 (including pass-thru grants) for 2022!

RESOLUTION NO.

ACCEPTING DONATIONS FROM HORMEL FOUNDATION

WHEREAS, the City has submitted the applications for the 2022 Hormel Foundation grant awards; and

WHEREAS, the Hormel Foundation has approved the requests as listed below:

1. I90 Bridge Replacement enhancements - \$630,000
2. Affordable Housing Grant - \$600,000
3. Jay C. Hormel Nature Center Bridge Replacement - \$50,000
4. Wildwood Park Playground - \$65,000
5. Oakland Avenue West Trail - \$100,000
6. Jay C. Hormel Nature Center Education Programs - \$45,000
7. Delivering the Data: Hotspot Data Plans 2022 - \$38,000
8. Fire Prevention and Education - \$5,000
9. Curb Appeal Project (CAP) - \$75,000
10. Tie - Flashing Crosswalk - \$25,000

WHEREAS, the Hormel Foundation also approved the following pass-thru grants:

Quality of Life - \$93,826 (this includes \$2,000 for Leadership Austin; \$20,000 for the 4<sup>th</sup> of July festival; \$71,826 to the Austin Artworks Center for rent and property tax reimbursement).

WHEREAS, according to M.S. §465.03, the City Council must accept the donations by a two-thirds majority.

NOW, THEREFORE, BE IT RESOLVED that the Austin City Council graciously accepts the Hormel Foundation grants for 2022.

Passed by a vote of yeas and nays this 6th day of December, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

## RESOLUTION NO.

## ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
Large quantity of batteries	Energizer	Fire Department
\$2,000	Eagles	Flags for City

NOW THEREFORE, BE IT RESOLVED that the Austin City Council accepts said gifts to the City of Austin.

Passed by a vote of yeas and nays this 6th day of December, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

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City Recorder

---

Mayor

**CITY OF AUSTIN  
RESOLUTION NO. XXXXX**

**A RESOLUTION TO ACCEPT THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT (ADDING SUPPLEMENTAL ARPA FUNDING)**

**WHEREAS**, since the first case of coronavirus disease 2019 (COVID-19) was discovered in the United States in January 2020, the disease has infected over 32 million and killed over 575,000 Americans (“Pandemic”). The disease has impacted every part of life: as social distancing became a necessity, businesses closed, schools transitioned to remote education, travel was sharply reduced, and millions of Americans lost their jobs;

**WHEREAS**, as a result of the Pandemic cities have been called on to respond to the needs of their communities through the prevention, treatment, and vaccination of COVID-19.

**WHEREAS**, city revenues, businesses and nonprofits in the city have faced economic impacts due to the Pandemic.

**WHEREAS**, Congress adopted the American Rescue Plan Act in March 2021 (“ARPA”) which included \$65 billion in recovery funds for cities across the country.

**WHEREAS**, ARPA funds are intended to provide support to state, local, and tribal governments in responding to the impact of COVID-19 and in their efforts to contain COVID-19 in their communities, residents, and businesses.

**WHEREAS**, Resolution #1633 passed on August 16, 2021 accepted the \$2,670,080.90 that had been allocated to the City of Austin (“City”) pursuant to the ARPA (“Allocation”), of which \$1,335,040.45 was received in 2021 and the balance will be received on year later.

**WHEREAS**, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds.

**WHEREAS**, the City, in response to the Pandemic, has had expenditures and anticipates future expenditures consistent with the Department of Treasury’s ARPA guidance.

**WHEREAS**, the State of Minnesota will distribute ARPA funds to the City because its population is less than 50,000.

**WHEREAS**, the State of Minnesota has distributed an additional \$43,718.90 of ARPA funds in 2021 to the City for which acceptance via formal resolution is recommended.

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

1. The City intends to collect its share of ARPA funds from the State of Minnesota to use in a manner consistent with the Department of Treasury’s guidance.

2. City staff, together with the Mayor and the City Attorney are hereby authorized to take any actions necessary to receive the City's share of ARPA funds, including supplemental allocations, from the State of Minnesota for expenses incurred because of the Pandemic.
3. City staff, together with the Mayor and the City Attorney are hereby authorized to make recommendations to the City Council for future expenditures that may be reimbursed with ARPA funds.

Adopted by a vote of yeas and nays by the City Council of Austin, Minnesota this 6th day of December, 2021.

YEAS

NAYS

Attested:

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

\_\_\_\_\_  
Mayor



City of Austin  
Craig Clark,  
City Administrator



500 Fourth Avenue N.E.  
Austin, Minnesota 55912-3773  
Phone: 507-437-9941  
[craiggc@ci.austin.mn.us](mailto:craiggc@ci.austin.mn.us)  
[www.ci.austin.mn.us](http://www.ci.austin.mn.us)

**TO: Honorable Mayor and City Council Members**

**FROM: Craig D. Clark, Administrator**

**RE: Agreement with Discover Austin**

As you may recall, the City Council considered allocation of funds and approved a three-year program of \$40,000 per year for Discover Austin to primarily increase utilization at the Mower County Fairgrounds and our City recreational facilities. These two assets are seen to have underutilized capacity and could bring events to Austin that would have reciprocal impacts to our hotels, restaurants and area businesses. This also recognizes Discover Austin has been a great promotion tool for the City of Austin on very limited dollars and we can't simply ask them to do more without more resources. Supplemental events in other venues in the city are also a possibility.

In order to provide more parameters around this appropriation we have developed the following agreement included as Exhibit 1. Discover Austin's board has reviewed and approved the agreement. Additional terms above the aforementioned items are as follows:

- The employee is under Discover Austin's operation;
- Shall report to the City of Austin in May on the increase of use of facilities and estimated reciprocal impacts;
- Require a minimum of 25 hours per week on a rolling average basis and;
- Begins January 1, 2022;
- Other provisions which protect the City of Austin.

**Council action is requested to approve Exhibit 1 authorizing the Mayor to sign and Recorder to attest the agreement.**

## CONTRACT

This contract made this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between Austin Convention and Visitors Bureau, Inc., d.b.a. Discover Austin, located at 301 North Main Street, Austin, Minnesota 55912, hereinafter called the "Contractor" and referred to by the pronoun he or its derivatives, party of the first party; and the City of Austin, a municipal corporation, of Mower County, hereinafter called the "City", party of the second part.

WITNESSETH that:

WHEREAS, the City recognizes the following:

- A. There is a generalized need for and benefit to the City and its constituents of increased local tourism, conventions, events, and use of public facilities for such purposes; and
- B. Entertainment and Recreational Facilities owned by the City and County (located within the City limits) are underutilized, operate annually at a net loss, and would benefit from increased utilization; and
- C. The Contractor is in the business of promoting the community for purpose of increasing local tourism, conventions, events, and the use of public and private facilities for such purposes; and
- D. The City desires an increase in the promotional activities conducted by the Contractor for the purpose of providing additional focus on the promotion of public facilities for such purposes; and
- E. The Contractor is willing to provide such additional promotional activities which will require the Contractor to employ additional staff and resources for that purpose.

NOW, THEREFORE, the parties hereto agree as follows:

The Contractor hereby agrees to furnish all necessary material, labor, skill, machinery and appliances, and at his own risk and expense to provide promotional activities and materials specifically directed toward an increased use of public facilities owned by the City or Mower County (located within the City limits of Austin) by tourists, conventions, events, and other purposes, such public facilities to include publicly owned arenas, athletic fields, parks, the grandstand and infield, show buildings, general fair grounds, other buildings suited for larger gatherings/events, and other public facilities generally offered to the public for use whether with or without cost to the user. Contractor shall devote no less than 25 hours per week (using a rolling average) toward performing these services.

For the 2022 calendar year, said promotional services shall be provided in exchange for a lump sum payment of \$40,000.00 payable on or about January 1, 2022. Each calendar year thereafter such services shall continue to be provided for such calendar year so long as the City appropriates no less than \$40,000 per year for such purposes. See Minnesota Statutes § 469.189.



The Contractor shall, on an ongoing basis, keep regular records of those conventions, events, or uses of the public facilities resulting from the efforts of the Contractor hereunder and shall report such results to the City as part of its annual reporting provided in May of each year. Such results shall be considered by the City in determining whether to appropriate funding for the subsequent year.

The Contractor shall give its personal and direct attention to the work and keep it under its control. The Contractor will receive orders and instructions from the City and will adhere to those orders and instructions as reasonably possible.

The City shall have the right to oversee every detail of the work, whether performed by the Contractor or by a Sub-contractor and shall have the right to require the Contractor to discharge any employee on the work whom it may deem objectionable.

The Contractor shall procure all necessary permits and licenses, obey and abide by the laws, regulations and ordinances of the United States, of the State of Minnesota, or any civil subdivision thereof or of any duly constituted public authority.

Prior to entering this Contract, the Contractor has provided proof of compliance with the Workers' Compensation Insurance Requirements as provided by Minnesota Statutes § 176.182. Throughout the term of this Contract, the Contractor shall maintain at his own expense such casualty insurance, workers' compensation insurance, etc., as may be required by the City. The Contractor is to be responsible for obtaining and maintaining such insurance as will afford the fullest protection to the Contractor and the City from costs or claims, consistent with the work involved.

The Contractor undertakes to indemnify and save harmless the City, and for or on account of the City to make defense against all claims for damages to persons or to property alleged to have been caused through the negligent performance of any part of the work herein, whether such default be asserted to have been in the performance of a duty to employees, to the owners of property, or to the members of the public.

Upon full execution of this agreement by all parties, the City will within thirty (30) days, cause to be paid the full annual balance due under the contract. Further, prior to issuance of any final payment and pursuant to Minnesota Statutes § 270C.66, the Contractor shall provide to the City proof of compliance with state income tax-withholding requirements in the form of a fully completed and filed Form IC-134.

Pursuant to Minnesota Statutes § 16C.05, subd. 5, the books, records, documents, and accounting procedures and practices of the Contractor (with regard to this Contract) are subject to examination by the City and the State Auditor, as appropriate, for a minimum of six years.

Pursuant to Minnesota Statutes § 471.425, subd 4a, the Contractor must pay any subcontractor within ten days of the Contractor's receipt of payment from the City for undisputed services provided by the subcontractor. Failure to pay a subcontractor as provided shall result in the Contractor paying said subcontractor interest of 1-1/2 percent per month or any part of a month on any undisputed amount not paid on time to the subcontractor. The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is \$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect interest

penalties from a prime contractor must be awarded its costs and disbursements, including attorney's fees, incurred in bringing the action.

Pursuant to Minnesota Statutes § 471.425, subd 4, the City is required to pay the Contractor according to the terms of this contract or according to the standard payment period as defined by the statute. Failure by the City to pay the Contractor as required shall result in the City paying the Contractor interest of 1-1/2 percent per month or any part of a month on any undisputed amount not paid on time to the Contractor. No interest penalties shall accrue against the City due to a good faith dispute regarding contract compliance, or any defect, error, or omission in performance under this contract. However, if such delay is not in good faith, the Contractor may recover its costs and attorney fees. The minimum monthly interest penalty payment the City shall calculate and pay for any past due amount of \$100 or more is \$10. For balances of less than \$100, the City shall calculate and pay the actual interest penalty.

The Contractor shall be responsible to the City for the acts and omissions of all persons, firms or corporations directly or indirectly employed by him in connection with the work.

Neither this contract nor any interest therein shall be assigned or transferred by the Contractor without the consent of the City nor shall any part of the work be sub-let without the consent of the City.

The Contractor may cancel or terminate its performance hereunder at any time with 30 days' advance notice accompanied by a return of the sum paid to the Contractor during the year of termination pro rated to the date of notice.

IN WITNESS WHEREOF, the said Contractor has caused this contract to be executed and said City has caused this contract to be executed by its Mayor and City Recorder pursuant to the action of the Common Council of said City.

In the Presence of:

CITY OF AUSTIN

\_\_\_\_\_  
Witness

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

\_\_\_\_\_  
Witness

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

AUSTIN CONVENTION AND VISITORS  
BUREAU, INC. d/b/a DISCOVER AUSTIN

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Its: Executive Director

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
President

RESOLUTION NO.

CONTRACT WITH DISCOVER AUSTIN

WHEREAS, the City of Austin desires to enter into a contract with Discover Austin; and

WHEREAS, the contract would be for three years with the City providing funding in the amount of \$40,000 per year; and

WHEREAS, the funding would be used for a new position to increase utilization at City and County rental facilities.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves a contract with Discover Austin the Mayor and City Recorder to sign the agreement which is on file in the City Administration office.

Passed by a vote of Yeas and Nays this 6th day of December, 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:** November 15, 2021  
**Subject:** Municipal State Aid Street Revisions

The Municipal State Aid Street (MSAS) system allows cities with a population greater than 5,000 people to designate up to 20% of their local road miles to the MSAS system. MnDOT then allocates funding to the cities based on population and the designated MSAS mileage. The City of Austin currently receives approximately \$1,485,000 in State Aid funding each year.

Every year we must certify to MnDOT the mileage of each road types within the city limits. In the past we have taken the previous year's certification and added or subtracted roads based on what had taken place that year on construction projects, developments, annexations, etc.

In 2019 we began to implement our GIS program. We started to use GIS to collect and store information about our streets. In late 2020, as we were completing our yearly mileage certification using GIS, we noticed some inconsistencies with our mileage for various road types. We brought this up with MnDOT and they instructed us to continue with our current numbers for 2020, but to have any corrections made by the end of 2021.

Below is the 2020 mileage certification for each road type.

Road Type	2020 Mileage
Non-Existing	1.18
Unimproved	0.06
Local Roads	101.10
Municipal State Aid Streets	25.70
Trunk Highway Turnbacks	4.71
County Roads	1.91
County State Aid Highways	11.24
MnDOT Trunk Highways	8.10

The yellow highlighted numbers are the most important because 20% of the total of those three categories is how many miles of Municipal State Aid Streets we are allowed. In 2020, our number indicated that we were allowed to designate 25.74 miles of our road to the State Aid System, which is part of how MnDOT determines how much State Aid Street funding we receive. In 2020, we had designated 25.70 miles as State Aid Streets, so we were nearly maximizing our system.

Throughout 2021 we have been fine-tuning our GIS information for streets and have been making sure everything is correct. Below is a comparison of the 2020 certification and the proposed 2021 certification.

<b>Road Type</b>	<b>2020 Mileage</b>	<b>2021 Proposed Mileage</b>
Non-Existing	1.18	2.03
Unimproved	0.06	0.48
Local Roads	101.10	95.42
Municipal State Aid Streets	25.70	24.11
Trunk Highway Turnbacks	4.71	4.71
County Roads	1.91	1.92
County State Aid Highways	11.24	13.13
MnDOT Trunk Highways	8.10	11.25

Again, the most important categories are highlighted in yellow. Taking 20% of the total for these categories gives us up to 24.29 miles to designate as State Aid Streets. The 24.11 in Municipal State Aid Streets category has taken account proposed adjustments to our State Aid System shown on the next page. These adjustments would keep us below our allowable State Aid designation.

The discrepancy in the numbers above is likely due to the removal of streets from flood acquisition areas in the 1990's to early 2000's that were not accounted for. With our new GIS system, it is easier to find, track and measure any changes that take place to our road network.

The end result of the proposed adjustments to our State Aid System will be approximately \$23,000 less in State Aid funding each year.

The next step in this process would be to formally make the revisions to the State Aid System via Council Resolution at the next City Council meeting.

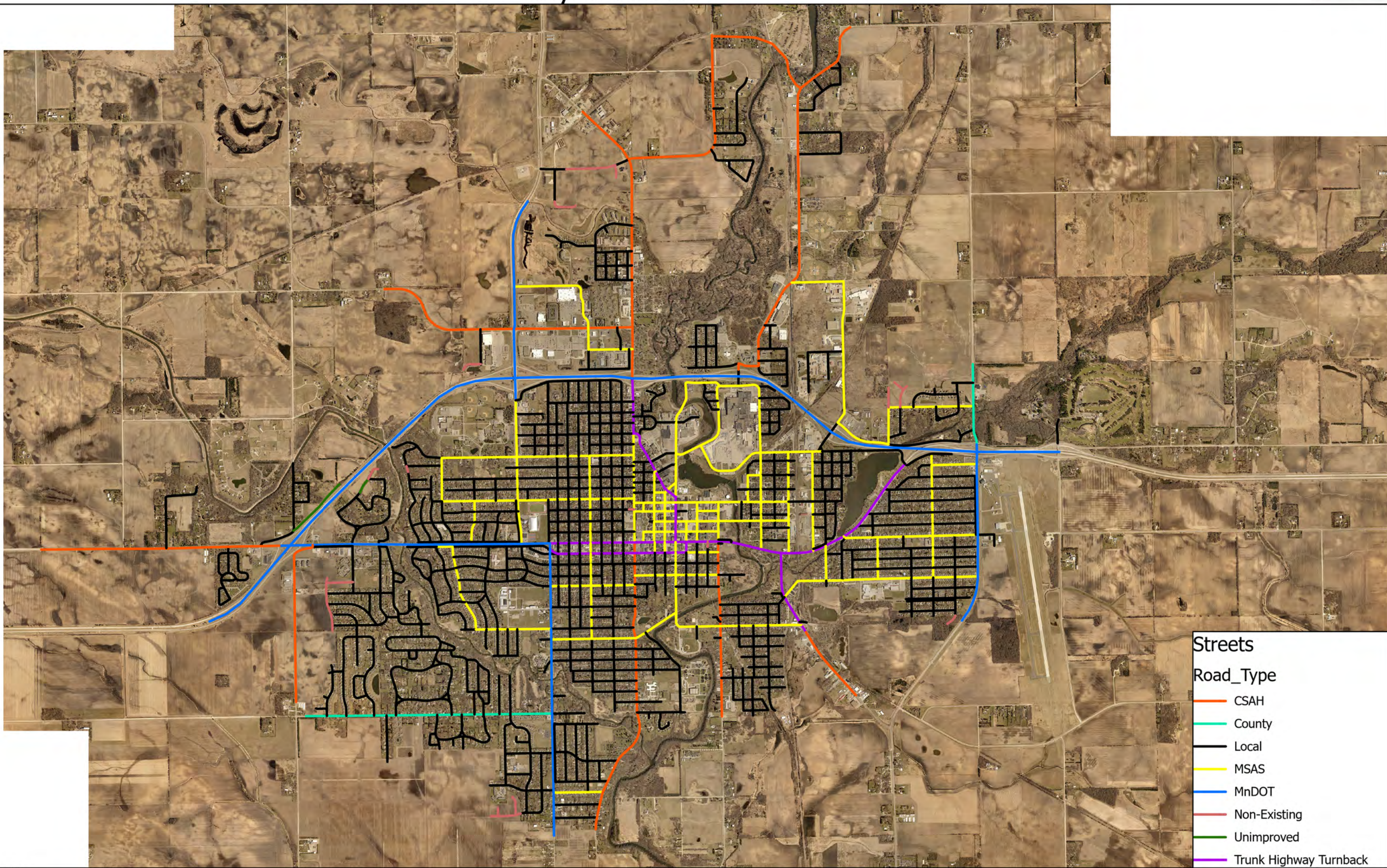
If you have any questions, please feel free to contact me.





Existing MSAS System 2020

City of Austin



**Streets**

**Road\_Type**

- CSAH
- County
- Local
- MSAS
- MnDOT
- Non-Existing
- Unimproved
- Trunk Highway Turnback

0 3,000 6,000 12,000 Feet



Route #	Streets Removed from MSAS	Length
127	8th Ave NW (14th St to 19th St)	0.44
163	19th St NW (4th Ave to 8th Ave)	0.25
104	4th Ave NW (18th St to 19th St)	0.19
101	8th Ave NE (11th Dr to 12th St)	0.02
115	2nd St NW (5th Pl to 7th Pl)	0.13
122	7th St NE (4th Ave to 6th Ave)	0.15
102	6th Ave NE (7th St to 8th St)	0.08
142	3rd St NW (3rd Ave to 4th Ave)	0.05
157	22nd Ave SW (4th Dr to 12th St)	0.29
107	2nd Ave NE (8th St to 10th St NE)	0.16
<b>Total</b>		<b>1.76</b>

2002 Rehab Project

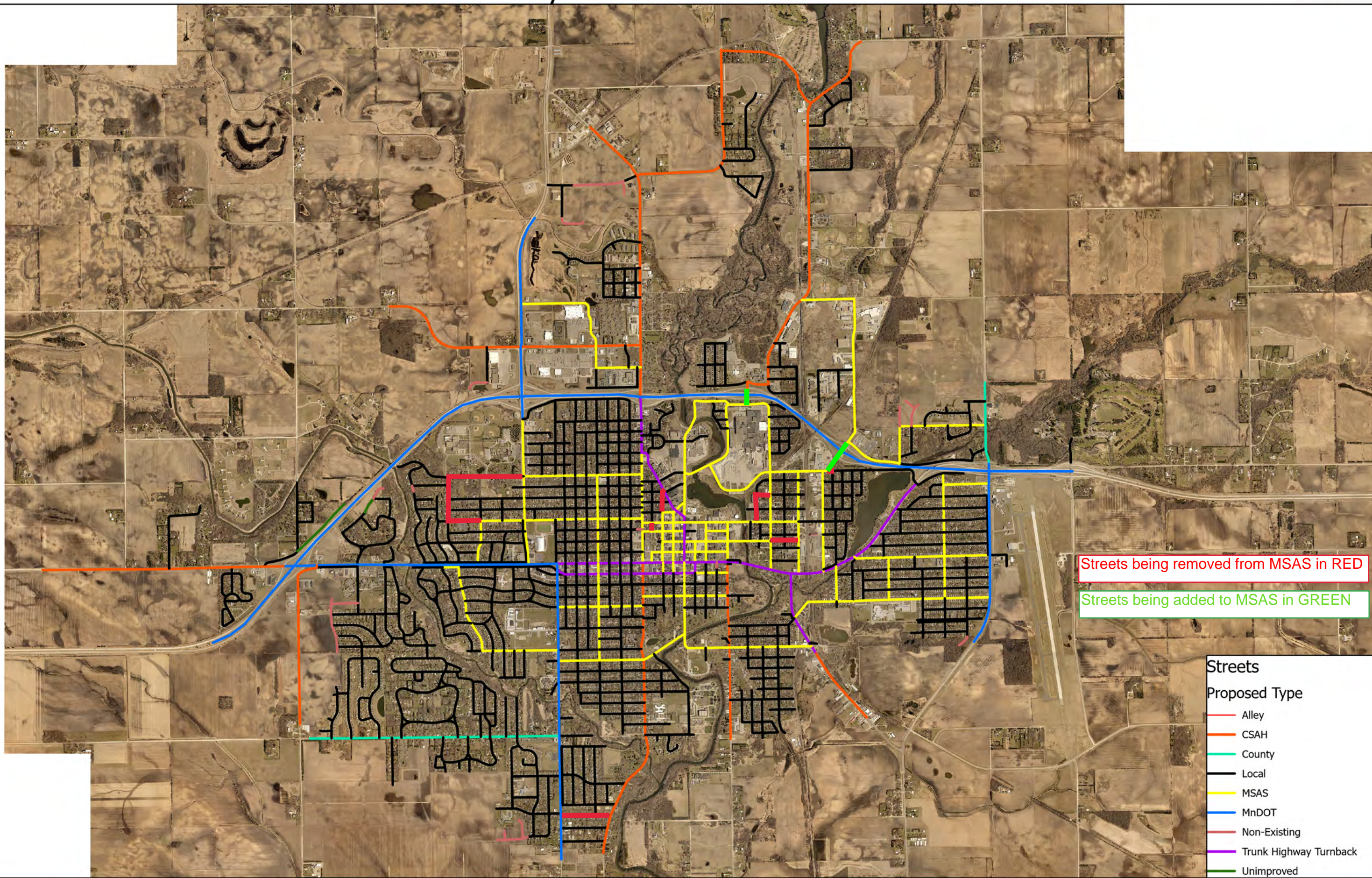
2002 Rehab Project

Route #	Streets Added to MSAS	Length
	11th Dr NE (8th Ave to 10th Pl)	0.20
	6th St NE (14th Ave to WB 90 Ramp)	0.10
<b>Total</b>		<b>0.30</b>



# Proposed MSAS System 2021

## City of Austin



Streets being removed from MSAS in RED

Streets being added to MSAS in GREEN

- Streets**
- Proposed Type**
- Alley
  - CSAH
  - County
  - Local
  - MSAS
  - MnDOT
  - Non-Existing
  - Trunk Highway Turnback
  - Unimproved

0 3,000 6,000 12,000 Feet

Date: 11/3/2021



## **RESOLUTION NO.**

### **RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREETS**

**WHEREAS**, it appears to the City Council of the City of Austin that the following actions hereinafter described shall for taken for revisions of the Municipal State Aid Street under the provisions of Minnesota Law.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN, MINNESOTA that the roads described as follows, to wit:**

**Part of 8<sup>th</sup> Avenue NE** – from 11<sup>th</sup> Drive NE to 12<sup>th</sup> Street NE  
**Part of 4<sup>th</sup> Avenue NW** – from 18<sup>th</sup> Street NW to 19<sup>th</sup> Street NW  
**Part of 2<sup>nd</sup> Avenue NE** – from 8<sup>th</sup> Street NE to 10<sup>th</sup> Street NE  
**Part of 2<sup>nd</sup> Street NW** – from 5<sup>th</sup> Place NW to 1<sup>st</sup> Drive NW  
**Part of 8<sup>th</sup> Avenue NW** – from 14<sup>th</sup> Street NW to 19<sup>th</sup> Street NW  
**Part of 3<sup>rd</sup> Street NW** – from 3<sup>rd</sup> Avenue NW to 4<sup>th</sup> Avenue NW  
**6<sup>th</sup> Avenue NE** – from 7<sup>th</sup> Street NE to 8<sup>th</sup> Street NE  
**7<sup>th</sup> Street NE** – from 4<sup>th</sup> Avenue NE to 6<sup>th</sup> Avenue NE  
**11<sup>th</sup> Drive NE/ 14<sup>th</sup> Street NE** – from I-90 to 21<sup>st</sup> Avenue NE  
**22<sup>nd</sup> Avenue SW** – from 4<sup>th</sup> Drive SW to 12<sup>th</sup> Street SW  
**19<sup>th</sup> Street NW** – from 4<sup>th</sup> Avenue NW to 8<sup>th</sup> Avenue NW

be, and hereby is, revoked as a Municipal State Aid Street of said City subject to the approval of the Commissioner of Transportation of the State of Minnesota.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN, MINNESOTA that the roads described as follows, to wit:**

**11<sup>th</sup> Drive NE/ 14<sup>th</sup> Street NE** – from 8<sup>th</sup> Avenue NE to 21<sup>st</sup> Avenue NE  
**6<sup>th</sup> Street NE** – from 14<sup>th</sup> Avenue NE to I-90 westbound ramp

be, and hereby is established, located and designated a Municipal State Aid Street of said City, subject to the approval of the Commissioner of Transportation of the State of Minnesota.

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and that upon his approval of the designation of said road or portion thereof, that same be constructed, improved and maintained as a Municipal State Aid Street of the City of Austin, to be numbered and known as a Municipal State Aid Street.

Passed by the Austin City Council this 6<sup>th</sup> day of December, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

---

City Recorder

---

Mayor

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



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

## Memorandum

**To:** Mayor & Council  
**From:** Steven J. Lang, P.E.  
**Date:** November 17, 2021  
**Subject:** Bench Agreement

---

The City of Austin has a bench rental agreement with United States Bench Corporation for benches with advertising to be located within the public right-of-way. The following are conditions of the agreement:

- 1) Rate is \$36/bench/year
- 2) Agreement for 2022-23
- 3) Bench location
- 4) Insurance certificate

This agreement will produce \$1,080 of revenue over the 2-year agreement. The current rate has been in place since 2010 when we developed the rate structure.

If you have any questions, please feel free to contract me.

## Austin

## Locations for License Renewal

Austin	SE 12th St SW @ 1st Ave
Austin	N-side Oakland @ 10th Dr SE
Austin	NE 8th Ave NW @ Main St N
Austin	SW 18th Ave NW @ Hwy 218
Austin	SW Oakland @ 4th St SE
Austin	NE Oakland @ 1st St NE
Austin	NW 4th St NW @ Oakland
Austin	SE 14th St NW @ 4th Ave NW
Austin	SW 11th Ave NW @ Main St N
Austin	SE 10th Dr SE @ Oakland Place
Austin	NE Oakland @ 4th St NE
Austin	NE 4th Ave NW @ 1st St NW
Austin	SW 12th St SW @ Oakland
Austin	SE Main St N @ 8th Ave NW
Austin	SE 18th Ave NW @ 5th St NW



USBENCH-01

SRADKE

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/22/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Kohlhofer Agency, Inc PO Box 488 Lakeville, MN 55044	CONTACT NAME: Shawn Radke	
	PHONE (A/C, No, Ext): (952) 469-4968 FAX (A/C, No):	
	E-MAIL ADDRESS: shawnr@kohlhofer.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Emcasco	
	INSURER B : Employers Mutual Casualty (EMC) Company	25186
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

INSURED  
  
U. S. Bench Corporation  
3300 Snelling Ave.  
Minneapolis, MN 55406

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	X		8D90492	1/1/2022	1/1/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			8E90492	1/1/2022	1/1/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			8J90492	1/1/2022	1/1/2023	EACH OCCURRENCE \$ 3,000,000 AGGREGATE \$ 3,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	8H90492	1/1/2022	1/1/2023	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

## CERTIFICATE HOLDER

## CANCELLATION

Certificate Holders & Additional Insured's --  
SEE ATTACHED LIST

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

RESOLUTION NO.

**RESOLUTION AUTHORIZING EXECUTION OF  
UNITED STATES BENCH CORPORATION RENTAL AGREEMENT**

BE IT RESOLVED that the City of Austin enter into a bench rental agreement with the United States Bench Corporation for years 2022-2023 for 15 benches with advertising located in the public right-of-way at the rate of \$36.00 per bench, per year.

Passed by a vote of Yeas and Nays this 6th day of December, 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:** November 24, 2021  
**Subject:** 2022 Construction Projects, Request for Feasibility Reports

In preparation for 2022 construction projects, we have prepared a timeline to meet the critical dates required of the assessment process. The initial step in the process is for Council to request feasibility reports. The projects that will be involved with this schedule are those listed below:

- |   | <u>Project #</u> |
|---|------------------|
| 1) <b>21<sup>st</sup> Avenue NE</b>   | <b>22101</b>     |
| a. 21 <sup>st</sup> Avenue NE – 8 <sup>th</sup> Dr NE to 14 <sup>th</sup> St NE                           |                  |
| 2) <b>9<sup>th</sup> Street NW &amp; 10<sup>th</sup> Street NW</b>  | <b>22102</b>     |
| a. 9 <sup>th</sup> Street NW – 10 <sup>th</sup> Ave NW to 12 <sup>th</sup> Ave NW                         |                  |
| b. 10 <sup>th</sup> Street NW – 8 <sup>th</sup> Ave NW to 13 <sup>th</sup> Ave NW                         |                  |
| 3) <b>3<sup>rd</sup> Avenue NE</b>  | <b>22103</b>     |
| a. 3 <sup>rd</sup> Avenue NE – Oakland Pl NE to 19 <sup>th</sup> St NE                                    |                  |
| 4) <b>3<sup>rd</sup> Street NE</b>  | <b>22104</b>     |
| a. 3 <sup>rd</sup> Street NE – 16 <sup>th</sup> Ave NE to 18 <sup>th</sup> Ave NE                         |                  |
| 5) <b>8<sup>th</sup> Avenue NW Mill &amp; Overlay</b>   | <b>22105</b>     |
| a. 8 <sup>th</sup> Avenue NW – 4 <sup>th</sup> St NW to 14 <sup>th</sup> St NW                            |                  |
| 6) <b>5<sup>th</sup> Avenue SW &amp; 16<sup>th</sup> Street SW Mill &amp; Overlay</b>                     | <b>22106</b>     |
| a. 5 <sup>th</sup> Avenue SW – 27 <sup>th</sup> St SW to 29 <sup>th</sup> St SW                           |                  |
| b. 16 <sup>th</sup> Street SW – 16 <sup>th</sup> Ave SW to 19 <sup>th</sup> Ave SW                        |                  |
| 7) <b>7<sup>th</sup> Avenue SW, 11<sup>th</sup> Avenue SW &amp; 23<sup>rd</sup> Street SW Reclamation</b> | <b>22107</b>     |
| a. 7 <sup>th</sup> Avenue SW – 23 <sup>rd</sup> St SW to 24 <sup>th</sup> St SW                           |                  |
| b. 11 <sup>th</sup> Avenue SW – 10 <sup>th</sup> Ave SW to 18 <sup>th</sup> St SW                         |                  |
| c. 23 <sup>rd</sup> Street SW – 9 <sup>th</sup> Ave SW to Dead End  |                  |
| 8) <b>5<sup>th</sup> Avenue NW &amp; 40<sup>th</sup> Street NW</b>  | <b>22108</b>     |
| a. 5 <sup>th</sup> Avenue NW – 40 <sup>th</sup> St NW to Dead End   |                  |
| b. 40 <sup>th</sup> Street NW – Oakland Ave W to 5 <sup>th</sup> Ave NW                                   |                  |

If you have any questions, please feel free to contact me.

## RESOLUTION NO.

### RESOLUTION ORDERING PREPARATION OF REPORT ON IMPROVEMENTS

WHEREAS, it is proposed to make the following improvements:

- |   | <u>Project #</u> |
|---|------------------|
| 1) <b>21<sup>st</sup> Avenue NE</b>   | <b>22101</b>     |
| a. 21 <sup>st</sup> Avenue NE – 8 <sup>th</sup> Dr NE to 14 <sup>th</sup> St NE                           |                  |
| 2) <b>9<sup>th</sup> Street NW &amp; 10<sup>th</sup> Street NW</b>  | <b>22102</b>     |
| a. 9 <sup>th</sup> Street NW – 10 <sup>th</sup> Ave NW to 12 <sup>th</sup> Ave NW                         |                  |
| b. 10 <sup>th</sup> Street NW – 8 <sup>th</sup> Ave NW to 13 <sup>th</sup> Ave NW                         |                  |
| 3) <b>3<sup>rd</sup> Avenue NE</b>  | <b>22103</b>     |
| a. 3 <sup>rd</sup> Avenue NE – Oakland Pl NE to 19 <sup>th</sup> St NE                                    |                  |
| 4) <b>3<sup>rd</sup> Street NE</b>  | <b>22104</b>     |
| a. 3 <sup>rd</sup> Street NE – 16 <sup>th</sup> Ave NE to 18 <sup>th</sup> Ave NE                         |                  |
| 5) <b>8<sup>th</sup> Avenue NW Mill &amp; Overlay</b>   | <b>22105</b>     |
| a. 8 <sup>th</sup> Avenue NW – 4 <sup>th</sup> St NW to 14 <sup>th</sup> St NW                            |                  |
| 6) <b>5<sup>th</sup> Avenue SW &amp; 16<sup>th</sup> Street SW Mill &amp; Overlay</b>                     | <b>22106</b>     |
| a. 5 <sup>th</sup> Avenue SW – 27 <sup>th</sup> St SW to 29 <sup>th</sup> St SW                           |                  |
| b. 16 <sup>th</sup> Street SW – 16 <sup>th</sup> Ave SW to 19 <sup>th</sup> Ave SW                        |                  |
| 7) <b>7<sup>th</sup> Avenue SW, 11<sup>th</sup> Avenue SW &amp; 23<sup>rd</sup> Street SW Reclamation</b> | <b>22107</b>     |
| a. 7 <sup>th</sup> Avenue SW – 23 <sup>rd</sup> St SW to 24 <sup>th</sup> St SW                           |                  |
| b. 11 <sup>th</sup> Avenue SW – 10 <sup>th</sup> Ave SW to 18 <sup>th</sup> St SW                         |                  |
| c. 23 <sup>rd</sup> Street SW – 9 <sup>th</sup> Ave SW to Dead End  |                  |
| 8) <b>5<sup>th</sup> Avenue NW &amp; 40<sup>th</sup> Street NW</b>  | <b>22108</b>     |
| a. 5 <sup>th</sup> Avenue NW – 40 <sup>th</sup> St NW to Dead End   |                  |
| b. 40 <sup>th</sup> Street NW – Oakland Ave W to 5 <sup>th</sup> Ave NW                                   |                  |

and to assess the benefited property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Section 429.001 to 429.111 (Laws 1953), Chapter 398, as amended.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AUSTIN, MINNESOTA,** that the proposed improvements were referred to Steven Lang, City Engineer, to study and that he is instructed to report to the Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvements are feasible and as to whether they should best be made as proposed or in connection with some other improvement, and the estimated cost of the improvements as recommended.



Passed by a vote of yeas and nays this 6th day of December, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

---

City Recorder

---

Mayor

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



Phone: 507-437-9940

[www.ci.austin.mn.us](http://www.ci.austin.mn.us)

**MEMO**

TO: Mayor and City Council

FROM: Tom Dankert *TJD*

DATE: November 30, 2021

SUBJECT: Community Flood Risk Reduction grant extension  
S:\Fund 40 LOST\2018 Phase I Flood Grant\Phase I grant extension to 2023.doc

The City of Austin has just under \$40,000 remaining in a State of Minnesota flood grant that was given to us in 2018. This \$1,125,000 original grant has been used for allowable expenses related to both Phase I of the flood reduction program and the berm design at the wastewater treatment plant. The grant is currently scheduled to expire on December 31, 2021 but the DNR is willing to extend that grant to December 31, 2023 such that we can maximize the grant dollars for our berm project.

If Council is in agreement, we would request a resolution authorizing the Mayor and City Recorder to sign the grant extension.

If you have any questions, please do not hesitate to give me a call at 437-9959 or Steven Lang a call at 437-9949.

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



Phone: 507-437-9940

www.ci.austin.mn.us

November 16, 2021

Mr. Pat Lynch  
FDR Coordinator  
MN DNR Waters  
500 Lafayette Road  
St. Paul, MN 55155-4032

RE: City of Austin, Grant #3000129624

Dear Mr. Lynch:

Enclosed you will find **Draw #20** in the amount of **\$17,735.82** (50% of \$35,471.64) for the North Main Street Flood Risk Reduction/WWTP Berm grant for the City of Austin (Grant #3000129624) that expires **12/31/21**. I have enclosed all of the documentation for your review.

After this draw is complete, I show a total of \$39,461.34 available for us remaining on this grant. If this does not agree with your records, please contact me so that we can reconcile our differences. I show the following:

	<u>Amount</u>
Grant total	\$ 1,125,000.00
Less Draw #1-4 (rec'd 2018)	(\$ 725,920.25)
Less: Draw #5-7 (rec'd 2019)	(\$ 46,561.58)
Less: Draw #8 (rec'd 02/19/20)	(\$ 5,786.53)
Less: Draw #9 (rec'd 06/02/20)	(\$ 67,164.02)
Less: Draw #10 (rec'd 07/27/20)	(\$ 49,562.16)
Less: Draw #11-12 (rec'd 09/16/20)	(\$ 25,895.57)
Less: Draw #13 (rec'd 12/04/20)	(\$ 44,303.06)
Less: Draw #14-15 (rec'd 03/02/21)	(\$ 19,855.73)
Less: Draw #16 (rec'd 04/08/21)	(\$ 3,893.49)
Less: Draw #17 (rec'd 05/28/21)	(\$ 35,752.34)
Less: Draw #18 (rec'd 09/02/21)	(\$ 7,397.75)
Less: Draw #19 (rec'd 10/07/21)	(\$ 35,710.36)
<b>Less: Draw #20 (this one)</b>	<b>(\$ 17,735.82)</b>
Available Funds	<u>\$ 39,461.34</u>

Thanks for your help and please do not hesitate to give me a call at (507) 437-9959 if you have any questions.

Sincerely,

Tom Dankert  
Director of Administrative Services  
S:\Fund 40 LOST\2018 Phase I Flood Grant\North Main Phase I Draw #20.doc

CC: Steven Lang (via email)

**Amendment # 2 for State of Minnesota Grant Contract #139780/3000129624 Between the State of Minnesota and the City of Austin For Community Flood Risk Reduction**

Contract Start Date:	<u>April 15, 2018</u>	Total Contract Amount:	<u>\$1,125,000.00</u>
Original Contract Expiration Date:	<u>December 31, 2019</u>	Original Contract:	<u>\$1,125,000.00</u>
Current Contract Expiration Date:	<u>December 31, 2021</u>	Previous Amendment(s) Total:	<u>\$00.00</u>
Requested Contract Expiration Date:	<u>December 31, 2023</u>	This Amendment:	<u>\$00.00</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Natural Resources ("State") and the City of Austin, Minnesota, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota 55912 (Grantee").

**Recitals**

1. The State has a grant contract with the Grantee identified as #139780/3000129624, dated April 4, 2018 ("Original Grant Contract") to provide funding for community flood risk reduction efforts.
2. The State and Grantee agree that additional time is necessary to complete flood risk reduction efforts for which state general obligation bond funds were appropriated.
3. The State and the Grantee are willing to amend the Original Grant Contract as stated below.

**Grant Contract Amendment**

**REVISION 1.** Clause 1. "Term of Grant Contract" is amended as follows:

**Term of Grant Contract**

- 1.1 **Effective date:** April 15, 2018, or the date the State obtains all required signatures under Minnesota Statutes §16C.05, subdivision 2, whichever is later.
- 1.2 **Expiration date:** December 31, ~~2021~~ 2023, or until all obligations have been satisfactorily fulfilled, whichever occurs first.
- 1.3 **Survival of Terms.** The following clauses survive the expiration or cancellation of this grant contract: 8. Liability; 9. State Audits; 10. Government Data Practices and Intellectual Property; 13. Publicity and Endorsement; 14. Governing Law, Jurisdiction, and Venue; and 16. Data Disclosure.

Except as amended herein, the terms and conditions of the Original Grant remain in full force and effect.

Signature page follows

### 1. STATE ENCUMBRANCE VERIFICATION

*Individual certifies that funds have been encumbered as required by Minn. Stat. §§16A.15 and 16C.05.*

Signed: FB

Date: November 30, 2021

SWIFT Contract/PO No(s): 139780/3000129624

### 2. GRANTEE

*The Grantee certifies that the appropriate person(s) have executed the grant contract on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.*

By: \_\_\_\_\_  
Title: Director of Administrative Services

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### 3. STATE AGENCY

*Individual certifies the applicable provisions of Minn. Stat. §16C.08, subdivisions 2 and 3 are reaffirmed.*

By: \_\_\_\_\_  
(with delegated authority)

Title: Director, Ecological & Water Resources

Date: \_\_\_\_\_

Distribution:  
Agency  
Contractor  
State's Authorized Representative

**RESOLUTION NO.**

**RESOLUTION EXTENDING MN DNR GRANT AGREEMENT EXPIRATION DATE  
FOR THE COMMUNITY FLOOD RISK REDUCTION GRANT**

WHEREAS, as part of the flood mitigation program, the City of Austin has an agreement with the Department of Natural Resources to provide funding for the construction of the North Main Flood Control Project, Phase 1; and

WHEREAS, the current grant award is \$1,125,000 and Phase 1 of the North Main Flood Control Project is complete; and

WHEREAS, there is still \$39,164 remaining in the grant and the City would like to utilize those funds for other flood projects; and

WHEREAS, the current grant expiration date is December 31, 2021, but both parties have agreed that additional time will be necessary to use the remaining funds.

NOW THEREFORE, the City Council approves an amendment to the original grant agreement, which extends the completion date to December 31, 2023.

Passed by the Austin City Council this 6th day of December, 2021

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

**City of Austin**  
**500 4<sup>th</sup> Avenue NE**  
**Austin, MN 55912**  
**507-437-9940**  
**[www.ci.austin.mn.us](http://www.ci.austin.mn.us)**



**Tricia Wiechmann**  
**Human Resources Director**  
**507-437-9942**  
**[twiechma@ci.austin.mn.us](mailto:twiechma@ci.austin.mn.us)**

MEMORANDUM

TO: Mayor and City Council

FROM: Tricia Wiechmann  
Human Resources Director

RE: 2022 Seasonal, Temporary and Part-time Wage Rates

DATE: November 22, 2021

Annually we review the wage rates for our seasonal, temporary and part-time employees and make adjustments as necessary based on positions, duties and in some cases, the ability to fill open seasonal positions and be competitive within the job market.

The attached resolution also reflects an increase to the minimum wage effective January 1, 2022, of \$10.33. Department heads have provided input to these wage rates and have incorporated the necessary adjustments in their department's annual budgets.

If you have any questions, please feel free to contact me.



## RESOLUTION NO.

### Resolution Setting Positions and Policy for the Administration of Wage Rates of Seasonal, Temporary and Part-time Positions Not Covered by a Labor Agreement

**WHEREAS**, the City of Austin employs persons in seasonal, temporary and part-time positions up to 40 hours per week; and

**WHEREAS**, the City of Austin employs persons on a regular part-time basis; and

**WHEREAS**, the City of Austin wishes to designate the positions and set wage rates for the designated functions; and

**WHEREAS**, the employment of persons in seasonal, temporary and part-time positions not covered by a labor agreement shall comply with Council-adopted authorization and policy; and

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

1. The following positions are authorized and approved provided the positions have been funded by the annual budget of the city approved by Council for each filled position in an amount sufficient for the allocated hours at the wage within each level.

#### **Level I – \$10.35 – \$13.00/hr.**

Office Assistant	Street Laborers
Park Maintenance	Park Construction
Concession Stand Attendant	Ski Rental Attendant
Paint Crew	Summer Recreation Instructor
Arena Supervisor	Outside Ice Rink Attendant
Library Page	Election Judge

#### **Level II – \$11.00 – \$14.50/hr.**

Lifeguard and Sub – Lifeguard	Flower Maintenance (top \$13.00/hr.)
Swim Lesson Instructor	Weed Inspector
Crossing Guard – (top \$13.00/hr.)	Library Clerk
Nature Center Custodian	
Concession Stand Supervisor – (top \$13.00/hr.)	

#### **Level III – Special Services**

Engineering Technician – \$11.00 – \$16.00/hr.  
Cable TV Programmer/recorder – \$12.00 – \$13.50/hr.  
Arena Supervisor/Ice Resurfacers – \$12.00 – \$14.00/hr.  
Nature Center Intern & Seasonal Naturalist – \$13.00 – \$15.00/hr.  
Park & Recreation Assistant – \$12.00 – \$16.00/hr.  
Arena Building Custodian (lead) – \$12.00 – \$16.00/hr.  
Pool Manager – \$13.00 – \$17.00/hr.



Recreation Officials – \$15.00 – \$17.00/hr.

Paid On-Call Firefighter, initial training period – \$10.35/hr.

Paid On-Call Firefighter, after initial training – \$15.15/hr.

Board of Review – \$15.00/hr.

Nature Center Environmental Education Outreach Coordinator – \$19.00 – \$20.00/hr.

Part-time Substitute Librarian – \$22.00/hr.

2. Supervisors do have the ability to pay less than the minimum wage established within each level for any newly hired seasonal, temporary or part-time employee. However, the minimum wage will not be less than State of Minnesota minimum wage standards. If an employee returns the following year and worked a full 'season', employees may receive up to but no more than a .50¢ an hour increase, not to exceed the maximum wage amount allowed per level, or as provided for within the department budget.
3. Positions not specifically listed, will be placed at the wage scale of the position with duties that best represents the position not identified.
4. Persons with relevant experience, may be advanced to a higher wage rate in the appropriate level as determined and reviewed by the department head and Human Resources Director.
5. All persons employed in these positions shall be placed on the city employee payroll in accordance with the requirements of the Human Resource and Finance Departments.
6. If the departments are not able to find the necessary number of employees for specific positions, the department head will review with the City Administrator and Human Resources Director for deviation from the pay scale guidelines. These petitions would need to be reviewed on a case by case basis.
7. The minimum wage identified in Level I, will not be less than \$10.35 in order to be in compliance with the State of Minnesota minimum wage standards.
8. These positions and wage ranges shall be in effect from January 1, 2022 until changed by the City Council.

Passed by a vote of Yeas and Nays this 6<sup>th</sup> day of December 2021

Yeas

Nays

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor



**PARKS, RECREATION, FORESTRY DEPARTMENT & ARENAS**

500 4<sup>TH</sup> Avenue NE Austin, Minnesota 55912

507-433-1881

Kevin D. Nelson, Director

[www.ci.austin.mn.us](http://www.ci.austin.mn.us)

**JAY C. HORMEL NATURE CENTER**

1304 NE 21<sup>ST</sup> Street

507-437-7519 Fax 507-437-8246

J. Luke Reese, Naturalist

[www.hormelnaturecenter.org](http://www.hormelnaturecenter.org)

To: Honorable Mayor and City Council Members

Date: November 30, 2021

Re: Deed Restriction on Todd Park for Grant Reimbursement

As per funding requirements of a MNDNR matching grant from 2019, the related work on which was finished up in June of this year, a deed restriction is required on Todd Park, the parcel which benefitted from the improvements which the grant funded, including poured-in-place material under one playground (nearest the soccer fields) and perimeter sidewalk, a new (small) pavilion along the north-central paved parking lot (near the lone sand volleyball court and youth ball fields), a handicapped-accessible drinking fountain (just NW of Pavilion 1), and wood chip fibers (replacing sand) under the playground just south of the newest pavilion.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin D. Nelson".

**RESOLUTION NO.**

**DEED RESTRICTIONS FOR TODD PARK**

**WHEREAS**, the City of Austin received a State of Minnesota Department of Natural Resources (DNR) Outdoor Recreation Grant Program funds for improvements at Todd Park; and

**WHEREAS**, the DNR requires that any lands developed with assistance from this grant program must be retained solely for outdoor recreation use; and

**WHEREAS**, the DNR is asking that a deed restriction be placed on the park property stating that the property cannot be converted to any use other than public outdoor recreation use without the prior written approval of the DNR Commissioner.

**NOW, THEREFORE, BE IT RESOLVED** that in order to comply with the Department of Natural Resources Outdoor Recreation Contract, the City of Austin does hereby impose the following restrictions on the property as described in the attached Exhibit A.

1. The property shall be permanently managed and maintained for public outdoor recreation use.
2. The City of Austin shall not at any time convert any portion of the park area to uses other than public outdoor recreation use without the prior written approval of the State acting through acting through its commissioner of natural resources.

Passed by a vote of yeas and nays this 6<sup>th</sup> day of December, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

All that part of the Southeast Quarter of Section 26, Township 103 North, Range 18 West, Mower County, Minnesota lying West of the west right of way line of the Former Railroad right of way per RAILROAD VALUATION MAP 701DS4-1949190-v1

EXCEPTING therefrom the below Three Parcels:

Parcel One: 11<sup>th</sup> Street NE (CSAH 16) right of way;

Parcel Two: 21<sup>st</sup> Avenue NE right of way as dedicated per the recorded plat of Austin Industrial Park Northeast;

Parcel Three: All that part of SE1/4 Section 26, Township 103 North, Range 18 West, described as follows:

Commencing at the Southwest corner SE1/4 Section 26, Township 103 North, Range 18 West; thence North 00 degrees 43 minutes 47 seconds West 2201.60 feet, on an assumed bearing, on the West line of said 1/4 section, to the point of beginning, thence North 00 degrees 43 minutes 47 seconds West 450.00 feet, on the West line of said 1/4 section; thence North 88 degrees 55 minutes 20 seconds East 1452.00 feet; thence South 00 degrees 43 minutes 47 seconds East 450.00 feet; thence South 88 degrees 55 minutes 20 seconds West 1452 feet, to the point of beginning; being part of the SE1/4 Section 26, Township 103 North, Range 18 West, and containing 15.00 acres, more or less.

AND

All that part of the Southwest Quarter of Section 25, Township 103, Range 18 West, Mower County, Minnesota lying West of the west right of way line of the Former Railroad right of way per RAILROAD VALUATION MAP 701DS4-1949190-v1





Reference to the exception for 11th Street ROW is ambiguous. We haven't found any recorded legal document that creates this ROW.

This the Plat Corner and on the line between the SE and SW Quarters



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



**Holly Wallace**  
Planning & Zoning Administrator  
507-437-9952 / Fax 507-437-7101  
Email: [hollyw@ci.austin.mn.us](mailto:hollyw@ci.austin.mn.us)

## Memorandum

**To:** Mayor and City Council  
**From:** Holly Wallace, Planning & Zoning Administrator  
**Subject:** Requested Minor Subdivision of Property petitioned by Lang  
**Date:** November 30, 2021

---

Please find for your review a resolution regarding approximately 0.5 acres of platted property, which has been petitioned to combine three lots that have been developed storage. One building is split by a property line, which is typically not allowed, therefore combining the lots would make this site more compliant with city codes.

This proposed subdivision has been reviewed by city staff and utilities. There were no concerns with regard combining the individual parcels.

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

Thank You.





Property Adjustment  
Application

OWNER / APPLICANT INFORMATION

Type of Request: ☐ Division ☒ Combination

Owner(s) Name: Mark Patrick Lana Phone #: 507-440-9631

Owner(s) Address: PO Box 834, Bloomington, MN Email: mark@bobeejos.com

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

Applicant's Name: Same Phone #: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_ Email: \_\_\_\_\_

EXISTING PARCEL INFORMATION

PIN(s)	Physical Address of Property	Notes
<u>34 . 600 . 0440+</u>	<u>809 1<sup>st</sup> Ave NE</u>	
<u>34 . 600 . 0450</u>	<u>811 6<sup>th</sup> Ave NE</u>	
<u>34 . 600 . 0460</u>	<u>813 6<sup>th</sup> Ave NE</u>	

Location

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

Subdivision: Railroad Addition Block: 7 Lot(s): 12, 13 + 390FT L + 14

RESULTING PARCEL INFORMATION

Resulting Parcels	Acres	New Owner's Name and Phone #
<input checked="" type="checkbox"/> New <input type="checkbox"/> Existing	<u>.30</u>	<u>Mark Patrick Lana - 34.600.0440</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)

Combining parcels - two of them ~~divide~~ divide a building

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.

Signature Mark Patrick Lana

Date 11/9/21

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



RESOLUTION NO. \_\_\_\_\_

EXEMPTING SUBDIVIDER FROM AUSTIN CITY CODE  
SUBDIVISION REGULATION AND REQUIREMENTS

WHEREAS, the petitioner, Mark Lang, has requested a waiver of the platting requirements under Section 13.40 of the Austin City Code in order to combine parcels 34.600.0440, 34.600.0450, and 34.600.0460, Railroad Addition, also described as:

Lot 12, Lot 13, and the South 90 feet of Lot 14, Block 7, Railroad Addition, City of Austin, Mower County Minnesota.

WHEREAS, this area is well defined and will combine three parcels.

NOW THEREFORE, BE IT RESOLVED, that the petitioner above named are hereby exempt from the requirements of Chapter 13 of the Austin City Subdivision regulations requiring the platting of said property as a precondition to said subdivision.

BE IT FURTHER RESOLVED, that the City Recorder is hereby authorized and directed to deliver to owners a certified copy of this resolution for recording.

Passed by a vote of Yeas and Nays this \_\_\_\_\_ day of December 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](http://www.ci.austin.mn.us)

## Memorandum

**To:** Mayor and City Council

**Cc:** Zacarais Torres Alejo  
107 2<sup>nd</sup> St SE, Austin, MN 55912

**From:** Holly Wallace, Planning & Zoning Administrator

**Re:** Accumulation of Refuse and Junk  
At 107 2<sup>nd</sup> St SE, Torres Property

**Date:** December 3, 2021

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

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

Thank You

City of Austin  
Zoning Department



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December 3, 2021

Zacarias Torres Alejo  
107 2<sup>nd</sup> St SE  
Austin, MN 55912

RE: Zoning Violations at 107 2<sup>nd</sup> St SE, Austin, MN

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on November 30, 2021 at this site and the following issues need to be resolved:

**1. Remove all junk from property**

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

**1.98 CIVIL PENALTIES.**

Subd. 1. Purpose.

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

Subd. 4. Compliance letter.

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

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

Subd. 5. Administrative citation

A. Generally.

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

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

Sincerely,

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

Brent Johnson  
Zoning Inspector

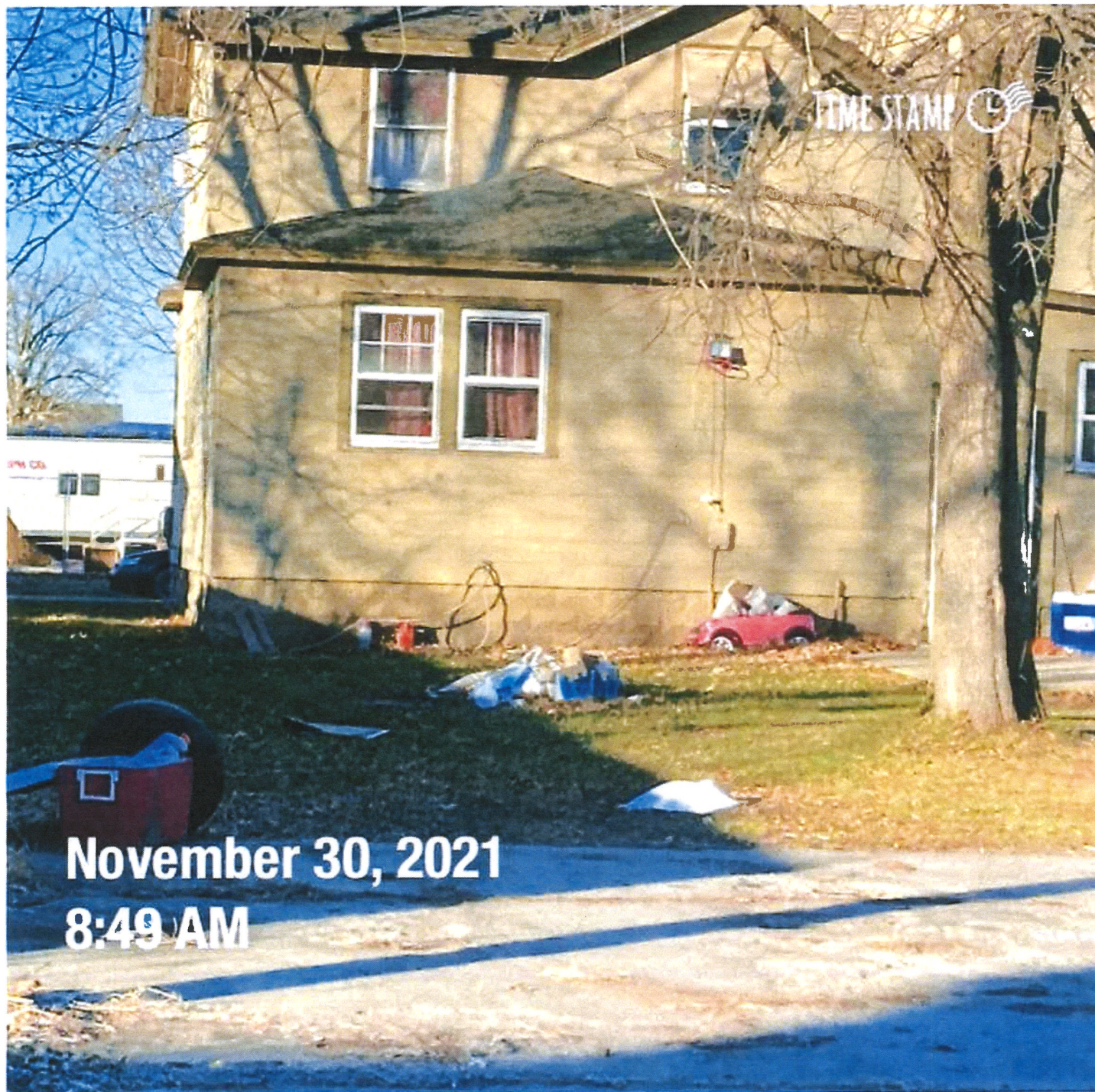




November 30, 2021  
8:49 AM

107 2nd St SE





November 30, 2021  
8:49 AM