

A G E N D A
CITY COUNCIL MEETING
MONDAY, FEBRUARY 7, 2022
5:30 P.M.
COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Roll Call.

(mot) 1. Adoption of Agenda.

(mot) 2. Approving minutes from January 18, 2022 & January 24, 2022

3. Recognitions and Awards.
City Food Drive Award – Trish Harren

(mot) 4. *Consent Agenda

Licenses:

Exempt Gambling (raffle): Austin Area Chamber of Commerce on March 4, 2022
Exempt Gambling (raffle): Austin Junior All Star Baseball on July 4, 2022
Exempt Gambling (raffle): Minnesota Deer Farmers Association on March 19, 2022
Exempt Gambling (raffle): United Catholic Schools Foundation on April 30, 2022
Food: JoAnn Stores, LLC, 1700 17th Street SW
Hotel/Motel: Austin Super 8 Motel: 1401 14th Street NW
Mobile Business: B-Lo Zero Sno Cones, Albert Lea
Right of Way: Berg's Nursery, 904 1st Ave SW
Right of Way: S & S Drainage, 1705 16th Street SW
Right of Way: Jim's Excavating, LLC, 2611 31st Street SW
Sign Installation: Rochester Sign Service, Rochester
Temporary Liquor: Austin Area Commission for the Arts on March 26, 2022

Claims:

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

Event Applications:

Shamrockin' Run on April 9, 2022
Taste of Nations on May 21, 2022

PETITIONS AND REQUESTS:

(res) 5. Approving a purchase agreement with Clasen Mortuary, Inc.

(mot) 6. Approving \$20,000 from 2022 contingency funds to the Police and Fire weight rooms.

(mot) 7. Authorizing the addition of a washer and dryer to the Senior Center.

(res) 8. Accepting donations to the City of Austin.

- (mot) 9. Eliminating parking on the south side of 13th Avenue and striping a dedicated right turn lane.
- (res) 10. Approving a contract with SEH, Inc. for airport consulting services.
(res) a. Approving a contract for taxiway joint repair.
b. Approving a contract for taxilane design.
- (res) 11. Approving a contract with Custom Alarm for the installation of a fire alarm system at Packer Arena.
- (mot) 12. Reviewing additional ordinance items for the zoning and subdivision codes.
(ord) a. For preparation of the ordinance.
(res) b. For adoption and publication of the ordinance.
c. For summary publication of the ordinance.
- (res) 13. In support of local controls for housing and land use issues.
- (res) 14. Declaring the property at 713 ½ 4th Avenue NE a hazardous structure.
15. 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. 609 5th Street NW, Aguilar Property.
(mot) b. 605 5th Street NW, Bumgarner Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Tuesday, February 22, 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
January 24, 2022
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer

MEMBERS APPEARING
ELECTRONICALLY: Council Member Oballa Oballa, Joyce Poshusta, Michael Postma,
Rebecca Waller, Jason Baskin and Council Member-at-Large Jeff
Austin

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

STAFF APPEARING
ELECTRONICALLY: City Clerk Ann Kasel

OTHERS APPEARING
ELECTRONICALLY: Mark Nibaur, Alex Bumgardner

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

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

Austin Utilities' General Manager Mark Niabur stated Austin Utilities has the opportunity to
prepay for some of its natural gas purchases with Minnesota Municipal Gas Agency. He
requested that the Council approve of the contract via ordinance.

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

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

City Administrator Craig Clark reminded the Council to remit their COVID vaccine information.

Moved by Council Member Fischer, seconded by Council Member Oballa, adjourning the
meeting to February 7, 2022. Carried.

Adjourned: _____ 4:04 p.m. _____

Approved: _____ February 7, 2022 _____

Mayor: _____

City Recorder: _____

M I N U T E S
CITY COUNCIL MEETING
January 18, 2022
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

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

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

APPEARING IN PERSON: Austin Daily Herald, Mr. Timm's 4th grade class, Aubrey Green

OTHERS APPEARING ELECTRONICALLY: Eric Zweber

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

Added to the agenda:

4. Consent Agenda:
Temporary Liquor: Mower County Ag Society on February 25 & 26, 2022
Temporary Liquor: Mower County Ag Society on August 9 – 14, 2022

(mot) 19. Appointing William Budion as the honorary Council Member – February through April, 2022.

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

Moved by Council Member Fischer, seconded by Council Member Waller, approving Council minutes from January 3, 2022. Carried.

CONSENT AGENDA

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

Licenses:

Exempt Gambling (raffle): NWTF Cedar River Longbeards Chapter on January 29, 2022
Food: United Asian Grocery, 1300 18th Avenue NW, Suite C
Massage Therapist: Jody Nelson, 804 16th Avenue SE
Massage Establishment: DS Massage, 2105 3rd Avenue SE
Massage Therapist: Daniel Stallkamp, 2105 3rd Avenue SE
Tree Removal: Koehler's Yard Service, 89190 State Hwy 251
Temporary Liquor: Mower County Ag Society on February 25 & 26, 2022
Temporary Liquor: Mower County Ag Society on August 9 – 14, 2022

Claims:

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

Carried.

PETITIONS AND REQUESTS

Mr. Timm's 4th grade class from Southgate requested permission to plant trees on City property on the north side of the Waste Water Treatment Plant. Spencer requested to plant a community orchard to help stop hunger. He stated they would plant apple and pear trees along the bike path.

Moved by Council Member Baskin, seconded by Council Member Waller, to plant four fruit trees near the bike path by the Waste Water Treatment Plant. Carried.

Assistant City Engineer Mitch Wenum proposed a 7% increase to the 2022 assessment rates. Mr. Wenum stated the Council reviewed the matter at the January 3, 2022 work session and recommended a 7% increase instead of a 5% increase. This would get the City closer to the goal of assessing 40% of the project cost to the homeowners.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution setting 2022 assessment rates. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council approve an audit engagement letter for 2021 with CliftonLarsonAllen, LLP.

Moved by Council Member Poshusta, seconded by Council Member Baskin, accepting the audit engagement letter from CliftonLarsonAllen, LLP. Carried.

Planning and Zoning Administrator Holly Wallace reviewed an updated zoning and subdivision ordinance. Ms. Wallace stated the City's comprehensive plan was updated in 2016 and it was

recommended that the zoning and subdivision regulations also be updated. In 2019, WSB was hired to assist the City with the update. The Planning Commission reviewed the document at their January 11, 2022 meeting and recommended approval by a 5-1 vote.

Eric Zweber with WSB was the consultant on the file and worked with the City for the update. He stated he has worked with the City, Planning Commission and has taken input from the public for the update. The update will bring the City code into compliance with statutes and make it easier to read. He reviewed the code chapters for the Council.

Council Member Postma asked about the subdivision ordinance.

Mr. Zweber stated there needs to be preliminary and final plats along with park dedications. He stated there are provisions for 5 or less lots for less requirements to allow for quicker development. There is also the option for an administrative lot split for smaller subdivisions.

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

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution for adoption of the ordinance. Carried 7-0.

Moved by Council Member Poshusta, seconded by Council Member Postma, adopting a resolution for summary publication of the ordinance. Carried 7-0.

City Administrator Craig Clark requested the Council approve a memorandum agreement with the State of Minnesota for an opioid lawsuit from the State Attorney General. The suit may recover some losses the county has faced because of the opioid crisis.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution authorizing the execution of a Minnesota opioids state subdivision memorandum of agreement. Carried 7-0.

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

City Administrator Craig Clark requested the Council approve the granting of an easement to Metro Fibernet, LLC for the property that is leased by KSMQ Public Television. The easement would provide access to their hut site with a 2 foot by 92-foot-wide easement.

Moved by Council Member Oballa, seconded by Council Member Postma, adopting a resolution granting an easement to Metro Fibernet, LLC. Carried 7-0.

Assistant City Engineer Mitch Wenum stated the City was deeded property from Hormel Foods that the City would like to dedicate for street purposes. The piece is a small sliver of land that created a gap in the description of the roadway property

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution dedicating property for street purposes. Carried 5-0 with Council Members Baskin and Oballa abstaining.

Assistant City Engineer Mitch Wenum requested the approve an individual control mechanism agreement with MN Freezer Warehouse. The business loses a lot of water in the summer months due to evaporation from their condensation units. Meters have been installed to measure the amount of evaporation and the City will issue them a credit for the amount lost at the end of the cooling season

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution approving an ICM agreement with Minnesota Freezer Warehouse. Carried 7-0.

Assistant City Engineer Mitch Wenum presented the feasibility report for the 40th Street & 5th Avenue NW street construction project. He stated the project is feasible and will cost approximately \$160,000. He requested that the Council call for a public hearing on April 4, 2022.

Aubrey Green, 3713 5th Avenue NW, stated she would like the road paved because she like to play on the road.

Moved by Council Member Baskin, seconded by Council Member Oballa, adopting a resolution receiving a feasibility report and calling for a public hearing on April 4, 2022 for street improvements on 40th Street W (Oakland Avenue W to 5th Avenue NW) and 5th Avenue NW - (40th Street NW to Dead End), Project 22108. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a variance request from Gregory Hovland. She stated the property owner is petitioning for a variance for the construction of a 2,400 square foot shed. The lot is 1.4 acres and with the new shed the lot coverage would be approximately 8%. The maximum lot coverage allowed is 40%. The Planning Commission reviewed the matter at their January 11, 2022 meeting and recommended approval by a 6-0 vote.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving a variance request from Gregory Hovland. Carried.

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a resolution approving an off-site gambling permit for the Fraternal Order of the Eagles at the Mower County Fairgrounds on February 25 & 26, 2022.

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 307 7th Street NE, Cruz Property. Carried.

Moved by Council Member Baskin, seconded by Council Member Oballa, appointing William Budion as the honorary council member – February to April 2022. Carried.

Austin Utilities Director Mark Nibaur requested the Council approve an amendment to Austin Utilities' agreement with Minnesota Municipal Gas. The amendment would allow the agency to expand the participants allowed to join in a natural gas prepay contract to purchase gas at a discount. The Council needs to approve the contract for Austin Utilities.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution amending the Minnesota Municipal Gas Agreement. Carried 7-0.

REPORTS

City Administrator Craig Clark stated March 2nd is the Coalition of Greater MN Cities legislative action day.

Moved by Council Member Fischer, seconded by Council Member Waller, adjourning the meeting to February 7, 2022. Carried.

Adjourned: 6:12 p.m.

Approved: February 7, 2022

Mayor: _____

City Recorder: _____

City of Austin
Craig Clark,
City Administrator



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

TO: Honorable Mayor and City Council Members

FROM: Craig D. Clark, Administrator

**RE: Sale of City Owned Property of approximately .37 acres at 2nd Avenue NW and 1st Street NW
parcel number 34.185.0421**

The City was approached by David Clasen with interest in purchasing what is commonly referred to as the former Carnegie Public Library site which is now a parking lot. Included in the packet is exhibit 1 which shows the subject property of .37 acres. Mr. Clasen is owner of the Clasen-Jordan Mortuary to the west of our property and desires to have parking as part of his business.

The proposed Purchase Agreement (Exhibit 2) was drafted by the City Attorney, which outlines the subject terms with the primary element of a proposed purchase price of \$58,000. This purchase price is reflective of purchase price the City accepted in the sale of the "B&J lot" (\$36,000 .23 acres), which the City owned and sold to the owners of the restaurant. This is also reflective of an extrapolated base property value the mortuary has as part of Mower County Assessor's office. So given these two factors, the proposed purchase price is in line with being a "fair price". The City does not have an abstract and this has been structured to have the buyer paying all costs of closing and recording not otherwise stipulated.

There are concerns raised by the City Engineer in terms of forcing what is primarily Austin High School supported parking onto our City streets. Other than funeral service and public parking the high school student parking during the school year comprises the bulk of those parking within this lot. Without these being available these vehicles will get pushed to the "Methodist lot" on the block to the south along 1st Avenue NW or further complicate on street parking. Mr. Clasen has suggested he would keep the parking lot open for public parking except for days he would have a funeral.

By in large, I think Council should make this determination on the need or lack thereof for parking in the downtown or potential for redevelopment tax base of the site beyond a simple parking lot. Our frequent parking study (Exhibit 3) continues to find an abundance of parking spots in surface lots as well as on street parking. As we've discussed the challenge is often people's expectations of parking very close to their desired destination. There are times when people have to walk a longer distance due to ready availability being lacking. If you feel we have sufficient parking, as evidenced by our study, then sale seems warranted. If you feel like this parking area is needed due to people's perceptions of a lack of parking then we should hold on to the property. Are you comfortable telling people when they express concern about the availability of parking that we really have plenty? Replacement costs for parking, should we have to look at adding more at a later time, we would most likely pay well above the \$58,000.

The added consideration is the potential need for a growth area within the downtown and then face an increased need for parking at sites like this one. While this is a smaller site there has been noticeable interest in a continued reinvigoration of the downtown. Within two blocks we will have \$5 million of investment with a new KSMQ Public Television studio. Downtown apartment living has been an ongoing desire and finding a site is problematic as I have looked at many locations with prospective developers. Finding a large enough site in the downtown core is a challenge. While this is a small site and not likely to place a multifamily housing unit on it, if for example the Methodist lot were to become a multifamily site this parking lot could become much more significant. It's difficult to imagine what might be probable, but suffice to say with the recreation center, KSMQ project, library, SPAM museum and improved downtown storefronts the horizon looks bright. This site might come in handy for those types of discussions.

Due to the City Charter provision of 4.15 the sale of property requires a 2/3rds or 5 vote approval from the Council. Proceeds would be directed to the City's Building Fund for accounting purposes.

Mr. Clasen plans to attend the Council meeting and will be available for any questions.

Council Action is requested to approve the purchase agreement included as Exhibit 2 with David Clasen Properties for parcel 34.185.0421. This motion also authorizes the Mayor to sign the purchase agreement and City Recorder to attest the agreement.

RESOLUTION NO.

**APPROVING PURCHASE AGREEMENT
WITH CLASEN MORTUARY, INC.**

WHEREAS, the City of Austin desires to sell the parking lot known as the
“Library Lot” to Clasen Mortuary, Inc.; and

WHEREAS, the proposed purchase price for the property is \$58,000; and

WHEREAS, a copy of the purchase agreement is attached hereto.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of
Austin, Minnesota authorizes the to enter into a purchase agreement with Clasen
Mortuary, Inc.

Passed by the City Council this 7th day of February, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
500 4th Avenue NE
Austin, MN 55912
507-437-9940
www.ci.austin.mn.us



Tricia Wiechmann
Human Resources Director
507-437-9942
twiechma@ci.austin.mn.us

MEMORANDUM

TO: Mayor & City Council

FROM: Tricia Wiechmann, Human Resources Director

RE: Request for Funding – Exercise Equipment

DATE: January 13, 2022

There is no doubt the everybody feels a little stressed from time to time. However, studies have found that the mental health and well-being of people working in the field of public safety, among other areas, has increased in recent years. Some of this can be tied back to the pandemic and the residual effect this produces; but other factors have certainly increased over the years.

Traditional mental stressors for those in public safety have generally included things like:

- The danger(s) inherent to the job
- Witnessing horrific scenes of violence/death
- Rotating work schedules
- Lack of sleep
- Experiencing traumatic events leading to PTSD

It is widely known that physical fitness and exercise is good for your body, keep in shape, etc. But it has been proven that this same physical fitness and exercise can boost your mood, improve your sleep and help deal with depression, anxiety and stress.

Both the police and fire departments currently have workout/weight rooms on site (LEC and fire station). Many of the police officers currently contribute \$4.00 per pay period into the “weight room” fund. These funds are then held in an account within the City and utilized for equipment purchases and necessary repairs. The current balance of the account is roughly \$3,500; with an additional \$1,000 donation set to be approved at the January 18, City Council meeting.

The fire department personnel do not currently have such a fund, but it will be a topic of discussion in the near future. The equipment at the fire department is primarily made up of used/donated equipment from department personnel and community members.

A little background and history of the workout room at the LEC – the LEC has always had some kind of workout room, which is jointly shared by the police department, sheriff’s department, jail employees as well as dispatch. Pre-2000, the room was small and had a couple pieces of antiquated equipment and was seldom used because of this. As employees retired and new employees hired, many of the new employees were younger and had an interest in physical

fitness as part of the job. Many worked overnights and afternoons and wanted to exercise at odd hours and at the time Austin didn't have any 24/7 facilities.

In 1999, the workout room was enlarged (still only 40% size of current room) and officers and deputies did some fundraising to re-equip the room. At that time, the City Council and County Board, along with some private entities, provided funds for this upgrade and future repairs. Although better than the size of original room, it was still fairly small, which didn't allow for much additional equipment to be added.

The room was enlarged again, to its current size, during the remodel in the early 2010's. At the time, any remaining funds in the previous 'weight room fund' had been exhausted; therefore, it was at this time the officers began to self-fund the room with the voluntary payroll deduction referenced above. Some of the County deputies and dispatchers also contribute money into their own fund in a similar manner. However, employees do not need to contribute to either fund to use the room.

Several officers and deputies oversee the weight room, including the equipment replacement and upkeep/repairs. The room is well used, requiring equipment to be replaced regularly. In order to keep up with the replacement needs, we are requesting approval for the City to provide \$10,000 to each department (police and fire) to use for their weight/workout room; to be used at their discretion, to include new equipment purchases and maintenance. The contribution to the fire department's fund will be contingent on their ultimate approval and employee voluntary payroll deductions, similar to the police department.

The \$20,000 expense will be funded through the City's contingency fund and we recommend approval at this time. Thank you for your consideration.

Mower County Seniors Inc

400 3rd Ave NE
Austin MN, 55912



January 28, 2022

Tom Dankert

City of Austin
500 Fourth Avenue NE
Austin, MN 55912

We would like to request authorization for the improvement to our building for a washer/dryer and installation. Below is the project bid's and our funding.

Bid's

Fox Electric	\$1230
Harty Mechanical	\$ 563
Donkers	\$2800

Funding project

Hormel Foundation Grant	\$1625
Anonymous Donor	\$2968

Thank you for your consideration.

Sincerely,

Doreen K Nelson
Executive Director

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$2,968	Anonymous	Senior Center washer and dryer
\$375	Disc Golf Club	Disc Golf Fund
\$724.97	Friends of the Nature Center	Trailer 4x6 T

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 7th day of February, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: January 12th, 2022
Subject: 4th Street NW from 10th Ave. to 13th Ave., Roadway Design

During a recent Council meeting there was discussion about development along 4th Street NW and existing traffic concerns. That was followed up with a work session discussion to better understand what movement is actually an issue on 4th Street NW.

- North/south thru traffic
- North/south right turn
- North/south left turn w/ center turn lane
- Right turn merge onto 4th Street NW
- Left turn merge onto 4th Street NW

not an issue

not an issue

not an issue

not an issue

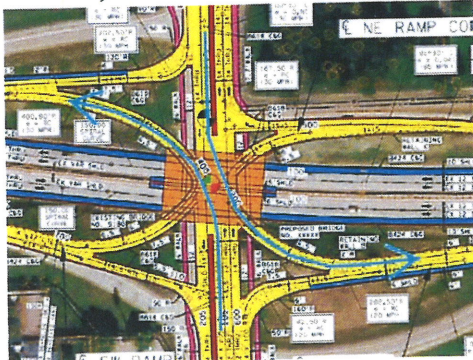
some felt this was an issue

4th Street NW is our busiest roadway in Austin. (2018 traffic volume counts)

- | | |
|---|-------------------------------|
| • 4 th Street NW (1 st Drive to I90) | 13,800 vpd (vehicles per day) |
| • 14 th Street NW (8 th Ave. to I90) | 10,400 vpd |
| • 4 th Street NW (4 th Ave. to 1 st Drive) | 9,000 vpd |
| • 18 th Avenue NW (4 th St. to 14 th St.) | 8,400 vpd |
| • Oakland Ave. West (Main St. to 12 th St.) | 7,100 vpd |
| • 12 th Street SW (Oakland Ave. to 8 th Ave.) | 6,900 vpd |
| • 1 st Drive NW (Main St. to 4 th St.) | 6,700 vpd |

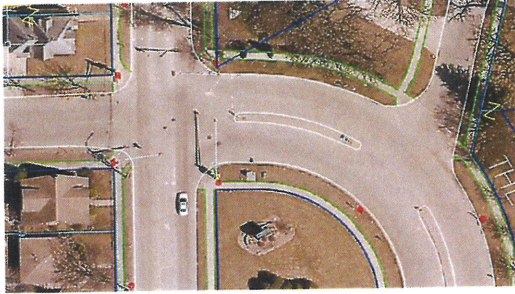
Options for improving left turn merge onto 4th Street NW:

1) New interchange at I90, single point design:



- i. The new design has the potential to create some additional gaps in southbound traffic. The signal controlled left turn movement onto I90 will stop north/south traffic creating a gap that currently does not exist with the current signal system. This will only improve the gap for SB traffic.

2) Modifications to the 4th Street signal at 1st Drive:



- i. This signal currently functions well to move traffic at this intersection. Any changes to the signal times to try and create gaps on 4th Street would create excessive stop durations at this intersection, increase the number of stacked vehicles and potentially cause unexpected traffic issues at a signal that is current operating efficiently.

3) Add signal light at 13th Avenue NW



- i. Traffic volumes on 13th Avenue are generally very low when compared with 4th Street. This intersection would likely not meet warrants for installation of a traffic signal. Lastly, a traffic signal at this location would cause vehicle stacking n/s on 4th Street potentially blocking access to existing driveways. Estimated cost \$500,000.
- ii. Eliminating parking on the south side of 13th Ave. to create a right-turn lane would improve movement on 13th Avenue. Currently right turners get delayed behind a left turner, separating those movements would improve this situation.

4) Add another lane of traffic in each direction

- a. This would allow traffic to pair up, versus running in single file. This process would likely increase gaps and provide more opportunity for left turn movements. The left turn movements would now have more lanes of traffic to cross, so although there are more gaps, the likely hood of accidents may increase due to more conflict points. Again, cause and effect may result in an unwanted result.
- b. Two additional lanes of traffic would require an additional 24 feet of right-of-way. This would require the acquisition of 10 properties at an estimated cost of \$2.25 million. The roadway reconstruction to include the additional 2 lanes would be another \$1.0 million.

5) Add center median to 4th Street NW

- a. This would eliminate mid-block left turn movements, but allow turns from avenues. This would help to improve the n/s movement of traffic, but would have an impact on business and residential ingress/egress. The median could be added to the existing pavement at an estimated cost of \$400,000.

6) Reduce traffic volume on 4th Street NW

- a. A common request to reduce traffic on 4th Street NW is to construct a bridge crossing over I90 at 8th Street. It is deceiving, but at this location the service roads on the n/s sides of the I90 are near the same elevation of

I90. This would require extending n/s into the neighborhood and business area to ramp up the roadways to match the 17-foot-high bridge. These ramps would likely extend 1 block each direction to 13th Avenue and 17th Avenue respectively. This also would require extensive property acquisition in the range of \$3 million and a bridge construction of \$6 million. 8th Street NW is currently a local roadway and is not built for large traffic volumes. Again, cause and effect may result in an unwanted traffic volumes and complaints from 8th Street NW.

7) Dead-end Avenues at 4th Street NW



- i. Avenues such as 11th Ave. could be disconnected from 4th Street with a cul-de-sac installed. This would limit the number of connections to 4th Street, limit the number of conflict points and force drivers to a better controlled intersection such as 10th Avenue. This would be more difficult for 12th Ave. & 13th Ave. This may be a better option to eliminate the offset intersection further south on 4th Street.

We conducted an informal traffic study looking at the 13th Avenue & 4th Street intersection during peak hours throughout the day. We monitored traffic patterns morning, noon and evening on the dates of November 18th, 19th and 22nd with the following results:

- Hours of traffic watched: 6 hours
- Number of right turns: 225
- Number of left turns: 206
- Total number of turns: 431
- Number of turns 2 min or longer: 7 (6 in one group) (1.6%)
- Number of turns 1 min or longer: 24 (5.6%)
- Number of turns 30 sec or longer: 51 (11.8%)
- Number of turns less than 30 sec: 380 (88.2%)

Another way to look at this would be to evaluate the level of service (LOS) of the unsignalized intersection using the 2010 Highway Capacity Manual.

Level of Service	Average Control Delay (seconds/vehicle)	General Description
A	0-10	Free flow
B	>10-15	Stable flow (slight delays)
C	>15-25	Stable flow (acceptable delays)
D	>25-35	Approaching unstable flow (tolerable delay)
E	>35-50	Unstable flow (intolerable delay)
F	>50	Forced flow (congested, queues fail to clear)

Time	Average Control Delay (sec/veh)	Level of Service (A-F)
November 18 th 12:00-1:00	19 seconds	C
November 19 th 7:30-8:30	15 seconds	B
November 19 th 12:00-1:00	16 seconds	C
November 19 th 4:00-5:00	25 seconds	C
November 22 nd 12:00-1:00	19 seconds	C
November 22 nd 4:00-5:00	36 seconds	E
All times combined	22 seconds	C

Based on our limited analysis, the intersection generally runs in a stable flow condition. We believe the most cost-effective options is (3ii) to eliminating the parking on the south side of 13th Avenue and stripe a dedicated right turn lane. We believe this would be enough to improve the 4:00-5:00pm time slot LOC from an E to C. If you have any questions, please let me know.

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: February 2, 2022
Subject: Airport Federal Project Funding Breakdown (AIP & BIL)

City staff has worked with our airport consultant, SEH on a funding strategy for use of Federal funding at the Austin Municipal Airport for the following projects:

- 1) Taxiway joint and crack repair – BIL funding
- 2) T-Hangar taxilane construction – BIL funding
- 3) T-Hangar building construction – AIP funding

The Austin Municipal Airport is allocated \$150K of federal funding per year for eligible projects, this falls under the category of Airport Improvement Project (AIP). There is flexibility with these funds, where as they can be borrowed to other communities and paid back later, 3-years of payments can be stockpiled to fund a larger project or money can be borrowed from other communities and paid back with future reimbursements. These AIP projects are funded 90% FAA, 5% State and 5% Local.

With the new Bipartisan Infrastructure Law (BIL) the Austin Municipal Airport eligible to receive \$159K per year for 5-years. These dollars can be used similarly to the AIP funding, but they can't be combined with AIP funding. The BIL dollars need to be used on their own standalone project. These BIL projects are funded 90% FAA and 10% Local.

Here is a breakdown of the 90% project funding using both AIP and BIL dollars:

FFY	AIP			BIL		
	Item	Amount	Balances	Item	Amount	Balances
2022	2022 AIP Entitlement	\$226,058	\$177,841	2022 BIL Funding	\$159,000	\$44,340
	2022 SBU Payback (from 2015) - Completed	\$114,623		Taxiway Joint Repair (90%)	-\$67,500	
	2022 BDE Payback (from 2017) - Completed	\$150,000		Taxilane Design (90%)	-\$47,160	
	Taxilane Construction (90%)	-\$312,840				
2023	2023 AIP Entitlement	\$150,000	\$3,155	2023 BIL Funding	\$159,000	\$113,340
	2023 CBG Payback (from 2020)	\$150,000		Hangar FD (90%)	-\$90,000	
	2023 GPZ Payback (from 2017)	\$74,314				
	2023 DYT Payback (from 2015) - Partial	\$150,000				
	Entitlement Transfers from Other Communities	\$300,000				
	Hangar Construction (90%)	-\$999,000				
2024	2024 AIP Entitlement	\$150,000	\$123,155	2024 BIL Funding	\$159,000	\$2,340
	2024 DYT Payback (from 2015) - Remainder	\$120,000		Master Plan (90%)	-\$270,000	
	2024 Repayment to Community #1	-\$150,000				
	No Project Yet					
2025	2025 AIP Entitlement	\$150,000	\$123,155	2025 BIL Funding	\$159,000	\$161,340
	2025 Repayment to Community #2	-\$150,000		No Project Yet		
	No Project Yet					
2026	2026 AIP Entitlement	\$150,000	\$273,155	2026 BIL Funding	\$159,000	\$320,340
	No Project Yet			No Project Yet		

<u>2022</u>	Total	Federal	State	Local
Taxiway Joint Repair D&C (BIL)	\$75,000	\$67,500	\$0	\$7,500
Taxilane Design (BIL)	\$52,400	\$47,160	\$0	\$5,240
Taxilane Construction (AIP)	\$347,600	\$312,840	\$17,380	\$17,380
<u>2023</u>				
T-Hangar Design (BIL)	\$100,000	\$90,000	\$0	\$10,000
T-Hangar Construction (AIP)	\$1,110,000	\$999,000	\$55,500	\$55,500
<u>2024</u>				
Master Plan (BIL)	\$300,000	\$270,000	\$0	\$30,000
<u>2025</u>				
None				
<u>2026</u>				
None				
Totals	\$1,985,000	\$1,786,500	\$72,880	\$125,620

Based on this funding breakdown we would recommend moving forward the Taxiway Joint Repair and the Taxilane Projects.

- 1) Taxiway Joint Repair - SEH has provided a proposal for final design and construction admin for this project in the amount of \$16,300. The project will involve developing plans and specifications, solicitation of bids and project inspection. The project will include; routing and sealing of cracks and milling and filling of joints on the main taxiway, connecting taxiways and apron.
- 2) Taxilane Design – SEH has provided a proposal for design services in the amount of \$52,400. The work will include meeting all necessary federal requirements for design and development of a taxilane construction project to serve future T-Hangars.

Project Schedule

- Design and bid in the spring of 2022 for submittal to FAA
- Federal grant documents will be developed in July or August of 2022 and brought back to Council for final approval
- Construction in September and October of 2022

I would recommend approval of these design services to SEH with project funding as shown above. Please let me know if you have any questions.

RESOLUTION NO.

**APPROVING CONTRACT WITH SEH, INC. FOR THE
AIRPORT TAXIWAY JOINT REPAIR PROJECT**

WHEREAS, the City is planning a taxiway joint and crack repair project at the Austin Municipal Airport; and

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

WHEREAS, SEH, Inc. has provided a proposal in the estimated amount of \$16,300 for services on the project; and

WHEREAS, City staff reviewed the proposal and recommends approving the contract with SEH, Inc.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Austin, Minnesota that the Mayor of the City of Austin is authorized to approve the contract with SEH, Inc. for the Taxiway Joint Repair Project.

Passed by a vote of Yeas and Nays this 7th day of February, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

**APPROVING CONTRACT WITH SEH, INC. FOR THE
AIRPORT TAXILANE DESIGN PROJECT**

WHEREAS, the City is planning a taxilane design project at the Austin Municipal Airport; and

WHEREAS, the project will require project design and coordination for the development of a taxilane construction project to serve future T-Hangars; and

WHEREAS, SEH, Inc. has provided a proposal in the estimated amount of \$52,400 for services on the project; and

WHEREAS, City staff reviewed the proposal and recommends approving the contract with SEH, Inc.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Austin, Minnesota that the Mayor of the City of Austin is authorized to approve the contract with SEH, Inc. for the Taxilane design project.

Passed by a vote of Yeas and Nays this 7th day of February, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: February 2, 2022
Subject: Packer Arena Fire Alarm System

We have been having issues with the control panel for the alarm system at Packer Arena. The dialer system has failed and will not dial out for notifications, it is not repairable and not compatible with other equipment. Our existing system consisting of a control panel, pull stations, heat sensors and horns on a 120-volt system. New fire alarm systems that are installed are low voltage, so this will require the entire system to be replaced.

We have received a quote from Custom Alarm in the amount of \$21,127 to install the following new system:

- (1) Fire Alarm Control Panel
- (4) Smoke Detectors
- (4) Duct Smoke Detectors
- (1) Pull Station
- (5) Speaker Strobes
- All other misc. equipment necessary to complete the system

I would recommend moving forward with this equipment repair, with funds for the project coming from contingency. If you have any questions, please let me know.

RESOLUTION NO.

**RESOLUTION AUTHORIZING A CONTRACT WITH
CUSTOM ALARM FOR PACKER ARENA**

WHEREAS, the fire alarm control panel at Packer Arena has failed and is not repairable;
and

WHEREAS, the City has received a quote in the amount of \$21,127 from Custom Alarm
for the installation of a new fire alarm system;

NOW, THEREFORE, BE IT RESOLVED, that the Council approves of the contract
with Custom Alarm in the amount of \$21,127 and authorizes the Mayor and City Recorder to
sign the contract with funding coming from 2022 contingency funds.

Passed by a vote of Yeas and Nays this 7th day of February, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

Memorandum

To: Mayor and City Council

From: Holly Wallace, Planning & Zoning Administrator

Date: February 1, 2022

Re: Amendment of zoning and subdivision codes

Please find for your review "miscellaneous" items that were not fully incorporated into the zoning code update, which is now in effect, which require further definition or detail.

ORDINANCE NO. _____

AN ORDINANCE

FOR THE CITY OF AUSTIN, MINNESOTA incorporating miscellaneous provisions into the Uniform Development Regulations.

The Common Council of the City of Austin does ordain:

SECTION 1. The following section shall be added to the Uniform Development Regulations:

11.4.02

(E) MISCELLANEOUS SPECIAL PROVISIONS.

Subd. 1. Height regulations are not applicable for the following:

A. Monuments, barns, silos or other farm buildings or structures on farms, church spires, belfries, cupolas and domes, chimneys, flag poles, masts and aeries; and parapet walls extending not more than four feet above the limiting height of the building. Towers, i.e. fire, water, hose, sightseeing, transmission, cooling, radio/TV. Grain elevators or other structures, where a manufacturing process requires a greater height.

B. Places of public assembly. Places of public assembly in churches, schools and other permitted public and semi-public buildings provided that for each three feet by which the height of the buildings exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the maximum height permitted in the district.

Subd. 2. Projections into yards.

A. Front, rear and side yards. The following projections may be permitted into any front, rear or side yard adjoining a side street lot line providing no hazardous obstruction to visibility results.

1. Cornices, sills, eaves and other ornamental features to a distance of not more than three feet.
2. Fire escapes to a distance of not more than four feet, six inches.
3. Uncovered stairways and necessary landings to a distance of not more than six feet, provided the stair and landing shall not extend above the entrance floor of the building, except for a railing.
4. Decks may extend into the required front yard a distance not to exceed six feet.
5. Balconies in the R districts, to a distance of not more than three feet into yards of less than 20 feet and to a distance of not more than six feet into yards of more than 20 feet; provided that the balconies do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
6. Egress window wells to a distance of not more than three feet.

7. Temporary ramps for handicapped residents may be built in required yards, but must be removed within 60 days after the handicapped ramp ceases to be required by a resident of the property.

B. Interior side yards. Subject to the limitations for features projecting into front yards, the features may also project into required yards adjoining interior side lot lines, provided that the distance shall not be closer than two feet, or one foot with adjacent neighbor's written consent.

Subd. 3. More than one principal building on a lot.

A. Not more than one principal building shall be located on a lot in residence R-1 or residence R-2. For any unit group of residential buildings, the lot frontage shall be not less than 100 feet. There shall be no residential building on the same lot with another building devoted to any principal use other than residential.

B. Where there is only one principal building, the building may contain mixed occupancies provided the occupancies are for uses permitted by the appropriate district regulations.

Subd. 4. Swimming Pools. A swimming pool shall include any permanent or portable pool not located within a completely enclosed building and containing, or normally capable of containing, water to a depth at any point greater than two feet. No swimming pool shall be allowed in any residential district, except as an accessory use, and it must comply with the following conditions and requirements:

A. Exclusive private use. The pool is intended to be used solely for the enjoyment of the occupants of the principal building of the property in which it is located and their guests.

B. Distance requirements. It may not be located in the required side yard or closer than eight feet to any property line of the property on which located, provided that pump, filter and heater installation shall be located not closer than ten feet to any property line unless stationed in an enclosure.

C. Fencing. The swimming pool on the entire property on which it is located shall be so walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. The wall or fence shall be not less than four feet in height and shall be secured with a self-closing lockable gate. Fencing is only required around the ladder or entrance to an above ground swimming pool that is at least four feet above ground around the entire perimeter of the pool and has exterior walls that are non-climbable.

D. Existing swimming pools. Existing swimming pools and special-purpose pools which do not conform to the requirement of this subdivision shall be required to achieve compliance within 90 days of the effective date of this section.

Passed by a vote of yeas and nays this _____ day of _____, 2022

ATTEST:

APPROVED:

City Recorder

Mayor

CITY OF AUSTIN
SUMMARY PUBLICATION
ORDINANCE NO.

**AN ORDINANCE AMENDING THE
AUSTIN CITY CODE OF ORDINANCES CHAPTER 11 ZONING REGULATIONS**

During their February 7, 2022, meeting, the City Council of the City of Austin adopted Ordinance No. 700. The ordinance amends the Unified Development Ordinance adding 11.4.02 (E) Miscellaneous Special Provisions.

NOTICE IS HEREBY GIVEN the City Council will review a proposed amendment to Chapter 11, Unified Development Regulations.

In summary, the ordinance amendments make the following changes:

11.4.02 (E)

- Subd. 1 Define when height regulations are not applicable
- Subd. 2 Clarify projections into front and side yards
- Subd. 3 Address more than one principal building on a lot
- Subd. 4 Regulation of swimming pools

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of Ordinance No ____ shall be kept in the City Clerk's office at City Hall for public inspection and a full copy of the ordinance be posted in the lobby of City Hall for 30 days after adoption.

ADOPTED this 7th day of February, 2022, by the City Council of the City of Austin, Minnesota.

On motion by Council Member
Second by Council Member

Voting:	Ayes:	0
	Absent:	0
	Abstain:	0

CITY OF AUSTIN

BY: _____
Stephen M. King, Mayor

ATTEST:

Tom Dankert, City Recorder

Summary published in Review:

RESOLUTION NO.

**RESOLUTION APPROVING PUBLICATION OF ORDINANCE NO.XXX AN
ORDINANCE AMENDING THE AUSTIN CITY CODE OF ORDINANCES CHAPTER
11 ZONING REGULATIONS AND CHAPTER 13 SUBDIVISION REGULATIONS-
MISCELLANEOUS PROVISION**

WHEREAS, the City Council of the City of Austin adopted Ordinance ____ amending the City of Austin Zoning Ordinance and adding miscellaneous provisions; and

WHEREAS, Minnesota Statutes, Section 412.191, Subd. 4 allows publication by title and summary in the case of lengthy ordinances; and

WHEREAS, the City Council finds that the following summary would clearly inform the public of the intent and effect of the Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, by the Council of the City of Austin that the City Clerk shall cause the following summary of Ordinance No. ____ to be published in the official newspaper in lieu of the entire ordinance:

During their February 7, 2022 meeting, the City Council of the City of Austin adopted Ordinance No. _____. The ordinance amends the Zoning Ordinance relating to implementing the 2016 Comprehensive Plan.

In summary, the ordinance amendments make the following changes:

11.4.02 (E)

- Subd. 1 Define when height regulations are not applicable
- Subd. 2 Clarify projections into front and side yards
- Subd. 3 Address more than one principal building on a lot
- Subd. 4 Regulation of swimming pools

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of Ordinance No. ____ shall be kept in the City Clerk's office at City Hall for public inspection and a full copy of the ordinance be posted in the lobby of City Hall for 30 days after adoption.

ADOPTED this 7th day of February, 2022.

Voting:

Aye:

Nay:

Abstain:

Absent:

Mayor

Attest:

City Recorder

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: 2/2/22

Re: Resolution re: local controls for housing and land use issues

Please find for your review a proposed resolution drafted, in part, by the League of Minnesota Cities in response to pressure from some legislators to create State level regulations concerning permitting (building) and other land use issues. Their primary focus is: 1) banning costly aesthetic finishes, 2) PUD reform, 3) Comprehensive Zoning Reform, and 4) Fair and Equitable Building Permit Fees. See [Advocacy - Housing First Minnesota \(housingfirstmn.org\)](https://housingfirstmn.org) LMC argues these issues will not be addressed the same way in every jurisdiction and therefore those decisions should be made locally based on the specific needs of each community.

During the CRE (Counselors of Real Estate) process our regulatory scheme was analyzed and while the report has not yet been issued, it is our understanding that any impact on housing was minimal and any recommendations for change could be reviewed and acted upon locally.

The most recent residential home we permitted was valued at \$255,000 by the builder (Bigelow Lennon), however our permitting process uses square footage, which resulted in a valuation of \$114,000 by our building department. The permit fee of \$1,483.45 is based on the lower value of \$114,000. If we had used the builder's valuation, the permit would have been \$2,565.98. The final permit fee was 0.58% of the total value of \$255,000. This covers a licensed State building inspector inspecting the building portion of the project. I think most builders would struggle to find a qualified inspector for that price in the private sector. This has been our process for decades and may be similar to what is proposed by Housing First MN, but we do not necessarily want leave those decisions to the State at this time.

These fees support our building department, which ensures properties are built according to MN State Building Codes and other State Statutes as well as local zoning ordinances. Having a building department is a factor in determination of insurance premiums as well as making our homes and workplaces safer for everyone.

With regard to planned unit development, we have never used it in the manner criticized. We do weigh in on exterior finishes to some degree, but only that they match the primary structure and there are some design standards regarding downtown. Let me know if you have any questions or comments.

RESOLUTION # _____

**A RESOLUTION SUPPORTING HOUSING AND
LOCAL DECISION-MAKING AUTHORITY**

WHEREAS, local elected decision-makers are in the best position to determine the health, safety, and welfare regulations that best serve the unique needs of their constituents; and

WHEREAS, in the city of Austin, building department permit fees are reasonable and unlikely to be matched in the private sector, and may increase under a uniform State plan; and

WHEREAS, the building department is supported by permit fees, which helps ensure properties are built according to MN State Building Codes and other State Statutes as well as local zoning ordinances, which positively impacts insurance premiums, the ability to rebuild after loss and provide safe places to live and work; and

WHEREAS, the city is deeply engaged in promoting housing, including new single and multi-family projects and preservation of existing housing, by retaining Counselor's of Real Estate, developing a tax abatement program, support of grant programs and rental licensing and inspection programs, among others; and

WHEREAS, the city has updated its comprehensive plan and zoning and subdivision ordinances recently, recognizing zoning regulation is an important planning tool that benefits communities economically and socially, improves health and wellness, and helps conserve the environment; and

WHEREAS, local zoning regulation allows communities to plan for the use of land transparently, involving residents through public engagement; and

WHEREAS, multiple bills restricting local decision-making related to housing have been introduced in the 2021-2022 biennium.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AUSTIN, MINNESOTA that this Council supports local decision-making authority and opposes legislation that restricts the ability for local elected officials to respond to the needs of their communities.

LET IT ALSO BE RESOLVED that this Council supports housing policy that advances solutions to support full housing spectrum solutions, local innovation, incentives instead of mandates, and community-specific solutions throughout Minnesota.

ADOPTED by a vote of yeas and nays by the City Council this 7th day of February, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

From: Holly Wallace, Planning & Zoning Administrator

Re: Vacant and Unsecured Structure located at 713 ½ 4th Ave NE,
Austin, MN 55912

Date: January 2, 2022

May I ask the City Council to review and approve this resolution classifying the dwelling located at 713 ½ 4th Ave NE, Austin, Minnesota, as hazardous pursuant to Minnesota Statutes 463.251. (See attached)

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

Thank You!



February 2, 2022
1:29 PM

RESOLUTION NO. _____

ORDER TO SECURE VACANT PROPERTY

**IN THE MATTER OF HAZARDOUS BUILDING
LOCATED AT 713 ½ 4TH AVE NE AUSTIN, MINNESOTA
OWNED BY MILLER R&R, LLC
(LOTS 14 & 15 EXC TRI TO CITY BLOCK-016 RAILROAD ADDITION)**

BE IT RESOLVED that

1. Pursuant to Minnesota Statutes, Section 463.251, the City Council of Austin, Minnesota, having duly considered the matter, finds the above described structure to be a hazardous building for the following reasons:
 1. **Vacant Unsecured Building**
 2. **Broken window**
2. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.251, the City Council hereby orders the record owners of the above hazardous building to repair and make such building safe to the public health, welfare, and safety by making the following necessary repairs:
 1. **Secure Building**
 2. **Repair/Replace window**

Passed by a vote of Yeas and Nays this _____ day of _____, _____

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Edgar Aguilar
609 5th St NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 609 5th St NW, Aguilar Property

Date: February 4, 2022

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 609 5th 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)

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

January 19th, 2022

Edgar Aguilar
2407 12th St SW
Austin, MN 55912

RE: Zoning Violations at 609 5th St NW Austin, MN 55912

Dear Aguilar:

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 January 18th, 2022 at this site and the following issues need to be resolved:

Remove all junk from property

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

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

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

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

B. Public nuisances affecting health

5. Accumulations of manure, refuse, 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,

A handwritten signature in cursive script, appearing to read "Brent Johnson", written in dark ink.

Brent Johnson
Zoning Inspector



TIME STAMP

February 2, 2022
1:33 PM

609 5th St NW

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: Eugene & Janetta Bumgarner
605 5th St NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 605 5th St NW, Bumgarner Property

Date: February 4, 2022

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 605 5th 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)

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

January 13th, 2022

Eugene & Janetta Bumgarner
605 5th St NW
Austin, MN 55912

RE: Zoning Violations at 605 5th St NW Austin, MN 55912

Dear Eugene & Janetta:

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 January 13th, 2022 at this site and the following issues need to be resolved:

Immediately remove doors from unused fridges or containers
Remove all junk from property

The violation of Austin City Code Sections 10.14 Subd.1(B) 4 and 10.14 Subd.4-6 were found. 2021 Minnesota Statute 609.675. These City Code sections and statute read as follows:

2021 Minnesota Statutes

609.675 EXPOSURE OF UNUSED REFRIGERATOR OR CONTAINER TO CHILDREN.

Whoever, being the owner or in possession or control, permits an unused refrigerator or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to be exposed and accessible to children, without removing the doors, lids, hinges, or latches, is guilty of a misdemeanor.

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



TIME STAMP

February 2, 2022
1:33 PM

605 5th St NW