

**A G E N D A**  
**CITY COUNCIL MEETING**  
**MONDAY, DECEMBER 20, 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 December 6, 2021 and Truth in Taxation hearing on December 8, 2021

3. Recognitions and Awards.  
John T. Mueller – June 6, 1994 – February 28, 2021 (police)  
Norbert Eggert – August 25, 1992 – April 12, 2021 (public works/WWTP)  
Bill Adams – June 5, 1995 – November 30, 2021 (public works/Street)  
Cheryl Hays – October 4, 1976 – December 31, 2021 (clerk)

(mot) 4. \*Consent Agenda  
Licenses:  
2022 License renewals (complete list in the consent agenda folder)  
Exempt Gambling: United Catholic Schools Foundation on March 12, 2022

Claims:

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

Event Applications:

Austin Congregation United Church of Christ 5 mile walk on June 11, 2022

**PUBLIC HEARINGS:**

5. Reviewing a tax abatement application from Bigelow & Lennon Construction.  
(res) a. Approval or denial of abatement.

6. Public hearing on the 5-year Capital Improvement Plan. (*See separate upload for full plan*)  
(res) a. Adopting the Capital Improvement Plan.

**PETITIONS AND REQUESTS:**

(res) 7. Approving the tax levy for 2022.

(res) 8. Adopting the budget for 2022.

(res) 9. Authorizing the cancellation of certain ad valorem tax levies.

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

- (res) 11. Granting renewals of 2022 licenses for the sale of hard liquor on-sale, Sunday hard liquor on-sale, Sunday wine on-sale and 3.2 beer on and off-sale.
- (res) 12. Granting a wine on-sale license and Sunday wine on-sale license to Everbright, Inc.
- (mot) 13. Appointing Tyler White as the Honorary Council Member – January 2022 to March 2022.
- 14. Reviewing an amended annexation ordinance.
  - (mot) a. For preparation of the ordinance.
  - (ord) b. For adoption and publication of the ordinance.
- (mot) 15. Approving a notice of intent for annexation.
- (res) 16. Approving an ICM agreement with Ralph Donkers.
- (res) 17. Approving an ICM agreement with WCI Austin Landfill.
- (res) 18. Approving an ICM agreement with G&R Truck Wash. (*Backup to follow*)
- (mot) 19. Eliminating the 30-minute response time requirement for police officers.
- (mot) 20. Approving an employee referral incentive program.
- (mot) 21. Approving a student loan reimbursement incentive program.
- (mot) 22. Approving a relocation reimbursement program.
- 23. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at the following locations:
  - (mot) a. 1206 5<sup>th</sup> Street NW, Mehling Property.
  - (mot) b. 804 4<sup>th</sup> Avenue SW, Trzebiatowski & Goodyear Property.

## **CITIZENS ADDRESSING THE COUNCIL**

## **HONORARY COUNCIL MEMBER COMMENTS**

### **REPORTS AND RECOMMENDATIONS:**

City Administrator  
City Council

- (mot) Adjourn to **Monday, January 3, 2022** 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**  
December 6, 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 APPEARING ELECTRONICALLY:** Council Member Jason Baskin

**STAFF PRESENT:** City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Human Resources Director Trish Wiechmann

**STAFF APPEARING ELECTRONICALLY:** Public Works Director Steven Lang, Assistant City Engineer Mitch Wenum, Fire Chief Jim McCoy, Park and Rec Director Kevin Nelson, 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:

(res) 19. Awarding a contract for right-of-way acquisition services.

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

Moved by Council Member Fischer, seconded by Council Member Oballa, approving Council minutes from November 15, 2021 and November 22, 2021. Carried.

**CONSENT AGENDA**

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

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

Carried.

## PUBLIC HEARING

A public hearing was held for the renewal of a currency exchange license for Tienda Y. Taqueria Guerrero. City Clerk Ann Kasel stated the business has had a currency exchange license since 2013 with no issues. The State of Minnesota requires cities to hold a public hearing for the license to be reissued.

There were no public comments.

Moved by Council Member Oballa, seconded by Council Member Waller, adopting a resolution approving a currency exchange license for Tienda Y. Taqueria. Carried 7-0.

## PETITIONS AND REQUESTS

Moved by Council Member Fischer, seconded by Council Member Oballa, adopting a resolution establishing license and miscellaneous operational fees for 2022. Carried 7-0.

Director of Administrative Services Tom Dankert stated the Hormel Foundation approved \$1,726,826 in grants for 2022 including \$93,826 in pass through grants. Mr. Dankert thanked the Hormel Foundation for their generosity to the community.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution accepting 2022 Hormel Foundation Grants. Carried 7-0.

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

Administrative Services Director Tom Dankert stated the State of Minnesota has distributed an additional \$43,718.80 for American Rescue Plan Act funds to the City of Austin in addition to the \$2.6 million that was accepted on August 16, 2021. Mr. Dankert requested the Council an updated resolution for the acceptance of the funds.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, adopting a resolution accepting additional American Rescue Plan Act funds. Carried 7-0.

City Administrator Craig Clark presented an agreement with Discover Austin for a three year program with the City funding \$40,000 per year for an additional employee at Discover Austin. The employee would work to increase tourism in Austin, primarily at the Mower County Fairgrounds and City facilities.

Moved by Council Member Postma, seconded by Council Member Baskin, adopting a resolution approving an agreement with Discover Austin. Carried 7-0.

Assistant City Engineer Mitch Wenum requested the Council designate the City's state aid streets in accordance with the updated information for 2022.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution designating 2022 Municipal State Aid Streets. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a bench rental agreement with United States Bench Corporation for benches that advertise in the public right of way. The rental rate is \$36 per bench, per year. The agreement would provide \$1,080 of revenue over the 2-year agreement.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution approving a bench rental agreement with United States Bench Corporation. Carried 7-0.

Assistant City Engineer Mitch Wenum requested the Council adopt a resolution for the 2022

street project feasibility reports.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution requesting feasibility reports for 2022 street construction projects. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a two-year extension for the use of the remainder of the North Main Street Flood Project grant. The original amount of the grant was \$1,125,000 and there is just under \$40,000 remaining.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, approving an extension agreement for the North Main Street Flood grant. Carried 7-0.

Human Resources Director Trish Wiechmann requested the Council set the 2022 seasonal, temporary and part-time wage rates.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution setting 2022 seasonal, temporary and part-time wage rates. Carried 7-0.

Parks and Recreation Director Kevin Nelson stated in order to qualify for a grant for Todd Park, restrictions need to be placed on the park. He presented a proposed resolution with the deed restrictions and map.

Moved by Council Member Poshusta, seconded by Council Member Waller, adopting a resolution establishing deed restrictions for Todd Park. Carried 7-0.

Public Works Director Steven Lang reviewed a request for a combination of parcels from Mark Lang. He owns three parcels and would like to combine them into one parcel which would make the site more compliant with city codes.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, approving a lot combination for Steven Lang. Carried 7-0.

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 107 2<sup>nd</sup> Street SE, Torres Property. Carried.

Assistant City Engineer Mitch Wenum requested the Council approve contracts for right-of-way acquisition services on 21<sup>st</sup> Avenue NE. As part of the planned street reconstruction project the City is receiving a federal grant in the amount of \$400,000. That grant has certain requirements that the City prove ownership of all the property and there appears to be some overlap. The contracts will help determine the overlap and the cost for acquisition of the property.

Moved by Council Member Fischer, seconded by Council Member Waller, approving contracts for right-of-way acquisition services on 21<sup>st</sup> Avenue and 11<sup>th</sup> Avenue NE. Carried 7-0.

## REPORTS

City Administrator Craig Clark stated the federal funding the City applied for at the Waste Water Treatment Plant was not approved.

Administrative Services Director Tom Dankert stated the truth in taxation hearing will be held December 8<sup>th</sup> at 6:00 p.m.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, adjourning the meeting to December 8, 2021. Carried.

Adjourned: 5:59 p.m.

Approved: December 20, 2021

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

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

**M I N U T E S**  
**2022 BUDGET AND TAX LEVY PUBLIC HEARING**  
**DECEMBER 8, 2021**  
**6:00 P.M.**  
**COUNCIL CHAMBERS**

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

**MEMBERS ABSENT:** Council Member Joyce Poshusta.

**STAFF PRESENT:** City Administrator Craig Clark and Director of Administrative Services Tom Dankert

**OTHERS APPEARING:** Austin Daily Herald, Maryann Clennon, 4 other citizens.

Mayor King called the meeting to order at 6:00 P.M.

Mr. Dankert noted the purpose of the meeting is for discussion of the 2022 property tax levy and the 2022 operating budgets for all city departments. Mr. Dankert noted this budget was created based on the direction of the elected officials, using the basic premise of a “functioning city”. The implementation of the Comp and Class study during 2020 and its implications into 2022 resulted in the need for an increase in revenue to pay for such implementation, or further reduction of operations.

Administrative Services Director Tom Dankert gave a brief review of the city’s overall budget of \$38,949,960 noting the budgeting process takes the greater part of seven months to complete as we started the budgeting process in May this year. Mr. Dankert further noted that for 2022, LGA is 45.11% of the total General Fund budget, so we are heavily dependent upon the State of Minnesota to keep taxes and services at the level they are at. The total LGA Austin is certified to receive in 2022 is \$8,755,992.

The past tax levies were discussed and Mr. Dankert noted that 2022 will have a proposed tax levy increase of 6.78%, for a tax levy of \$7,940,000. In the past, roughly 2-3% of any tax increase has been paid by new homes and new businesses in the community, however the City’s Housing Tax Abatement program will reduce that going forward. The 6.78% tax increase will net the City an additional \$504,000 of tax revenue, all of which will be eaten up in increases in employee compensation and benefits as a result of the Comp and Class study implementation.

Full-time equivalent (FTE) employees are projected to increase from 2021 to 2022 by 4.0 FTE’s. The proposal for 2022 includes the rehiring of the City Administrator Administrative Assistant, a Librarian, Nature Center Maintenance, Sign Shop and two Tree Trimmers reassigned from the Parks Maintenance Crew. All of these positions are vacated for the 2021 operating year; however, support has been levied by the elected officials to bring them back to help create the functioning city operations.

Mr. Dankert discussed the portion of the tax levy that goes toward street projects, noting the street debt service levy is now gone, as we no longer finance the middle 50% of a street

project with debt. Instead, \$1,416,000 is also being used for current street projects that did not involve a debt issuance for 2022. Contingency also sits at \$112,000 (about \$38,000 less than normal) for 2022.

Mr. Dankert also discussed maintaining fund balances in the General Fund at the 42% to 48% level. This helps to maintain our Aa2 credit rating, and allows for us to have some cash flow money for the first six months of the year. Mr. Dankert noted at the end of 2020 we were above that fund balance amount, and as a result of Covid-19 during 2020 and some additional aid/reduced expenditures our fund balance was above 70% or more at the end of 2020. Council ended up allocating nearly \$4.4 million of this fund balance in 2021 for primarily one-time projects.

Mr. Dankert noted the budgeting process began in early May and is not completed until December. Mr. Dankert noted it is typical for the city to take several months to finalize the budgets, as meetings are held with department heads and the council on several occasions before the final budget is approved. Preliminary budgets and tax levies are required by law to be approved by September 30 of each year. Tax levies cannot be increased after September 30 (with some exceptions), but they may be decreased.

Mr. Dankert discussed the breakdown of the 2022 proposed tax levy. Mr. Dankert noted the tax levy is increasing from \$7,436,000 in 2021 to \$7,940,000 in 2022 if Council approves the proposed amount.

The current breakdown of the citizen's tax dollar is as follows: The City of Austin's tax levy represents about 41% of the tax capacity (41 cents of every local property tax dollar paid comes to the City). Mower County receives 36%, the School District receives 21%, and the Watershed/HRA receives the other 2%. Roughly 64% of the expenditures in the General Fund goes toward wages and benefits.

Mr. Dankert discussed the budgeted expenditures of \$38,949,960 for 2022, noting the Enterprise Fund expenditures of \$8,816,401 are paid for via the users. The revenue sources for the year 2022 budget include the tax levy of \$7,940,000, and state aid of \$10,147,836 (mainly LGA). Mr. Dankert noted other minor line items that balance out the total city budget of \$38,949,960 for the year 2022. Mr. Dankert noted the largest revenue source for the City of Austin is from LGA at \$8,755,992 budgeted for 2022.

Mr. Dankert discussed each budgeted fund and the revenue sources and expenditures that make up each. The General Fund budget of \$19,412,137 was discussed by area of expenditure. General Administration's budget of \$2,393,331 pays for the City Clerk, Mayor, Council Members, Finance, Elections, City Attorney, and Administrator, among other things (12% of the General Fund budget). The Public Safety budget of \$8,373,234 is primarily for the Police and Fire Departments and Building Inspection and comprises 43% of the General Fund budget. The Highways and Streets Department's budget of \$4,048,936 funds Engineering, Streets, Highway, and Lighting, among other things (21% of the General Fund budget). Park and Rec has a budget, including the Riverside and Packer arenas, of \$3,387,677 for their programs (17% of the General Fund budget). Other budgeted costs of \$903,900 are primarily for capital and contingency, plus there is another \$305,059 budgeted for economic development (mainly the hotel/motel tax remittance and the DCA payment).

Mr. Dankert did note undesignated Contingency is at \$112,000 (usually we like this number at \$150,000) as cuts had to be made to fit into Council's budget parameters.

Mr. Dankert briefly discussed the Recreation Programs Fund budget of \$120,291. These funds are generated via the different programs and used to help support each individual group. Mr. Dankert said there is no public tax support for this.

The budget for the Library Fund was discussed. The total budget of \$1,259,534 includes a funding request from the County for \$191,500 in 2022. Mr. Dankert noted most of the Library budget is funded by tax payers.

Mr. Dankert discussed the Fire PERA fund. This fund originated from the rebate of the overfunded Fire retirement plan that was originally administered by the City. The Fire PERA funds do not have any planned expenditures in this fund for 2022.

The Tax Increment Debt Service Fund Budget of \$324,950 is funded via tax increments paid on the affected properties. Expenditures include payments on existing developer agreements.

The Capital Projects budget is being used to continue to add LED street lighting, a dam ownership transfer, hazardous building removal, sidewalk replacement, and some mill and overlays. The tax levy and grants make up most of the revenue sources associated with these expenditures.

The Enterprise Funds are funded primarily from user fees. The Sewer User Fund has budgeted revenues of \$7,826,849 for the year 2022. Included in the budget is an addition to the reserves of \$550,000 for future treatment plant expansion plus \$100,000 for the improvements of the collection system. These reserves are being used to help fund the ongoing capital improvements to the facility. Mr. Dankert noted Hormel Foods Corporation pays 100% of the industrial charges at the Wastewater Treatment Plant. This is an operational budget, so the proposed multi-million-dollar engineering costs for creating the plans and specs for the new WWTP and the expansion itself are not included here.

The Waste Transfer Station budget of \$53,500 has a primary revenue source from a lease with Waste Management. A recent lease with Waste Management should ensure the longevity of the transfer station for our residents' use. The Waste Transfer Station does not use any tax levy to help fund its operations or capital improvements.

The Storm Water Management District is used to meet funding needs for the federal/state storm water unfunded mandates. User fees added to utility bills pay for the normal operations in 2022 of approximately \$936,052. The user fee is being increased from the current rate of \$4.00 per parcel per month to \$5.50 (effective January 2022), with commercial entities paying a residential equivalency unit charge.

Mr. Dankert discussed the Port Authority budgets. The Port Authority General Fund uses the \$50,000 of tax levy for development purposes. The Walker Building has income projected, and that income has been put back into the building for improvements, and helped to finance other projects over the years. The Port Authority owns the Hormel

Institute Phase II expansion, but all of the costs (except depreciation) are on The Hormel Institute as an entity.

Internal Service Funds have revenue sources from other city departments. Funds are accumulated to pay for health insurance, new vehicles, and computer operations. The Central Garage has a budget of \$2,508,681. This includes both the Street Department and the Park and Rec Department. Included in the budgets are building/equipment additions of \$450,000 for the Street Department and \$325,000 for the Park and Rec Department.

The M.I.S. Department has a budget of \$346,967 for 2022. This fund has revenue sources from the city's departments within the General Fund. The employee in this department is available to all city departments to evaluate individual needs. Also, web site development and upkeep are done internally by this position. Mr. Dankert did note that currently \$20,000 is allocated for replacement of equipment, plus another \$75,000 needed for our replacement of the servers (done every 6 years).

The Fire Equipment Fund is used for purchasing and maintaining fire vehicles. Mr. Dankert noted there is currently \$470,000 of equipment (one new fire truck) scheduled for 2022.

The Risk Management Fund accounts for all of our insurance programs. The proposed revenues of \$2,300,341 are used to cover the expenditures. The Risk Management Fund includes Health Insurance, Property/Liability Insurance, Workers Comp. Insurance, and Sick Leave payments that are owed.

Mr. Dankert briefly discussed some sample tax statements showing how the taxes are allocated between the different taxing jurisdictions. Overall, there appeared to be limited valuation increases in commercial property, however residential saw a general overall increase in value of roughly 8% as a direct result of the limited housing stock in Austin being sold above assessed valuations. However, we have seen instances of 30%+ increases in home valuations.

Questions were answered from the public, many of which revolved around the valuation increase and the residents' limited ability to pay more in taxes.

Mr. Dankert discussed the resolutions that will need to be passed at the December 20, 2021 city council meeting. The first resolution would certify the tax levy to the County Auditor in the amount of \$7,940,000 if Council desires to levy the proposed amount. The second resolution would certify the adopted budget for the year 2022.

The third resolution would cancel certain tax levies on the Austin Utilities Central Facility bond issue. This levy is not needed as we have alternate sources of revenues to pay off the bond issue.

No additional comments or questions were made by the public.

With no others speaking, motion by Council Member-at-Large Austin, seconded by Council Member Waller, recommending to Council the tax levy of \$7,940,000 for payable 2022. Carried 6-0. Item will be added to the next council agenda.

Motion by Council Member-at-Large Austin, seconded by Council Member Waller to recommend to Council the budget of \$38,949,960 for 2022. Carried 6-0. Item will be added to the next council agenda.

Motion by Council Member Baskin, seconded by Council Member Postma, recommending to Council the cancelation of certain ad valorem taxes for 2022. Carried 6-0. Item will be added to the next council agenda.

Mr. Dankert noted these three resolutions will be acted on at the December 20, 2021 city council meeting at 5:30.

Motion by Council Member Fischer, seconded by Council Member-at-Large Austin, to adjourn the meeting at 6:58 P.M. Carried.

Approved December 20, 2021

Mayor \_\_\_\_\_

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

# Austin POLICE DEPARTMENT



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

## EVENT APPLICATION

1. Event Title Saturday, June 11, 2022 5 Mile Walk
2. Name/Address of Organization Austin Congregational United Church of Christ
3. Contact Person Vickie Spyhalski E-mail vspyhalski@gmail.com  
Phone 507-279-0356 Cell Phone
4. Alternate Contact David Stoeger E-mail pastordavidstoeger@gmail.com  
Phone 507-258-1049 Cell Phone
5. Date of Event June 11, 2022 Approximate Number of Participants 200
6. Assembly Area Location and Description Austin Congregational UCC  
1910 3rd Avenue NW
7. Starting Time of Event 9 a.m. Estimated Termination Time 11 a.m.
8. Starting Point 1910 3rd Avenue NW
9. Termination Point 1910 3rd Avenue NW
10. Portion of Street Width: (Run/Walk Events: Runners and walkers are to remain in the furthest right lane or out of the vehicle traffic lane as much as possible. Organizers are responsible for providing personnel wearing reflective safety gear along the route to assist participants at intersections.)
11. Please draw a map on the back of this form, or attach a map or PDF of the event route, and indicate if barricades are needed. Travel route of event (and/or street closures with barricades):  
Route PDF attached

Signed by Victoria Sue Spyhalski, 10/26/2021

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Signature of Applicant

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Date

Approved upon compliance with the following terms and conditions: \_\_\_\_\_

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A handwritten signature in blue ink.

Digitally signed by  
Steven Lang  
Date: 2021.12.02  
08:35:10 -06'00'

City Engineer

Date

Chief of Police or Designated Officer Date

A handwritten signature in black ink.

11-9-21

## HOUSING TAX ABATEMENT APPLICATION

(Application Period 8-1-16 through 12-31-2019)

Property Owner / Applicant: Bigelow & Lennon ConstructionCurrent Address: 211 1st St SW Byron, MN 55920Telephone: 507-775-7068E-Mail: jll1@bigelowlennon.comHas applicant ever defaulted on property taxes?  Yes  No If Yes, provide details on separate page(s).Are property taxes current?  Yes  NoProposed Project:  New Construction  Replacement of housing unitProject Type:  Single Family  Duplex  Multi-family

Project Address:

2100 14th Ave NE Austin, MN 55912

Project Legal Description:

Lot 2, Block 2 Nature Ridge 2ndParcel Number: 3A.467.0070Estimated Project Valuation: \$ 310,000.00

## Applicant Statement:

(Please provide a statement as to why you are requesting an abatement of property taxes.)

We would like to continue to provide quality homes for buyers in Mower County.Attach building plans, site map, parcel information and parcel number. (Include letter of consent from property owner if subject to purchase agreement.)

I / We as applicant(s) for the Housing Tax Abatement certify that no construction has begun or will begin prior to the taxing authority's decision on my/our application. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.

Construction Certification

Signature

Date

I / We as applicant(s) for the Housing Tax Abatement submit this application having read the policy and understand the provisions as outlined including, but not limited to, the potential of a partial abatement in year one, construction must commence within one year of the approval, assessors cannot be refused access to the property for assessment purposes and the abatement is awarded following full payment of real estate taxes due annually.



Date

## FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

 City or  Township of

Date:

School District of

Date:

**Disclaimer:** Each taxing entity makes its own decision on approval or denial of application for tax abatement. Applications must comply with all requirements of the policy/program as outlined in the policy/program guidelines and build within allotted timeframe or tax abatement offer will be automatically terminated. Building cannot start until such time as all taxing entities have approved and written authorization is provided.

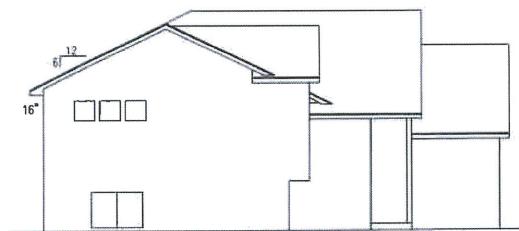
Please submit completed applications to:

Mower County Administration

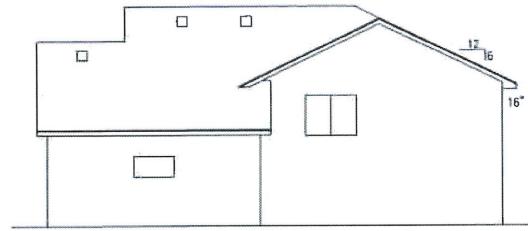
201 1st Street NE, Suite 9, Austin MN 55912

507-437-9549

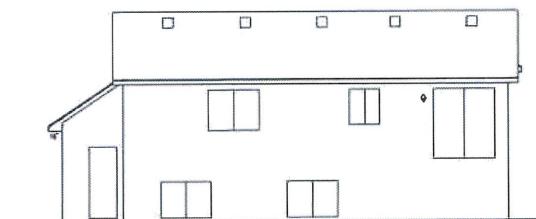
Office Hours: M-F 8 a.m. – 4:30 p.m.



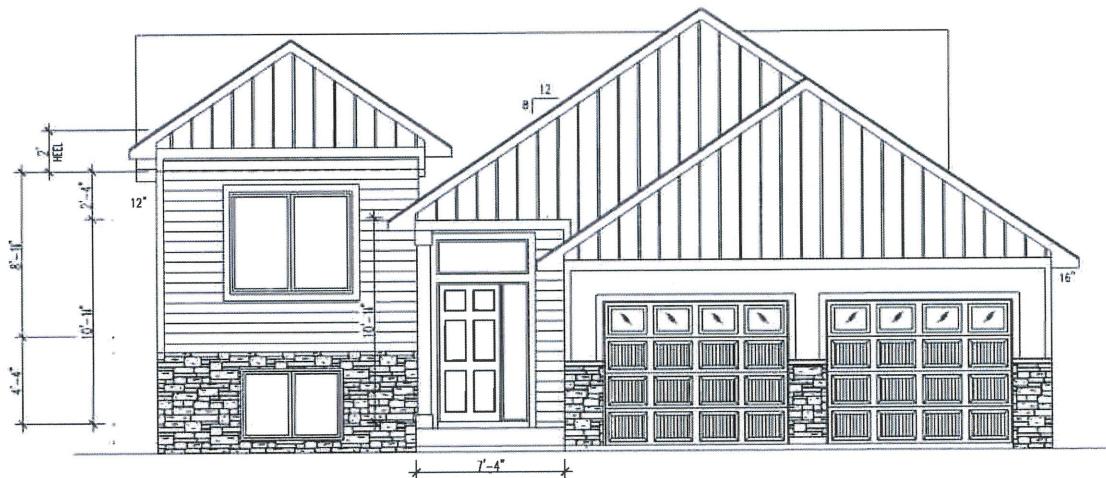
SIDE ELEVATION  
SCALE=1/8"



SIDE ELEVATION  
SCALE=1/8"

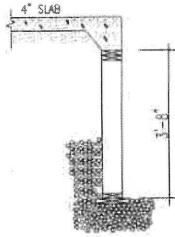


REAR ELEVATION  
SCALE=1/8"

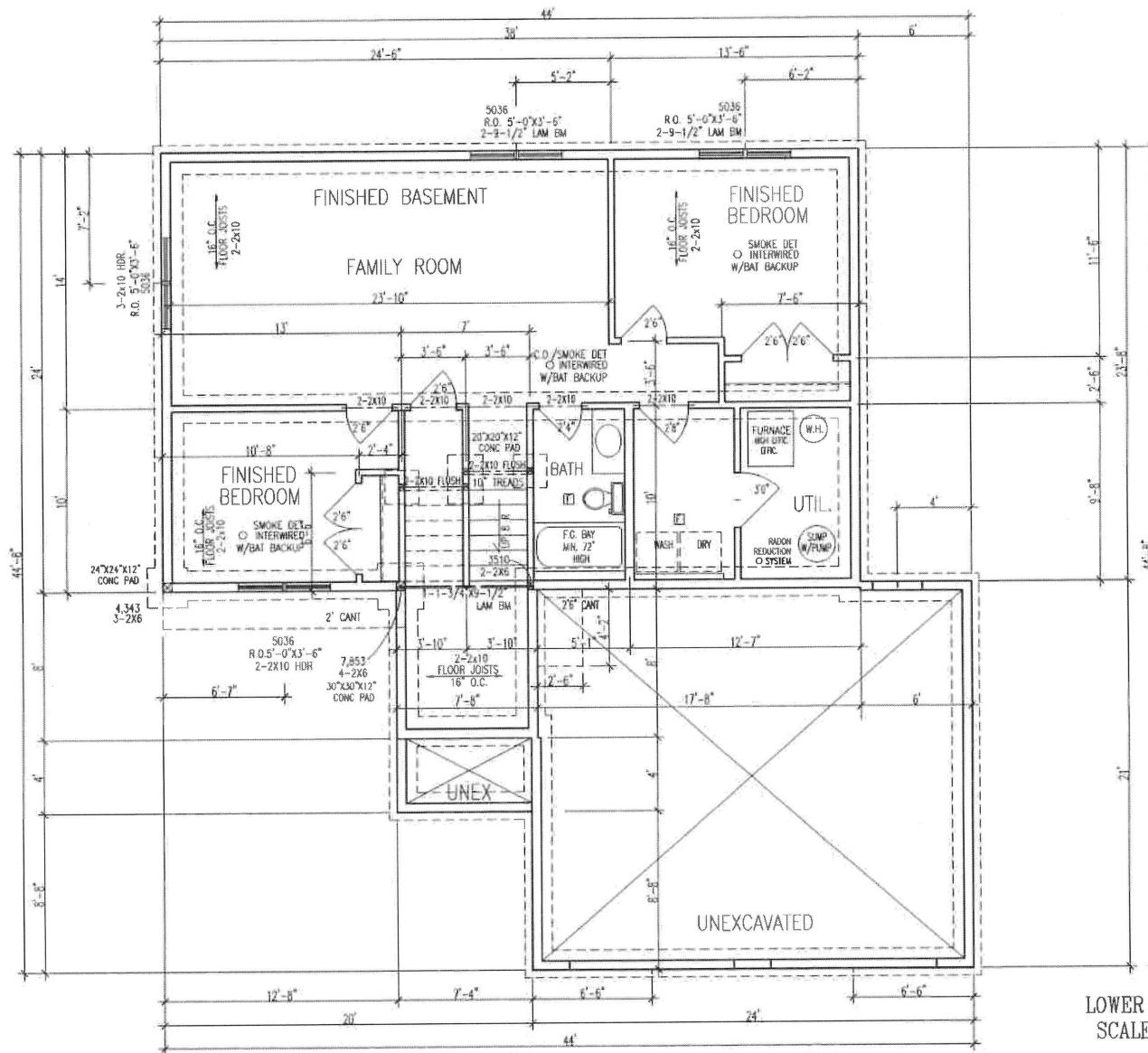


FRONT ELEVATION  
SCALE: 1/4"=1'0"

DASHED WALLS ARE FUTURE  
SOLID WALLS AND BUILT  
WITH NO S/ROCK



STOOP  
2X10 .60 TRTD FOOTING PLATE  
2X6 .60 TRTD BTM PLATE  
2X6 .60 TRTD WALL STUDS 24" O.C.  
SEE MAIN FOUNDATION FOR DETAILS  
PROVIDE METAL FLASHING  
BETWEEN CONCRETE  
STOOP AND RM.

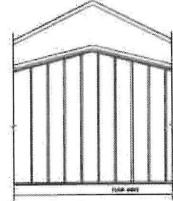


LOWER FLOOR PLAN  
SCALE 1/4"=1'-0"

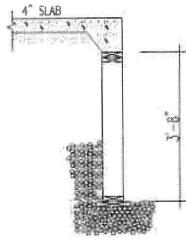
CONTINUED		These plans have been reviewed and approved for construction as drawn. Additional changes will require a change order form.	
Date	Date		
9/74	9/28-21	9/28-21	9/28-21
BIGLOW / LENNON		Nature Ridge Mod. #2-2 211295	
DRAFTER			

PATIO DOOR TO REMAIN  
LOCKED AND INOPERABLE WITH  
36" HIGH HANDRAIL 4" MAX O.C.  
OPENING GUARDRAIL  
UNTIL DECK CONSTRUCTION  
IS COMPLETE, 200 LB CAPACITY

200 LB CAPACITY FURNISHED TO THE  
ENDER OF THE GUARDRAIL AND TO THE  
CLOSEST TO THE CORNER AND TO THE  
FOUNDATION OR FLOOR FRAMING BELOW

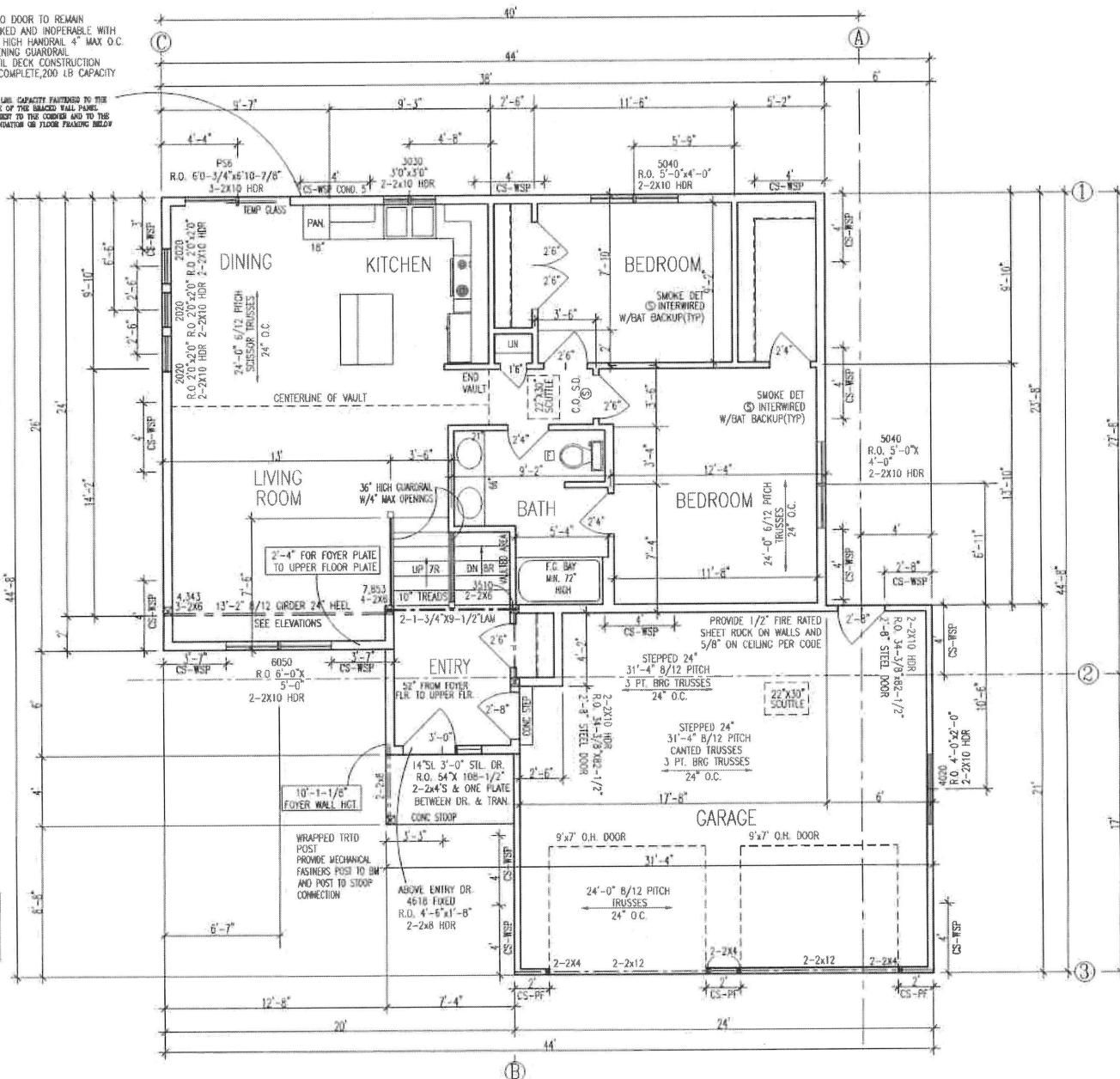


WHEN SCISSOR TRUSSES ARE USED  
THE CABLE END FRAME SHALL MATCH  
THE PROFILE OF THE SCISSOR TRUSSES  
ADJACENT TO IT FOR PROPER BOTTOM CHORD  
PLATE BRACING TO BE INSTALLED  
ALL OPENING IN EXTERIOR WALL OF  
BALLOON FRAME SHOULD HAVE A MIN  
OF TWO KING STUDS ON EACH SIDE  
OF OPENING TO RESIST WIND LOAD.



STOOP  
2X10 60 TRID FOOTING PLATE  
2X6 60 TRID BM PLATE  
2X6 60 TRID WALL STUDS 24" O.C.  
SEE MAIN FOUNDATION FOR DETAILS  
PROVIDE METAL FLASHING  
BETWEEN CONCRETE  
STOOP AND RIM.

VERIFY ALL ROUGH OPENINGS  
WITH ANDERSEN WINDOW  
SUPPLIER 200 SERIES SLIDER



MAIN FLOOR PLAN  
SCALE 1/4"=1'-0"  
8'1-1/8" PLATE

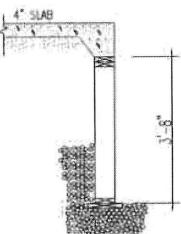
DATE DRAWN: 07-10-21  
BY: JEFFREY J. BROWN  
FOR: BIGLOW / LENNON  
HOME  
ADDRESS: 1009 NATURE RIDGE DR.  
CITY: BLOOMINGTON  
STATE: IL  
ZIP: 61710  
PHONE: (309) 261-2121  
FAX: (309) 261-2121  
E-MAIL: jeffrey@biglow.com  
WEBSITE: www.biglow.com

DATE DRAWN: 07-10-21  
BY: JEFFREY J. BROWN  
FOR: BIGLOW / LENNON  
HOME  
ADDRESS: 1009 NATURE RIDGE DR.  
CITY: BLOOMINGTON  
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These plans have been  
reviewed and approved  
for construction as  
drawn. Additional changes  
will require a change  
order form.

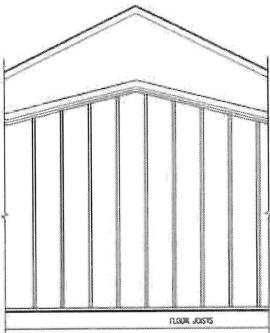
CONTRACTOR: BIGLOW / LENNON  
DRAFTS: NATURE RIDGE MOD. #2-2  
2112795  
DATE: 07-10-21  
BY: JEFFREY J. BROWN  
FAX: (309) 261-2121  
E-MAIL: jeffrey@biglow.com  
WEBSITE: www.biglow.com

DESCRIPTION: MAIN FLOOR		* ALLOWABLE CALCULATION EXAMPLE									
BRACED PANEL LENGTH TABLE BASED ON WIND SPEED (<90mph)		WALL LENGTHS									
WALL TYPE AND LOAD	WALL HEIGHT AND TOWER NUMBER	WALL LOAD AND SPACING	WALL LENGTH (FEET)	STRUCTURE WALL CONDITION	ROOF TO WALL HEIGHT TOTAL	WALL LOAD AND SPACING	WALL LENGTH (FEET)	STRUCTURE WALL CONDITION	ROOF TO WALL HEIGHT TOTAL	WALL LOAD AND SPACING	WALL LENGTH (FEET)
BRACED WALL LOAD 10.4 i											
①	CS-WSP	28 FT.	4.7'	1.0	1.0	0.90	1.3	5.49'	12'-0"		
②	CS-WSP	28 FT.	4.7'	1.0	1.0	0.90	1.3	5.49'	14'-4"		
③	CS-WSP	20 FT.	3.5'	1.0	1.0	0.95	1.3	4.32'	6'-0"		



STOOP  
2X10 .60 TRID FOOTING PLATE  
2X6 .60 TRID BTM PLATE  
2X6 .60 TRID WALL STUDS 24" O.C.  
SEE MAIN FOUNDATION FOR DETAILS  
PROVIDE METAL FLASHING  
BETWEEN CONCRETE  
STOOP AND RIM

BRACED PANEL LENGTH TABLE BASED ON WIND SPEED (<60mph)										ADJUSTMENT CALCULATOR EXAMPLE			
BRACED WALL LINE	BRACING METHOD TABLE 2020 I-95	BRACED WALL LINE (FEET)	REQUIRED BRACING HEIGHT (FEET)	STRUCTURAL FACTORS OF CONSTRUCTION	HOW TO HAVE TOTAL	WALL HEIGHT TOTAL	PUNCHED BRACED WALL LINES	PUNCHED BRACED WALL LINES (FEET)	PUNCHED BRACED WALL LINES (FEET)	PUNCHED BRACED WALL LINES (FEET)	PUNCHED BRACED WALL LINES (FEET)	PUNCHED BRACED WALL LINES (FEET)	
										WALL LINE TYPE	WALL LINE TYPE	WALL LINE TYPE	WALL LINE TYPE
(A)	CS-WSP	42 FT.	6.3'	1.0	1.0	0.80	1.3	7.37'	26'-0"				
(B)	CS-WSP	28 FT.	4.4'	1.0	1.0	0.80	1.3	5.14'	12'-0"				
(C)	CS-WSP	42 FT.	6.3'	1.0	1.0	0.80	1.3	7.37'	26'-0"				

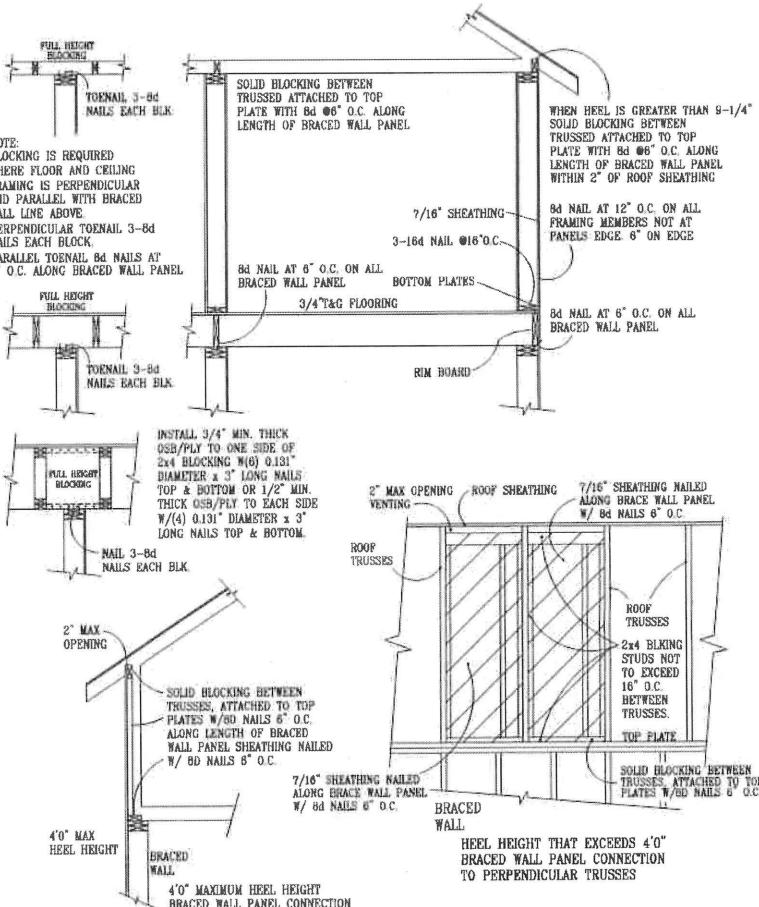


WHEN SCISSOR TRUSSES ARE USED  
THE GABLE END FRAME SHALL MATCH  
THE PROFILE OF THE SCISSOR TRUSSES  
ADJACENT TO IT FOR PROPER BOTTOM CHORD  
PLATE BRACING TO BE INSTALLED  
ALL OPENING IN EXTERIOR WALL OF  
BALLOON FRAME SHOULD HAVE A MIN.  
OF TWO KING STUDS ON EACH SIDE  
OF OPENING TO RESIST WIND LOAD

**WALL BRACING NOTES: CS-WSP**

1. ALL WALLS SHALL BE CONTINUOUSLY SHEATHED WITH WOOD STRUCTURAL PANELS
2. CS-WSP OR PLANS INDICATE AREAS OF BRACED PANELS
3. BRACED PANELS SHALL BE CONSTRUCTED WITH 16 O.C. STUDS. PLATE FASTENED TO SOLID FRAMING W/ 3-164 NAILS 16° O.C.
4. BOTTOM PLATES ATTACHED TO SOLID FRAMING W/ 3-164 NAILS 16° O.C.
5. 7/16" OSB SHEATHING (24/16 INDEX) FASTENED W/ 24 COMMON NAILS 6° O.C. ON EDGES AND 12° O.C. IN FIELD
6. SOLID BLOCKING BETWEEN TRUSSES WITH HEEL GREATER THAN 9-1/4" TO WITHIN 7" OF ROOF SHEATHING FASTENED WITH MIN 88 NAILS 8" O.C. ALONG LENGTH OF PANEL
7. ANY OTHER TYPE OF BRACING METHOD SHALL BE INDICATED ON PLAN AND SEPARATE DETAIL WILL BE PROVIDED.

GB INTERIOR BRACED WALL  
PLATE FASTENED TO FLOOR W/3-18d NAILS @ 18" O.C.  
FULL HEIGHT BLOCKING 18" O.C. 3-8d NAILS EACH BLOCK  
7" SCREWED GRID ON ROCK



HEEL HEIGHT THAT EXCEEDS 4'0"  
BRACED WALL PANEL CONNECTION  
TO PERPENDICULAR TRUSSES

CONTRACTOR:		BIGELOW / LENNON	
NAME:		NATURE RIDGE MOD. #2-2	
ADDRESS:			
CITY:		9-28-21	
STATE:		2112795	
ZIP:			
PHONE #:			
F/S			

These plans have been reviewed and approved for construction as shown. Additional changes will require a change order form.



# PROGRESSIVE PLAN DESIGN LLP

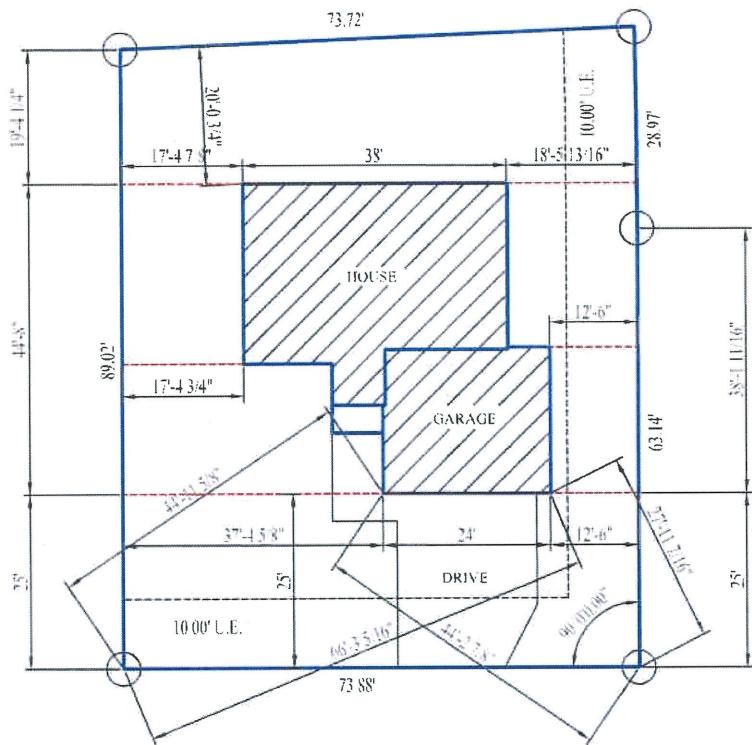
RESIDENTIAL ARCHITECTURE  
714 CO. RD. 3 N.W. Byron, MN 55920  
(507)775-6877

LOT, #2 BLK. #2  
SUBDIVISION: NATURE RIDGE  
CITY: AUSTIN STATE: MN

CONTRACTOR: BIGELOW/LENNON  
CUSTOMER: NATURE RIDGE #2-2



SCALE: 1" = 25'



## PURCHASE AGREEMENT

**RECEIVED OF** Bigelow & Lennon Construction, LLC the sum of \$500.00 as earnest money in part payment for the purchase of property in Mower County, Minnesota, described as:

Lot 2, Block 2, Nature Ridge Second in Outlot D, Nature Ridge Austin, Mower County, Minnesota.

**LEGAL TO GOVERN**, all of which property the undersigned has this day sold to the buyer for the sum of \$30,000.00, which the buyer agrees to pay as follows: Earnest money \$500.00 and \$29,500.00 cash on or before July 30, 2021.

The real estate taxes due and payable in the year 2021 shall be prorated between Buyer and Seller as of the date of closing.

Any special terms, conditions or representations, not readily determined by actual inspection are to appear on the reverse side of this contract.

Subject to performance by the buyer, the seller agrees to execute and deliver a Warranty Deed (also owner's duplicate certificate of title, if registered property, at time of delivery of deed) conveying a marketable title to said premises subject only to the following exceptions: (a) Building regulations, zoning laws, ordinances, state and federal regulations, (b) Restrictions relating to use or improvement of premises not subject to unreleased forfeiture, (c) Reservation of any minerals or mineral rights to the State of Minnesota. Utility Easements. Subject to rights of tenants, if any.

Seller certifies that there are no wells or septic system on said property.

To the best of Seller's knowledge, there are no hazardous substances or underground storage tanks except herein noted: NONE.

Seller is not aware of any methamphetamine production that has occurred on the property.

The seller further agrees to deliver possession not later than July 30, 2021 PROVIDED THAT ALL THE CONDITIONS OF THIS AGREEMENT HAVE BEEN COMPLIED WITH. Closing date shall be on or before July 30, 2021.

The Seller shall at its sole cost and expense provide Buyer with a current Commitment from a title insurer acceptable to Buyer for issuance of an Owner's Title Insurance Policy (the "Title Commitment"). Buyer shall be allowed twenty (20) days after receipt of the Title Commitment for examination and the making of any objections thereto, such objections (exclusive of any of the Permitted Title Exceptions) to be made in writing or deemed to be waived. If any objections are so made, Seller shall be allowed sixty (60) days after receipt of such objections to make title marketable. If title is not marketable and is not made to within said sixty (60) days of this Agreement, Buyer may either (i) waive the uncured title defect and proceed with this transaction; (ii) terminate this Agreement by written notice to Seller, whereupon the Earnest Money shall be returned to Buyer and the parties shall be relieved of all further liability under this Agreement; (iii) exclude from this Agreement in writing the portions of the Property affected by

the uncured title defect and proceed with this Agreement as to the remainder of the Property, with appropriate adjustment in the Purchase Price. If the title to the Property is found marketable or is made so within said time, and this Agreement is terminated by Seller in accordance with Minnesota Statutes Section 559.21, all Earnest Money shall be retained by Seller as liquidated damages.

(1) The following shall be Permitted Title Exceptions:

- (a) Easements of record which do not interfere with the Buyer's intended use of the Property.
- (b) Reservations of minerals or mineral rights by the State of Minnesota.
- (c) Building, zoning and subdivision laws and regulations provided the Property and its current use are in compliance with the same.
- (d) The lien of real estate taxes which are payable by Buyer pursuant to the terms and conditions of this Agreement.

(2) The following shall not be Permitted Encumbrances:

- (a) Any mortgage now of record against the Property.
- (b) Judgments or liens not satisfied at or before Closing.
- (c) Real estate taxes and special assessments which are the responsibility of Seller pursuant to the terms and conditions of this Agreement.

**Buyer has a general willingness to take title subject to the listed Permitted Title Exceptions subject to the other provisions of this Agreement and to an examination of title based upon the Minnesota Title Standards and upon Minnesota law.**

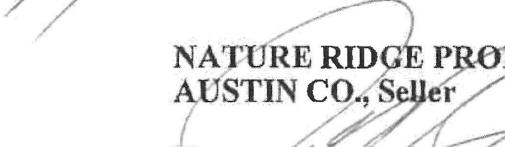
Buyer also reserves the right to evaluate the Permitted Title Exceptions in the light of Buyer's intended uses and enjoyment of the Property. Buyer shall have until the end of the period for stating Title Objections under subparagraph B above to make the evaluation and determine if these title issues will affect Buyer's intended use and enjoyment of the Property. If Buyer, in Buyer's sole discretion, determines that these title issues will adversely affect Buyer's intended use and enjoyment of the Property, Buyer may declare this Purchase Agreement void by timely notice to Seller, neither party shall be liable for damages hereunder to the other, and earnest money shall be refunded to Buyer. If the period for stating Title Objections passes without Buyer's declaring that these title issues will adversely affect Buyer's intended use and enjoyment of the Property, then, subject to Seller's covenant to deliver a good and marketable title of record, Buyer shall take title subject to all Permitted Title Exceptions.

By delivery of the foregoing documents to Purchaser, Seller shall be deemed to have represented that all such documents and information are to Seller's Knowledge true, correct and complete.

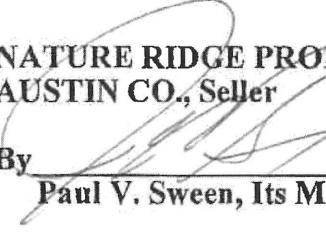
Buyer shall pay for the cost of an Owner's Title Insurance Policy.

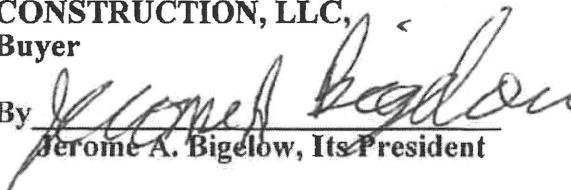
I hereby agree to sell/purchase the said property for the price and upon the terms above mentioned, and subject to all conditions herein expressed.

Dated this 20<sup>th</sup> day of July, 2021.

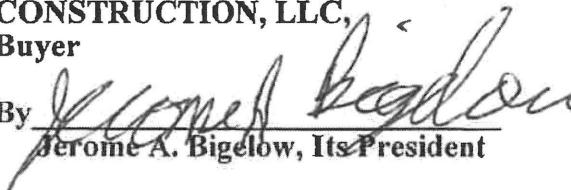
  
**NATURE RIDGE PROPERTIES OF  
AUSTIN CO., Seller**

By

  
**Paul V. Sween, Its Manager**

  
**BIGELOW & LENNON  
CONSTRUCTION, LLC,  
Buyer**

By

  
**Jerome A. Bigelow, Its President**

**THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER AND  
SELLER. IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN  
APPROPRIATE PROFESSIONAL.**

**RESOLUTION NO.**

**RESOLUTION APPROVING TAX ABATEMENT  
FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813**

**WHEREAS**, the Austin Home Initiative's purpose is to provide incentives to encourage the construction of new owner occupied and residential housing units within the City of Austin for the public benefit including, but not limited to, capturing future taxes from units that would not have otherwise been constructed and increasing housing inventory to support local business growth.

**WHEREAS**, Minnesota Statute 469.1813 gives authority to the City of Austin to grant an abatement of taxes imposed by the City if certain criteria are met; and

**WHEREAS**, in addition to the statutory requirements, the City of Austin has adopted the Austin Home Initiative guidelines which must be met before an abatement of taxes will be granted for residential development; and

**WHEREAS**, Bigelow & Lennon Construction is the owner of certain property within the City of Austin legally described as follows:

Lot 2, Block 2, Nature Ridge Second Addition, City of Austin, County of Mower

**WHEREAS**, Bigelow & Lennon Construction has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

**WHEREAS**, Bigelow & Lennon Construction has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision (1) and Subdivision 2(i) as well as the Austin Home Initiative guidelines for abatement;

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

The City of Austin does hereby grant an abatement of the City of Austin's share of real estate taxes upon the above-described parcel for the construction of a single family dwelling on the subject property.

The tax abatement will commence with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, and shall continue for five years.

The City shall provide the awarded abatement payments following the payment of due real estate taxes annually. Payments shall be made to the owner of record at the time of the payment.

The tax abatement shall be limited to the increase in property taxes resulting from the improvement of the property. Land values are not eligible and will not be abated.

The abatement shall be null and void if construction is not commenced within one year of the approval of this resolution or if the real estate taxes are not paid on or before the respective payment deadlines annually.

Passed by a vote of yeas and nays this 20th day of December, 2021.

Yea

Nay

ATTEST:

APPROVED

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City Recorder

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Mayor

**NOTICE OF PUBLIC HEARING  
ON TAX ABATEMENT REQUEST**

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, December 20, 2021 at 5:30 p.m. to consider a tax abatement request from Bigelow & Lennon Construction, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City’s portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$8,875. The subject property is located at 2100 14<sup>th</sup> Avenue NE, Austin, Minnesota and is legally described as:

Lot 2, Block 2, Nature Ridge Second Addition, City of Austin, County of Mower

The public hearing will be held in the City Council Chambers, at City Hall, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota. All interested persons are invited to attend and be heard. Those unable to attend are invited to send written comments, prior to the hearing, to: City Administrator, City of Austin, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota 55912.

Publish: December 8, 2021

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)

TO: Mayor and City Council  
*cc:*  
FROM: Tom Dankert, Director of Administrative Services  
DATE: December 20, 2021  
RE: 2022-2026 Capital Improvement Plan  
*U:\Word\2021\2022-2026 CIP\CIP Cover Memo - Council Meeting.doc*

Attached you will find the Capital Improvement Plan for the years 2022-2026. The plan proposes spending of \$158,321,300 over the next five-year period, but as we have noted, if grant funds are not accessed for a particular project, then the project would need to be put on hold until all of the funding sources are realized.

A big thanks to all of the department heads that participated in the creation of this document. Significant time is spent at the City of Austin planning for the future in many aspects of what staff do for the citizens on a daily basis, and this document should help in identifying the capital needs and the resources to pay for such over the next five years.

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

**RESOLUTION NO.**

**ADOPTING THE 5-YEAR CAPITAL IMPROVEMENT PLAN (2022-2026)**

**WHEREAS**, during the course of the preparation and review of the 5-Year Capital Improvement Plan 2022-2026 (the CIP), the City Council of the City of Austin, Minnesota (the City) has considered, for each capital improvement and for the CIP overall: the condition of the city's existing infrastructure, including the projected need for repair and replacement; the likely demand for the improvement; the estimated cost of the improvement; the available public resources; the level of overlapping debt in the City; the relative benefits and costs of alternative uses of the funds; operating costs of the proposed improvements; and alternatives for providing services most efficiently through shared facilities with other cities or local government units; and

**WHEREAS**, the CIP covers at least a five-year period beginning with the date of this adoption; sets forth the estimated schedule, timing, and details of specific capital improvements by year, together with the estimated cost, the need for the improvement, and sources of revenue to pay for the improvement.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUSTIN, MINNESOTA**, does ordain that the CIP is hereby adopted.

Passed by a vote of yeas and nays this 20th day of December, 2021.

YEAS

NAYS

ATTEST:

---

City Recorder

APPROVED:

---

Mayor

**RESOLUTION NO.**  
**APPROVING TAX LEVY FOR THE YEAR 2022**

**BE IT RESOLVED**, by the Common Council of the City of Austin that there is hereby levied upon all taxable property in the City of Austin a direct ad valorem tax in the year 2021, payable in 2022, for the following purposes and in the following amounts:

<u>PURPOSE</u>	
GENERAL	\$5,420,466
LIBRARY	1,053,534
PORT AUTHORITY	50,000
CAPITAL IMPROVEMENTS	<u>1,416,000</u>
	<u>\$7,940,000</u>

A certified copy of this resolution shall be transmitted to the County Auditor.

Passed by a vote of Yeas and Nays this 20th day of December, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

---

City Recorder

---

Mayor

**RESOLUTION NO.**  
**ADOPTING A BUDGET FOR THE YEAR 2022**

**BE IT RESOLVED**, by the Common Council of the City of Austin that the budget for the year 2022 is hereby approved and adopted with appropriations for each of the purposes to be as follows:

General Government Services	
General Administration	\$ 2,393,331
Public Safety	8,373,234
Highways and Streets	4,048,936
Park and Recreation	3,387,677
Business Development	305,059
Other General	903,900
Recreation Programs	120,291
Library	1,259,534
Fire PERA Refund	0
Capital Projects Funds	<u>2,306,000</u>
 Total General Government Services	<u>23,097,962</u>
 Tax Increment Revenue Pool	<u>324,950</u>
 Enterprise Funds	
Sewer User	7,826,849
Waste Transfer Station	53,500
Storm Water Management Dist.	936,052
Port Authority Operations	<u>966,658</u>
 Total Enterprise Funds	<u>9,783,059</u>
 Internal Service Funds	
Equipment Garage	2,508,681
Management Information System	346,967
Fire Equipment Services	588,000
Risk Management	<u>2,300,341</u>
 Total Internal Service Funds	<u>5,743,989</u>
 Total Budgets	<u>\$38,949,960</u>

SECTION 2. The estimated gross revenues of the City of Austin for all sources, including ad valorem tax levies as hereinafter set forth for the year 2022, as the same are more fully detailed in the official copy of the 2022 budget, are hereby found and determined as follows:

Revenues and Sources for all Funds:

Current Local Property Taxes	\$ 7,940,000
Intergovernmental Revenues	10,147,836
Charges for Services	541,027
Licenses and Permits	642,705
Miscellaneous	2,852,294
Other taxes	815,000
Fines and Forfeits	<u>159,100</u>
Total for General Government Funds	23,097,962
 Tax Increment Funds	324,950
Port Authority Funds	966,658
Enterprise Funds	8,816,401
Internal Service Funds	5,743,989
Total Budgets	<u>\$38,949,960</u>

Provisions have also been made in General Fund revenues for receipt of State Local Government Aid.

SECTION 3. A certified copy of this resolution shall be transmitted to the County Auditor.

Passed by a vote of Yeas and Nays this 20th day of December, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

---

City Recorder

---

Mayor

## RESOLUTION NO.

RESOLUTION AUTHORIZING CANCELLATION OF  
CERTAIN AD VALOREM TAX LEVIES

**WHEREAS**, certain resolutions of the City Council of Austin and Austin Port Authority provide for Ad Valorem Tax Levies to be made for the retirement of principal and interest on bond issues; and

**WHEREAS**, it appears desirable to cancel or to reduce such Ad Valorem Tax Levies to be levied in 2021 because there is sufficient fund balance available in these debt service funds to pay all or some of the principal and interest on these bonds due in 2022.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Austin, Minnesota that tax levies authorized to be made in 2021, collectible in 2022, are hereby canceled by the amounts indicated below:

<u>Resolution #</u>	<u>Issue</u>	<u>Cancellation Amount</u>
14976	G.O. Capital Improvement Bonds of 2015A	\$1,280,646

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be promptly given to the Mower County Auditor.

Passed by a vote of Yeas and Nays this 20th 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:

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 20th day of December, 2021.

ATTEST:

APPROVED:

---

## City Recorder

## RESOLUTION NO.

**GRANTING LICENSES FOR SALE OF ON-SALE HARD LIQUOR,  
SUNDAY HARD LIQUOR ON-SALE, SUNDAY WINE ON-SALE LICENSES, BREWER  
TAPROOM WITH SUNDAY  
AND 3.2 BEER ON AND OFF-SALE**

WHEREAS, the persons hereinafter named have applied to the City Council at Austin, Minnesota, for licenses to sell Hard Liquor On-Sale, at the respective addresses herein mentioned at Austin, Minnesota; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Hard Liquor On-Sale have complied with all the provisions of the law relative thereto and are entitled to have licenses issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of Hard Liquor On-Sale to the following licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2022, and expire December 31, 2022:

F and F Investments of Austin, LLC	dba B & J Bar 114 4th Avenue NE
Bobee Jo's, Inc.	dba Bobee Jo's 435 10th Street NE
Dusty's Bar & Lounge, LLC	dba Dusty's Bar & Lounge 422 North Main Street
Hoot & Ole's, LLC	dba The New Smitty's Tavern 105 11th Street SE
Apple Minnesota LLC	dba Applebee's Neighborhood Grill & Bar 1404 18th Avenue NW
Bicabut, Inc.	dba Bakery II Lounge 113 2nd Avenue NE
The Old Mill, Inc	dba The Old Mill 3504 11th Place NE
Austins LLC	dba Barley's 1207 North Main St
Bella Victoria Italian Cuisine, LLC	dba Bella Victoria Italian Cuisine 1801 14 <sup>th</sup> Street NW
Hy-Vee, Inc.	dba Hy-Vee Market Grille 1307 18th Avenue NW, Suite A
El Mariachi, Inc.	dba El Mariachi Mexican Restaurant 227 North Main Street
ATI Hotel LLC	dba Holiday Inn of Austin 1701 4th Street NW
El Patron Mexican Grill of Austin, LLC	dba El Patron Mexican Grill

Austin Minnesota Junior Hockey, LLC

1906 8th Street NW, Suite F  
dba Austin Bruins  
501 2nd Ave NE - Riverside Arena  
dba Cobblestone Hotel & Suites  
1000 16<sup>th</sup> Avenue NW  
dba Cuatro Copas Bar & Lounge  
324 N. Main Street

Austin Hotel Group, LLC

Cuatro Copas Bar & Lounge, LLC

AND, WHEREAS, persons hereinafter named have applied to the City Council for licenses to sell Sunday Hard Liquor On-Sale at the respective places hereinafter mentioned; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Sunday Hard Liquor On-Sale have complied with all the provisions of the law relative thereto and are entitled to have a license issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Austin does hereby grant licenses for the sale of Sunday Hard Liquor On-Sale to the following named licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2022, and expire December 31, 2022:

Dusty's Bar & Lounge, LLC

dba Dusty's Bar & Lounge  
422 North Main Street  
dba Bobee Jo's  
435 10th Street NE  
300 4th Avenue NE

Bobee Jo's, Inc.

Veterans of Foreign Wars Post 1216

107 11th Street NE & patio on north  
809 12th Street SW

Fraternal Order of Eagles 703

American Legion Post 91

Apple Minnesota LLC

dba Applebee's Neighborhood Grill & Bar  
1404 18th Avenue NW  
dba Holiday Inn of Austin  
1701 4th Street NW  
1202 28th Street NE

ATI Hotel LLC

Austin Country Club, Inc.

Bicabut, Inc.

Hy-Vee, Inc.

Hoot & Ole's, LLC

F and F Investments of Austin, LLC

El Mariachi, Inc.

dba Bakery II Lounge  
113 2nd Avenue NE  
dba Hy-Vee Market Grille  
1307 18th Avenue NW, Suite A  
dba The New Smitty's Tavern  
105 11th Street SE  
dba B & J Bar  
114 4th Avenue NE  
dba El Mariachi Mexican Restaurant

The Old Mill, Inc	227 North Main Street dba The Old Mill 3504 11th Place NE
El Patron Mexican Grill of Austin, LLC	dba El Patron Mexican Grill 1906 8th Street NW, Suite F
Holly Johnson Executive Director	dba Hormel Historic Home, Inc. 208 4th Avenue NW
Austins LLC	dba Barley's 1207 North Main St
Austin Hotel Group, LLC	dba Cobblestone Hotel & Suites 1000 16 <sup>th</sup> Avenue NW
Bella Victoria Italian Cuisine, LLC	dba Bella Victoria Italian Cuisine 1801 14 <sup>th</sup> Street NW

AND, WHEREAS, persons hereinafter named have applied to the City Council for licenses to sell Sunday Wine On-Sale at the respective places hereinafter mentioned; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Sunday Wine On-Sale have complied with all the provisions of the law relative thereto and are entitled to have a license issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of Sunday Wine On-Sale to the following named licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2022, and expire December 31, 2022:

Tienda Y Taqueria Guerrero, Inc.	dba Tienda Y Taqueria Guerrero 301-D 4th Avenue NE
Steve's Pizza LLC	dba Steve's Pizza 421 North Main Street
Kenneth Knutson	dba Kenny's Oak Grill 307 West Oakland Avenue
George's Pizza LLC	dba George's Pizza LLC 209 North Main Street

WHEREAS, the persons hereinafter named have applied to the City Council at Austin, Minnesota, for licenses to sell Brewer Taproom with Sunday, at the respective addresses herein mentioned at Austin, Minnesota; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Hard Liquor On-Sale have complied with all the provisions of the law relative thereto and are entitled to have licenses issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of Brewer Taproom with Sunday to the following licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2022, and expire December 31, 2022:

K & J Holdings, LLC

dba Angry Hog Brewery & Taproom

500 23<sup>rd</sup> Avenue NW

Gravity Storm Brewery Coop

dba Gravity Storm Brewery Cooperative

309 North Main Street

AND, WHEREAS, persons hereinafter named have applied to the City Council for licenses to sell 3.2 Beer On-Sale at the respective places hereinafter mentioned; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of 3.2 Beer On-Sale have complied with all the provisions of the law relative thereto and are entitled to have a license issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of 3.2 Beer On-Sale to the following named licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2022, and expire December 31, 2022:

Piggy Blue's Bar-B-Que, Inc

dba Piggy Blue's Bar-B-Que

323 North Main Street

Tienda Y Taqueria Guerrero, Inc.

dba Tienda Y Taqueria Guerrero

301-D 4th Avenue NE

Kenneth Knutson

dba Kenny's Oak Grill

307 West Oakland Avenue

George's Pizza LLC

dba George's Pizza LLC

209 North Main Street

Steve's Pizza LLC

dba Steve's Pizza

421 North Main Street

AND, WHEREAS, persons hereinafter named have applied to the City Council for licenses to sell 3.2 Beer Off-Sale at the respective places hereinafter mentioned; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of 3.2 Beer Off-Sale have complied with all the provisions of the law relative thereto and are entitled to have a license issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of 3.2 Beer Off-Sale to the following named licensees at

the following locations in Austin, Minnesota, which licenses shall commence January 1, 2022, and expire December 31, 2022:

American Legion Post 91	809 12th Street SW
Austin Country Club, Inc.	1202 28th Street NE
Hoot & Ole's, LLC	dba The New Smitty's Tavern 105 11th Street SE
Bobee Jo's, Inc.	dba Bobee Jo's 435 10th Street NE
Tienda Y Taqueria Guerrero, Inc.	dba Tienda Y Taqueria Guerrero 301-D 4th Avenue NE
ATI Hotel LLC	dba Holiday Inn of Austin 1701 4th Street NW
Veterans of Foreign Wars Post 1216	300 4th Avenue NE

Passed by a vote of yeas and mays this 20th day of December, 2021

YEAS

NAYS

ATTEST:

APPROVED:

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City Recorder

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Mayor

**RESOLUTION NO.**

**GRANTING WINE ON-SALE LIQUOR LICENSE AND SUNDAY WINE ON-SALE**

**WHEREAS**, the establishment hereinafter named has applied to the City Council at Austin, Minnesota, for license to sell Wine On-Sale and Sunday Wine On-Sale at the respective address listed below; and

**WHEREAS**, after due investigation, it appears said establishment for said license for sale of Wine on-sale and Sunday Wine on-sale has complied with all the provisions of the law relative thereto and is entitled to have a license issued to them for the address listed below their name.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Austin, Minnesota does hereby grant a license for the sale of Wine On-Sale and Sunday Wine On-Sale to the following named licensee at the following location in Austin, Minnesota, which license shall expire December 31, 2022.

Everbright, Inc.  
dba China Star  
1908 8<sup>th</sup> Street NW, Suite G  
Austin, MN 55912

Passed by a vote of yeas and nays this 20th day of December, 2021.

YEAS

NAYS

ATTEST:

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City Recorder

APPROVED:

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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:** December 13, 2021  
**Re:** Annexation of City owned property - Amended Ordinance

---

The original ordinance was passed August 16, 2021, and submitted to the State (Municipal Boundary Adjustments) shortly thereafter for review. The State opened a file and submitted the legal descriptions to MinnDOT for review prior to approval. In reviewing the legal descriptions, there appeared to be some overlap with a portion of one of the descriptions of a prior annexation near Todd Park. The MinnDOT surveyor and myself reviewed a number of earlier annexations to clarify, which resulted in recommendations from MinnDOT and MBA to amend the original ordinance. The proposed amendments are submitted for your approval.

The prior memo noted (in part):

Parcels owned by the city may be annexed by ordinance, without notice. This ordinance allows annexation of six parcels of city owned, tax exempt property. All of the parcels are located within, or adjacent to, city boundaries. The parcels are unimproved (one road) and the majority are part of the Hormel Nature Center.

No payments will be made to the township based on the tax exempt status of the properties. The parcel South of the Windrift will be zoned R-O, Residential-Office and the remaining parcels A-1, Agricultural, Recreation, Conservation.

A total of 78.7 and 10.33 acres will be annexed into the city from Lansing and Red Rock Townships respectively.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE FOR THE CITY OF AUSTIN, MINNESOTA AMENDING ORDINANCE 693, REGARDING ANNEXATION OF PROPERTY LOCATED IN LANSING AND RED ROCK TOWNSHIPS, MOWER COUNTY, MINNESOTA, PURSUANT TO MINNESOTA STATUTES 414.033, SUBD. 2(1), PERMITTING ANNEXATION BY ORDINANCE.

The Common Council of the City of Austin does ordain:

1. That Paragraph 3, Parcel B shall be amended to add the following language after, ...  
Range 18 West, Mower County Minnesota:  
*except land already within the city.*
2. That Paragraph 3, Parcel C shall be amended to make the following corrections:
  - a. 1558.47 shall be changed to 1558.5
  - b. ...on a line parallel with and 358.0 feet North of the South line...shall be changed to  
*...on a line parallel with and 305.8 feet North of the South line.*

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

ATTEST:

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City Recorder

APPROVED:

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Mayor

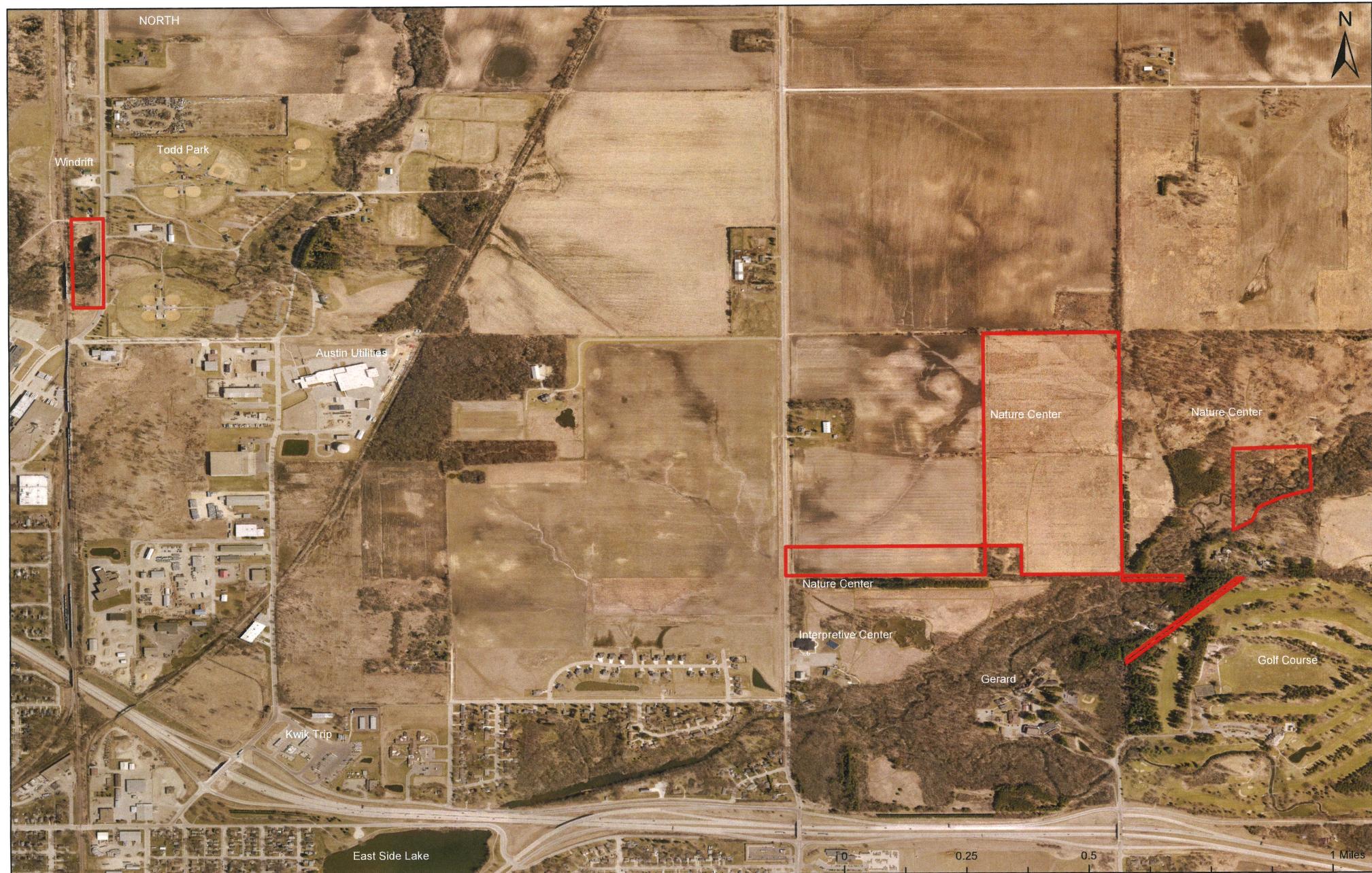
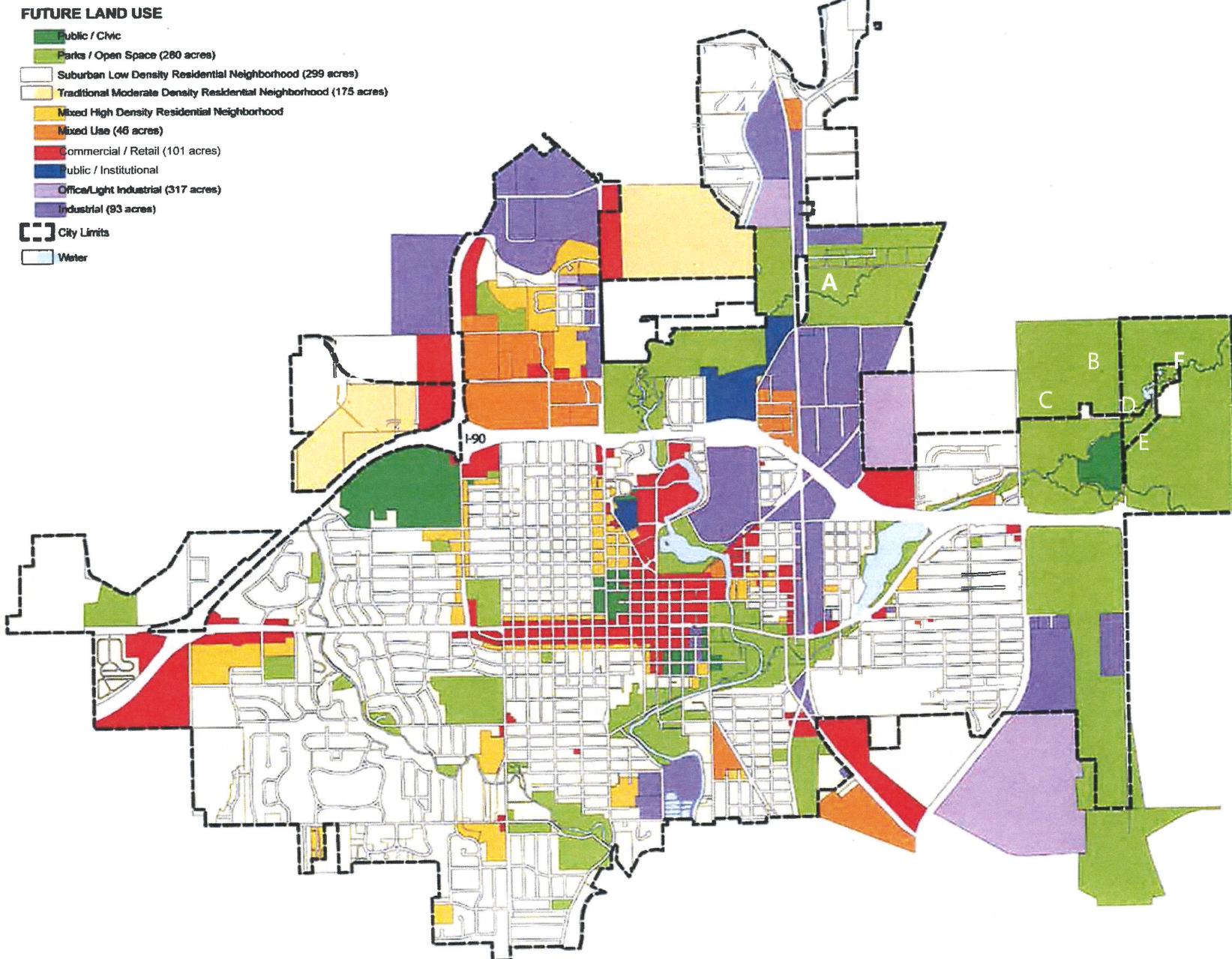


FIGURE 2-3 .



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:** December 9, 2021  
**Re:** Annexation of I-90

---

There are portions of I-90 in the city that are not annexed. This creates gaps in jurisdiction and issues with overall planning.

If entirely within the city limits, a property may be annexed by ordinance. In this instance, a small piece of I-90 is bounded by Lansing Township, therefore not wholly within the city. Because the parcel is less than 40 acres (21 acres) and more than 60% bounded by city limits, the city may do a notice of annexation. The notice may be approved by the Township, contested by the Township or ignored by the Township.

If no response is received by the Township within 90 days, the State will allow the city to move forward with annexation by ordinance. It seems unlikely the annexation will be contested due to the parcel being almost wholly within the city. Annexation of this parcel will allow annexation of the rest of I-90, 218 and adjacent residential parcel, by ordinance. Another option is to annex everything by joint resolution, however the Township is unlikely to approve.

## NOTICE OF INTENT FOR ANNEXATION

### IN THE MATTER OF THE NOTICE OF INTENT FOR THE ANNEXATION OF CERTAIN LAND TO THE CITY OF AUSTIN, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 3

---

TO: Lansing Town Board  
PO Box 85  
Lansing MN 55950; and

Office of Administrative Hearings  
Municipal Boundary Adjustment Unit  
P. O. Box 64620  
St. Paul, MN 55164-0620

WHEREAS, the territory described below is not presently within the corporate limits of any incorporated city, and

WHEREAS, the area proposed for annexation is 40 acres or less in size, is 60% or more bordered by land already within the corporate limits of the City of Austin, and is not appropriate for annexation by ordinance pursuant to Minnesota Statutes § 414.033, Subd. 2(3); and

WHEREAS, the area proposed for annexation is described as follows:

*All that part of Interstate 90 Right-of-Way lying in the Southeast Quarter of Section 32, Township 103N, Range 18W and Southwest Quarter of Section 33, Township 103N, Range 18W, Mower County, Minnesota, excepting any land already within the city.*

WHEREAS, the area proposed for annexation abuts upon the corporate limits of the City of Austin, Minnesota; and

WHEREAS, the area proposed for annexation is unincorporated, abuts on the city's boundary(ies) in all directions, and is not included within any other municipality; and

WHEREAS, the area proposed for annexation is approximately 21 acres in size; and

WHEREAS, the reason for the proposed annexation is the right of way is almost entirely within the city limits; and

WHEREAS, the nature of the area proposed for annexation is: Public Right of Way; and

WHEREAS, the area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes § 414.0325, nor in any other proceeding currently pending before the Office of Administrative Hearings - Municipal Boundary Adjustment Unit; and

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF AUSTIN, MINNESOTA that we hereby serve a Notice of Intent to annex the above-described property into the corporate limits of the City of Austin, Minnesota on: Lansing Township; Mower County; and the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

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Mayor

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City Clerk/Administrator

North



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:** December 16<sup>th</sup>, 2021  
**Subject:** Individual Control Mechanism

---

Ralph Donkers, 911 Oakland Avenue West

The property located at 911 Oakland Avenue West was previously used as a Dry Cleaners and historically was used as a Tanning Company. Overtime these uses have impacted the soil and groundwater around the building. During the sump pump inspection program in 2019, we discovered the sump pump was discharging into the sanitary sewer. Upon further investigation it was determined that the MPCA had required the previous building owner to discharge the sump pump into the sanitary sewer.

In order to meet our current sewer ordinance, this water needs to be metered and the building owner is then charged for the volume of water discharged. Attached is an ICM agreement with Ralph Donkers, current owner of 911 Oakland Avenue West, related to the discharge of sump pump water into the sanitary sewer. The agreement requires the owner to install a meter on the sump pump to record the volume of water discharged. The meter reading will be reported to the City staff on a quarterly basis and a bill will be issued based on the current sewer billing rates.

I would recommend approval of a three-year ICM agreement which would expire December 31<sup>st</sup>, 2024 for Ralph Donkers, owner 911 Oakland Avenue West. If you have any questions, please feel free to contact me.

**INDIVIDUAL CONTROL MECHANISM  
BETWEEN  
THE CITY OF AUSTIN  
AND  
Ralph Donkers  
911 Oakland Avenue West**

The City of Austin operates a wastewater treatment plant that serves the businesses and citizens located within the City of Austin.

**(Formerly) Regner's Cleaners:** Regner's Cleaners is a vacant building formerly used as a dry-cleaning business located at 911 Oakland Avenue West. The property is currently owned by Ralph Donkers, herein referred to as "Owner".

It was discovered that the facility had ground contamination from chemicals used in the dry-cleaning industry (PCE & TCE). Contaminated groundwater enters the basement through holes in the floor. Due to the levels of contamination this water is not allowed to be discharged into the storm sewer and must be pumped into the sanitary sewer. Pumping into the sanitary sewer allows for treatment of the water at the City's wastewater treatment plant.

The purpose of this agreement is to authorize the discharge of groundwater from 911 Oakland Avenue West, the former Regner's Cleaners to the wastewater treatment plant operated by the City; to set forth limitations, conditions and requirements for the discharge; and to specify the rights and obligations of the parties to this agreement. This agreement is made under the provisions of the City of Austin's Ordinance Sec. 3.30 RULES AND REGULATIONS RELATING TO SEWER USE AND SERVICE CHARGE.

1. Under the authority of the City's ordinance and consistent with the conditions of the ordinance, the City agrees to accept and treat the groundwater discharged from 911 Oakland Avenue West within the limits and in accordance with the conditions set forth in this agreement.
2. Owner will be responsible to install and maintain a flow meter to measure the sump pump discharge. The flow meter is to be calibrated two times a year by a third party, and provide certification to the City of Austin's pretreatment advisor. Flows will be read by city staff on a monthly basis. It is the owner's responsibility to maintain the meter in accurate operating condition.
3. 911 Oakland Avenue West billing will be based on the flow discharged to the sanitary sewer on a monthly basis. This is separate from the sewer flow generated from the domestic water usage, which is billed monthly by the Austin Utilities.
4. Owner shall notify the City immediately by phone and within (7) days in writing, of any spill or slug discharge which may violate the limits specified in this permit.
5. This agreement is enforceable under the provisions of the ordinance. A violation of this agreement shall be a violation of the ordinance and subject to the enforcement provisions of the ordinance.
6. The City will require 911 Oakland Avenue West to find other means of temporary storage or discharge should the lift station or sanitary sewer system experience mechanical or structural failure or if high water flow conditions interfere with the conveyance of sewage or operation of the treatment facility.
7. Any record or other information obtained by the City of Austin or furnished to by the Owner or operator of one or more SIU's as it applies to wastewater, which are certified by said owner or operator, and said certification, as it applies to wastewater is approved in writing by the city to relate to (a) sales figures, (b) processes or methods of production unique to the owner

or operator, or (c) information which would tend to affect adversely the competitive position of said owner operator, shall be only for the confidential use of the City of Austin in discharging its statutory obligations, unless otherwise specifically authorized by said owner or operator. Provided, however that all such information may be used by the City of Austin in compiling or publishing analysis, reports, or summaries relating to the general condition of the wastewater and how it effects the city's Wastewater Treatment Facility so as long as such analyses or summaries do not identify any owner or operator who has so certified. Notwithstanding the foregoing, the City of Austin may disclose any information, whether or not otherwise considered confidential which it is obligated to disclose in order to comply with city state federal laws and regulations, to the extent and for the purpose of such governmentally required disclosure.

8. As provided in Section 3.30, duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter 911 Oakland Avenue West for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of the ordinance.
9. The Permittee shall take all reasonable precautions to minimize all accidental discharges including prohibited slugs, spills and bypasses.
10. The Permittee shall pay applicable Permit fees, add-on service charges, Strength Charges, Load Charges and all other fees as outlined. Any fees that are over 90 days due by the neglect of the Permittee may result in the termination of this permit.
11. This Permit is not exclusive. This Permit shall not release the Permittee from conditions set forth by the Minnesota Pollution Control Agency, Minnesota Department of Health, Minnesota Department of Natural Resources or the community in which the site is located.
12. This Permit shall not release the Permittee from any liability, duty or penalty imposed by local, state or federal statutes, regulations or license requirements regarding waste disposal.
13. This agreement may be renewed or modified by mutual consent of the City, and Owner. This agreement is not transferable except with the prior written permission of the City of Austin and prior agreement in writing to the transfer and all conditions in the agreement by the parties involved.
14. All outstanding bills must be paid by 30 days after execution of this document.
15. This agreement expires on December 31st, 2024 and is subject to be re-opened at the request of either party.

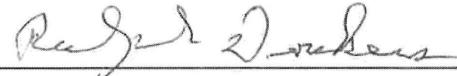
Agreed to:

City of Austin, Minnesota

Ralph Donkers, Owner

By: \_\_\_\_\_  
Stephen King, Mayor

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



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

Date: 11-28-2021

By: \_\_\_\_\_  
Tom Dankert, City Recorder

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

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING INDIVIDUAL CONTROL MECHANISM AGREEMENT  
BETWEEN THE CITY OF AUSTIN AND RALPH DONKERS**

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

**NOW THEREFORE, BE IT RESOLVED** that the City Council approves the agreement as attached in Exhibit A and that such agreement will be effective immediately upon adoption of this resolution and will expire on December 31, 2024.

Passed by a vote of yeas and nays this 20<sup>th</sup> day of December, 2021.

YEAS

NAYS

ATTEST:

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City Recorder

APPROVED:

---

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:** December 16<sup>th</sup>, 2021  
**Subject:** Individual Control Mechanism, Austin Landfill

---

The city has been accepting leachate from the WCI Austin Landfill located north of Austin for several years. An Individual Control Mechanism has been developed by the City of Austin that establishes the parameters for the leachate which are as follows:

- Establish pollutant level limits for all leachate
- Establish flow limits
- Identifies prohibited wastes
- Establishes a fee structure for disposal at the WWTP

Attached is the two-year ICM, which is similar to the previous agreements. I would recommend approval of this agreement, which would expire December 31<sup>st</sup>, 2023 for WCI Austin Landfill, LLC. If you have any questions, please feel free to contact me.

**INDIVIDUAL CONTROL MECHANISM (ICM)  
BETWEEN  
THE CITY OF AUSTIN (City)  
AND  
WCI AUSTIN LANDFILL (Permittee)  
(Lansing Landfill)**

The City of Austin (City) operates a wastewater treatment facility that serves the businesses and citizens within the City of Austin. WCI Austin Landfill (permittee) the owner/operator of a construction demolition landfill (Lansing Landfill) has requested consideration of discharging approximately 3 million gallons/year of leachate from the above referred facility. This ICM is specific to the above referred Permittee.

**The Permittee:** Located in Lansing Township near Austin, accepts Construction and Demolition Debris in a lined landfill. Leachate collection system makes the facility an environmentally responsible and convenient disposal option serving southern Minnesota, northern Iowa, and western Wisconsin. Acceptable materials include; non-hazardous debris resulting from construction, demolition (C&D), and remodeling projects including Asbestos. Leachate is trucked to the Austin Wastewater Treatment Facility. Monitoring is completed with a grab sample taken from a tanker during disposal at the Austin Facility. And sampling is completed quarterly.

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

Discharge limitations, monitoring and reporting requirements and all special conditions for this discharge are as follows:

**1. Authority**

Under the authority of the City's Ordinance and consistent with the conditions of the ordinance, the city agrees to accept and treat the wastewater discharged by Permittee within the limits and in accordance with the conditions set forth in this ICM.

**2. Discharge Limits**

The Permittee will provide pretreatment to the leachate to meet the following standards. Permittee shall comply with all discharge prohibitions contained in the ordinance and shall limit its discharge to within the following:

a.	<u>Parameter</u>	<u>mg/L</u>	<u>unit</u>
	As	0.06	
	Cd	0.06	
	Cr	1	
	Cu	2	
	Pb	0.5	
	Hg	0.025	
	Mo	0.11	
	Ni	0.6	
	Se	0.15	
	Zn	4	
	pH – maximum		9.0
	pH – minimum		6.0
	TSS	200	
	BOD	200	
	Ammonia (June-Sept)	30	
	Ammonia (Oct.-May)	50	

Pretreatment standards, metals and cyanide are the maximum for any 24-hour period. pH standards are continuous and apply at all times.

b. Flow limits – Permittee may not deliver to the City more than 36,000 gallons/day and an annual amount of approximately 3,000,000 gallons. These amounts may be increased at the discretion of the City with prior authorization on a day-by-day basis.

**3. Prohibited Waste Charges:**

Prohibited Waste Discharges include, but are not limited to the following:

- a. Flammable, explosive, and corrosive wastes, gasoline, fuel oil, lubricating oil, hydraulic oil, motor oil, or grease;
- b. Wastes that are likely to obstruct the flow within public sewers: grease, fat or oil of animal or vegetable origin, solid wastes, garbage, guts, bones, ash, sand, rags, lime, metal, wood, plastic, glass, or yard wastes;
- c. Wastes that are likely to cause interference, pass-through or operational problems: slug discharges, toxic chemicals, poisons, dyes, or inks;
- d. Wastes that are likely to cause a public nuisance: noxious, malodorous, or foam producing substances;
- e. Cooling water, runoff, and other unpolluted water;
- f. Hazardous wastes, as defined by Minnesota Statutes; and
- g. Wastes generated outside of the City of Austin, unless prior approval is obtained from the City.

**4. Monitoring and Reporting:**

- a. Sample Collection: The Permittee will construct a leachate collection system that will allow for the storage of leachate. The system design shall include a leachate collection sampling point that is acceptable to the City.
- b. Sampling Frequency: Permittee, will establish a baseline for the leachate by collecting one sample per week for the first quarter, unless an alternative frequency is approved by the City, for the first quarter of generating leachate. Thereafter, Permittee will take one sample per quarter, unless an alternative frequency is approved by the City, for routine monitoring.
- c. Sample Collection: All samples will be collected and submitted to an independent lab. The sampling and submittal shall be done by an approved sampler by the City. All costs for sample testing are the responsibility of the Permittee.
- d. Testing Parameters: All samples shall be tested for the parameters as identified in Appendix 1
- e. Quarterly Testing Report: The Permittee will submit a summary quarterly. The report shall include all testing results and volumes discharged.
- f. The City may approve a modification to any of the above based on sampling results.

**5. Discharge Sites:**

- a. All loads must be hauled by an approved liquid waste hauler
- b. All waste shall be discharged at a specified manhole at the WWTP
- c. All loads that are discharged shall be verified by a City employee

**6. Fee's:**

The permittee shall be responsible for the following fees as identified in the City's miscellaneous business operational fees, which are reviewed and adopted on a yearly basis:

- a. Annual Administrative Fee
- b. Sample Collection Fee
- c. Tanker Fee

The permittee shall be responsible for strong waste charges as reviewed and adopted by the City from time to time. These strong waste charges would apply to BOD and TSS.

**7. General Permit Conditions:**

- a. All discharges into public sewers by the Permittee shall be in accordance with applicable provisions of the Minnesota Pollution Control Agency (MPCA), and City.
- b. The Permittee shall not knowingly make any false statement, representation or certification in any record, report, plan or other document submitted.
- c. This ICM shall not release the Permittee from any liability, duty or penalty imposed by local, state or federal statutes, regulations or license requirements regarding waste disposal.
- d. The Permittee shall take all reasonable precautions to minimize all accidental discharges including prohibited slugs, spills and bypasses.
- e. The Permittee shall pay applicable permit fees, add-on service charges, Strength Charges, Load Charges and all other fees as outlined. Any fees that are over 90 days due by the neglect of the Permittee may result in the termination of this ICM.

- f. This ICM is not exclusive. This ICM shall not release the Permittee from conditions set forth by the MPCA, Department of Health, Minnesota Department of Natural Resources or the community in which the site is located.
- g. This ICM is enforceable under the provisions of the Ordinance. A violation of this ICM may be a violation of the Ordinance and subject to the enforcement provisions of the Ordinance.
- h. Any record or other information obtained by the City or furnished to by the Permittee of one or more SIU's as it applies to wastewater, which are certified by said Permittee, and said certification, as it applies to wastewater is approved in writing by the City to relate to (a) sales figures, (b) processes or methods of production unique to the Permittee (c) information which would tend to affect adversely the competitive position of said Permittee, shall be only for the confidential use of the City in discharging its statutory obligations, unless otherwise specifically authorized by Permittee. Provided, however that all such information may be used by the City in compiling or publishing analysis, reports, or summaries relating to the general condition of the wastewater and how it effects the City's Wastewater Treatment Facility so as long as such analyses or summaries do not identify any owner or operator who has so certified. Notwithstanding the foregoing, the City may disclose any information, whether or not otherwise considered confidential which it is obligated to disclose in order to comply with city state federal laws and regulations, to the extent and for the purpose of such governmentally required disclosure.
- i. The City will be allowed to restrict the time periods that leachate is hauled to the Austin Wastewater Treatment Facility. This restriction will be the result of capacity or loading impacts at the WWTP.
- j. As provided for in the Ordinance, duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter the landfill for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of the Ordinance.
- k. This ICM may be renewed or modified by mutual consent of the City and Permittee. This ICM is not transferable except with the prior written permission of the City and prior agreement in writing to the transfer and all conditions in the ICM by the parties involved.
- l. This ICM expires on December 31, 2023 and is subject to be re-opened at the request of either party.

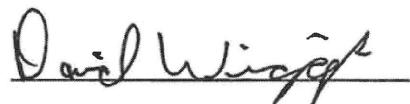
Agreed to:

City of Austin, Minnesota

WCI Austin Landfill

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

Steve King  
Mayor



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

Date: 12-1-21

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

Tom Dankert  
City Recorder

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

**Appendix 1**  
**Testing Parameters**

<b>Analytical Method (1)</b>	<b>Parameter Description</b>	<b>Minimum Sample Collection Frequency</b>
EPA 613	2,3,7,8 – Tetrachlorodibenzo-p-dioxin	Yearly
EPA 200.7	Arsenic, Cadmium, Chromium, Copper, Lead, Mercury, Molybdenum, Nickel, Selenium, Zinc, Potassium, Hardness, Calcium, Magnesium, and Sodium	Quarterly
EPA 245.1	Mercury	Quarterly
EPA 8260	Volatile Organic Compounds	Quarterly
EPA 8270	Semi-Volatile Organic Compounds	Quarterly
EPA 8082	Polychlorinated Biphenyls	Yearly
EPA 8081	Pesticides	Yearly
HACH 10360	BOD 5 Day	Quarterly
ASTM D516	Sulfate	Quarterly
EPA 120.1	Specific Conductance	Quarterly
SM2320B	Bicarbonates	Quarterly
SM4500CL-E	Chloride	Quarterly
SM2540C	Total Dissolved Solids	Quarterly
SM 2540 D	Total Suspended Solids	Quarterly
SM2540 B	Total Solids	Quarterly
SM4500CN-E	Cyanide	Quarterly
EPA 350.1	Ammonia	Quarterly
EPA 150.1	pH	Quarterly
EPA 537 (3)	PERFLUORINATED COMPOUNDS (PFCS): Perfluorobutane Sulfonate (PFBS) Perfluorodecanoic acid (PFDA) Perfluorododecanoic acid (PFDoA) Perfluoroheptanoic acid (PFHpA) Perfluorohexane Sulfonate (PFHxS) Perfluorohexanoic acid (PFHxA) Perfluorononanoic acid (PFNA) Perfluorooctane Sulfonate (PFOS) Perfluorooctane acid (PFOA) Perfluoropentanoic acid (PFPeA) Perfluoroundecanoic acid (PFUnA) Perfluorobutanioc acid (PFBA)      Perfluorooctane sulfonamide (PFOSA)	Yearly

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING INDIVIDUAL CONTROL MECHANISM AGREEMENT  
BETWEEN THE CITY OF AUSTIN AND WCI AUSTIN LANDFILL, LLC**

**WHEREAS**, an agreement has been reached with WCI Austin Landfill, LLC outlining the terms and conditions for their wastewater discharge is required as part of the city's National Pollution Discharge Elimination System (NPDES) Permit to operate the Wastewater Treatment Plant; and

**NOW THEREFORE, BE IT RESOLVED** that the City Council approves the agreement as attached in Exhibit A and that such agreement will be effective immediately upon adoption of this resolution and will expire on December 31, 2023.

Passed by a vote of yeas and nays this 20th day of December, 2021.

YEAS

NAYS

ATTEST:

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City Recorder

APPROVED:

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Mayor

## EMPLOYEE REFERRAL INCENTIVE PROGRAM

By this program, the City of Austin establishes an employee referral incentive, provided to current City of Austin employees, who successfully refer police officer candidates, to apply and become hired by the City of Austin. In order to receive the referral incentive payment, the referred police officer candidate must accept and successfully become employed with the City of Austin as a police officer.

The referral incentive will be provided to employees within the terms and conditions as set forth below, up to the maximum of \$1,000 per referral.

- Employees requesting a referral incentive must do so by completing and submitting a referral incentive request form, or per the method established by the City. If more than one employee submits a referral request for the same candidate, the payment may be split, at the discretion of the Employer, but under no circumstances will it exceed \$1,000.
- The total amount of the referral incentive shall not exceed \$1,000 per position filled and shall be paid in a single lump sum taxable installment. The payment will be provided no sooner than after the new hire has successfully been hired and has achieved active employment status as a police officer. No payment will be provided until all necessary requests, authorizations and acknowledgements are completed, including employee referral identification and verification from the newly hired employee.
- City of Austin employees are eligible to receive more than one referral incentive, for multiple referrals, as long as all of the conditions, as established, are met.
- The referring employee must still be employed with the City of Austin at the time of payment eligibility, in order to receive the incentive.
- If the referring employee meets the eligibility guidelines, as established, and the program is discontinued prior to the referral payment, the eligible employee will be provided the referral payment, even after the program is discontinued.
- The City of Austin reserves the right to discontinue, expand or otherwise alter any details of this program, at its discretion, at any time.
- The employee referral incentive program is not subject to the grievance or arbitration process.

## STUDENT LOAN REIMBURSEMENT PROGRAM

By this program, the City of Austin establishes a method to reimburse police officers for outstanding student loan balances, which were accumulated as a result of their education, relative to becoming a licensed police officer. This reimbursement program is for police officer candidates who are successfully hired and become employed with the City of Austin as a police officer. In order to qualify, newly hired police officers must meet and comply with the terms and conditions as set forth below.

- A newly hired employee requesting student loan reimbursement under this program, must do so by completing and submitting a student loan request form, or per the method established by the City, within the first year of employment. No request for reimbursement will be accepted prior to active employment.
- The employee making the request must provide proper documentation showing the amount of outstanding student loan(s). The City of Austin will verify that the information is true and correct including the amounts, status of the loan(s) and loan provider. The City reserves the right to validate any and all information provided by the employee, using any means necessary to substantiate the request.
- Employee will sign any authorizations, disclosures and agreements necessary in order to be eligible to receive student loan reimbursement. Failure to provide these may result in denial of the employee's student loan reimbursement request and ineligible for the program.
- Employees who are approved to receive a student loan payment reimbursement and have documented and verified student loan(s), will be eligible to receive up to a maximum of \$5,000 of student loan reimbursement. The maximum reimbursement payments shall not exceed \$2,500 per calendar year, per employee or a maximum of \$5,000, per employee, over the course of the program.
- Employees who have met eligibility requirements and completed the necessary paperwork will receive up to a \$2,500 payment within 30-days of request approval. Additionally, employees who have met eligibility requirements, completed the necessary paperwork and have successfully passed their probationary period (one year of employment), will receive up to a maximum of an additional \$2,500 student loan reimbursement, within 30-days of request approval.
- Employees who separate employment from the City of Austin sooner than one (1) year after receiving the initial reimbursement payment, are required to repay any student loan reimbursement payments received at time of hire, on a prorated monthly basis at time of separation.
- Within sixty (60) calendar days of the student loan disbursement to the employee, the employee must provide documentation to the City of Austin, that the amount disbursed has been applied to the student loan. If the employee does not fulfill the reporting requirement, the employee will be required to repay the total amount of payments provided to the employee.
- The City of Austin reserves the right to discontinue, expand or otherwise alter any details of this program, at its discretion, at any time.
- The student loan reimbursement program is not subject to the grievance or arbitration process.

## RELOCATION REIMBURSEMENT PROGRAM

This program is established as an alternative for newly hired police officers who do not have outstanding student loan(s) in order to qualify for the City of Austin's Student Loan Reimbursement Program. The City of Austin will provide new police officers, who do not have outstanding student loan(s), a relocation allowance of up to \$5,000, based on actual expenses.

This reimbursement program is for police officer candidates who are successfully hired and become employed with the City of Austin as a police officer. In order to qualify, newly hired police officers must receive prior approval and meet and comply with the terms and conditions as set forth below.

- Employee requesting reimbursement, must move or relocate within the City of Austin.
- Employees are eligible to participate in this program anytime within the first three years of employment with the City of Austin. No request for reimbursement will be accepted prior to active employment.
- Employee requesting relocation reimbursement under this program, must do so by completing and submitting a relocation reimbursement request form, or per the method established by the City and providing appropriate documentation. Employees must submit reimbursement requests within six (6) months of incurring eligible expenses.
- The City of Austin shall reimburse moving expenses and miscellaneous expenses, as outline below. Any deviation from this list, will require prior approval and is at the discretion of the City Administrator, on a case-by-case basis.
  - Travel expenses – standard travel expenses of fuel and meal reimbursement for the employee and immediate family, for the purpose of researching housing options (house hunting) for a maximum of two (2) trips from an employee's permanent residence to Austin and return to permanent residence.
  - Housing expenses – an employee may be reimbursed for rental or purchase of an apartment, house or other residence.
  - Realtor fees – an employee may be reimbursed realtor fees, closing costs or similar incurred fees resulting from the purchase of a new home in Austin.
  - Moving expenses – an employee will be reimbursed for the cost of hiring a moving and/or packing company to transport the employee's household items. The employee shall obtain no less than two (2) bids for packing and/or moving household items. Employees are required to obtain prior approval before engaging in a commitment to a mover to either pack, ship or haul items. Failure to obtain prior approval would render the employee ineligible to receive reimbursement for this expense. This provision is not intended to pay for or reimburse the employee's friends, family or employee directly for personally moving and/or packing items. However, the actual cost for the rental of a moving truck, to personally move items is an allowed expense.

- When an employee makes a good faith effort to complete the change of residence within the first three years of employment, and the employee has not been able to complete the move, despite a good faith effort, the employee will be granted a six (6) month extension, reviewed on a case-by-case basis and allowed with the approval of the City Administrator.
- Employees who have met eligibility requirements and completed the necessary paperwork will receive reimbursement payment within 30-days of submitted request.
- Under no circumstances will a newly hired police officer be eligible to receive reimburse through both the student loan reimbursement program and the relocation reimbursement program, unless the total reimbursement between the two programs is less than the maximum allowed reimbursement payment of \$5,000, per employee.
- The City of Austin reserves the right to discontinue, expand or otherwise alter any details of this program, at its discretion, at any time.
- The student loan reimbursement program is not subject to the grievance or arbitration process.

**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:** Mehling Properties LLC  
1206 5<sup>th</sup> St NW, Austin, MN 55912

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

**Re:** Accumulation of Refuse and Junk  
At 1206 5<sup>th</sup> St NW, Mehling Property

**Date:** December 17, 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 1206 5<sup>th</sup> St NW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

December 17, 2021

Mehling Properties LLC  
1206 5<sup>th</sup> St NW  
Austin, MN 55912

RE: Zoning Violations at 1206 5<sup>th</sup> St NW 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 December 15, 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.

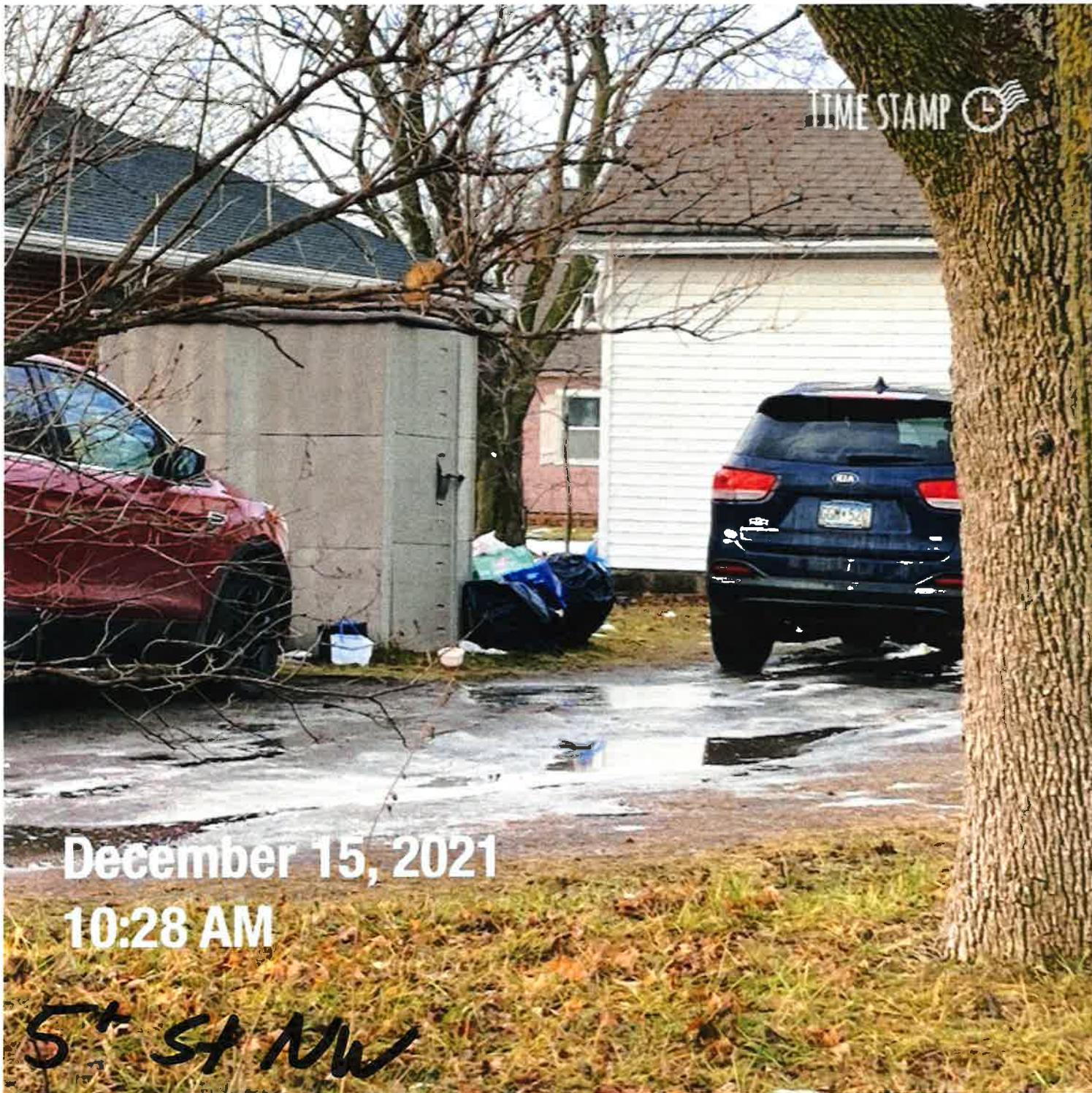
Subd. 5. Administrative citation

- 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,

Brent Johnson  
Zoning Inspector



**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:** Zachary Trzebiatowski & Megan Goodyear  
804 4<sup>th</sup> Ave SW, Austin, MN 55912

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

**Re:** Accumulation of Refuse and Junk  
At 804 4<sup>th</sup> Ave SW, Trzebiatowski & Goodyear Property

**Date:** December 17, 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 804 4<sup>th</sup> Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You



November 24<sup>th</sup>, 2021

Zachary Trzebiatowski & Megan Goodyear  
804 4<sup>th</sup> Ave SW  
Austin, MN 55912

RE: Zoning Violations at 804 4<sup>th</sup> Ave SW, Austin, MN 55912

Dear Zachary & Megan:

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 24<sup>th</sup>, 2021 at this site and the following issues need to be resolved:

**1. Remove all junk/garbage from property**

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

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

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

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

**City Code Section 10.01 Subd. 4. *Containers.***

A. *General requirement.* Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections or other disposal. All normal accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of Subpar. B. Tree limbs under four inches in diameter in five-foot lengths and tied in bundles not to exceed 60 pounds, bundles of newspapers, cardboard or magazines tied securely not to exceed 60 pounds. Furniture, rugs and carpeting will be accepted by a licensed hauler if notified 24 hours in advance of regular pickup time. The following articles will not be accepted as refuse and must be deposited at a designated demolition site: stone, sod, earth, concrete, building materials unless placed in covered garbage cans, automobile parts, except tune-up parts, inflammable liquids, tree trunk sections over four inches in

diameter. Tires and white goods need not be accepted as refuse by licensed garbage haulers, but shall be disposed of at the depository as designated by the County Board.

B. *Container requirements.* Each container shall be watertight, shall be impervious to insects and rodents and shall not exceed 32 gallons in capacity, garbage containers when full shall not exceed 60 pounds in weight, when waste is collected by licensed haulers by mechanical lifting devices, the use of the container shall not exceed 90 gallons or limited, as defined by the hauler. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this section or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city.

Notwithstanding the foregoing, grass clippings and leaves may be temporarily stored in bags provided by licensed garbage haulers for pick up by licensed garbage haulers or in plastic bags provided by the owner for ultimate disposal at a site designated by the Council.

**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, junk 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.

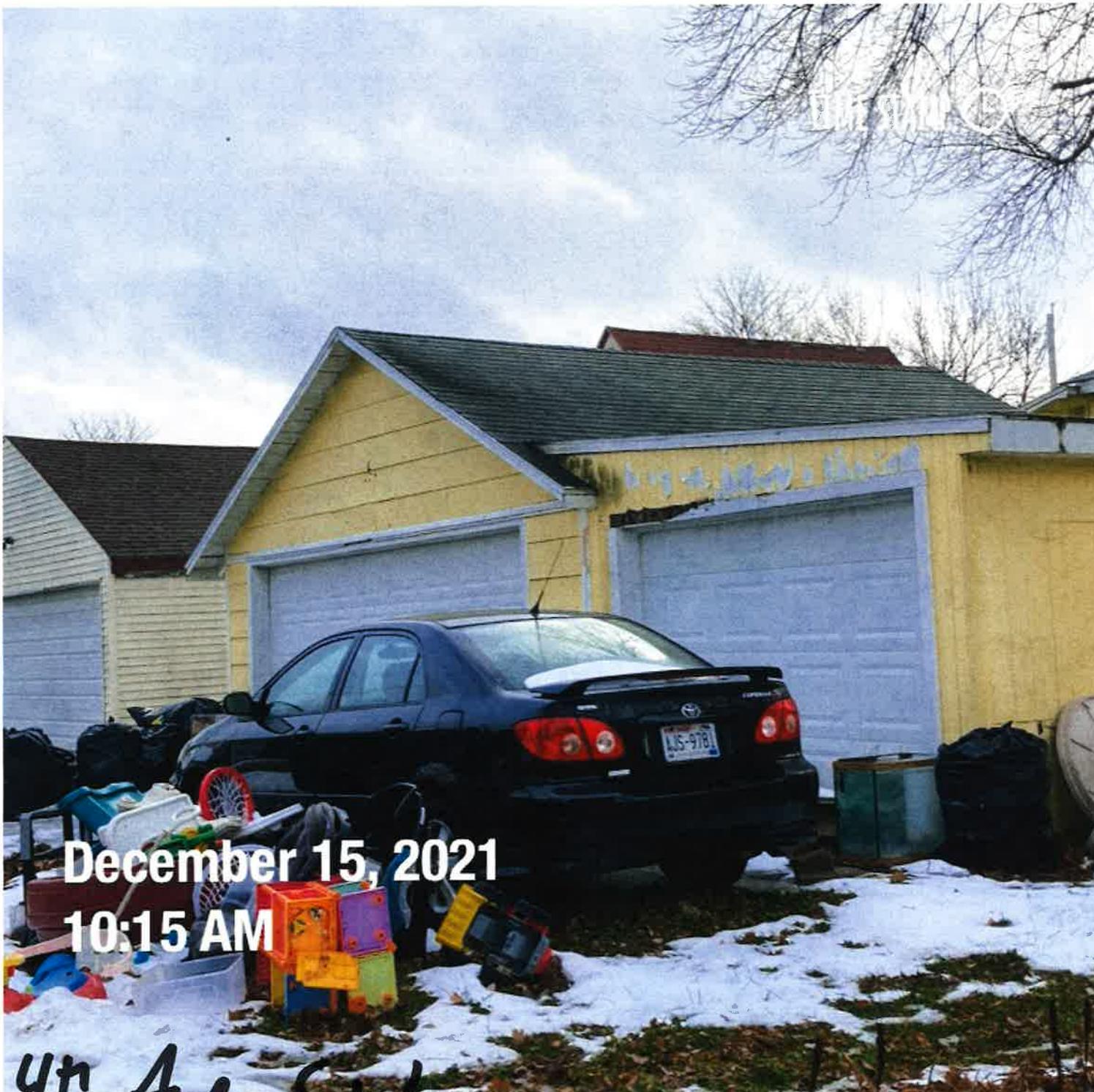
Your cooperation with this matter will be greatly appreciated, and if you have any questions, please call me at my office at (507)437-9950.

Sincerely,



Brent Johnson  
Zoning Inspector

CC: Tyler Fett



December 15, 2021  
10:15 AM

804 4th Ave SW



804