

A G E N D A
CITY COUNCIL MEETING
MONDAY, JUNE 6, 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 May 16, 2022

3. Recognitions and Awards.
Proclamation in honor of Kris Fadness

(mot) 4. *Consent Agenda

Licenses:

Cab Driver: Amy Clinton, 1200 2nd Drive NE

Food: Khinni Asian Market, LLC, 430 10th Street NE, Suite 2

Food: Vietnamese Top Noodle, 501 1st Street NW

Mobile business: Asian Hut, PO Box 13, Storden

Mobile business: Cookie Dough Bliss Twin Cities, 4122 Shelly Court, New Market

Mobile business: Nels Diner, LLC, Albert Lea

Mobile business: Tasty Fam, LLC, 1009 1st Avenue NW

Mobile business: The Cafeteria, LLC, 105 9th Street NW

Temporary 3.2 Beer: Austin Area Chamber of Commerce at the Plager Building on July 19, 2022

Temporary Liquor: Gravity Storm Brewery at Bandshell Park on August 27, 2022

Temporary Liquor: Gravity Storm Brewery at Bandshell Park on July 3-4, 2022

Temporary Liquor: VFW Post 1216 at Bandshell Park on July 3-4, 2022

Claims:

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

Event Applications:

Pride Fest on June 12, 2022

PUBLIC HEARINGS:

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

(res) 6. Reviewing a tax abatement application from the Austin Housing & Redevelopment Authority.
a. Approval or denial of abatement.

PETITIONS AND REQUESTS:

- (res) 7. Accepting Oballa Oballa's resignation and declaring a First Ward vacancy.
- (mot) 8. Authorizing \$1,500 from 2022 contingency for an electrical pedestal at the Austin Artworks Festival.
- (res) 9. Approving budget adjustment number 3 – affordable housing funding.
- (res) 10. Approving budget adjustment number 4 – EDA grant match.
- (res) 11. Approving a senior deferral application.
- (res) 12. Approving change order #1 for the Council Chambers audio/visual project.
- (res) 13. Adopting the Operations, Maintenance, Repair, Replacements & Rehabilitation Manual for the North Main Flood Control Project.
- 14. Reviewing an ordinance for interim use permits.
 - (mot) a. For preparation of the ordinance.
 - (ord) b. For adoption of the ordinance.
 - (res) c. For summary publication of the ordinance.
- 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. 503 8th Avenue SE, Wakefield Property.
 - (mot) b. 808 10th Avenue SW, Ernst Property.
 - (mot) c. 1006 11th Avenue SW, Myint Property.
 - (mot) d. 400 16th Avenue SW, Vandervoort Property.
 - (mot) e. 810 10th Street NE, Heigel Property.
 - (mot) f. 904 5th Avenue NW, El Patron Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Monday, June 20, 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
May 16, 2022
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Jason Baskin, Oballa Oballa (5:31 p.m.), Michael Postma, Joyce Poshusta and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: None

STAFF PRESENT: City Administrator Craig Clark, Police Chief David McKichan, Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, City Attorney Craig Byram, Library Director Julie Clinefelter, and City Clerk Ann Kasel

APPEARING IN PERSON: Nick Schiltz, Kim Schechinger, Curtis Sorenson, Austin FFA Club

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

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

Moved by Council Member Fischer, seconded by Council Member Baskin, approving Council minutes from May 2, 2022. Carried.

AWARDS AND RECOGNITIONS

Mayor King recognized the Austin High School FFA group for their awards at state. Nick Schiltz and Kim Schechinger stated the students worked very hard over the last year and were given the highest level of acknowledgment from the State.

CONSENT AGENDA

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

Licenses:

Food: Lawlasoe Market, LLC, 208 South Main Street
Mobile Business: Poncho & Mara's Cocinita, 1009 10th Avenue SW
Mobile Business: Sunny's Ice Cream & Mexican Food, 1013 5th Ave NE
Sign installer: Scenic Sign Corp., Sauk Rapids
Temporary Liquor: Pacelli Catholic Schools on June 17, 2022

Claims:

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

Event Applications:

Freedom Festival on July 3-4, 2022.

Carried.

PUBLIC HEARING

A public hearing was held for the reassessment of tax forfeited property. City Clerk Ann Kasel stated the properties were sold at County auction last fall and now the assessments that were cancelled in the forfeiture are being reassessed and put back on the real estate taxes.

There were no public comments.

Moved by Council Member Poshusta, seconded by Council Member Postma, adopting a resolution reassessing tax forfeited property. Carried 7-0.

BIG OPENINGS AND AWARDS

The City received the following bids for the Oakland Avenue Trail project:

Contractor	Bid
Ulland Brothers, Inc.	\$282,845

Public Works Director Steven Lang stated the estimate for this project was \$185,350. He recommended the bid be rejected and the project rebid later in the year.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, rejecting all bids for the Oakland Avenue Trail project. Carried.

The City received the following bids for the Senior Center parking lot project:

Contractor	Bid
Ulland Brothers, Inc.	\$113,945

Public Works Director Steven Lang stated the work will consist of a mill and overlay in the parking lot, drainage improvements, replacement of sidewalk panels and the construction of a concrete patio. The Senior Center will contribute funds for the patio improvements. He recommended awarding the bid to Ulland Brothers, Inc.

Moved by Council Member Fischer, seconded by Council Member Oballa, awarding the bid for the Senior Center parking lot project to Ulland Brothers, Inc. Carried 7-0.

The City received the following bids for pavement markings:

Contractor	Bid
Traffic Marking Service	\$ 8,919.90
Sir Lines-A-Lot	\$10,541.70
Warning Lites	\$14,596.20

Public Works Director Steven Lang stated the City has hired a new Sign & Traffic position but having the mainlines striped would free up that person to work on other backlogged work. He recommended awarding the bid to Traffic Marking Service.

Council Member Baskin asked Mr. Lang if he could quantify what did not get done while the position was vacant.

Mr. Lang stated the City could quantify that work and the sign area is behind due to the vacancy in the position.

Moved by Council Member Fischer, seconded by Council Member Waller, awarding the bid for pavement markings to Traffic Marking Service. Carried 7-0.

PETITIONS AND REQUESTS

Moved by Council Member Oballa, seconded by Council Member Baskin, adopting a resolution approving an on-sale liquor license for Bicabut, Inc. dba Bakery Lounge dba the Downtown Grill. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Postma, adopting a resolution appointing Stephen Juenger as the honorary council member – June to August 2022. Carried.

City Administrator Craig Clark requested the Council approve a resolution in support of I-90 bridges funding. A letter signed by the Mayor would also be sent with the resolution to the US Department of Transportation.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving a resolution in support of funding for the I 90 bridge projects. Carried 7-0.

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

Planning and Zoning Administrator Holly Wallace reviewed a sign appeal from Blu Water Brew, LLC dba Scooter's Coffee. The City code allows a limited number of signs and requires they face the public right of way. Scooter's proposed two signs on the north and south side of the building that do not face a public right of way and are in excess of the ordinance. The Planning Commission reviewed the matter at their May 10, 2022 meeting

and recommended approval of the variance by a 4-3 vote.

Moved by Council Member-at-Large Austin, seconded by Council Member Poshusta, adopting a resolution approving a sign appeal from Blu Water Brew, LLC dba Scooters Coffee. Carried.

Planning and Zoning Administrator Holly Wallace reviewed a lot variance request from Michael Arens. Mr. Arens is trying to sell his property and became aware that the neighboring home encroached on his land. He agreed to sell 10 feet of his property to the neighbor but this would leave him with a 50 foot frontage instead of the required 60 foot frontage. The Planning Commission reviewed the matter at their May 10, 2022 meeting and recommended approval by a 7-0 vote.

Moved by Council Member Fischer, seconded by Council Member Waller, approving a variance request from Michael Arens. Carried.

Planning and Zoning Administrator Holly Wallace reviewed a deck variance request from Ralph Donkers. Mr. Donkers requested a variance from the City code that requires a 12.5 foot side yard set back on a corner lot. He proposed deck addition is 18' by 8' and would be two feet tall. This would result in an approximate 4 foot setback from the sidewalk. The Planning Commission reviewed the matter at their May 10, 2022 meeting and recommended approval by a 7-0 vote.

Moved by Council Member Fischer, seconded by Council Member Baskin, approving a deck variance from Ralph Donkers. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1019 8th Avenue NE, Graham Property. Carried.

Moved by Council Member Postma, seconded by Council Member Poshusta, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1107 4th Avenue NW, Fernando Property. Carried.

Moved by Council Member Poshusta, 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 1309 30th Avenue NE, Oelker & Jarrett Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 600 11th Avenue NW, Sletten Property. Carried.

REPORTS

City Administrator Craig Clark stated the legislature recently discussed a \$1.4 billion dollar bonding bill which will hopefully will provide funding to treatment plant. He also stated Dave Merrill will start as the Parks and Recreation Director on May 23, 2022.

City Clerk Ann Kasel stated filing for public office will open May 17, 2022 and run through May 31, 2022.

Council Member Fischer thanked the City and County employees for their work at the electronics recycling event where 4 semi-trucks were filled.

Council Member Baskin stated he will attend the Community Leaders of America conference in Omaha in the coming week.

Council Member Postma thanked Tom Dankert and the IT team for getting new AV system up and running in the Council Chambers.

Council Member Poshusta noted it is national police week and thanked the Austin Police Department for their service.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adjourning the meeting to June 6, 2022. Carried.

Adjourned: 6:15 p.m.

Approved: June 6, 2022

Mayor: _____

City Recorder: _____

From the Office of the Mayor



500 Fourth Avenue NE
Austin, Minnesota 55912-3773
Phone: 507-437-9965
Fax: 507-434-7197
www.ci.austin.mn.us

Proclamation

- Whereas:** *Kristopher Fadness has been the Austin High School boys' basketball coach for the past 25 years; and*
- Whereas:** *He and his teams have accumulated 407 victories, the most in school history, with fifteen consecutive winning seasons, six Big 9 conference championships, seven Section 3A championships and seven State 3A tournament appearances playing in three championship games; and*
- Whereas:** *Coaching is about more than basketball; it's about providing a space where young men can get away from the struggles of everyday life, it's about providing opportunities for young men to play sports and stay away from drugs and alcohol, it's about providing incentive to go to school and maintain passing grades, it's about learning how to work as a team, it's about learning how to handle adversity, it's about learning how to handle success and failure, it's about preparing young men for the future while quietly and humbly instilling in them integrity and self-discipline; and*
- Whereas:** *He will be remembered for his tenure at Austin High School as Kris, Fads, Kfad, Coach, Teacher, Leader, Mentor and Friend; and*
- Whereas:** *His leadership of young people on and off the court and his benefits to the community through coaching will be greatly missed; and*
- Now, therefore,** *I, Stephen King, Mayor of the City of Austin, Minnesota do hereby proclaim March in Austin, Minnesota as*

March Fadness



A handwritten signature in blue ink, which appears to read 'Stephen King'.

Stephen King
Mayor

Right of Way Permit



Permit Type: Community Festival
Permit Number: 2022-108

Applicant Information		Organization Information	
Primary Name	Tricia Wiechmann	Organization Name	Human Rights Commission
Primary Phone	437-9942	Organization Address	500 4th Avenue NE
Primary Cell		Organization City	Austin
Primary Email	twiechma@ci.austin.mn.us	Organization State	MN
Alternate Name		Organization Zipcode	55912
Alternate Phone			
Alternate Cell			
Alternate Email			

Permit Information			
Event Title	Community Pride		
Event Type	Community Pride	Approximate Number of Participants	100
Event Start Date	June 12, 2022	Event Start Date	June 12, 2022
Description of Event and Expected Volume	Musical entertainment, standard sound system		
Event Start Time	15:00	Event End Time	18:00
Alcoholic Beverages Available	No	Licensed Establishment(s) Serving Alcohol	
Location of Alcohol Services		Types of Alcohol being Served	
Traffic Control Barricades Needed for Street/Lane Closure?	No	Will Traffic Control Barricades be Provided by Applicant or City?	
Portion of Street Width Being Used			

Engineering Department					
Determination	Approved	Date of Approval	May 26, 2022	Approved By	Mitch Wenum
Comments					

Police Department					
Determination	Approved	Date of Approval	May 26, 2022	Approved By	Capt. Todd Clennon
Comments					

City Clerk					
Determination	Approved	Date of Approval	May 26, 2022	Approved By	Ann Kasel
Comments	Food vendors need to be licensed.				

Final Determination	Approved
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Disclaimer: The City is only reviewing and approving activities and installations intended to occur within the ROW and not in any way approving or providing comment on any activity that may occur on private property, the Permittee or Registrant is solely responsible for any and all entries, activities, or installations upon private property.



Image capture: Aug 2016 © 2022 Google

HOUSING TAX ABATEMENT APPLICATION

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

Property Owner / Applicant: Bigelow & Lannon Construction
 Current Address: 211 1st St SW Byron, MN 55920
 Telephone: 507-775-7068 E-Mail: jill@bigelowlannon.com

Has applicant ever defaulted on property taxes? ☐ Yes ☒ No If Yes, provide details on separate page(s).

Are property taxes current? ☒ Yes ☐ No

Proposed Project: ☒ New Construction ☐ Replacement of housing unit

Project Type: ☒ Single Family ☐ Duplex ☐ Multi-family

Project Address: 2110 14th Ave NE Austin, MN 55912

Project Legal Description:

Lot 7, Block 2 Nature Ridge 2nd

Parcel Number: 3A.467.0120 Estimated Project Valuation: \$ 350,000.00

Applicant Statement:

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

We would like to continue to provide new quality homes for residents of Mower Co.

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.

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.

Construction
Certification

Signature

Date

Signature of Applicant(s)

Date

FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

☐ City or ☐ Township of

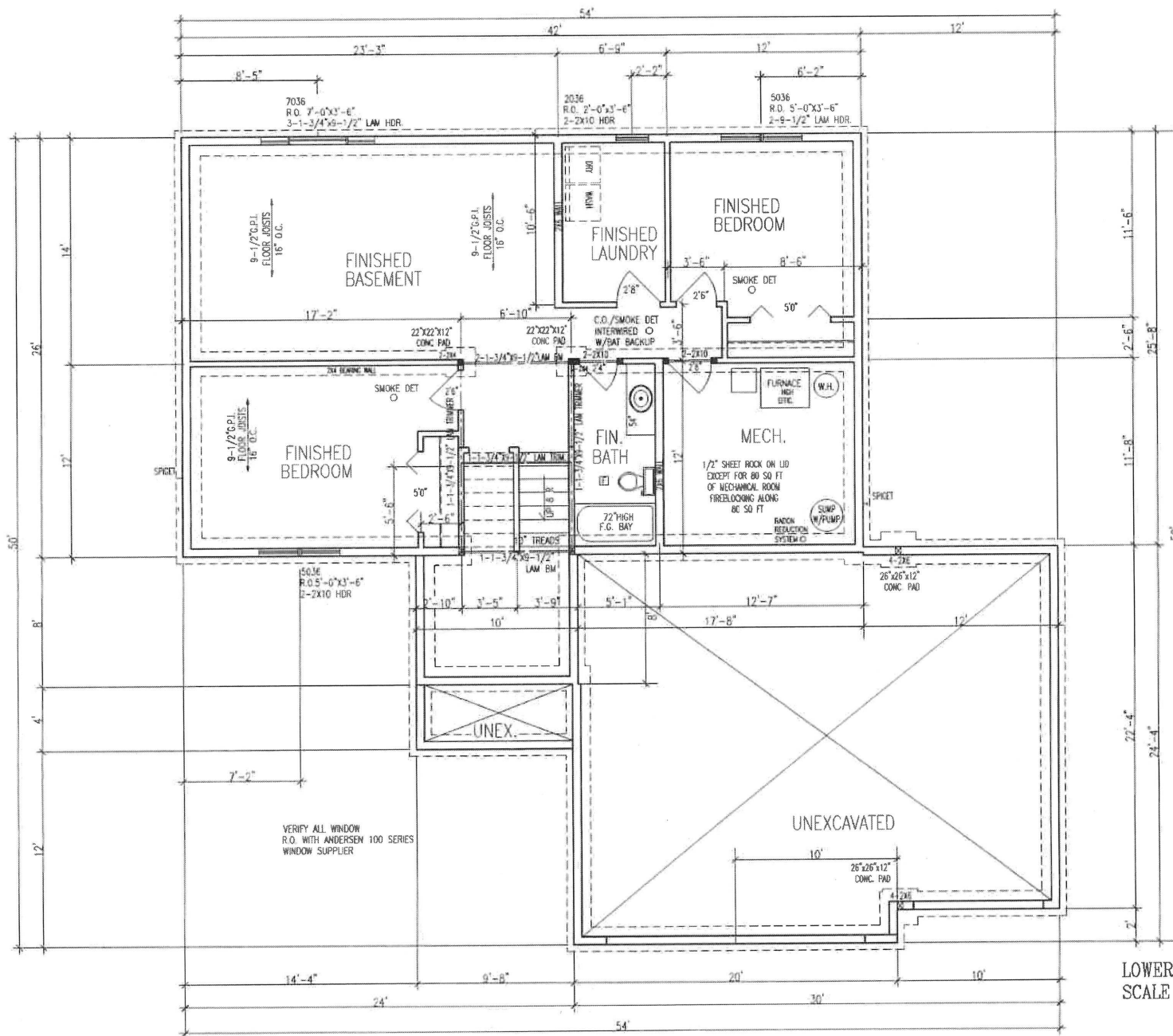
Date:

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.



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

CONTRACTOR:

BIG/LENN CONST.

OWNER:

NATURE RIDGE 2ND
LOT#7 BLOCK#2

DATE:	1009
BY:	2213171
NOTED:	NOTED
DATE:	

(NOT TO SCALE)

This drawing has been prepared solely for the use of the customer/contractor and is not to be used for any other purpose. The customer/contractor is responsible for the accuracy of the information provided and for obtaining all necessary permits and approvals. The customer/contractor is also responsible for the accuracy of the information provided and for obtaining all necessary permits and approvals. The customer/contractor is also responsible for the accuracy of the information provided and for obtaining all necessary permits and approvals.

Customer/Contractor Signature

Date

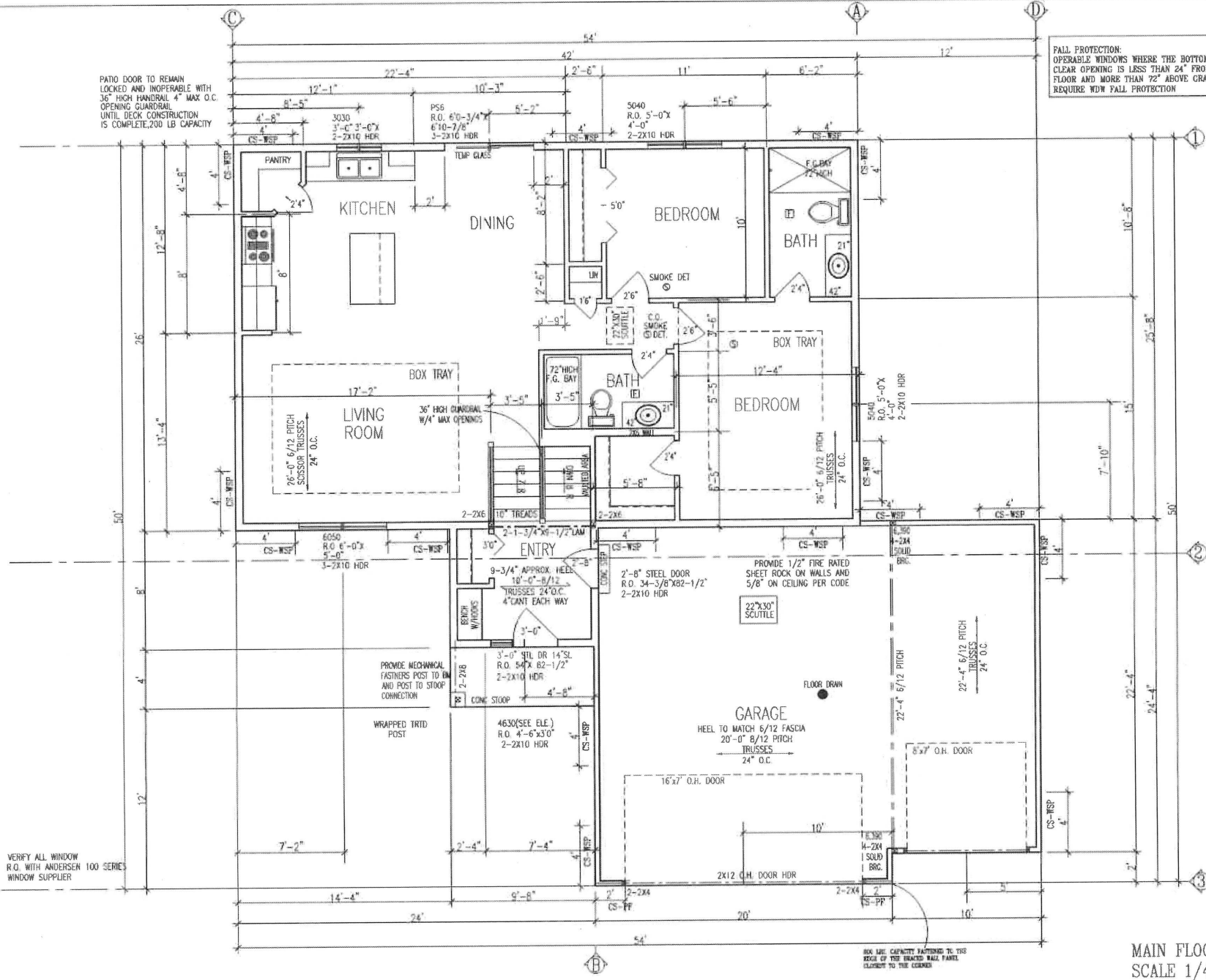
PROGRESSIVE PLAN
DESIGN LLP

RESIDENTIAL ARCHITECTURE

714 County Rd 3 NW Byron MN 56005
(657-775-8877) progressiveplanllp@gmail.com

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

FALL PROTECTION:
OPERABLE WINDOWS WHERE THE BOTTOM OF THE
CLEAR OPENING IS LESS THAN 24" FROM FINISHED
FLOOR AND MORE THAN 72" ABOVE GRADE
REQUIRE WDW FALL PROTECTION



VERIFY ALL WINDOW
R.O. WITH ANDERSEN 100 SERIES
WINDOW SUPPLIER

SEE L&S CAPACITY FASTENED TO THE
EDGE OF THE BRACKET WALL PANEL
CLOSEST TO THE CORNER

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

PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE
714 County RD 3 NE Byron, MN 56020
(507-775-8877) progressiveplans@gmail.com

These drawings have been prepared using the information provided by the client. The architect is not responsible for the accuracy of the information provided. The architect is not responsible for the construction of the project. The architect is not responsible for the construction of the project. The architect is not responsible for the construction of the project.

CONTRACTOR: BIG/LENN CONST.
OWNER: NATURE RIDGE 2ND LOT#7 BLOCK#2

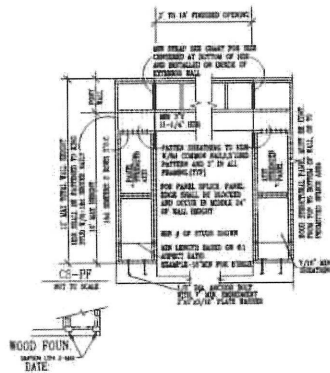
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Sheet:	1009
Rev:	2213171
Notes:	NOTED
Date:	1/17/17

DISCUPTION: MAIN FLOOR

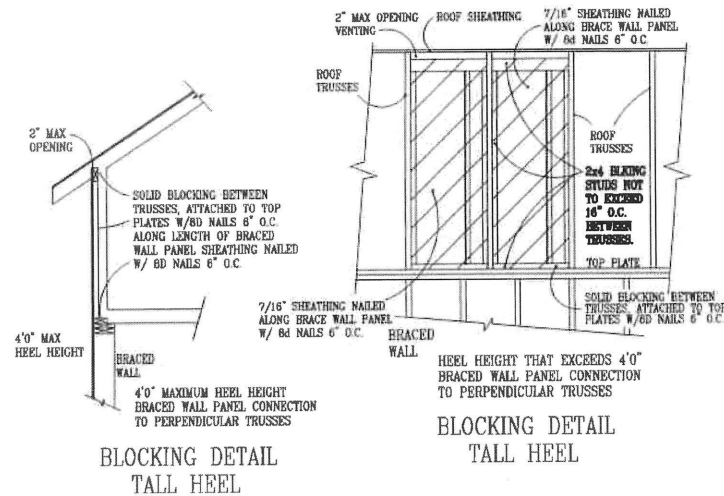
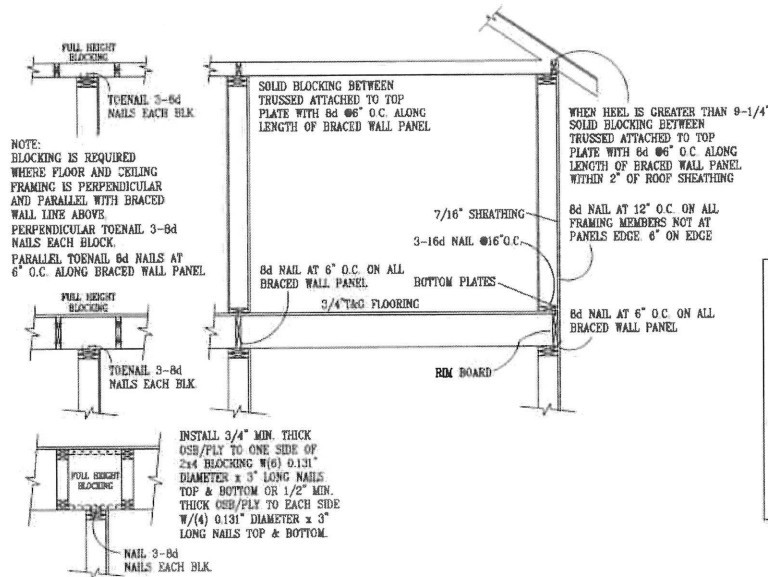
BRACED PANEL LENGTH TABLE BASED ON WIND SPEED (<60mph)									
BRACED WALL LINE	BRACING METHOD TABLE SHEE 10.4.1	BRACED WALL SPACING	BRACED PANEL LENGTH (FEET)	EXPOSURE FACTOR (F)	WIND SPEED TOTAL	WIND SPEED TOTAL	WIND SPEED TOTAL	WIND SPEED TOTAL	WIND SPEED TOTAL
①	CS-WSP	28 FT	4.7'	1.0	0.88	0.90	1.3	4.8'	12'-0"
②	CS-WSP	28 FT	4.7'	1.0	0.88	0.90	1.3	4.8'	24'-0"
③	CS-PF 80 HLODOWN	22 FT	3.8'	1.0	0.94	0.95	1.3	3.5'	4'-0"

DISCUPTION: MAIN FLOOR

BRACED PANEL LENGTH TABLE BASED ON WIND SPEED (<90mph)									
BRACED WALL LINE	BRACING METHOD TABLE SHEE 10.4.1	BRACED WALL SPACING	BRACED PANEL LENGTH (FEET)	EXPOSURE FACTOR (F)	WIND SPEED TOTAL	WIND SPEED TOTAL	WIND SPEED TOTAL	WIND SPEED TOTAL	WIND SPEED TOTAL
(A)	CS-WSP	42 FT	8.3	1.0	0.88	0.90	1.45	7.2'	18'-0"
(B)	CS-WSP	32 FT	5.2	1.0	0.84	0.95	1.45	6.7'	8'-0"
(C)	CS-WSP	42 FT	8.3	1.0	0.88	0.90	1.45	7.2'	8'-0"
(D)	CS-WSP	32 FT	5.2	1.0	0.84	0.95	1.45	6.7'	8'-0"



TENSION STRAP CAPACITY FOR WIND PRESSURE REQ FOR PFH, PFG, AND CS-PF					
WIND WALL STUD FRAMING NOMINAL SIZE AND GRADE	MAXIMUM PONY WALL HEIGHT	MAXIMUM TOTAL WALL HEIGHT	MAXIMUM OPENING WIDTH	TENSION STRAP CAPACITY REQ 115MPH WIND	
				EXPOSURE B	EXPOSURE C
2X4 NO.2 GRADE	0	10	16	1000	1000
	1	10	16	1000	1000
			16	1025	2500
			16	1275	3550
	2	10	16	1000	1675
			16	2175	4125
			16	2500	DR
			16	1500	3175
2X6 STUD GRADE	2	12	16	3375	DR
			16	3975	DR
	4	12	12	2750	DR
			12	3775	DR
			9	1600	2025
			16	2150	3675
			16	2550	DR
			9	1750	3125
	4	12	16	2400	DR
			16	3600	DR



WALL BRACING NOTES: CS-WSP

1. ALL WALLS SHALL BE CONTINUOUSLY SHEATHED WITH WOOD STRUCTURAL PANELS
2. CS-WSP ON PLANS INDICATE AREAS OF BRACED PANELS
3. BRACED PANELS SHALL BE CONSTRUCTED WITH 16" O.C. STUDS. TOP PLATE FASTENED TO SOLID FRAMING WITH 8d NAILS 6" O.C. BOTTOM PLATES FASTENED TO SOLID FRAMING W/ 3-16d NAILS 16" O.C.
4. ANY OTHER TYPE OF BRACING METHOD SHALL BE INDICATED ON PLAN AND SEPARATE DETAIL WILL BE PROVIDED.

PROGRESSIVE PLAN
DESIGN LLP

RESIDENTIAL ARCHITECTURE
714 County RD 3 NW Byron MN, 55009
(657-775-9877) progressiveplans@gmail.com

CONTRACTOR:
BIG/LENN CONST.

OWNER:
NATURE RIDGE 2ND
LOT#7 BLOCK#2

Drawn by:
R.H.

Scale:
1/8" = 1'-0"

Date:
2/21/21

Sheet:
NOTED

PROGRESSIVE PLAN DESIGN LLP

RESIDENTIAL ARCHITECTURE

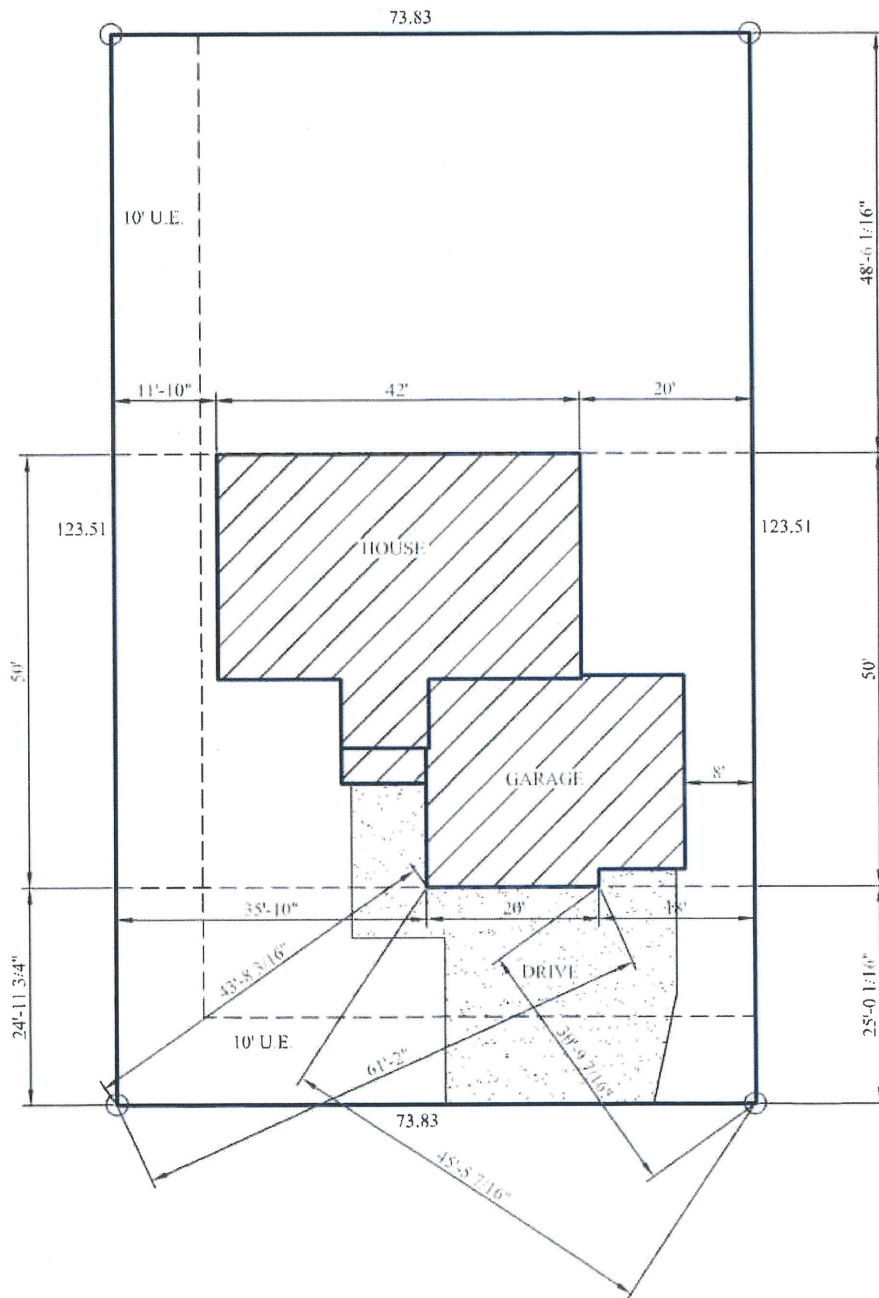
714 County Rd 3 NW Byron MN 56020
(507)775-6677 progressiveplandesign@gmail.com

LOT, #7 BLK. #2
SUBDIVISION:NATURE RIDGE 2ND
CITY:AUSTIN STATE: MN

CONTRACTOR:BIG-LENN CONST.
CUSTOMER:NATURE 7-2



SCALE: 1" = 20'



**CITY OF AUSTIN
COUNTY OF MOWER
STATE OF MINNESOTA**

**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, June 6, 2022 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 \$7,475. The subject property is located at 2110 14th Avenue NE, Austin, Minnesota and is legally described as:

Lot 7, Block 2, Nature Ridge Second, City of Austin, County of Mower

The public hearing will be held in the City Council Chambers, at City Hall, 500 4th 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 4th Avenue NE, Austin, Minnesota 55912.

Publish: May 25, 2022

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 7, 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 6th day of June, 2022.

Yeas

Nays

ATTEST:

APPROVED

City Recorder

Mayor

HOUSING TAX ABATEMENT APPLICATION

(Application Period 8-1-16 through 12-31-2022)

Property Owner / Applicant:

Austin HRA

Current Address:

308 2nd Ave NE

Telephone:

507-433-1866

E-Mail:

taggart@austinhra.org

Has applicant ever defaulted on property taxes?

☐ Yes☒ No

If Yes, provide details on separate page(s).

Are property taxes current?

☒ Yes☐ No

Proposed Project:

☒ New Construction☐ Replacement of housing unit

Project Type:

☒ Single Family☐ Duplex☐ Multi-family

Project Address:

901 24th Ave NW

Project Legal Description:

Lot 4, Block 1 - North Pointe

Parcel Number:

34.509.0040

Estimated Project Valuation:

\$ 300,000 - 325,000

Applicant Statement:

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

See attached sheet for statement.

Attach building plans, site map, parcel information and parcel number. (Include letter of consent from property owner if subject to purchase agreement or include a copy of the 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.

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.

Construction
Certification

Signature of Applicant(s)

5/9/22
Date

Signature of Applicant(s)

5/9/22
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 application with attachments 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.
deniseb@co.mower.mn.us



Subject: HRA /Riverland Community College House at North Pointe

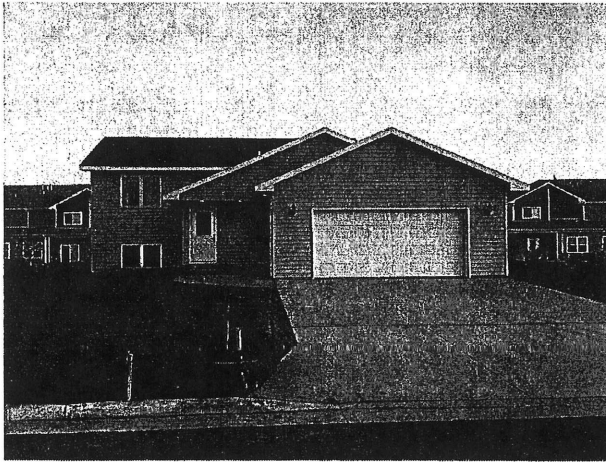
Date: May 9th, 2022

The HRA and Riverland are once again looking to partner on a house project this fall and early spring. This comes off a very successful partnership the past couple of years.

Partnership details below:

- The Austin HRA would provide the lot and cost of all the building materials with Riverland agreeing to provide labor for construction and electrical from its construction classes. The HRA will own the house upon completion, sell it and keep revenues made on the sale to put back into other housing projects in Austin.
- We would start with lot 4 (34.509.0040) with the ability to stage on lot 3. Lot 6 is the one we built on last year.
- The sale price will be in that \$300,000-325,000 range based on current market conditions.
- We will be using the same house layout as last year with the orientation flipped, the garage will be the closet to the bike path. The house is in between (last year's house and this year's request) is a different layout and next year if we decide to do one will have a different layout as well.

North Pointe Housing – Based on the Housing Study there is a need for single family housing in the Community. Not only does this help the Riverland programs giving their students excellent experience, we also try to target first time home owners on the sale of these property.



Above you will see the house built between the HRA/Riverland partnership in the 2020-21 and 2021-2022 school year.

Thanks

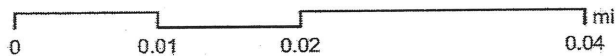
Taggart J Medgaarden

Austin HRA

Executive Director

taggart@austinhra.org

(507) 433-1866



DISCLAIMER: Mower County, MN, makes no representation or warranties, express or implied, with respect to the use or reuse of the data provided hereon, regardless of its format or the means of its transmission. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENCY, SUITABILITY, PERFORMANCE, MERCHANTABILITY, RELIABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Mower County, MN, shall not be liable for any direct, indirect, special, incidental, compensatory or consequential damages or third party claims resulting from the use of this data, even if Mower County, MN, has been advised of the possibility of such potential loss or damage. This data may not be used in states that do not allow the exclusion or limitation of incidental or consequential damages.

Mower County Public GIS

Date/Time: 5/9/2022 3:40 PM

FUTURE DECK

R 312.1

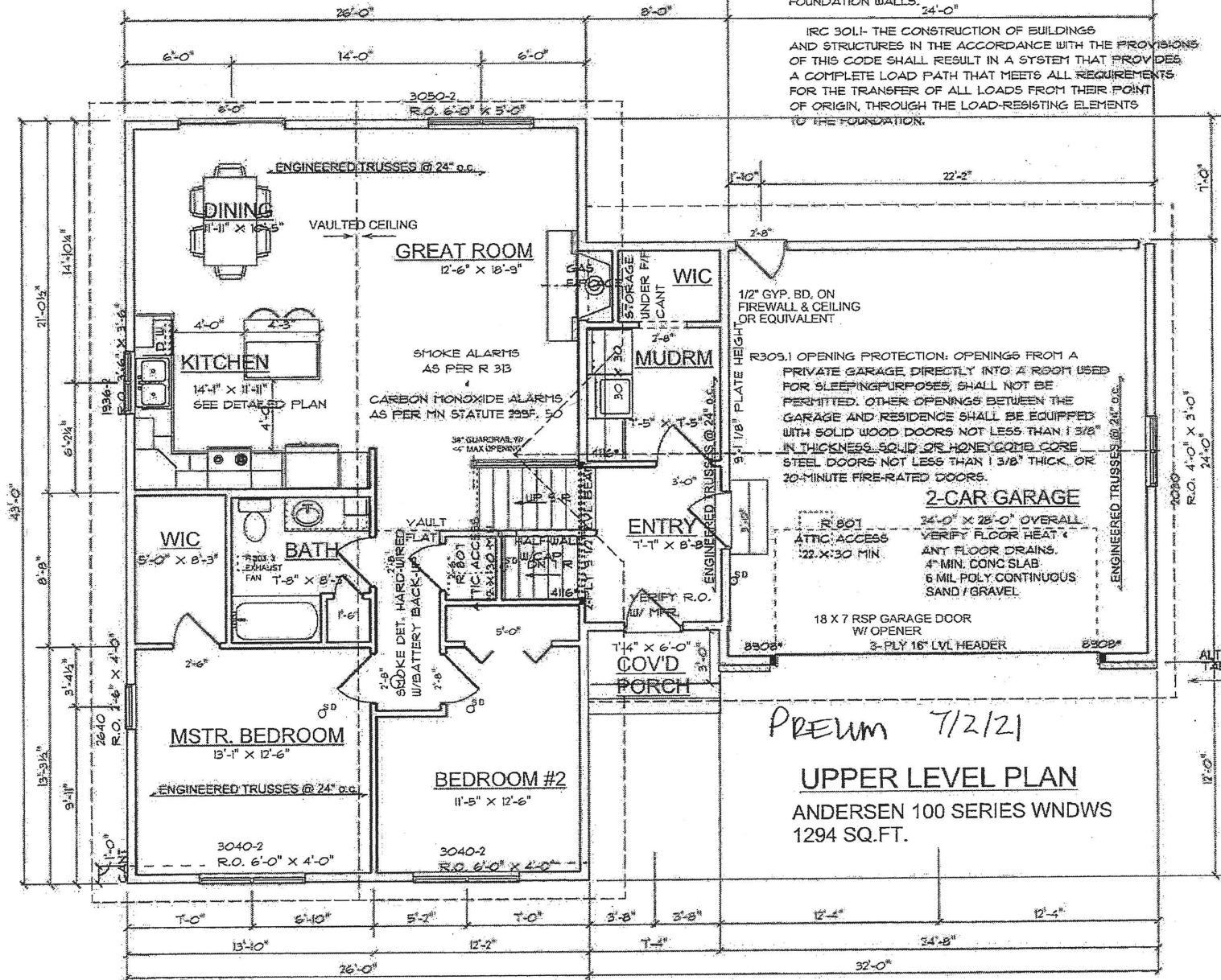
PROVIDE GUARDRAIL OR LANDING WITH GUARDRAIL
IF EXIT DOOR IS 30" OR MORE ABOVE FINISHED GRADE

CONTINUOUS BEARING MUST BE PROVIDED
UNDER ALL CONCENTRATED LOADS, THROUGH
ALL FRAMING MATERIALS DOWN TO THE
FOUNDATION WALLS.

IRC 301.1 THE CONSTRUCTION OF BUILDINGS
AND STRUCTURES IN THE ACCORDANCE WITH THE PROVISIONS
OF THIS CODE SHALL RESULT IN A SYSTEM THAT PROVIDES
A COMPLETE LOAD PATH THAT MEETS ALL REQUIREMENTS
FOR THE TRANSFER OF ALL LOADS FROM THEIR POINT
OF ORIGIN, THROUGH THE LOAD-RESISTING ELEMENTS
TO THE FOUNDATION.

STAIR REQUIREMENTS:
5/4 X 12 PARTICLE BD TREAD @ 10" M
1 X 8 PINE RISER @ 7-3/4" MAX
3-2 X 12 STAIR JACK
6" MIN HEADROOM FROM NOSING
34"-38" HANDRAIL W/ RETURN TO WAL
5/8" FR GYP ON UNDERSIDE

STUD STRENGTH
2X4 = 2235#
2X6 = 3505#



PRELIM 7/2/21

UPPER LEVEL PLAN

ANDERSEN 100 SERIES WNDWS
1294 SQ.FT.

ALTERNATE WALL BRACED PANEL
TABLE 602.10.6 FIGURE R 602.10.
2-PLY 11 7/8" LVL CONT.

GARAGE WALL STUD ANCHORS &
SHEATHING BOTH INT & EXT
AT WALLS LESS THAN 28" IN LENGTH
ADJACENT TO OPENINGS OF 30" OR MORE

BEDROOM #3
11'-4" X 11'-0"
R.O. 6'-0" X 3'-6"
2-PLY 9 1/2" LVL HDR
9 1/2" W/ JOISTS @ 16" OC

BEDROOM #4
10'-0" X 11'-0"
1/2" W/ JOISTS @ 16" OC
3'-10 1/2"

BATH
5'-0" X 7'-0"
SINK DET. HARDWIRED W/BATTERY BACK-UP
FLOOR DRAIN
3'-10 1/2"

MECH/LAUNDRY
12'-5" X 13'-4" OVERALL
FURN.
30X12 FORT LOC. OPTION
2-PLY 9 1/2" DROPPED

FAMILY ROOM
15'-7" X 17'-8"
4" CONC SLAB
6 MIL POLY CONTINUOUS SAND / GRAVEL
2 X 4 BEARING WALL TREATED PLATE
ANCHOR BOLT MIN 1/2" X 10" @ 5' O.C. & 12" MAX EA SIDE OF SPLICE & CORNERS
ON 1/2 COURSE 4" CONC BLK W/ 16 X 8 CONC FOOTING W/ 2 - 1/2" REBAR CONT
R.O. 6'-0" X 3'-6"

OFFICE
10'-0" X 11'-11"
R.O. 6'-0" X 3'-6"

STORAGE
FLR CANT ABOVE
SEALED SUMP BASKET PROVIDE FOR PASSIVE RADON VENTING SYSTEM
2-2X6 COLUMN ON 24" X 24" X CONC. PAD FTG. (TYPICAL)
4" CONC SLAB
6 MIL POLY CONTINUOUS SAND / GRAVEL
5/8" DIA FLUSH
5/8" DIA (TYPICAL)

UNEXC.

BRICK LEDGE AS NEEDED

CANTILEVERED FLOOR ABOVE R-30 MIN INSULATION

DECK OVER

STUD STRENGTH
2X4 = 2232#
2X6 = 3506#

ALL PLATES OR SILLS AND SLEEPERS WHICH ARE WITHIN 8" OF GRADE OR 2" OF CONCRETE SHALL BE OF ROT-RESISTIVE NATURE. TREATED BOTTOM PLATES ARE NOT REQ'D IN BASEMENTS IF 6MIL POLY OR OTHER VAPOR BARRIER IS INSTALLED UNDER THE CONCRETE FLOOR.

CORROSION-RESISTANT HANGERS, ANCHORS AND FASTENERS MUST BE USED WITH ANY TREATED LUMBER ON THIS PROJECT. SEE MFR/ SPECS FOR MORE INFORMATION.

STAIR REQUIREMENTS:
5/4 X 12 PARTICLE BD TREAD @ 10" MIN
1 X 8 PINE RISER @ 7-3/4" MAX
3-2 X 12 STAIR JACK
6" MIN HEADROOM FROM NOSING
34"-38" HANDRAIL W/ RETURN TO WALL
5/8" FR GYP ON UNDERSIDE

UNEXCAVATED

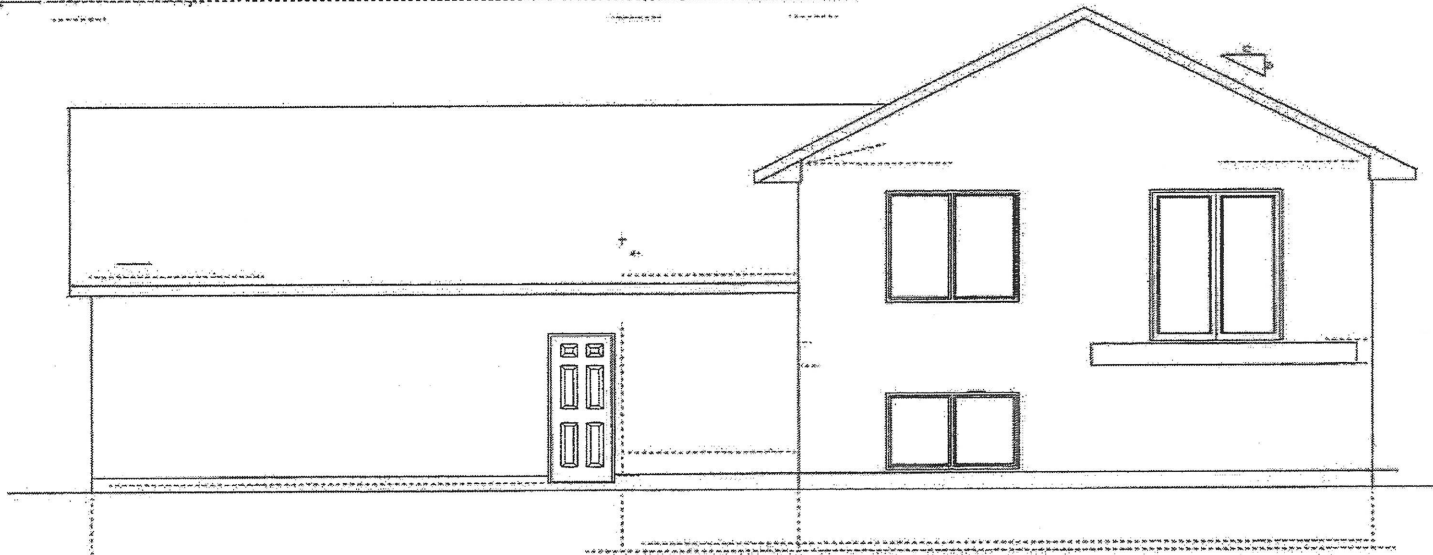
APPROVED FLASHING MUST BE INSTALLED WHERE GRADE OR CONCRETE CONTACTS THE WOOD FRAMING MEMBERS.

SMOKE ALARMS AS PER R 313

CARBON MONOXIDE ALARMS AS PER MN STATUTE 239F. 50

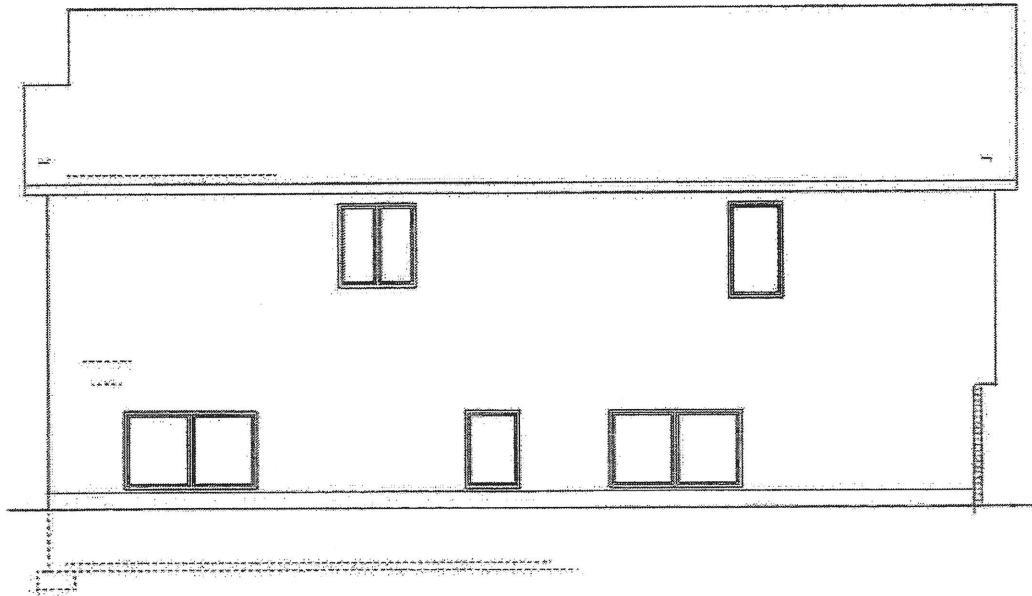
PRELIM.
7/2/21

LOWER LEVEL PLAN
ANDERSEN 100 SERIES WNDWS

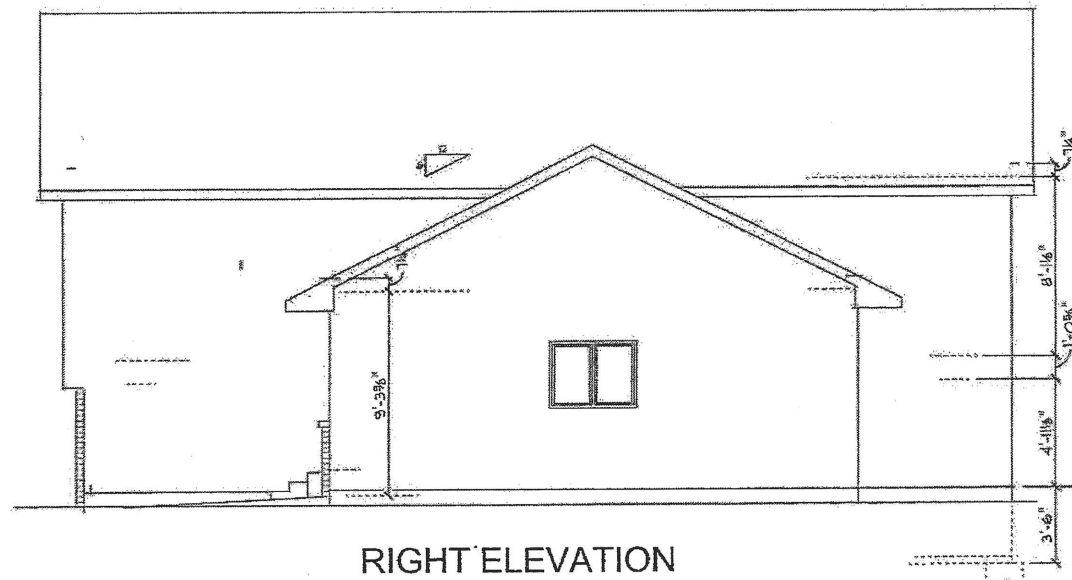


REAR ELEVATION

PRELIM 7/2/21



LEFT ELEVATION



RIGHT ELEVATION

PRELIM
7/2/21

**CITY OF AUSTIN
COUNTY OF MOWER
STATE OF MINNESOTA**

**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, June 6, 2022 at 5:30 p.m. to consider a tax abatement request from the Austin Housing and Redevelopment Authority, 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 901 24th Avenue NW, Austin, Minnesota and is legally described as:

Lot 4, Block 1, North Pointe Addition to the City of Austin, County of Mower

The public hearing will be held in the City Council Chambers, at City Hall, 500 4th 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 4th Avenue NE, Austin, Minnesota 55912.

Publish: May 25, 2022

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, the Austin Housing and Redevelopment Authority is the owner of certain property within the City of Austin legally described as follows:

Lot 4, Block 1, North Point Addition to the City of Austin, Mower County.

WHEREAS, the Austin Housing and Redevelopment Authority has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

WHEREAS, the Austin Housing and Redevelopment Authority 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 6th day of June, 2022.

Yeas

Nays

ATTEST:

APPROVED

City Recorder

Mayor

MEMORANDUM

DATE: May 31, 2022
TO: Mayor and Common Council, City of Austin
FROM: Craig M. Byram, City Attorney
RE: Council Vacancy
OUR FILE: 22.0000

Austin is a Charter City, meaning our City Charter serves as our local "Constitution" and provides some rules, procedures, and governing practices that the Council must follow.

The Austin City Charter, Section 3.04, states as follows:

WHEN OFFICE DEEMED VACANT. Any officer leaving the city or ward for which he/she was elected or appointed . . . shall be deemed to have vacated the same, and the city council shall declare the office vacant and proceed to fill such vacancy as hereinafter prescribed.

Similarly, Austin City Charter, Section 3.05, states as follows:

FILLING VACANCIES IN OFFICE. Whenever any vacancy shall occur in any elective or appointive office of said city, excepting that of mayor, which is hereinafter provided for, such vacancy shall be filled by appointment by the city council, which incumbent so appointed shall hold his/her office until the next succeeding election, and until his/her successor is elected and qualified.

Oballa Oballa has submitted his resignation from his position as First Ward Council Member, in part due to his "leaving the . . . ward for which he . . . was elected," and as such, the position is now vacant under the Charter. This means the Council is required to appoint an individual to serve in the vacated position until the "next succeeding election."

While there is an election in November, the process is now already well underway and deadlines have come and gone for getting on the ballot for that election. As such, it is not practical to place the election of Oballa's replacement on this November's ballot. This is consistent with the law for "statutory cities" (Cities governed by the statutory structure and not a local Charter) which provide that a vacancy that occurs after the filing period for the next general election has begun is filled for the remainder of the term. See Minn. Stat. § 412.02, subd. 2a.

At this point, what is imperative is that the Council "declare the office vacant" and set forth a process for filling the vacancy. For your benefit, I have attached a Resolution for accepting the resignation of a council member and declaration of the position as vacant. The Resolution also lays out a framework for seeking applicants, and selecting individuals for consideration for this appointment.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING RESIGNATION AND DECLARING A VACANCY.

WHEREAS, the Austin City Council has received the written resignation of Oballa Oballa, effective on May 31, 2022.

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

1. The council accepts Oballa Oballa's resignation as described above.
2. The council declares that a vacancy exists on council, in the position of First Ward Council Member effective on May 31, 2022.
3. The City Administrator is instructed to open a period of acceptance of applications and letters of interest in the appointment with said period closing at the close of business June 20, 2022.
4. The City Council will consider the applicants, which may include applicant presentation or interviews, at a special meeting to be held during the week of June 27, 2022, with the intention of formally filling the position by appointment at that meeting or no later than July 5, 2022.

Passed by a vote of Yeas and Nays this 6th day of June, 2022.

YEAS _____

NAYS _____

APPROVED:

Steve King, Mayor

Attest:

Tom Dankert, 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: Electrical Pedestal to support the Art Works Festival

Mark Nibaur is part of the Artworks Fest group that is working on a more permanent and safe option for the Artworks Festival to provide electrical service at the event. Currently their provision will no longer meet electrical code which has been utilized for the festival. Attached is a proposal from Fox Electric (Exhibit 1). AU has been involved in the process and working with Fox with the goal of finding the best and most economical solution for this situation. The panel would service their main stage which is placed in the City's parking lot behind Main Street and adjacent to what was 1st St. NE.

The Artworks Committee can dedicate \$3000 towards the \$9000 project. AU will remove concrete, do our work, pour concrete and add barriers as an in-kind contribution (valued at around \$1000 – \$1500).

They have proposed the following contributions for the project contributions:

Artworks	\$3000
City	\$1500
County	\$1500
Chamber	\$1000
Fox	\$1000
AU	\$1000

We have \$67,000 in the contingency budget for 2022 if Council would be willing to participate. Please let me know if you have any questions.

You should also know there may be a request related to the Freedom Festival for electrical supply though we do not have any details at present.

Council action is requested to approve a contribution to the project of \$1,500 from contingency funding.

PROPOSAL**FOX ELECTRIC CO. INC.**

Electrical Contractor

SECURITY FIRE ALARM DATA PHONE500 NE 10th Street – Austin, Minnesota 55912

Phone: (507) 433-7184 Fax: (507) 433-5111

Email: foxelectric@foxelectricinc.com

PROPOSAL SUBMITTED TO : AUSTIN UTILITES	E-MAIL	PHONE	DATE 4/19/2022
STREET	JOB NAME		
CITY, STATE and ZIP CODE	JOB LOCATION		

We hereby submit specifications and estimates for:

OPTIONAL PRICE FOR POWER PEDESTAL FOR DOWNTOWN ART FESTIVAL

1. FURNISH AND INSTALL GALVANIZED UNISTRUT FRAME ON BOLLARDS FURNISHED AND INSTALLED BY AUSTIN UTILITES NEXT TO TRANSFORMER.
2. FURNISH AND INSTALL METER SOCKET, RAIN TIGHT BREAKER PANEL AND 24X24 3R HING COVER BOX WITH (8) 120 VOLT GFCI AND (4) 240 VOLT 50 AMP OUTLETS INSIDE (ON ABOVE FRAME).
3. FURNISH AND INSTALL 200 AMP UNDERGROUND CONDUIT AND WIRE FROM EXISTING TRANSFORMER.
4. FURNISH AND INSTALL 200 AMP 3R FUSED DISCONNECT AHEAD OF METER SOCKET FOR AFC REQUIREMENTS.
5. STATE INSPECTION FEES.

TOTAL: \$8,970.00

ALL CONCRETE WORK AND BOLLARDS BY AUSTIN UTILITES

*** 3% PROCESSING FEE FOR CREDIT/DEBIT CARD CHARGES OVER \$500.00 ***

Payment to be made as follows: **50% DOWNPAYMENT UPON ACCEPTANCE OF BID-REMAINDER UPON COMPLETION OF PROJECT**
 Any alteration from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Owner to carry fire, tornado, and other necessary insurance. If additional insured is required on certificate of insurance, there will be an additional fee added to this price in the form of a change order. Price does not include performance bond, bid bond, building permit, or dumpster fees. Price does include State Electrical Inspection Fee.

Note: This proposal may be withdrawn by us if not accepted within 10 days.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work specified. Payment will be made as outlined above.

Fox Electric
Signature BRIAN BRIDGEMAN/br

Owner
Signature _____

Date of Acceptance: _____

Austin Artworks Festival

Vendor/Stage Power Source

Legend

- Coffee House On Main
- Mower
- Piggy Blue's Bar-B-Que
- Power Source
- Rave Nutrition
- SPAM® Museum
- The Bakery Lounge

3rd Ave NE
3rd Ave NE
3rd Ave NE
Main St N
Coffee House On Main

Piggy Blue's Bar-B-Que

Rave Nutrition

ration

Google Earth

2nd Ave NE
2nd Ave NE

The Bakery Lounge

Power Source

2nd Ave NE

200 ft



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



Thomas Dankert
Director of
Administrative Services
507-437-9959
Fax 507-433-1693
tdankert@ci.austin.mn.us

TO: Mayor King and City Council Members

FROM: Tom Dankert *TD*

DATE: May 3, 2022

RE: **Budget Adjustment #3 – Affordable Housing**
U:\Word\2022\Miscellaneous\2022 Budget Adjustment #3.doc

With the approval of the written spending plan at the May 2, 2022 Council meeting, I would request Council approval of Budget Adjustment #3 to transfer funds from Tax Increment Financing District Fund (31000) to the Building Fund (48000) for affordable housing purposes, as follows:

Tax Increment Financing District Fund (31000):

	<u>Debit</u>	<u>Credit</u>
49931.7748 Transfers to Fund 48 (Building Fund)	Up to \$ 548,465	
31000.1010.01 Cash		Up to \$548,465
Total TIF Fund	Up to \$ 548,465	Up to \$ 548,465

Building Fund (48000):

	<u>Debit</u>	<u>Credit</u>
48000.1010.01 Cash	Up to \$548,465	
41117.5402 Transfers from other Funds		Up to \$548,465
Total Building Fund	Up to \$ 548,465	Up to \$ 548,465

This is a little unique of a transfer in that we can't make it until year-end once the Tax Increment District Fund has been closed out, specifically for TIF District #11. Once the District is finalized, we will then make the transfer effective December 31, 2022.

Please do not hesitate to give me a call if you have any questions.

RESOLUTION NO. XXXXX

**TRANSFER OF FUNDS FROM TAX INCREMENT FINANCING DISTRICT FUND (31000) TO
THE BUILDING FUND (48000)
FOR AFFORDABLE HOUSING PURPOSES
BUDGET ADJUSTMENT #3**

WHEREAS, the Austin City Council has identified a need for affordable housing in the City; and

WHEREAS the City Council has approved a written spending plan on May 2, 2022 under Minnesota Statutes, Section 469.176 Subd. 4n; and

WHEREAS, the City Council approves the transfer of up to \$548,465 from the Tax Increment Financing District (31000) to the Building Fund (48000), with said funds being specifically designated solely for use in furthering the development of an affordable housing project that may include acquisition, demolition, site improvements/preparation costs, construction of public improvements, construction of affordable housing and other related expenses associated with development of the projects; and

WHEREAS, said transfer of funds shall occur prior to the closing of the 2022 financial year.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby approve the transfer of \$548,465 of Tax Increment Financing District funds to the Building Fund for the development of affordable housing.

Passed by a vote of Yeas and Nays this 6th day of June, 2022.

YEAS

NAYS 0

ATTEST:

APPROVED:

City Recorder

Mayor

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



Thomas Dankert
 Director of
 Administrative Services
 507-437-9959
 Fax 507-433-1693
 tdankert@ci.austin.mn.us

TO: Mayor King and City Council Members
 FROM: Tom Dankert ^{TD}
 DATE: May 3, 2022
 RE: **Budget Adjustment #4 – EDA Grant match**
 U:\Word\2022\Miscellaneous\2022 Budget Adjustment #4.doc

At the May 2, 2022 Council meeting, Council approved using \$546,250 of fund balance for an additional match for the EDA grant in Creekside Business Park. Since the City had not yet official amended the budget to account for both the original \$875,000 commitment, or this Additional approval, we would like to propose a budget adjustment for 2022:

General Fund (11000):

	<u>Debit</u>	<u>Credit</u>
49011.6530 Improve. Other Than Bldg.	\$ 1,421,250	
41110.5490 Use of Fund Balance		\$ 1,421,250
Total General Fund	\$ 1,421,250	\$ 1,421,250

Once this transfer is approved, the budget will then be officially amended.

Please do not hesitate to give me a call if you have any questions.

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

ITEM NO. 17

5/2/22 Meeting

General Fund - orig.	\$ 875,000
- this	546,250
	<hr/>
Need Budget Adj.	1,421,250
	<hr/>

TO: Honorable Mayor and City Council Members

FROM: Craig D. Clark, Administrator

RE: EDA Grant Additional Local Match

As you will recall, the City Council approved the submission of a grant to the Federal Economic Authority for infrastructure within Creekside Business Park for a total project cost of \$4,375,000. At the time this grant was hopeful for a special COVID apportionment of 80 percent EDA and 20 percent local match. The City Council agreed to cover the 20 percent match of \$875,000. We knew at the time that the standing program was a 50/50 grant program and if funding were depleted, we could be looking at utilizing the program on a 50/50 basis. We received notification of a preliminary grant award at the 50/50 basis (Exhibit 1) and causes us to consider coming up with another \$1,312,500 based off preliminary estimates.

There are gas, water and electric costs for Austin Utilities for the proposed extension. Their share of the overall estimated project cost is \$220,000 to \$250,000. I have asked Austin Utilities Manager Mark Nibaur, to inquire of his Boards support for this amount, which account for roughly 17-19% of the project costs. We had a general understanding that this would be a possibility should the grant move to a 50/50 arrangement.

Based off a generalized apportionment this leaves \$1,092,500 of remaining costs. The Austin Port Authority met on April 27th and approved funding 50 percent of this estimated amount by paying roughly \$546,250. The Port Authority was informed that I would also be approaching the City Council for the additional gap to accommodate the overall project match requirements.

Creekside has been a primary focus of the Port Authority and being successful in getting outside assistance, AU and Port Authority contributions it seems a reasonable for the Council to contribute \$546,250 additionally towards the project as we work cooperatively to provide cost effective infrastructure as we strive to compete for further economic development projects within the park. The money for our additional match would come from fund balance within the General Fund.

Please let me know if you have any questions.

Council action is requested to approve an additional estimated allocation of \$546,250 to accommodate the match requirements for the EDA grant.



U.S. DEPARTMENT OF COMMERCE
Economic Development Administration
CHICAGO REGIONAL OFFICE
230 SOUTH DEARBORN ST., SUITE 3280
CHICAGO, ILLINOIS 60604-1512

In reply refer to:
EDA Control No. 118771

Ms. Holly Wallace
Planning and Zoning Administrator
City of Austin
500 4th Avenue NE
Austin, MN 55912-3773

Dear Ms. Wallace,

The Economic Development Administration (EDA) is pleased to inform you that your application has been reviewed for merit and selected for further consideration. **Please note that this notification of further consideration is intended to inform you of EDA's competitive preliminary selection of your project, but does not guarantee final approval or legally bind EDA to make an award.**

Subject to the availability of funds, your proposed project, estimated to cost \$4,375,350, will be considered for up to \$2,187,675 in EDA funding under the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. Section 3121 *et seq.*) for the Creekside Business Park project.

By acceptance of this letter, you agree to provide all additional information requested below, and any other additional information that may be requested subsequently. You also acknowledge that final approval and the timing of such an approval are subject to EDA's acceptance of all required information and the availability of EDA funding.

Additional Information: Please provide the following information to Darrin Fleener, EDR, by Friday, April 15, 2022.

Engineering

1. Revise section C.11. of the Preliminary Engineering Report and include a more fulsome explanation for how you reached a total of \$176,000 for administrative costs. This expense is significantly higher than EDA typically funds.
2. Submit a revised Utility Installation Memo that addresses the items in 13 CFR § 305.7 and clarifies how the city's sanitary and water main installed by city's own forces will be coordinated with the general contractor's work.
3. Confirm whether the upgraded utilities will be owned and maintained by the City of Austin.
4. Provide confirmation that all the undeveloped parcels served by the project improvements are currently owned by the Austin Port Authority.
5. To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Be advised that the firm who assisted with informing the Preliminary Engineering Report may therefore be precluded from participating in the RFQ for EDA funded design and inspection work.

Environmental

6. Provide evidence of coordination with the U.S. Army Corps of Engineers and Historic Preservation consultation. Provide the packages submitted to each entity along with their formal responses.

7. Complete the EDA public notice process and provide an affidavit of publication. A public notice template is available upon request.
8. Revise Section C.19. of the Environmental Narrative. The cumulative effects and mitigation should focus on environmental analysis.
9. If significant tree clearing is anticipated, consultation with the U.S. Fish and Wildlife Service may be warranted. Please indicate whether tree clearing will be necessary.

Other

10. Confirm whether Austin Port Authority is a separate legal entity from the city. If so, it is recommended that the Austin Port Authority join the project as a co-applicant due to their ownership of the industrial park parcels. Please submit the following co-applicant forms from the Austin Port Authority:
 - a. SF-424, SF-424D, ED-900A, Applicant Certification Clause, CD-511, and SF-LLL, if applicable.
 - b. Updated ED-900 with Austin Port Authority listed as a co-applicant.
11. Submit an updated match letter that clearly lists the match amount and source. Please ensure that the match letter references the language from the NOFO, noting that funds are available, committed, and unencumbered.

The information requested above will supplement your application and enable EDA to proceed with processing your application. Failure to meet this deadline, or the submission of incorrect or incomplete information, will jeopardize approval of your application. If you cannot meet this deadline, please advise Darrin Fleener, EDR for Minnesota, at (312) 405-8521 or dfleener@eda.gov as soon as possible.

EDA will assess the additional information provided upon receipt. EDA's assessment of this information may determine one of the following:

1. No additional information is necessary;
2. Additional information is required, because the submission is incomplete, inaccurate, or otherwise unacceptable to EDA, and the applicant(s) must revise the submission before EDA will consider processing the application further; or
3. EDA will discontinue considering the application for funding, because the information submitted does not present a project that complies with applicable law(s), regulations or policies.

Your organization must comply with EDA's Regulations (*see* 13 C.F.R. chapter III http://www.eda.gov/pdf/EDAs_regs-13_CFR_Chapter_III.pdf).

Final approval of an award is conditioned upon EDA's assessment of the additional information requested, project feasibility, funding priorities, and the availability of funds for obligation. This letter does not constitute a commitment for funding.

If you have questions regarding the requested information or status of your application, please do not hesitate to contact Darrin Fleener, EDR for Minnesota, at (312) 405-8521 or dfleener@eda.gov.

Sincerely,

SUSAN BREHM Digitally signed by SUSAN BREHM
Date: 2022.03.17 19:04:58 -05'00'

Susan M. Brehm
Regional Director

RESOLUTION NO. 16536

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

Applicant Name: City of Austin, Minnesota

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

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

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

WHEREAS, the City of Austin, Minnesota has identified and is committed to providing the necessary match for an estimated \$4,375,000 project for infrastructure development to support tax base and quality job creation within Creekside Business Park; and

WHEREAS, the City initially thought that match would be at 20% of the project amount but it now has come back at 50% of the project amount; and

WHEREAS, the matching 50% funding source will be from the City of Austin's fund balance and the City's Port Authority's General Fund; and

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

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

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


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

The above resolution was adopted by a vote of yeas and nays the City Council (governing body of Applicant) of the City of Austin, Minnesota (Applicant) on May 2, 2022.

YEAS 7

NAYS 0

ATTEST:



City Recorder

APPROVED:



Mayor

RESOLUTION NO.

BUDGET ADJUSTMENT #4

**RESOLUTION AMENDING THE 2022 OPERATING BUDGET
OF FUND 11 - GENERAL FUND**

WHEREAS, the City Council of the City of Austin adopted Resolution No. 16432 on December 20, 2021 approving the 2022 operating budgets for the various city operations; and

WHEREAS, the following items have been approved for funding and require an amendment to the 2022 budget:

General Fund (11000):

1. Use of fund balance for additional match for EDA grant in Creekside Business Park

	<u>Debit</u>	<u>Credit</u>
49011.6530 Improve. Other than Bldg	\$1,421,250	
41110.5490 Use of Fund Balance		\$1,421.250
Total General Fund	\$1,421.250	\$1,421.250

WHEREAS, generally accepted accounting principles and reporting practices call for the amendment of the adopted budget to properly reflect these authorizations.

NOW THEREFORE, BE IT RESOLVED that the City Recorder shall record these authorized budget amendments upon the City's 2022 financial records.

Passed by a vote of yeas and nays this 6th day of June, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

**RESOLUTION APPROVING DEFERMENT OF SPECIAL ASSESSMENTS FOR
MARIAN J CLENNON**

WHEREAS, Chapter 2 of the City Code of the City of Austin provides for deferment of special assessments; and

WHEREAS, Marian J. Clennon, residing at 1711 3rd Street NE, described as Lot 6, Block 2, Schleusner and Hartson Addition, Property Tax No. 34.630.0260, has made application for deferment under this section; and

WHEREAS, the City Council of the City of Austin has reviewed the application from Marian J. Clennon, and finds he meets all conditions set forth in Section 2.74, Subd. 2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, that the special assessment for Marian J. Clennon, residing at 1711 3rd Street NE, described as Lot 6, Block 2, Schleusner and Hartson Addition, Property Tax No. 34.630.0260, levied for annual collection in the amount of \$4,490.09 for the years 2023 to 2038, shall be deferred with interest at the annual rate of 3.75%, from November 1, 2022 until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Passed by a vote of Yeas and Nays this 6th day of June, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

61 Extra Days

Resolution No.

Senior Deferral Street Assessment
Interest at 3.75% starting on November 1, 2021
15 years

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Section/Addition</u>	<u>Total</u>
Marian J Clennon 34.630.0260	Lot 6	2	Schleusner & Hartson	\$4,490.09
Total Assessment				\$4,490.09

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



Phone: 507-437-9940

www.ci.austin.mn.us

TO: Mayor and City Council
FROM: Tom Dankert, ^{TD}Director of Administrative Services
DATE: April 25, 2022
RE: Council Chambers audio/visual Change order #1
U:\Word\2022\Miscellaneous\EPA Change Order #1.doc

Attached you will find a change order for \$2,926.88 as City Administrator Clark would like a wireless microphone on the podium, and the electronics that are mounted below the podium to be moved under the table (and the table to be separated from the podium) for easier turning of the podium.

Council approval of change order #1 is requested.

If you have any questions on the purchases, please do not hesitate to give me a call.

Tom Dankert

From: Craig Clark
Sent: Monday, May 23, 2022 4:13 PM
To: Tom Dankert
Cc: Michael Gosha
Subject: RE: Council Chambers

That sounds good Tom.

Where you able to talk with Brian on the legs for the table?

From: Tom Dankert <Tdankert@ci.austin.mn.us>
Sent: Monday, May 23, 2022 12:56 PM
To: Craig Clark <craigc@ci.austin.mn.us>
Cc: Michael Gosha <mgosha@ci.austin.mn.us>
Subject: Council Chambers

\$2,927 to change out the podium microphone.

No additional dropdown mic's needed as it has been rebalanced.

Please let me know if you approve of this additional cost for the podium microphone.



Tom Dankert, CPA
Director of Administrative Services
City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
507-437-9959 / Fax 507-433-1693

Change Order



To: City of Austin
Attn: Tom Dankert
Address: 500 4th Ave NE
Email: Austin, MN 55912
Phone: Tdankert@ci.austin.mn.us
 507-437-9959

Date: May, 23 2022
Sales Rep: Ken Kunkel / Doug Neumann
Job: Chambers
 City of Austin-Tom-Council Chambers
 Upgrade Rev2

EXPLANATION FOR CHANGE REQUEST: Change Microphone style at the podium and reconfigure.

Qty	Brand	Model and Description	Unit Price	Line Total
		ADD-ONS		
1	Shure	ULXD4, Digital Wireless Receiver	917.28	917.28
1	Shure	ULXD8, Wireless Base Transmitter (requires gooseneck)	476.64	476.64
1	Shure	MX415/C, Condenser Microphone (for ULXD8)	282.96	282.96
1	EPA	Installation Labor to include: Removal of existing podium microphone and reconfigure podium layout. (Testing & alignment of new mic	1,250.00	1,250.00
		SHIPPING		Included
		EQUIPMENT TOTAL		2,926.88
		TOTAL COST FOR WORK ABOVE		2,926.88
		ACCOUNTING SUMMARY		
		ORIGINAL CONTRACT AMOUNT (Council Chambers Upgrade Rev 2)		135,341.54
		ADJUSTED GROSS CONTRACT AMOUNT (INCLUDING CHANGE ORDER)		\$ 138,268.42

GENERAL CONDITIONS

This change order may result in the delay of completion of the project due to additional products and materials needed. This change order, by agreement of the owner and contractor, is incorporated by reference into the original Contract Agreement between the owner and contractor. All terms and conditions in the general contract apply to this change order.

I have read and understand the change order above and agree to all of the items listed:

Signature of Owner/Representative

Date

RESOLUTION NO.

**AWARDING CHANGE ORDER #1 FOR COUNCIL CHAMBERS
AUDIO VISUAL EQUIPMENT UPGRADES**

WHEREAS, the City Council awarded a contract to EPA Audio Visual Equipment in the amount of \$135,341.54 by resolution 163885 on October 4, 2021; and

WHEREAS, staff has requested a change to the contract in the amount of \$2,926.88 for a wireless microphone on the podium and associated wiring work; and

WHEREAS, City staff recommends awarding the change order to EPA Audio Visual Equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Austin, Minnesota that the Mayor and City Recorder are hereby authorized and directed to enter into change order # 1 with EPA Audio Visual Equipment for audio visual upgrades in the Council Chambers.

Passed by a vote of yeas and nays this 6th day of June, 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: May 11, 2022
Subject: North Main Flood Control Project, (OMRR&R)
Operations, Maintenance, Repair, Replacement & Rehabilitation Manual

The North Main Flood Control project comprised of 12-phases began construction 2008 and was officially completed in 2020. The final construction cost for all 12-phases of work total \$23.0M. The project was funded with a combination of dollars including the Local Option Sales Tax, MnDNR Flood Mitigation Grant and Federal EDA Grant.

- \$9.0 M Local Option Sales Tax
- \$9.0 M MnDNR Flood Mitigation Grant
- \$5.0 M Federal EDA Grant

The flood control project was constructed to provide protection against over bank flooding of the Cedar River from Interstate 90 south to 4th Avenue NE. The structural flood protection includes levees, floodwalls, pump stations, closure structures and interior flood control facilities. This project will protect against a flood having a 1% chance of occurring in any given year (design flood frequency = 100 year).

Attached is an Operations, Maintenance, Repair, Replacement & Rehabilitation Manual complying with the requirements of the National Flood Insurance Program (NFIP). Key parts of the manual include:

- As-built construction plans
- Regular inspection and maintenance interval reports
- Flood Event
 - Preparation inspections, tests and operations
 - Flood fighting operations
 - Recovery inspection, testing and operations
- Repair, replacement and rehabilitation guidelines

Formal adoption of the OMRR&R manual is necessary to meet FEMA requirements. I would recommend that Council adopt this manual for operation, maintenance, repair, replacement and rehabilitation of the North Main Flood Control system. If you have any questions, please feel free to contact me.



Operation, Maintenance, Repair, Replacement & Rehabilitation
(OMRR&R) Manual

**North Main Flood Control Project
Cedar River
Austin, Minnesota**

FEMA SUBMITTAL
May 2022

Revision and History

Revision No.	Page No.	Section	Description	Author	Date
01	iii	List of Appendices	Added C - F	LRM	31 AUG 16
02	iv	List of Attachments	Added Pump Station O&M Manuals	LRM	31 AUG 16
03	1	A, Contents of Manual	List of Appendices Updated	LRM	31 AUG 16
04	11	C, Ponding Areas	Pond Elevations Table Updated	LRM	31 AUG 16
05	22	E, Responsibility	Added references to Appendices E and F	LRM	31 AUG 16
06	26	F, Equipment and Materials Inventory	Added Power Source and Rental Agreement Information	LRM	31 AUG 16
07	27	F, OMMRR&R Personnel	Added references to Appendices E and F	LRM	31 AUG 16
08	27	F, Gated Outlets, Closure Structures and Grated Inlets	Added references to Appendices C and D	LRM	31 AUG 16
09	30	G, Preparation of Floodwalls	Added reference to Appendix D	LRM	31 AUG 16
10	30	G, Preparation of Gated Outlets (Gatewalls)	Added reference to Appendix C	LRM	31 AUG 16
11	iii	List of Appendices	Added City's documents to Appendix A, added Orbinox info to Appendix C, revised date for Appendix F	REP	26 AUG 21
12	iv	List of Attachments	Added Attachment D to Volume II	REP	26 AUG 21
13	1	A, Contents of Manual	List of Appendices Updated	REP	26 AUG 21
14	3	Background	Updated table of historic floods	REP	26 AUG 21
15	3	Project Features	Updated project features list to match Table 1	REP	26 AUG 21
16	3	Levees	Added information on Phase 1 Levee	REP	26 AUG 21
17	6	Gated Outlets	Added information on Phase 1 Outlet	REP	26 AUG 21
18	11	Ponding Areas	Added information on Phase 1 ponding area	REP	26 AUG 21
19	14	Plate 1	Added Phase 1 Alignment	REP	25 AUG 21
20	15	Table 1	Added Phase 1 Information	REP	25 AUG 21
21	19	Ph 2,9,10 & 12, also Ph 4-7	Corrected quantities and descriptions to match Table 1	REP	26 AUG 21
22	20	Ph 3	Updated descriptions to match Table 1	REP	26 AUG 21
23	20	Ph 1	Added information for Phase 1	REP	26 AUG 21
24	21	Table 3	Added Phase 1 Information	REP	26 AUG 21
25	22	Responsibility	Added cell phone number for Superintendent, updated date of directory	REP	26 AUG 21
26	23	WWW References	Updated links	REP	26 AUG 21
27	27	OMRR&R Personnel	Updated date of directory	REP	26 AUG 21
28	28	Gated Outlets, Closure Structures and Grated Inlets	Added reference to new forms in Appendix A	REP	26 AUG 21
29	32	Table 4	Added information for Phase 1	REP	26 AUG 21
30	33	Plate 5	Added information for Phase 1	REP	26 AUG 21
31	47	Profile E	Added Profile E for Phase 1	REP	26 AUG 21
32	App. A	Appendix A	Added City's forms	REP	26 AUG 21
33	App. C	Appendix C	Added Orbinox Gate information	REP	25 AUG 21
34	App. E	Appendix E	Updated City's Org Chart	REP	26 AUG 21
35	App. F	Appendix F	Updated City's Directory	REP	26 AUG 21
36	Vol II	Volume II	Added Phase 1 Asbuilt Drawings	REP	25 AUG 21
37	50	I, During Floods – Emergency Action Plan	Inserted new section	REP	11 MAY 22

NORTH MAIN FLOOD CONTROL PROJECT

CEDAR RIVER AT AUSTIN, MINNESOTA

OMRR&R

PREFACE

The Austin Flood Control Project, North Main (Phases 1, 2, 3, 4, 5, 6, 7, 10 & 12) in Austin, Minnesota, constructed under the direction of the Short Elliott Hendrickson Inc. (SEH[®]), has been completed. With acceptance of the completed project by the City of Austin, city officials agree to assume responsibility for operation and maintenance of the project. SEH has prepared this manual to assist city officials in complying with the requirements of Parts C and D of Section 65.10 of the National Flood Insurance Program (NFIP).

The Austin Flood control project was constructed to provide protection against overbank flooding of the Cedar River. The structural flood protection includes levees, floodwalls, pump stations, closure structures, and interior flood control facilities.

This project will provide protection against a flood having a one percent chance of occurring in any given year (design flood frequency = 100 year). The estimated flow for this 100-year event is 11,400 cubic feet per second.

This manual and appendices contain the latest approved flood control regulations, maps, drawings, and references pertinent to the operation and maintenance of this project. The manual first describes the project then describes required operations and procedures to follow prior to flood events and during flood events.

The project, as designed and constructed, will greatly reduce the possibility of flood damages from the Cedar River in the North Main area of Austin. However, continued successful functioning of the project will depend on the manner in which responsible local officials maintain the project. Careful inspection, proper maintenance, and establishment of effective operational procedures can prevent serious flood damages that could result from failure of any part of the project.

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 City of Austin's Inventory of Deployable Floodwall Materials by Trailer
 City of Austin's Sluice Gate Maintenance Log
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 B-1 – USACE Flood-Fight Handbook
 B-2 – Field Practices and Emergency Construction During Floods
- Appendix C Operations and Maintenance Manuals for Gated Outlets
 Fontaine Stainless Steel Gates
 Fontaine Stainless Steel Circular Flap Valves
 Fontaine Portable Operators
 Orbinox Stainless Steel Gates
- Appendix D Operations and Maintenance Manuals for Stoplog Closures
 IBS Removable Floodwall
- Appendix E City of Austin Flood Event Organizational Chart
- Appendix F City of Austin Personnel Directory (as of August 2021)

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ATTACHMENTS

(Separate Volumes)

VOLUME II: ASBUILT DRAWINGS

ATTACHMENT A: PHASES 2, 9, 10 & 12

ATTACHMENT B: PHASE 3

ATTACHMENT C: PHASES 4, 5, 6 & 7

ATTACHMENT D: PHASE 1

VOLUME III: PUMP STATION O&M MANUAL

FLOOD CONTROL PROJECT

NORTH MAIN

CEDAR RIVER AT AUSTIN, MINNESOTA

OMRR&R

GENERAL PROVISIONS

A. CONTENTS OF THIS MANUAL

This manual contains provisions for operation, maintenance, repair, replacement and rehabilitation (OMRR&R) of the completed project. The “General Provisions” section of the manual provides background information and operation, maintenance, and reporting requirements for the flood control project. Supporting information is provided as follows:

- Appendix A – Levee Owner’s Manual for Non-Federal Flood Control Works, City of Austin’s Inventory of Deployable Floodwall Materials by Trailer, City of Austin’s Sluice Gate Maintenance Log
- Appendix B – Information on field practices during a flood emergency
- Appendix C – Operation and Maintenance Manuals for Gated Outlets
- Appendix D – Operation and Maintenance Manuals for Stoplog Closures
- Appendix E – City of Austin Flood Event Organizational Chart
- Appendix F – City of Austin Personnel Directory (as of August 2021)

All the information for Operation and Maintenance of the pumping stations are contained in a separate attachment.

B. PERTINENT REFERENCE MATERIAL

The Flood Control Study for the North Main Area of the Austin Flood Protection Project, dated January 2006, contains additional information and a summary of key design elements. SEH prepared and signed the report.

C. DESCRIPTION OF PROJECT

Location

The City of Austin is located in south central Minnesota in Mower County, approximately 10 miles north of the Minnesota-Iowa state border. The North Main area consists of approximately three quarters of a mile of the Cedar River floodplain extending from Interstate 90 (I-90) on the north to the 4th Avenue Northeast crossing of the Cedar River. This area consists of a large mixture of land uses from single and multi-family residential to commercial and business areas. The project location and general features are illustrated on Plate 1 and tabulated in Table 1 located at the end of this section. As-built project drawings are included in Volume II.

Datum and Gage Data

Elevations in this manual, unless otherwise noted, are referenced to the North American Vertical Datum of 1988 (NAVD88). Due to the very minor vertical correction factor, NAVD88 elevations and those referenced to National Geodetic Vertical Datum of 1929 (NGVD29) may be used interchangeably for the purposes of operation and maintenance of the North Main area flood mitigation system.

Three stream gages along the Cedar River serve as useful references for flood warning and operational stages of the North Main area flood mitigation system. River stages referenced within this manual are referenced to the Gage located at the City of Austin wastewater treatment plant (National Weather Service (NWS) ID: ASTM5), which requires manual gage readings. During times of high water or when flooding is imminent, it may be necessary to request more frequent gage readings at this location. A location map is included at the end of this section. The NWS flood stage is 15.0 feet or elevation 1182.79 feet at this gage. Gage zero elevation is 1167.79 feet. All action and activation levels for project features are referenced to this gage.

A Minnesota Department of Natural Resources (MnDNR) gage 48023001 (NWS ID: lanm5) is located on the downstream side of the County Road 2 (CR2) bridge over the Cedar River, 1.5 miles east of the US Highway 218 and CR2 intersection in Lansing, MN. A location map is included at the end of this section. Lansing is located approximately 8 miles north of the City of Austin. Since this gage is upstream of the City of Austin, this gage will serve useful as a flood warning tool for the City's flood fighting efforts. This site also records the daily rainfall amounts which may help to gage the amount of precipitation in the upper Cedar River watershed for flood forecasting efforts. The NWS flood stage at this gage is 18.0 feet or elevation 1209.31 feet. Gage zero elevation is 1191.31 feet.

The third gage available to the City for flood fighting and warning is USGS gage 05457000 located NE 1/4 SE 1/4 sec.15, T.102 N., R.18 W., Mower County, MN, Hydrologic Unit 07080201, at left downstream abutment of highway bridge, 1.0 mi downstream from Turtle Creek, and 1.0 mi south of Austin. This is a continuous automatic water stage recorder and as such will serve as a useful source of real-time water elevations and water level trends. The gage zero elevation/datum of this gage is 1162.10 (NGVD29).

Background

The City of Austin experienced the flood of record, which reached peak elevation on September 16, 2004. This flood was a result of extremely heavy rains on much of northern Iowa and southern Minnesota on September 14 and 15, 2004. The entire Upper Cedar River watershed, the area upstream from the City of Austin, received eight inches or more of precipitation over the two day period. A portion of the watershed received more than 10 inches of rain in a 36-hour period. This led to an estimated peak discharge rate of 20,000 cubic feet per second (cfs) at the USGS gage (Station Number 05457000) located approximately 1.1 miles south of the City on the east bank of the Cedar River. A number of commercial properties located along North Main Street and within the North Main project area were affected and experienced damages from the resulting flood waters.

The table below compiles the 15 highest known floods for the City of Austin based upon the USGS gage data for Station 05457000:

Rank	Year	Date of Peak	Peak Flow (cfs)
1	2004	9/16	Approx. 20,000
2	2000	7/10	15,300
3	2008	6/12	15,300
4	2010	9/24	12,900
5	1978	7/17	12,400
6	2016	7/23	11,300
7	1993	8/15	10,800
8	1962	3/29	9,530
9	1961	3/26	9,400
10	1965	3/1	9,400
11	1950	3/26	8,800
12	1983	7/2	8,690
13	1973	3/11	8,270
14	1945	3/15	7,750
15	2001	4/12	7,710

Period of Record at Austin: June 1909 – August 2021

Project Features

Project improvements (Phases 1, 2, 3, 4, 5, 6, 7, 10 & 12) provide protection against a flood having a one percent chance of occurring in any given year (design flood frequency = 100 year). The estimated flow for this 100-year event is 11,400 cfs (cubic feet per second).

The Project includes the following major features:

- 4,800 linear feet of earthen levees
- 3,000 linear feet of floodwall
- 33 stormwater control features
- 2 electric stormwater pump stations (2 x 3,000 gpm submersible pumps each)
- 12 relief wells
- 2 deployable roadway closure structures
- 4 pedestrian closure structures

Levees

The levees are designed and constructed with 3:1 side slopes and 10 foot wide tops. The levee heights are constructed to meet the minimum freeboard requirements for accreditation as outlined in 44 CFR 65.10. For underseepage mitigation and levee stability during flood events; relief wells or toe trench drains are located in various places along the toe of the landward levee slopes.

Phase 1 Levee

The earthen levee is 1,105 feet in length along the Cedar River Mill Pond. The levee ties into natural high ground above the 100-year flood elevation adjacent to 4th Avenue NE at the downstream end. At the upstream end of the levee, the flood barrier transitions to a modular block floodwall which is 41 feet in length. The modular block floodwall ties into natural high ground above the 100-year flood elevation adjacent to the Austin Public Library.

Phase 2 Levee

The earthen levee is 430-feet in length along the south side of the Cedar River Mill Pond and ties in the natural high ground above the 100-year flood elevation on which the Austin Municipal Pool is constructed to the natural high ground above the 100-year flood elevation adjacent to the Austin Public Library.

A 200 linear foot fill section with a 5-foot top width and 3 horizontal to 1 vertical side slopes is constructed along the backside of the Municipal Pool to provide a barrier for any seepage underneath the pool structure. 230 linear feet of trench drain is included in this location to provide an outlet for any seepage under the pool.

Twelve (12) relief wells have been constructed along the south side of the Municipal Pool and along the landward toe of the earthen levee to intercept underseepage and relieve excess subsurface pressures during high water events.

Phase 3 Levee

The northern most portion of the Phase 3 project consists of 335 linear feet of earthen levee through the former Sinclair gas station site beginning at the 4th Street NE roadway closure and tying into the Phase 4 earthen levee.

A sheet pile cutoff driven below the levee centerline was utilized to minimize levee underseepage in this location, the design sheet pile tip elevation is 1155.0 feet at the south tie in to the 4th Street NE closure and 1185.0 feet at the northern tie-in to the Phase 4 earthen levee.

One (1) electric stormwater lift station is associated with this levee and its interior drainage located immediately north of 4th Street NE on the landward side of the levee. This stormwater lift station contains two (2) submersible pumps capable of discharging 3,000 gallons per minute each via a 16-inch ductile iron pipe which outlets into the storm sewer gateway structure.

Phase 4 Levee

The earthen levee is 1,170 feet in length, extending from the tie-in with the Phase 3 levee following top of bank along the Bellisio Foods parking lot and ties in with the Phase 5 floodwall near 11th Avenue.

A sheet pile cutoff driven below the levee centerline was utilized to minimize underseepage for this levee in this location with a design sheet pile tip elevation of 1189.3 feet.

1,110 linear feet of dual purpose storm drain and toe drain is located along the landward levee toe with several drainage inlets to capture overland interior drainage and also to intercept and convey underseepage. This system ties into the Phase 3 storm sewer system which includes an electric storm water pump station.

Phase 6 Levee

The earthen levee is 750 feet in length from the North Main Street closure structure to natural high ground above the 100-year flood elevation at 2nd Street NW. There is a bituminous trail providing vehicular access along the top of the entire levee. A seepage control berm extends outward from the landward side of the levee with a conveyance ditch along landward toe of the seepage berm to convey flow to the storm sewer outfall.

Riprap erosion protection exists along the riverward face of the levee and along the river bank slope for a distance of approximately 350 linear feet from the North Main Street bridge upstream.

Phase 12 Levee

The earthen levee is 600 feet in length extending from the Phase 12 floodwall and North Main Street road raise and tying into natural high ground above the 100-year flood elevation near 3rd Street NE.

A blocked gravity ponding area exists on the landward side near the east end of the levee to allow for ponding of any interior rainfall under high water conditions.

Floodwalls

The project cast-in-place concrete floodwalls are of T-Wall construction on Phase 5, and of I-Wall construction in Phase 3 and Phase 12. The reinforced concrete T-Walls are sized based on strength and stability. Slab and stem thickness is determined by strength requirements and width of slab is based on stability requirements. Reinforcement is designed according to American Concrete Institute (ACI) 318-02-Building Code Requirements for Structural Concrete. Bearing pressure and sliding stability checks follow USACE Engineering Manual (EM) 1110-2-2502 - Retaining and Floodwalls.

The I-Wall is composed of steel sheet pile with a concrete cap. It is sized based on strength and stability. The depth and strength of the sheet pile is designed according to USACE EM 1110-2-2504 – Design of Sheet Pile Walls. The reinforced concrete cap is designed according to ACI-318-02.

Water stop is installed longitudinally along the entire length of T-Wall construction where the stem meets the footing slab. Water stop is also installed in all the vertical joints in the stem of the wall.

Foundation drains are located at the landward toe of the base slab of the T-Wall construction and at the base of the concrete cap of the I-Wall construction. The drains connect with the storm sewer interior drainage system.

Phase 3 Floodwall

The floodwall is an I-Wall construction 1,210 feet in length. It generally runs parallel to North Main Street on the east side and adjacent to the Cedar River Mill Pond between the relocated pool entrance drive, at the south end of the project, to the 4th Street NE closure structure, on the north. The sheet pile base descends 22 to 26 feet below the bottom of the floodwall footing.

The length of the floodwall cap consists of a removable floodwall system consisting of a 14-foot length of lower permanent concrete sill between higher 2-foot concrete columns with an aluminum stop log system to extend the level of protection to meet the minimum freeboard requirements for accreditation per 44 CFR 65.10. A barrier fence is located along the riverward edge of the floodwall sill as a fall prevention safety measure.

Two (2) bicycle trail closures are included to provide riverward and landward access during non-flooding conditions, which can be closed with aluminum stoplogs subsequent to a flood event.

One (1) electric stormwater lift station is associated with this floodwall and its interior drainage located adjacent to the 5th Place NW intersection with North Main Street in the vicinity of the southern bicycle trail closure on the landward side of the floodwall. This stormwater lift station contains two (2) submersible pumps capable of discharging 3,000 gallons per minute each via a 16-inch ductile iron pipe which outlets into a storm sewer gateway structure.

A foundation drain is located at the base of the concrete cap along the entire length of the wall on the landward side. The foundation drain connects to the interior drainage storm sewer system that flows to the river by gravity under normal conditions and flows to the electric storm water pump station during blocked gravity conditions.

Phase 5 Floodwall

An 800-foot long T-Wall construction floodwall is located from the tie in with the Phase 4 levee, along the riverward side of the existing R&F Apartment complex and ending at a tie in with the Phase 5 modular garden floodwall.

The footing slab is supported by two rows of auger cast piles at a maximum of 7-foot spacing for the length of the wall. A sheet pile cutoff extends approximately eight (8) feet below the footing slab near the riverward edge of the footing for the length of the floodwall to minimize underseepage.

The foundation drain at the toe of the footing slab on the landward side of the floodwall stem connects to the interior drainage storm sewer system outfall.

A 100-foot long modular garden wall floodwall extends from the Phase 5 concrete T-Wall riverward, and in close vicinity, of the former Pizza Hut building and ties into the North Main Street closure structure. This system consists of dual modular block walls, one on riverward side and one on landward side with approximately six (6) feet of earthen fill in between and an underdrain system which ties into the Phase 5 concrete T-Wall system. The modular wall system is protected from erosion and scour by riprap armoring along the riverward slope.

Phase 12 Floodwall

This floodwall is an I-Wall construction 680 feet in length with a concrete cap resembling a concrete traffic barrier. The wall generally runs parallel to North Main Street along the west and on the north side of 15th Avenue NE after North Main Street ends at the 90-degree to the east. The floodwall begins at the North Main road raise and ends along 15th Avenue NE at a point when natural high ground is above the 100-year flood elevation. The sheet pile base descends approximately 16 feet below the bottom of the floodwall footing.

A foundation drain is located at the base of the concrete cap along the entire length of the wall on the landward side and connects to the interior drainage storm sewer system outfall.

Gated Outlets

Gated control structures are constructed within the interior drainage system storm sewer outlets. Their function is two-fold; one is to allow interior drainage runoff to discharge to the river by gravity flow during normal river levels, the other is to prevent river backwater from the storm sewer system during high river levels. These gated control structures are often referred to as gatewells and provide this dual purpose through a system of flap valves and sluice gates. When the gates are open the storm sewer system flows freely to the river by gravity which would be considered a “normal” condition. When the gates are closed during highwater events, the interior drainage runoff enters the storm sewer but is blocked by the gates and does not discharge via gravity flow to the river until water levels recede. This is considered a “blocked gravity flow” condition. For areas where ponding interior water may be deemed a nuisance or result in incurred damages, permanent storm water pump stations or portable pumps are utilized to convey the interior drainage runoff to the river. In other areas, interior drainage runoff is allowed to pond within the interior of the levee system until the river recedes and can be drained via gravity.

Phase 1 Outlet

A 30-inch concrete pipe, which serves as the interior drainage outlet for the western portion of the Phase 1 area, crosses the line of protection approximately 60 feet east of the Austin City Library. This outlet consists of a gated structure and inline check valve for redundancy.

The gatewell located on the riverward side of the levee centerline is a precast concrete manhole constructed with cast-in-place reinforced concrete headwall to accommodate the closure device. The closure device in this gatewell consists of a fabricated stainless steel sluice gate on the upstream pipe. The

sluice gate is the primary source of closure, which is equipped with a non-rising stem and a gate operator nut at the top of the gatewell.

Immediately downstream of the gatewell there is an inline check valve in the storm sewer pipe that provides unmanned closure capabilities and serves as a redundant closure device.

Phase 2 Outlet

A 42-inch concrete pipe, which serves as the interior drainage outlet, crosses the line of protection approximately 100 feet west of the Austin Municipal Pool. There are two (2) structures within the outlet system that provide protection against high river levels.

The gatewell located on the riverward side of the levee centerline is a precast concrete manhole construction with cast-in-place reinforced concrete headwalls to accommodate the closure device. The closure device in this gatewell consists of a fabricated stainless steel sluice gate on the upstream headwall. The sluice gate is the primary source of closure, which is equipped with a non-rising stem and a gate operator nut at the top of the gatewell.

Forty (40) feet downstream of the gatewell there exists a special valve structure that provides unmanned closure capabilities. It is a precast concrete manhole construction with a duckbill check valve attached to the upstream entrance of the outlet. The duckbill check valve provides a redundant unmanned closure within the system.

A precast concrete manhole with a 4-foot by 4-foot galvanized steel grate serves as the primary inlet to the system for capturing excess overland storm water runoff that may accumulate on the landward side of the levee near this outlet.

Phase 3 Outlets

The Phase 3 project area has 3 separate outlets; a single pipe outlet across from the 5th Place NW intersection with North Main Street at the south end of the project, a single pipe outlet located approximately midblock along North Main Street between 5th Place NW and 7th Place NW, and a dual pipe outlet at the north end of the project, immediately north of 4th Street NE, within the former Sinclair site.

Phase 3 – South Outlet

The gatewell on the 48-inch concrete pipe for the southernmost outlet is a cast-in-place reinforced concrete structure integral with the Phase 3 floodwall. The closure device in this gatewell consists of a fabricated stainless steel sluice gate on the upstream wall. The sluice gate is the primary source of closure and is equipped with a non-rising stem and a gate operator nut at the top of the gatewell. The stormwater pump station discharges into this gatewell with an inline check valve at the outlet of the discharge line.

Approximately 20 feet downstream of the gatewell structure is a valve structure that provides for unmanned closure capabilities. The structure is a precast concrete manhole with an inline check valve inserted into the upstream pipe entering the structure. The inline check valve provides a redundant unmanned closure within the system.

Two (2) precast concrete manholes, each with a 30-inch by 30-inch casting, serve as the primary inlets to the system for capturing excess overland storm water runoff that may accumulate landward of the raised portion of North Main Street near this outlet.

Phase 3 – Middle Outlet

The single 42-inch concrete pipe outlet located approximately midblock along North Main Street between 5th Place NW and 7th Place NW contains a cast-in-place reinforced concrete structure integral with the Phase 3 floodwall and is located immediately behind the City of Austin decorative medallion. The closure

device in this gatewell consists of a fabricated stainless steel sluice gate on the upstream wall. The sluice gate is the primary source of closure equipped with a non-rising stem and a gate operator nut at the top of the gatewell. A blocked gravity interceptor pipe allows this system to flow to the Phase 3 - South Outlet stormwater pump station under blocked gravity conditions.

Approximately 20 feet downstream of the gatewell structure is a valve structure that provides for unmanned closure capabilities. The structure is a precast concrete manhole with an inline check valve inserted into the upstream pipe entering the structure. The inline check valve provides a redundant unmanned closure within the system.

Four (4) precast concrete manholes serve as the primary inlets to the system, one contains a 30-inch by 30-inch casting, one a 4-foot by 4-foot galvanized steel grate, and two with 20-inch by 36-inch castings, for capturing excess overland storm water runoff that may accumulate landward of the raised portion of North Main Street near this outlet.

Phase 3 – North Outlet

Dual 48-inch reinforced concrete pipes outlet through the line of protection within the former Sinclair site. Two (2) gatewells, one on each outlet pipe, are located on the riverward side of the levee centerline and consist of a precast concrete manhole with cast-in-place reinforced concrete headwalls to accommodate the closure device. The closure device in these gatewells consist of fabricated stainless steel sluice gates on the upstream headwalls. The sluice gates are the primary source of closure and are equipped with non-rising stems and a gate operator nut at the top of the gatewells. The stormwater pump station discharges into the southern gatewell, of the two, with an inline check valve at the outlet of the discharge line.

Inline check valves are inserted into the outlet pipe on the downstream side of the structures, which provide redundant unmanned closure of the system.

Multiple inlet structures in the vicinity of the 4th Street NE and North Main Street intersection serve as inlets to the system. The major low point within North Main Street is drained via eight (8) precast concrete manholes each with a 20-inch by 36-inch casting with curb box.

Phase 4 Outlet

This phase has no outlets through the line of protection as the interior drainage system is connected to the Phase 3 outlet system.

Phase 5 Outlets

This phase has two (2) separate outlets; an outlet at the east end of 11th Avenue NE which crosses the flood barrier line of protection and an outlet on the north side of the existing R&F Apartment complex which crosses the flood barrier line of protection.

Phase 5 – 11th Avenue NE Outlet

A 36-inch reinforced concrete pipe serves as the 11th Avenue NE outlet and crosses under the levee with a gatewell structure on the riverward side of the centerline of the levee as the closure device. The gatewell is a precast concrete manhole with cast-in-place reinforced concrete headwalls to accommodate a fabricated stainless steel sluice gate for closure. The sluice gates are the primary source of closure and are equipped with non-rising stems and a gate operator nut at the top of the gatewells.

Approximately 20 feet downstream of the gatewell structure is a valve structure that provides for unmanned closure capabilities. The structure is a precast concrete manhole with an inline check valve inserted into the upstream pipe entering the structure. The inline check valve provides a redundant unmanned closure within the system.

A precast concrete manhole with a 30-inch by 30-inch grated casting serves as the primary inlet to the system for capturing excess overland storm water runoff that may accumulate on the landward side of the levee near this outlet.

Phase 5 – North Outlet

A single 24-inch concrete pipe outlet is located on the north side of the R&F Apartment complex and contains a cast-in-place reinforced concrete structure integral with the Phase 5 floodwall. The closure device in this gatewell consists of a fabricated stainless steel sluice gate on the upstream wall. The sluice gate is the primary source of closure equipped with a non-rising stem and a gate operator nut at the top of the gatewell.

Redundant and immediate closure is provided via an inline check valve inserted into the outlet pipe on the downstream side of the gatewell.

A precast concrete manhole with a 30-inch by 30-inch grated casting serves as the primary inlet to the system for capturing excess overland storm water runoff that may accumulate on the landward side of the levee near this outlet.

Phase 6 Outlets

This phase has two (2) separate outlets; a minor outlet on the west side of North Main Street, north of an existing restaurant building and adjacent to the roadway closure structure, and a dual pipe outlet at the north end of the project.

Phase 6 – Minor Outlet

A single 24-inch concrete pipe outlet located between North Main Street and an existing restaurant intercepts an existing storm sewer system and outlets through the line of protection. It contains a precast concrete manhole with cast-in-place reinforced concrete headwall to accommodate a fabricated stainless steel sluice gate for closure. The sluice gate is the primary source of closure equipped with a non-rising stem and a gate operator nut at the top of the gatewell.

Redundant and unmanned closure is provided via an inline check valve inserted into the outlet pipe on the downstream side of the gatewell.

Phase 6 – North Outlet

Dual 48-inch reinforced concrete pipes outlet through the line of protection through a low area behind existing residences along 2nd Street NW. Two (2) gatewells, one on each outlet pipe, are located on the riverward side of the levee centerline and consist of a precast concrete manhole with cast-in-place reinforced concrete headwalls to accommodate the closure device. The closure device in these gatewells consists of fabricated stainless steel sluice gates on the upstream headwalls. The sluice gates are the primary source of closure and are equipped with non-rising stems and a gate operator nut at the top of the gatewells. A manhole structure is provided in the northernmost outlet pipe to provide a structure from which temporary pumping can be implemented should it become necessary under blocked gravity conditions.

Inline check valves are inserted into the outlet pipe on the downstream side of the gatewell structures, which provide redundant unmanned closure of the system.

Phase 12 Outlets

This phase has two (2) separate outlets; an outlet at the point in which North Main Street turns to the east and into 15th Avenue NE, and an outlet on the east side of the project near 3rd Street NE.

Phase 12 – 15th Avenue NE Outlet

A 24-inch reinforced concrete pipe serves as the North Main Street/15th Avenue NE outlet and crosses under the floodwall and includes a cast-in-place reinforced concrete structure integral with the Phase 12 floodwall. The closure device in this gatewell consists of a fabricated stainless steel sluice gate on the upstream wall. The sluice gate is the primary source of closure equipped with a non-rising stem and a gate operator nut at the top of the gatewell.

Immediately downstream of the gatewell structure is a valve structure that provides for unmanned closure capabilities. It is a precast concrete manhole construction with a duckbill check valve attached to the upstream entrance of the outlet. The duckbill check valve provides a redundant unmanned closure within the system.

Multiple inlet structures in the vicinity of the North Main Street / 15th Avenue NE low point serve as inlets to the system.

Phase 12 – East Outlet

A 33-inch reinforced concrete pipe, which serves as the interior drainage outlet for the majority of the Phase 12 project area, crosses the line of protection approximately 50 feet west of 3rd Street NE. There are 2 structures within the outlet system that provide protection against high river levels.

The gatewell located on the riverward side of the levee centerline is a precast concrete manhole construction with cast-in-place reinforced concrete headwalls to accommodate the closure device. The closure device in this gatewell consists of a fabricated stainless steel sluice gate on the upstream headwall. The sluice gate is the primary source of closure, which is equipped with a non-rising stem and a gate operator nut at the top of the gatewell.

Thirty feet downstream of the gatewell is a valve structure that provides unmanned closure capabilities. It is a precast concrete manhole with a duckbill check valve attached to the upstream entrance of the outlet. The duckbill check valve provides a redundant unmanned closure within the system.

A precast concrete manhole with a 4-foot by 4-foot galvanized steel grate serves as the primary inlet to the system for capturing excess overland storm water runoff that may accumulate on the landward side of the levee near this outlet.

A precast concrete manhole with a 30-inch by 30-inch grated casting serves as the primary inlet to the system for capturing excess overland storm water runoff that may accumulate on the landward side of the levee near this outlet. A ponding area has also been graded at the outlet to provide for temporary storage of runoff that may occur under blocked gravity conditions.

Interior Drainage Pumping Stations

There are two (2) different storm water pumping station locations associated with the North Main Flood Control project, both located within the Phase 3 project area. Each station has a nearly identical layout and configuration with each containing 2 – 3,000 gallon per minute electric submersible pumps with a control panel surface mounted adjacent to the structure. A trash rack is provided within the pump station structure to collect large debris to minimize the potential for clogging and damage to the electric submersible pumps. The individual pumps discharge to a 10-inch ductile iron pipe and combine into one 16-inch ductile iron pipe which discharges into the receiving gatewell structure, which has an inline check valve at the discharge outlet preventing entry of floodwaters into the system. Each of the pump stations can be isolated from the storm sewer by closing sluice gates located in the inlet structure from the storm sewer line.

Phase 3 – South Pump Station

This storm water pumping station is located in the vicinity of the 5th Place NW intersection with North Main Street adjacent to the Phase 3 floodwall and the southern bicycle trail closure on the landward side of the floodwall. The 16-inch pump station discharge line is routed underground and passes up and through the line of protection concealed within a discharge chamber and outlets into the Phase 3 South Outlet gatewell.

Phase 3 – North Pump Station

This storm water pump station is located immediately north of 4th Street NE, near the roadway closure structure, within the former Sinclair Site. The 16-inch pump station discharge line is routed underground and discharges into the southernmost gatewell structure associated with the Phase 3 North Outlet.

Ponding Areas

There are multiple designated interior ponding areas located within the flood control project. These ponding areas are defined as low areas interior of the levee in which surface water runoff accumulates under either gravity flow or blocked gravity flow events prior to draining through the levee to the river. FEMA criteria for mapping of areas protected by levees indicates that the water surface elevations must be calculated (and reported) if the interior flooded area is at an average depth greater than 1 foot. Based on FEMA guidelines, it was not necessary to calculate the 1% pond elevations, nor depict them on the revised FIRM for the interior areas identified below. We are providing the 1-percent pond elevations as reference information for the City to aid in future management of the areas interior of the levee. The locations are listed in the table below:

1% (100-Year) Pond Elevations				
Phase	Location	1% Gravity Pond Elevation (NAVD88)	1% Blocked Gravity Pond Elevation (NAVD88)	Interior Drainage Average Pond Depth
1	Northeast of Austin City Library	1196.4	1196.0	0.4 ft (gravity)
3	South & Mid – west of and adjacent to North Main	1195.8	1194.9	0.8 ft (gravity)
3	North – North Main St low point near intersection with 8 th Ave NW & 4 th St NE	1194.9	1193.4	0.7 ft (gravity)
5	11 th Ave NE – adjacent to levee at outlet	1194.7	1194.6	0.4 ft (gravity)
6	North – adjacent to levee at outlet	1193.0	1192.8	0.8 ft (gravity)
12	East – ponding area near outlet	1196.8	1195.9	0.5 ft (gravity)

Toe Trench Drain / Relief Well Systems

Toe trench drain and/or relief well systems are incorporated into multiple phases of the flood control project. They are located in areas where it was determined that seepage and uplift control were required for the stability of the flood control barrier.

Toe Trench Drain / Relief Well Systems			
Phase	Description	Total Max Underseepage Flow (gpm)	Outlet
2	12 relief wells for 680 LF of levee	710	Flow to surface
3	1284 LF of 6-inch toe drain for floodwall	97	Phase 3 South Outlet & Pump Station

4	1170 LF of dual purpose storm sewer / toe drain for levee	585	Phase 3 North Outlet & Pump Station
5	86 LF of 6-inch toe drain for levee	40	Phase 5 – 11th Avenue NE Outlet – gravity only
5	996 LF of 6-inch toe drain for floodwall	60	Phase 5 – North Outlet – gravity only
12	670 LF of 6-inch toe drain for floodwall	2	Phase 12 – 15th Avenue NE Outlet – gravity only

Phase 2 – Relief Wells

Twelve (12) relief wells have been constructed along the south side of the Municipal Pool and along the landward toe of the earthen levee to intercept underseepage and relieve excess subsurface pressures during high water events. These relief wells outlet to the surface and onto the paved alley and drain to the 4-foot by 4-foot primary inlet to the interior drainage storm sewer system.

Due to the short duration of the flood hydrographs of the Cedar River, it is not anticipated that pumping will be required to evacuate the accumulated seepage water. Temporary portable pumps can be utilized to remove accumulated seepage water if it is deemed a nuisance or if high water elevations threaten to encroach on structures in the area.

Phase 3 – Floodwall Toe Trench Drains

The 6-inch PVC toe trench drain is located along floodwall and roadway closure structure along the landward base of the concrete cap for the entire length of the wall. The toe trench drain connects to the interior drainage storm sewer system that flows to the river by gravity under normal conditions and flows to the Phase 3 South Pump Station during blocked gravity conditions. Duckbill check valves installed on the outlets of the toe drain into the storm sewer prevent backwater from entering the toe trench drain system.

Phase 4 – Levee Toe Trench Drains

A dual purpose storm drain and toe trench drain is located along the landward levee toe with several drainage inlets to capture overland interior drainage and also to intercept and convey underseepage. This system connects to the Phase 3 interior drainage storm sewer system that flows to the river by gravity under normal conditions and into the Phase 3 North Pump Station during blocked gravity conditions.

Phase 5 – Levee and Floodwall Toe Trench Drains

Two (2) separate toe trench drain systems are located within the Phase 5 project with one draining to the 11th Avenue NE outlet and the second to the Phase 5 North Outlet.

A 6-inch PVC toe trench drain is located along a short portion of levee immediately adjacent to the Phase 5 floodwall near the end of 11th Avenue NE. It parallels the toe of the landward levee slope and drains into the primary inlet manhole for the Phase 5 – 11th Avenue NE interior drainage storm sewer system.

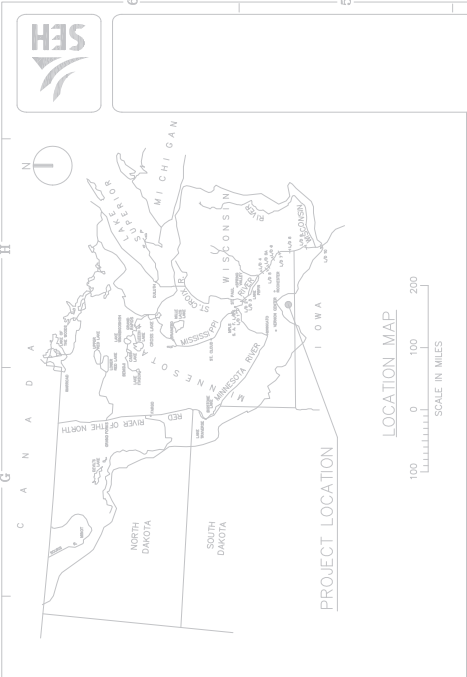
The second trench drain system consists of two separate runs of 6-inch PVC toe trench drain. The first system starts at the eastern end of the Phase 5 floodwall and follows the toe of the footing slab on the landward side of the floodwall stem and outlets into the Phase 5 North Outlet primary inlet. The second system begins on the west side of the North Main Street closure structure and follows the toe of the footing slab on the closure sill, through the interior of the modular garden wall and along the toe of the footing of the Phase 5 floodwall connects into the Phase 5 North Outlet primary inlet. Duckbill check valves installed on the outlets of the toe drain into the storm sewer prevent backwater from entering the toe trench drain system.

Due to the short duration of the flood hydrographs of the Cedar River, it is not anticipated that pumping will be required to evacuate the accumulated seepage water. Temporary portable pumps can be utilized to remove accumulated seepage water if it is deemed a nuisance or if high water elevations threaten to encroach on structures in the area.

Phase 12 – Floodwall Toe Trench Drains

Two (2) separate runs of 6-inch PVC toe trench drain are associated with the Phase 12 floodwall system. The first system starts at the southern end of the Phase 12 floodwall, within the North Main road raise area, and follows the toe of the footing slab on the landward side of the floodwall stem and outlets into the Phase 12 – 15th Avenue NE Outlet system. The second system begins on the east end of the 15th Avenue NE floodwall and follows along the toe of the footing of the 15th Avenue NE floodwall and connects into the Phase 12 – 15th Avenue NE Outlet. Duckbill check valves installed on the outlets of the toe drain into the storm sewer prevent backwater from entering the toe trench drain system.

Due to the short duration of the flood hydrographs of the Cedar River and very low seepage rates into the system, it is not anticipated that pumping will be required to evacuate the accumulated seepage water. Temporary portable pumps can be utilized to remove accumulated seepage water if it is deemed a nuisance or if high water elevations threaten to encroach on structures in the area.



- LEGEND
- PHASE 2
 - PHASE 3
 - PHASE 4
 - PHASE 5
 - PHASE 6
 - PHASE 9
 - PHASE 10
 - PHASE 12
 - PHASE 1



SITE PLAN



AUSTIN FLOOD CONTROL PROJECT
AUSTIN, MINNESOTA
PROJECT PHASE LOCATION MAP

SHEET
IDENTIFICATION
PLATE 1

TABLE 1

AUSTIN NORTH MAIN FLOOD CONTROL PROJECT - FEATURE QUANTITIES

Location	Levee	Floodwall	Floodwall (Deployable)	Roadway & Pedestrian Closure Structures	Storm Sewer Pipe	Storm Water Control Features	Pump Stations	Toe Trench Drains	Relief Wells	Modular Garden Floodwall
	(LF)	(LF)	(LF)	(EA)	(LF)	(EA)	(EA)	(LF)	(EA)	(LF)
Phase 2,9,10,12	1700	740		1	2255	8		800	12	
Phase 4 - 7	1975	780		2	1625	10		2250		105
Phase 3			1290	3	2745	12	2	1284		
Phase 1	1105				996	3				41
Total	4780	1520	1290	6	7621	33	2	4334	12	146

TABLE 2. PUMPING STATION DATA

AUSTIN NORTH MAIN FLOOD CONTROL PROJECT

Pump Station ID#	Pump Station Name	Barrier Station	Profile Sheet ³	Number of Pumps	Pump Size (gpm)	Station Capacity	Forcemain Size and Material	Pump Hp	On Elev. ¹ (ft)	On Elev. ¹ (ft)	Pump Off Elev. ¹ (ft)	Wet Well Floor Elev. ¹ (ft)	Pump Station Ground Elev. ¹ (ft)	Discharge Outlet Elev. at Barrier ¹ (ft)	Electrical Service	Gravity Outlet Structure Type	Closure Type	Invert Elev. at Closure (ft) ¹	Action Stage (ft) ²
PH3-S PS	Phase 3 South Pump Station	53+10	C-1	2	3000	6000	16-inch DIP	24	1192.00	1193.25	1190.75	1186.75	1198.50	1198.33	200 Amp, 277/480V, 3-Phase, 60Hz	42" RCP Storm / 48" RCP Storm	Sluice Gate / Sluice Gate	1186.50 / 1186.97	10.0
PH3-N PS	Phase 3 North Pump Station	63+50	C-5	2	3000	6000	16-inch DIP	24	1192.00	1193.25	1190.75	1186.75	1197.12	1197.73	200 Amp, 277/480V, 3-Phase, 60Hz	2 - 48" RCP Storm	2-Sluice Gates	1188.33 / 1188.38	12.5

- Notes:
- 1. All elevations are NAVD88 vertical datum. The conversion factor between NAVD88 and NGVD29 is negligible for the North Main Project Area.
 - 2. Conversion to gage elevation --> Gage 0 = 1167.79 NGVD29 (City of Austin WWTP Gage)
 - 3. See attached Profiles A through D for further details regarding each closure structure.

TABLE 2

PLATE 2 – City of Austin WWTP Gage Location Map

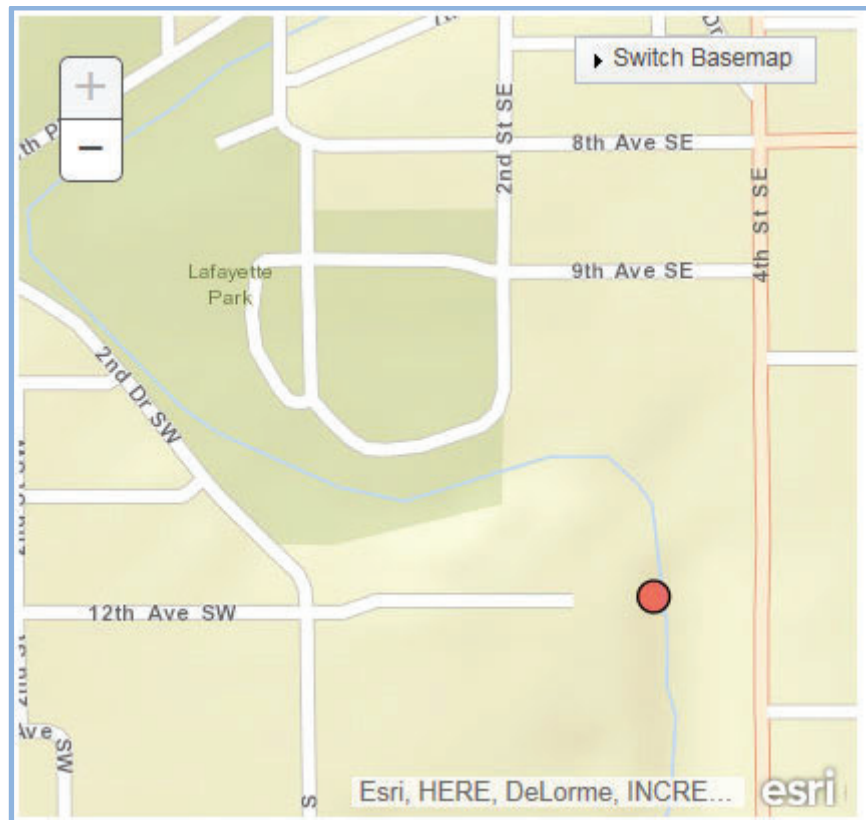


PLATE 3 – MnDNR Gage 48023001 Location Map

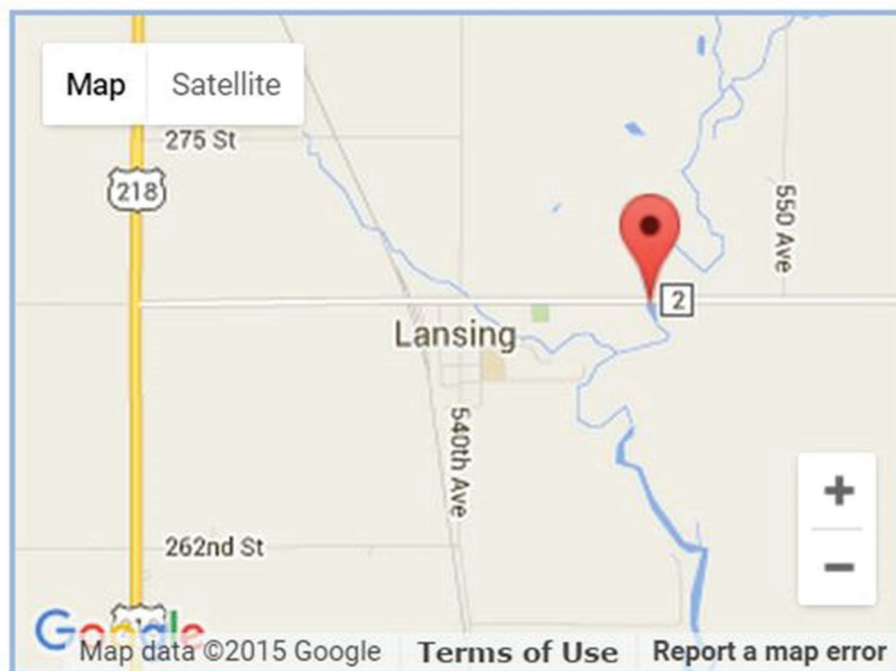
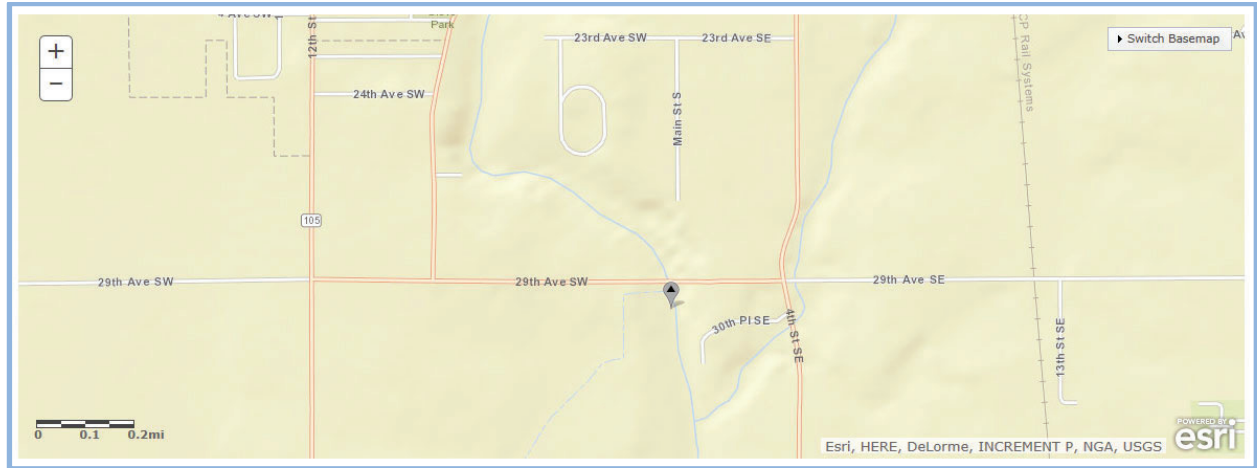


PLATE 4 – USGS Gage 05457000 Location Map



D. CONSTRUCTION HISTORY

The construction contract administration for the project was performed by SEH Inc. of St. Paul, Minnesota and the City of Austin, Minnesota. The complete flood control project was separated into three (3) separate construction contracts; Phases 2,9,10 & 12, Phases 4,5,6 & 7, and Phase 3. A complete list and locations of the construction contracts is provided in Table 3 at the end of this section and shown on Plate 1 in the previous section

The following is a description of the construction in the order in which it was performed. For detailed descriptions of the construction elements refer to the project description section of this manual.

Austin Flood Control Project Phases 2,9,10 & 12

Phases 2,9,10 and 12 were completed by Reiner Contracting, Inc., located in Hutchinson, MN under SEH Project number AUSTN-104904 and Construction Contract Administration number 116952. The floodwall subcontractor was White Construction, located in Hutchinson, MN. The contract award amount was \$2,830,308.90 and was completed on May 31, 2012. Flood control elements of construction consisted of levees, floodwalls, toe trench drains, and gated structures. Major quantities include:

- 1,700 LF Levee
- 740 LF Floodwall
- 1 EA Loading Dock Closure Structure
- 800 LF Toe Trench Drain
- 12 EA Relief Wells
- 8 EA Stormwater Control Features
- 2,255 LF Storm Sewer (12-inch to 42-inch)

Austin Flood Control Project Phases 4,5,6 & 7

The Phase 4,5,6 & 7 project was completed by Reiner Contracting, Inc., located in Hutchinson, MN under SEH Project number AUSTN-104904 and Construction Contract Administration number 126204. The floodwall subcontractor was Icon Constructors, LLC located in Mabel, MN. The contract award amount was \$5,394,514.06 and was completed on July 1, 2015. Flood control elements of construction consisted of levees, floodwalls, toe trench drains, and gated structures. Major quantities include:

- 1,973 LF Levee
- 778 LF Floodwall
- 105 LF Modular Block Floodwall
- 1 EA Road Closure Structure
- 1 EA Pedestrian Closure Structure
- 2,250 LF Toe Trench Drain
- 10 EA Stormwater Control Features
- 1,625 LF Storm Sewer (15-inch to 48-inch)

Austin Flood Control Project Phase 3

Phase 3 was completed by Ulland Bros. Inc., located in Virginia, MN under SEH Project number AUSTN-104904 and Construction Contract Administration number 126196. The floodwall subcontractor was Icon Constructors, LLC located in Mabel, MN. The contract award amount was \$9,200,671.93 and was completed on July 1, 2015. Flood control elements of construction consisted of levees, floodwalls, toe trench drains, storm water pump stations and gated structures. Major quantities include:

- 1,287 LF Floodwall (Deployable with stoplogs)
- 1 EA Road Closure Structure
- 2 EA Pedestrian Closure Structures
- 2 EA Storm Water Pump Stations (6,000 gpm)
- 1,284 LF Toe Trench Drain
- 12 EA Stormwater Control Features
- 2,745 LF Storm Sewer (15-inch to 48-inch)

Austin Flood Control Project Phase 1

Phase 1 was completed by Ulland Bros. Inc., located in Virginia, MN under SEH Project number AUSTN-130613 and Construction Contract Administration number 146067. The contract award amount was \$1,682,739.63 and was completed on April 24, 2019. Flood control elements of construction consisted of levees, a modular block floodwall, storm sewer piping and a gated structure. Major quantities include:

- 1,105 LF Levee
- 41 LF Modular Block Floodwall
- 3 EA Stormwater Control Features
- 996 LF Storm Sewer (12-inch to 48-inch)

TABLE 3

CONSTRUCTION CONTRACT SUMMARY SHEET

PROJECT	Contract Amount	Contract Dates		Contractor	Remarks
		Award	Complete		
Phase 2,9,10,12	\$ 2,830,308.90	2-May-11	31-May-12	Reiner Contracting, Inc.	White Construction was floodwall subcontractor
Phase 4-7	\$ 5,394,514.06	18-Sep-13	1-Jul-15	Reiner Contracting, Inc.	Icon Constructors, LLC was floodwall subcontractor
Phase 3	\$ 9,200,671.93	7-Oct-13	1-Jul-15	Ulland Bros. Inc.	Icon Constructors, LLC was floodwall subcontractor
Phase 1	\$ 1,682,739.63	19-Mar-18	24-Apr-19	Ulland Bros. Inc.	Alcon Construction was underground utility subcontractor
Total	\$ 19,108,234.52				

E. GENERAL REGULATIONS AND PROCEDURES

Regulations

To be recognized as providing protection from the 1-percent annual chance (100-Year) flood by FEMA under the National Flood Insurance Program (NFIP), levee systems must meet, and continue to meet, minimum design, operation, and maintenance standards that are consistent with the level of protection sought through the comprehensive floodplain management criteria established by Section 60.3 of the NFIP regulations. Regulations governing operation and maintenance of this flood control project are prescribed and published under 44 CFR Section 65.10 and it is the responsibility of the City of Austin, as the Owner and NFIP participating community, to ensure that these requirements are fulfilled for continued recognition by FEMA under the NFIP.

Responsibility

Superintendent

The City Engineer / Director of Public Works is the City of Austin's official, hereinafter called the "Superintendent," who is responsible for the development and maintenance of, and directly in charge of, an organization responsible for efficient operation and maintenance of all structures and facilities during flood periods and for continuous inspection and maintenance of the project works during periods of low water. The City of Austin has designated the following person as the superintendent:

Steven J. Lang, PE

Title: City Engineer / Director of Public Works

Phone: 507.437.9949 (office) / 507.438.5521 (cell)

Superintendent's Responsibilities

- Review the O, M, R, R, & R Manual
- Collect manufacturer's operations manuals for pumps and gates
- Assemble O, M, R, R, & R personnel
- Ensure all personnel are familiar with operating and flood fighting plans
- Arrange for mobilization of all necessary personnel, equipment and supplies
- Perform pre-flood inspections
- Perform necessary maintenance
- Notify utilities and private and public agencies that may be directly and indirectly affected by the operation of the system

Since the City of Austin has agreed to operate and maintain this flood control project under the regulations prescribed and published under 44 CFR Section 65.10, all city employees whose authority involves the flood control works have an obligation to operate and maintain the project structures and facilities in accordance with these regulations. To ensure that these requirements are fulfilled for continued recognition by FEMA under the NFIP, any improvement or modification to any feature of the project works requires prior approval by the Superintendent.

The flood event organizational chart is included in Appendix E. A copy of the City of Austin personnel directory, as of August 2021, is included in Appendix F.

Notification

Contact information, including name, telephone number, and 24-hour emergency number, is provided below. The Superintendent will provide changes with the next semiannual report after the change takes place.

Agency	Telephone Number
Superintendent, City of Austin	507-437-9949
Austin Police Department	507-437-9400
Austin Fire Department	507-433-3405
Mower County Sheriff	507-437-9400
U.S Geological Survey	763-783-3100
National Weather Service – La Crosse Office	608-784-7294
Minnesota Department of Transportation – Rochester	507-286-7500
Certifying Agent, SEH Inc.	651-490-2000

World Wide Web References

The World Wide Web (WWW) has readily available information for river forecasts and other information pertinent to flood fighting. The universal resource locator (URL) web pages for the Corps of Engineers, the National Weather Service, and the U.S. Geological Survey are listed below. This information should be updated annually.

Agency	Universal Resource Locator (URL)
Corps of Engineers	http://www.usace.army.mil/
Rock Island District	http://www.mvr.usace.army.mil/
National Weather Service	http://www.nws.noaa.gov/
River Forecast Center	https://www.weather.gov/ncrfc/
U.S Geological Survey	http://www.usgs.gov/
USGS Real-Time Water Data	http://waterdata.usgs.gov/mn/nwis/rt/

Improvements and Project Modifications

Approval from the Superintendent is required for proposed improvements or modifications to any feature within the project limits and for any operational procedures outlined in this manual. Before starting construction on such improvements or changes, a written request with two sets of the proposed plans should be submitted to the Superintendent for consideration. Construction of any alterations to the project shall not begin until written approval has been received from the Superintendent. The plan may require State and/or Federal permits prior to construction.

Pursuant to Section 404 of the Clean Water Act, the Corps of Engineers has regulatory jurisdiction over the discharge of dredged and fill materials, including discharges associated with mechanical land clearing, in all waters of the United States, which includes most wetlands. In addition, the Corps regulates all work in navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act. While some O&M activities may be addressed under general permits, it is the responsibility of the City of Austin to inquire if permits are needed and obtain required permits.

Permits for Improvements or Construction within the Project Right-Of-Way

All requests for permits for construction of any improvements of any nature within the limits of the project right-of-way shall be referred to the Superintendent for determination that such construction will

not adversely affect the stability, safety, and functioning of the protective facilities. These conditions will include, among others, the following items:

1. That all work shall be performed:
 - a. In accordance with standard engineering practice and in accordance with plans and specifications approved by the Superintendent or his/her authorized representative; drawings or prints of proposed improvements or alterations to the existing flood control works must be submitted for approval to the City of Austin sufficiently in advance of the proposed construction to permit adequate study and consideration of the work.
 - b. To the satisfaction of the Superintendent.
2. After completion of the work, "As Constructed" drawings or prints, in duplicate, showing such improvements as finally constructed shall be furnished to the Superintendent.

Encroachment or Trespass on Right-of-Way

No encroachment or trespass which will adversely affect the efficient operation or maintenance of the project works shall be permitted on the rights-of-way for the flood control facilities. The Superintendent will, therefore, cause notices to be posted at conspicuous places along the project right-of-way directing public attention to this regulation. The Superintendent shall report to the City of Austin any offenders and the City will take whatever action is necessary under local ordinances and under its own authority to remove the encroachment or to prosecute the trespassers.

No trees shall be planted within 15 feet of the levee toe. No trees shall be planted within 15 feet of floodwalls. All measurements are taken from the closest edge of the tree trunk.

Reports

At a minimum, the superintendent shall oversee the update of the GIS Levee Database covering inspection, operation, and maintenance of the flood control works at least once per year. The project features and operation sections of this manual each contain a hardcopy of the area project map and inspection data form for use in updating the GIS Levee Database. An annual report should be prepared from the GIS database information which shall include inspection data developed in the project GIS database and inspection data forms for the project along with logs of maintenance work accomplished during the past 12 months, action taken on measures the Superintendent or his representatives consider necessary, maintenance work scheduled for the next 12 months, and the manner in which the project functioned during any period of high river flow in the last 12 months.

Annual Report Format

In addition to the information contained within the GIS Levee Database, a hardcopy annual report form outlining the features and rating codes for each semiannual inspection is included in Appendix B. Information for each annual report shall include inspection data developed and described on the project map, inspection data form, and GIS levee database. Each report should include a summary of the following:

1. Condition of the project.
2. Maintenance work accomplished during the past 12 months.
3. Action taken on measures the Superintendent considered necessary.
4. Maintenance work scheduled for the next 12 months.
5. Changes in the Superintendent and in other normal or emergency contacts since the last annual report.
6. The manner in which the project functioned during any period of high river flow in the preceding 12 months.

-
7. An update of supplies including the acquisition plan.
 8. Any other information pertinent to project operation and maintenance.
 9. Include photographs taken of deficiencies within the GIS Levee Database each with a georeferenced location.

Reporting Evidence of Structural Distress

Any evidence of structural distress of flood control project features should be immediately reported to the Superintendent or the City of Austin and then documented in the GIS Levee Database. Typical conditions that would indicate distress or initiation of a potential failure include:

1. Settlement, sliding, or excessive ground deformation within or near flood control levees and floodwalls.
2. Evidence of internal erosion (piping) in the vicinity of structures such as levees, flood walls, pump stations, storm water outfalls, or pipes passing through/under flood barriers.
3. Excessive seepage or an observed increase in seepage quantities through/under levees or flood walls.
4. Unusual vertical or horizontal movements of flood walls or levees.
5. Excessive deflection, displacement, or cracking of concrete structures such as flood walls, pump stations, or gatewells.
6. Vibration, binding, or unusual noises or movement associated with pump station and/or gate operating equipment.
7. Any other indications of distress or potential failure that could inhibit project operation or endanger life or property.

Initial reporting of distress should be by telephone, followed by updating and reporting the problem with documenting photographs within the GIS Levee Database.

Independent Agency Inspections

Certifying Agent

The Certifying Agent authorized representative(s) will inspect the project works at least once a year, usually in the fall, and at such other times as may be required. Because attendance by the Superintendent is desired, the Certifying Agent will provide advance notice for the annual inspection. At least one (1) month notice shall be given to the City. The Certifying Agent will send the findings of each inspection to the Superintendent with recommendations for any remedial work. Maintenance measures or repairs deemed necessary shall be promptly taken or made. NOTE: The Certifying Agent or authorized representative(s), upon two (2) days advance notice to the City of Austin, shall have access to all portions of the protective works. Annual Inspection forms used by the Certifying Agent are included in Appendix B.

The Certifying Agent should assist in maintenance and operation of the project components by furnishing the following:

1. Furnish to the City of Austin "As Constructed" drawings of the project works at the time they are transferred.
2. Make annual inspections of the project works and notify the City of Austin of any repairs or maintenance measures which the Certifying Agent deems necessary in addition to measures taken by the Superintendent.

3. Submit to the Superintendent all cases of noncompliance with full details thereof for determination of corrective measures to be taken.
4. Make prior determination that any proposed encroachment, improvement, excavation, or construction within the right-of-way, or alteration of the project works, will not adversely affect the functioning or the protective facilities. (This procedure will be handled by the City of Austin under its permit procedure and authority.)

F. ORDINARY INSPECTIONS, MAINTENANCE AND OPERATIONS

Regulations

Ordinary maintenance of the project works shall follow an established schedule for each 6-month (semiannual) period and shall include maintenance work found necessary in periodic inspections. Instructions provided by the Levee Owner's Manual for Non-Federal Flood Control Works in Appendix A shall serve as a guide for ordinary inspections, tests and operations to ensure the effectiveness of the project.

The Superintendent will maintain an adequate stock of emergency equipment and supplies. If the materials are not on hand, the Superintendent shall develop a plan for acquisition of these materials under emergency conditions. The acquisition plan will include locations, names and addresses of vendors, together with a schedule, for equipment, supplies, and materials not stored or maintained within the project limits. Once each year, at a minimum, the Superintendent will make an inventory and review and/or modify the general emergency action plan. Modifications will be provided on the first semiannual inspection submitted after each change. As a minimum requirement, the following will be available or capable of being supplied under emergency conditions:

Equipment and Materials Inventory

- Convenient and dependable sources of riprap and embankment materials and the equipment necessary to deliver these materials to any point on the project.
- All required materials for assembling the closure structures. These materials shall be stored indoors in a weatherproof building. All closure materials shall be clearly marked for their intended locations.
- A minimum supply of 600 sandbags and 6 cubic yards (cy) of sand fill.

The City has the following portable power services:

Location	Model Number	Capacity (kW)	Hitch Type
Airport	D100P4	100	2-5/16 inch ball
WWTP	D100P4	100	Pintel
Sewer Dept.	D40P2	40	Pintel
Street Dept.	-	35	2-inch ball
-	Welding Truck	10	-

The City has arranged for the following equipment to be rented during a flood emergency:

- Contact: Lee Hanson (507-438-1580)
 - 2-4" pumps with hoses
 - Dozer, backhoe, rollers, sheepsfoot, trucks
- Contact: Mower County, Dick Miller (507-438-2722) and County Shop (507-437-7718)
 - 2-4" pumps with hoses
- Contact: Wally Bustad (507-440-2545)
 - 2-4" pumps with hoses

- Dozer, backhoe, roller, trucks
- Contact: City of Albert Lea, Scott Overland (507-402-2697)
 - Construction trailer
 - Multi-size pumps and hoses
- Contact: City of Rochester, Joe Fitzpatrick (507-254-7701)
 - 4-8" pumps and hoses
 - Dozer, backhoe, trucks

OMRR&R Personnel

The City of Austin has agreed to establish an organization of personnel who will comply with the operation, maintenance, repair, replacement, and rehabilitation plan and ensure the success of these flood control works to provide flood protection. The City will review the plan annually to verify that it is fully staffed and everyone is trained. Vacancies will be filled and the plan will be amended as necessary.

The flood event organizational chart is included in Appendix E. A copy of the City of Austin personnel directory, as of August 2021, is included in Appendix F.

Levees

Maintaining Level of Protection (Settlement)

All of the levees were constructed to an elevation higher than required to protect against the design flood. Levees were overbuilt to account for consolidation settlement. Consolidation settlement results from compression of the water-filled voids in the foundation materials in response to the embankment loading and generally occurs quite slowly over many years.

The City should survey the top of barrier once every two (2) years and document the elevations and survey location in the GIS Levee Database. If any levee elevations drop below the minimum top of barrier elevations required to provide protection against the base flood, it becomes the City's responsibility to notify the Certifying Agent and raise that levee to reestablish the minimum top of barrier elevation to meet the requirements outlined in 44 CFR 65.10.

Trees and Shrubs

Trees planted as part of the project shall be maintained. New trees and shrubs may not be planted any closer than 15 feet from the toe of the levee embankment or face of the floodwall in order to maintain the integrity of the flood barrier. Only grass cover is allowed on the levee prism and within 15 feet of the dry and wet side levee toes. Any woody vegetation growing in this area should be removed by the City.

Mowing

Grass will be maintained through an annual mowing program to ensure the serviceability of the structure. Mowing promotes the deeper establishment of the root system, thereby increasing resistance to erosion from floodwaters and precipitation. Regular mowing also discourages the establishment of woody vegetation. As such, all levees shall be mowed at least twice per year.

Floodwalls

All floodwalls shall be inspected on a yearly basis as part of the periodic inspection program. The joints of the floodwall should be inspected for movement and displacement. The foundation drains should be inspected and tested for clogging by debris and jetted if necessary.

Gated Outlets, Closure Structures and Grated Inlets

Every check valve, sluice gate, and stop log closure should be checked and operated at a minimum of once per year. Sluice gates should be greased and lubricated at least once per year. The City shall provide inspections of all gated outlets at least once per year.

Periodic inspection shall be made by the Superintendent to be certain that:

- Pipes, gates, operating mechanism, riprap, and headwalls are in good condition.
- Inlet and outlet channels are open.
- Care is being exercised to prevent the accumulation of trash and debris at the grated inlet structures.
- Erosion is not occurring adjacent to the structure which might endanger its weather tightness or stability.
- Immediate steps will be taken to repair, damage, replace missing or broken parts, or remedy adverse conditions disclosed by such inspection.

The City's Sluice Gate Maintenance Log and Inventory of Deployable Floodwall Materials by Trailer are included in Appendix A. The operation and maintenance manuals for the gated structures, provided by Fontaine and Orbinox, are included in Appendix C. The operation and maintenance manuals for the stop log closures, provided by IBS, are included in Appendix D.

Pumping Stations

Procedures for inspection, operation, and maintenance of the pumping stations are included in the pump station O&M manuals. The Levee Owner's Manual for Non-Federal Flood Control Works in Appendix A provides detailed requirements for inspection and operation of all pumping plant equipment to ensure availability for instant use. In addition to the semi-annual inspections, the pumping stations should be checked regularly to ensure that no vandalism or other incidents that could hamper operations have occurred.

Ponding Areas

The ponding areas shall be inspected periodically by the Superintendent to ensure they have not been filled with silt, debris, or fill material. If the ponding areas have been filled, the City shall undertake measures such as excavation to reestablish the design storage volume of the ponding areas.

Erosion Protection

Areas with riprap erosion protection shall be kept free of brush, trees, and undesirable vegetation that can hinder inspection. Any brush, trees, or undesirable vegetation within areas that have been protected with riprap shall be sprayed with an approved herbicide and the large brush and trees cut off at grade. Stumps will be treated to kill the root system. Riprap displaced by natural events or human intervention will be replaced. Prompt replacement of riprap is necessary to prevent degradation of the underlying aggregate or geotextile filter and accelerated degradation of the erosion protection system.

G. IMPENDING FLOOD – INSPECTIONS, TESTS AND OPERATIONS

General Preparation for Flood Emergencies

The City will use the procedures in the section entitled "Ordinary Inspections, Maintenance and Operations" to ensure proper performance of the project during a flood. The preparation and operation of this flood control project will be in accordance with the Instructions provided by the Levee Owner's Manual for Non-Federal Flood Control Works in Appendix A.

When flood stages are imminent, the City shall arrange for mobilization of all personnel, equipment, and supplies necessary. The mobilization shall ascertain that all personnel are familiar with operating procedures, and that sufficient personnel are available to provide the required constant surveillance of all project facilities during the flood.

To ensure the success of the flood control works in protecting from a flood, the City of Austin should establish an organization of trained capable personnel and develop an implementation plan to provide for effective maintenance and operation of the project. A review should be made each year to ensure that the organization is fully and properly staffed. Emergency methods for protecting and preventing overtopping of levees are shown in Appendix B.

Flood Warning and Prediction

The National Weather Service River Forecast Center in La Crosse, Wisconsin, provides flood warning and prediction forecasts and outlooks for the Austin area during periods of high water or as necessary. In addition various flow and precipitation data is available for the Cedar River in the vicinity of the North Main area. Links to the various internet resources are below.

Cedar River at Austin (WWTP Manual Gage Readings and NWS forecasts in periods of high water):

<http://water.weather.gov/ahps2/hydrograph.php?wfo=arx&gage=astm5>

Cedar River at Lansing (MnDNR Gage 48023001 Readings and NWS forecasts in periods of high water):

http://water.weather.gov/ahps2/hydrograph.php?wfo=arx&gage=lanm5&prob_type=stage

Cedar River at Lansing (MnDNR Gage 48023001 Readings and rainfall depths):

http://www.dnr.state.mn.us/waters/csg/site_report.html?mode=getsitereport&site=48023001

Cedar River 1 mile South of Austin (USGS Gage 05457000 Real-time flow and stage

data):http://waterdata.usgs.gov/nwis/uv/?site_no=05457000&agency_cd=USGS

Annually, the City of Austin will confirm and update the list of available information and internet links provided by the National Weather Service, Minnesota DNR, USGS and other pertinent agencies.

Preparation for Flood Control Activities

The City of Austin will notify the Certifying Agent of preparation for an impending flood or when the river reaches a stage of 14.0 feet (elevation 1181.8 feet) at the City of Austin WWTP gage. This is so the Certifying Agent can initiate its own Emergency Operations Staff if deemed necessary. Telephone numbers are listed in Section E, Paragraph: Notification, of this manual. Emergency methods for flood fighting activities are shown in Appendix B, Field Practices and Emergency Construction During Floods.

Closure levels and activation levels of all pump stations, gated outlets, pedestrian closures, road closures, and floodwall closures are noted in Table 4 and illustrated in Profiles A through E at the end of this section.

Superintendent Responsibilities

When flood forecasts or stages are imminent or prior to the river stage reaching 10.0 ft. (elevation 1177.8 feet) at the City of Austin WWTP gage, the Superintendent shall take the following actions:

1. Review this manual, including the Levee Owner's Manual for Non-Federal Flood Control Works in Appendix A.
2. Collect manufacturers' pump station and closure operating manuals and make them available to the flood fight team.
3. Assemble sufficient personnel to provide constant surveillance of all project features as long as the river remains above flood stage.
4. Ensure all personnel are familiar with the operating procedures and flood fight activities.
5. Arrange for mobilization of all necessary personnel, equipment, and supplies.

-
6. Perform a pre-flood periodic inspection of the project.
 7. Perform maintenance necessary to ensure project operation.
 8. Notify utilities and private or public agencies that may be directly or indirectly affected by the operation of the flood control project, including closure structures, drainage structures, or any project feature; specific agencies and their phone numbers are listed in Section E, Paragraph: Notification, in this manual.

Specific preparatory procedures are the following:

Preparation of Levees

Inspection and maintenance records will be reviewed in preparation for the pre-flood periodic inspection. Levee features will be inspected to make sure all components of the flood barrier have been maintained to provide the design level of flood protection. Maintenance or repair will be accomplished before the start of the flood. Actual patrolling of the levees shall start when the river reaches a flood stage of 16.0 feet or elevation 1183.8. The levee will be patrolled and all features monitored from this time until the floodwaters recede below a flood stage of 14.0 feet or elevation 1181.8. Operations shall follow the Levee Owner's Manual for Non-Federal Flood Control Works in Appendix A.

Any levee feature that has not been inspected and maintained in the past year shall be inspected and any maintenance or repair accomplished before the start of flooding.

Preparation of Floodwalls

Inspection and maintenance records will be reviewed in preparation for the pre-flood periodic inspection. Floodwalls will be inspected to make sure all components of the flood barrier have been maintained to provide the design level of flood protection. Maintenance or repair will be accomplished before the start of the flood. Floodwalls will be patrolled and all features monitored from the time flood waters reach the base of the floodwall until the floodwaters recede below the base. Operations shall follow the Levee Owner's Manual for Non-Federal Flood Control Works in Appendix A.

Any floodwall feature that has not been inspected and maintained in the past year shall be inspected and any maintenance or repair accomplished before the start of flooding.

The operation and maintenance manuals for the stop log closures, provided by IBS, are included in Appendix D.

Preparation of Gated Outlets (Gatewells)

Prior to anticipated high water, the Superintendent shall conduct periodic inspections to ensure that all drainage structures will operate properly during a flood. Any trash, debris, ice or other obstructions in drainage structures shall be removed. Inspection shall also involve checking, servicing, and trial closure when required. The procedures also apply to gates not ordinarily operated during floods to assure that they will operate in an emergency, if needed.

Gates at the outlet structures shall be closed according to Table 4 at the end of this section. There are several gated outlets that have multiple storm sewer pipes (and subsequently multiple gates).

All gates should be inspected a short time before water reaches the invert of the pipe and any object which might prevent closure of the gate shall be removed. Automatic gates shall be closely observed until it has been ascertained that they are securely closed. Manually operated gates and valves should be closed as necessary to prevent inflow of flood water. All drainage structures in levees should be inspected frequently during floods to ascertain whether seepage is taking place along the lines of their contact with the embankment. Immediate steps shall be taken to correct any adverse condition.

The operation and maintenance manuals for the gated structures, provided by Fontaine and Orbinox, are included in Appendix C.

Preparation of Pumping Stations

A periodic inspection of all pump stations will be performed in accordance with the pump station O&M manuals when flood conditions are anticipated or forecast.

Pump stations shall be occupied and observed according to Table 2 at the end of Section C of this manual.

The Levee Owner's Manual for Non-Federal Flood Control Works in Appendix A and the pump station O&M manuals specify detailed requirements for periodic inspection and trial operation of all equipment in the pumping stations to ensure availability of the stations for instant use. Procedures for preparation of each pumping station are provided in the Manufacturer's Pump Station Operation and Maintenance Manual.

Preparation of Ponding Areas

The ponding area shall be inspected prior to anticipated high water to ensure that they have not been filled and that interior runoff can flow freely to the ponding areas.

TABLE 4. CLOSURES: ACTIVATION GAGE STAGE

AUSTIN NORTH MAIN FLOOD CONTROL PROJECT

Action #	Closure ID#	Construction Stage	Pump Station	Profile Sheet ³	Barrier Station	Structure Type	Closure Type	Invert at Closure (ft) ¹	River Elevation at Structure Closure (ft) ¹	Approximate River Elevation at Gage (ft) ¹	Action Stage (ft) ²
1	PH3-MID	Phase 3	PH3-S PS	C-2	56+46 (W)	42" RCP Storm	Sluice Gate	1186.50	1192.0	1177.8	10.0
2	PH3-S	Phase 3	PH3-S PS	C-2	54+51 (W)	48" RCP Storm	Sluice Gate	1186.97	1192.0	1177.8	10.0
3	PH2	Phase 2	--	A-1	20+24 (W)	36" RCP Storm	Sluice Gate	1186.30	1192.0	1178.5	10.7
4	PH6-N	Phase 6	--	D-5	63+03 (W)	2 - 48" RCP Storm	2-Sluice Gates	1188.33 / 1188.38	1193.0	1178.8	11.0
5	PH5-N	Phase 5	--	D-4	53+79 (W)	24" RCP Storm	Sluice Gate	1189.95	1193.0	1180.2	12.4
6	PH3-N	Phase 3	PH3-N PS	C-5	63+72 (W)	2 - 48" RCP Storm	2-Sluice Gates	1186.47 / 1186.37	1192.5	1180.3	12.5
7	PH5-11th AVE NE	Phase 5	--	D-2	47+36 (W)	36" RCP Storm	Sluice Gate	1188.40	1193.0	1180.4	12.6
8	PH5-PED	Phase 5	N/A	D-3	50+08 (W)	Pedestrian Deployable Floodwall	Stop Logs	1196.00	1194.0	1183.7	15.9
9	PH12-E	Phase 12	--	B-1	45+98 (E)	33" RCP Storm	Sluice Gate	1188.28	1195.0	1186.2	18.4
10	PH3-4th St NE RC	Phase 3	N/A	C-5	62+85 (W)	Roadway Deployable Floodwall	Posts / Stop Logs	1197.36	1194.4	1186.3	18.5
11	PH3-N PED	Phase 3	N/A	C-3	59+37 (W)	Pedestrian Deployable Floodwall	Stop Logs	1197.41	1194.5	1186.4	18.6
12	PH12-15th Ave NE	Phase 12	--	B-2	50+24 (E)	24" RCP Storm	Sluice Gate	1192.77	1196.2	1186.6	18.8
13	PH3-FW	Phase 3	N/A	C-1 to C-4	50+58 - 62+50 (W)	Deployable Floodwall	Stop Logs	1198.69	1194.8	1187.1	19.3
14	PH6-Minor	Phase 6	--	D-4	58+22 (W)	24" RCP Storm	Sluice Gate	1188.90	1196.5	1187.3	19.5
15	N Main RC	Phase 5/6	N/A	D-4	57+40 (W)	Roadway Deployable Floodwall	Posts / Stop Logs	1199.72	1196.7	1187.8	20.0
16	PH2-Pool	Phase 2	N/A	A-1	19+14 (W)	Loading Dock Deployable Floodwall	Stop Logs	1196.48	1194.5	1188.4	20.6
17	PH1	Phase 1	--	E-1	01+43 (W)	30" RCP Storm	Sluice Gate	1188.53	1196.0	1189.6	21.8
18	PH3-S PED	Phase 3	N/A	C-1	53+71 (W)	Pedestrian Deployable Floodwall	Stop Logs	1198.71	1196.8	1189.8	22.0

Notes:

1. All elevations are NAVD88 vertical datum. The conversion factor between NAVD88 and NGVD29 is negligible for the North Main Project Area.
2. Conversion to gage elevation --> Gage 0 = 1167.79 NGVD29 (City of Austin WWTP Gage)
3. See attached Profiles A through E for further details regarding each closure structure.

RESOLUTION NO.

**RESOLUTION ADOPTING THE NORTH MAIN FLOOD CONTROL PROJECT
OPERATIONS, MAINTENANCE, REPAIR, REPLACEMENT AND REHABILITATION MANUAL**

WHEREAS, the North Main Street Flood Control project consists of 12 phases and was constructed from 2008 to 2020 at a cost of \$23 million dollars; and

WHEREAS, FEMA requires the City to adopt the Operations, Maintenance, Repair, Replacement & Rehabilitation Manual to comply with the National Flood Insurance Program.

WHEREAS, a full copy of the manual is on file in the office of the Public Works Director.

NOW THEREFORE, the City Council adopts the Operations, Maintenance, Repair, Replacement & Rehabilitation Manual for the North Main Street Flood Control Project.

Passed by the Austin City Council this 6th day of June, 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: June 1, 2022

Re: Restoring IUP Ordinance

The interim use provisions of the zoning code were changed during the most recent update, one item being that it would be allowed only in certain districts. Upon further review, restoring the IUP criteria and applying the same criteria to all zoning districts rather than specific districts, will be more beneficial to the city and residents as a whole (as originally recommended by the Planning Commission in 2016). The attached ordinance is substantially the same as the ordinance adopted in 2016.

Please let me know if you have any questions.

ORDINANCE NO. ____

**ORDINANCE AMENDING AUSTIN CITY CODE
SECTION 11.088 BY CHANGING THE SECTION TITLE TO
“CONDITIONAL AND INTERIM USE PERMITS; AND BY
ADDING A SUBDIVISION 2
TO PROVIDE FOR INTERIM USE PERMITS**

The City Council of the City of Austin does ordain:

Section 1. Austin City Code Section 11.088 is hereby amended as follows:

Section 11.088 – New Title: Conditional and Interim Use Permits.

Subd. 1 New Title: Conditional Use Permit Criteria.

New Subdivision 2: A new Subd. 2 is enacted, which shall read as follows:

Subd. 2. - Interim Use Permits. Interim Use Permits may be approved for any use in any zoning district consistent with the requirements of this Subdivision 2. However, approval of such Interim Use Permit shall at all times be fully optional, allowing for the issuance of the permit either with or without conditions, or denial of the permit on any grounds. Any Interim Use Permit may be terminated by a change in this Chapter resulting in the disallowance of such use, whether by Interim Use Permit or otherwise.

A. Purpose. The purpose and intent of allowing interim uses is:

- 1). To allow a use for a brief period of time until a permanent location is obtained or while the permanent location is under construction.
- 2). To allow a use that is presently judged acceptable by the City, but that, with anticipated development or redevelopment, will not be acceptable in the future.
- 3). To allow a use that otherwise may not be allowed under the zoning regulations but because of its temporary nature may be acceptable.

B. Application, public hearing, notice and procedure. The application, public hearing, public notice and procedure requirements for interim use permits shall be the same as those for Conditional Use Permits as provided in Section 11.088, Subd. 1, with the exception that the Planning Commission shall make a recommendation to City Council for final determination. In addition to the general planning and zoning application requirements, applications for interim use permits shall include:

- 1) A signed statement agreeing:
 - a. That the applicant, owner, operator, tenant and/or user has no entitlement to future re-approval of the interim use permit.
 - b. That the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future; and
 - c. That the applicant, owner, operator, tenant and/or user will abide by conditions of approval that the City Council attaches to the interim use permit.
- 2) A statement addressing the relationship of the proposed project to the neighboring uses.

C. General Issuance Standards. The planning commission may recommend an interim use permit and the council may issue such interim use permits only if it finds that:

- 1) The period of time for which the interim use permit is to be granted will terminate before any adverse impacts are felt upon adjacent properties.
- 2) The date or event that will terminate the use can be identified with certainty, with a maximum duration of five years from the date of approval.
- 3) The use will not adversely impact the health, safety and welfare of the community;
- 4) The use is similar to existing uses in the area;
- 5) The use shall conform to zoning regulations, except the City Council may waive ordinance provisions upon a finding that the temporary nature of the interim use will eliminate the adverse effects the provisions were intended to prevent;
- 6) There is adequate assurance the property will be left in a suitable condition after the use is terminated;
- 7) By agreement, the use will not impose additional costs on the public if it is necessary for the public to take the property in the future;
- 8) The property owner, or other mutually designated party ("party"), agrees to any conditions that the City Council has deemed appropriate for permission of the use, including an optional condition that the party provide an appropriate financial surety to cover the cost of removing the interim use and interim structures upon the expiration of the interim use permit.

D. Termination. An interim use permit shall terminate upon the occurrence of any of the following events; whichever is first:

- 1) The date stated in the permit;
- 2) A violation of conditions and subsequent revocation of the permit;
- 3) Revocation resulting from a cessation of the interim use for 180 consecutive days
- 4) A change in the zoning regulations that renders the use nonconforming.

State law reference— Interim uses, Minn. Stats. § 462.3597

Section 2. Austin City Code Section 11.030 is hereby amended as follows:

"I=Interim" shall be deleted from the Use Table key as Interim Use Permits are allowed in all zoning district.

In the Use Table key, "Blank Cell = Prohibited" is replaced with "Blank Cell = Prohibited absent an Interim Use Permit" as Interim Use Permits are allowed in all zoning districts.

Any reference to "I" in the use chart (e.g., for community gardens in a B-3 district) are deleted as Interim Use Permits are allowed in all zoning districts.

Passed by a vote of Yeas and Nays this _____ day of _____, 2022

YEAS

NAYS

APPROVED:

Mayor

ATTEST:

City Recorder

SUMMARY OF ORDINANCE NO. ____

**ORDINANCE AMENDING AUSTIN CITY CODE
SECTION 11.088 BY CHANGING THE SECTION TITLE TO
“CONDITIONAL AND INTERIM USE PERMITS; AND BY
ADDING A SUBDIVISION 2
TO PROVIDE FOR INTERIM USE PERMITS**

SUMMARY FOR PUBLICATION PURSUANT TO MINN.STAT. § 412.191.subd. 4.

**A full copy of the Ordinance is available for pickup at the City Clerk’s Office
located at 500 4th Avenue NE, Austin, MN 55912,
or a copy may be requested to be mailed by USPS by calling 507-437-9940.**

The City Council of the City of Austin, Minnesota, recently adopted major revisions to Chapter 11 of the Austin City Code of Ordinances, which addresses issues of Zoning, Land Use Regulation, and related Development Standards applicable throughout the City. The prior version of Chapter 11 contained provisions for Interim Use Permits (“IUPs”) under Minn.Stat. § 462.3597. The revised Chapter 11 made provisions of such IUPs but omitted important definitions, requirements, and processes for application and approval of such IUP. This Ordinance seeks to return those prior provisions to this ordinance. It does so through the following mechanisms:

- A. The prior IUP provisions are reinserted into the new ordinance as a new Subdivision 2 under Austin Code § 11.088. These provisions establish the purpose of IUPs, the application process, the notice and procedural requirements for approval, the standards to be applied in decisions to approve or deny such IUPs, and the basis for terminating any IUP that has been previously approved.
- B. The “Use Table” found in Austin Code § 11.030 is updated to clearly show that IUPs are available in all zoning classifications so long as they conform to the requirements for an IUP and are approved pursuant to the applicable process and procedure.

An IUP is a permit that allows a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. An IUP allows an otherwise non-conforming use of property for a brief period of time until a permanent location is available, or to allow a use that is acceptable under present circumstances but which may not be acceptable in the future, or to allow a use that is acceptable only because it is intended to be temporary.

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

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

From: Holly Wallace, Planning & Zoning Administrator

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

Date: June 3, 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 503 8th Ave SE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

June 3, 2022

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

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

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on June 1, 2022 at this site and the following issues need to be resolved:

1. Remove all junk from property

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

1.98 CIVIL PENALTIES.

Subd. 1. Purpose.

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

Subd. 4. Compliance letter.

- C. Exceptions to issuance of a compliance letter. For violations of any of the following sections, the city shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided in division (E) below.
1. Repeat offender. If the same offender commits a subsequent violation within 24 months after a compliance letter has been issued for a same or similar offense.

Subd. 5. Administrative citation

A. Generally.

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

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

Sincerely,

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

Brent Johnson
Zoning Inspector



TIME STAMP

June 1, 2022
11:58 AM

503 8th Ave SE

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: John Ernst
808 10th Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Illegal Storage of Vehicles
At 808 10th Ave SW, Ernst Property

Date: June 3, 2022

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of the vehicles at 808 10th Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.4-6 and 10.33 Subd.1(G) & 2, 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 these vehicles. Such action is permitted by the City Code Section 10.14.

Thank You

City of Austin
Zoning Department



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

April 11th, 2022

John Ernst
808 10th Ave SW
Austin, MN 55912

RE: Zoning Violations at 808 10th Ave SW, Austin, MN 55912

Dear John:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on April 11th, 2022 at this site and the following issues need to be resolved:

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

The violation of Austin City Code Sections 10.14 Subd.4-6 and 10.33 were found. These City Code sections read as follows:

City Code Section 10.33 Subd.F

TEMPORARY STORAGE. Temporary storage of an unoccupied recreational travel trailer, vehicles, boats and trailers and the like will be permitted for a seven-month period of time of a given calendar year and within the limitations set forth in this section of side or rear yards of a private residence providing it meets zoning setback requirements.

City Code Section 10.33 Subd. 1 (G)

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

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

- A. Vehicle outside parking shall be accessory to the permitted primary use of the property, and vehicles parked on a property must be owned by a licensed resident of the property except as follows:
- B. The number of vehicles permitted for outside parking in rear yard and side yard areas shall be limited as follows:
 - 1. Two currently registered passenger vehicles registered to the licensed owner/occupant of the residence may be parked in the rear or side yard areas.
 - 2. In addition to currently registered passenger vehicles, two recreational vehicles may be temporarily stored in the rear yard. If a recreational vehicle is of a type which is required to be registered, it must be currently registered.

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



June 1, 2022
11:09 AM

808 10th Ave SW

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: Aung Myint
1006 11th Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1006 11th Ave SW, Myint Property

Date: June 3, 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 1006 11th Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

May 16th, 2022

Aung Myint
1006 11th Ave SW
Austin, MN 55912

RE: Zoning Violations at 1006 11th Ave SW, Austin, MN 55912

Dear Aung:

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 May 16th, 2022 at this site and the following issues need to be resolved:

1. Remove all junk/garbage from property

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

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

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

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

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

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

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

B. *Public nuisances affecting health*

5. Accumulations of manure, refuse, 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



June 1, 2022
11:13 AM

1006 11th Ave SW

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: Janice Vandervoort
89846 260th St, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 400 16th Ave SW, Vandervoort Property

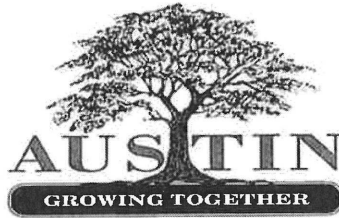
Date: June 3, 2022

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 400 16th Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

April 25th, 2022

Janice Vandervoort
89846 260th St
Austin, MN 55912

RE: Zoning Violations at 400 16th Ave SW, Austin, MN 55912

Dear Janice:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on April 23rd, 2022 at this site and the following issues need to be resolved:

1. **Remove all junk/garbage from property**
2. **Each container shall be watertight and contain all refuse which may accumulate between collections or other disposal**
3. **Garbage shall be collected or otherwise lawfully disposed of, at least once each week during the year**

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.

C. Placement.

1. Garbage containers shall be placed in a driveway or open area outside of the garage or where public alley - garbage shall be placed adjacent to the alley, easily accessible for pickup to be made. Other refuse - properly bagged or bundled such as leaves, clippings or brush shall be placed by the curb of the street or by the alley for collection. Containers must be placed properly for pickup prior to 5:30 a.m. on the day of collection to insure service.

2. At the request of the garbage hauler, garbage containers may be placed on boulevard, curbside or other convenience place in front yard for collection, but the containers shall not be permitted to remain on curbside or in front yard for more than 24 consecutive hours.

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



June 1, 2022

11:16 AM

400 16th Ave SW

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: Grace Hiegel
810 10th St NE, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 810 10th St NE, Hiegel Property

Date: June 3, 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 810 10th St NE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

March 30th, 2022

Grace Hiegel
810 10th St NE
Austin, MN 55912

RE: Zoning Violations at 810 10th St NE, Austin, MN 55912

Dear Grace:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 29th, 2022 at this site and the following issues need to be resolved:

1. Remove all junk/garbage from property

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

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

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

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

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

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

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

B. *Public nuisances affecting health*

5. Accumulations of manure, refuse, 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

June 1, 2022
10:28 AM

810 10th St NE



June 1, 2022

10:27 AM

810

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: El Patron Mexican Grill of Austin LLC
1906 8th St NW Suite F, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 904 5th Ave NW, El Patron Property

Date: June 3, 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 904 5th Ave NW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

April 1st, 2022

El Patron Mexican Grill of Austin LLC
1906 8th St NW Suite F
Austin, MN 55912

RE: Zoning Violations at 904 5th Ave NW, Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 31st, 2022 at this site and the following issues need to be resolved:

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

The violation of Austin City Code Sections 10.14 Subd.1(B), 10.33 Subd.1(G)& Subd. 2(B-1 & C) 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 10.33 Subd. 1 (G)

Operable equipment for transportation of people, goods or material and equipment ordinarily used for recreational purposes. Including shall be, by way of example and not limitation,

automobiles, trucks, pick-up trucks, trailers, marine crafts, snowmobiles, all terrain vehicles, motor homes, pick-up campers, buses, and camping trailers.

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

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

1. Two currently registered passenger vehicles registered to the licensed owner/occupant of the residence may be parked in the rear or side yard areas.
2. In addition to currently registered passenger vehicles, two recreational vehicles may be temporarily stored in the rear yard. If a recreational vehicle is of a type which is required to be registered, it must be currently registered.

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

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 black ink, appearing to read "Brent Johnson", with a long horizontal flourish extending to the right.

Brent Johnson
Zoning Inspector

