

A G E N D A
CITY COUNCIL MEETING
MONDAY, AUGUST 15, 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 August 1, 2022
- 3. Recognitions and Awards.
 - Our Austin, Our America Proclamation
 - Coalition of Greater Minnesota Cities update – Elizabeth Wefel
- (mot) 4. *Consent Agenda
 - Licenses:
 - Cigarette (transfer): One Stop Food Mart, 902 12th Street SW
 - Exempt Gambling (raffle): Life Mower County on October 16, 2022
 - Exempt Gambling (raffle): Austin Morning Lions Club on October 28, 2022
 - Food: Bakereach, LLC, 1906 8th Street NE, Suite D
 - Food (transfer): One Stop Food Mart, 902 12th Street SW
 - Gas Station (transfer): One Stop Food Mart, 902 12th Street SW
 - Mobile Business: Yarn Mobile, 109 1st Avenue SE – Suite 4
 - Claims:
 - a. Pre-list of bills
 - Event Applications:
 - KSMQ 50th Anniversary Party on September 17, 2022
 - River Rats Car Show on August 20, 2022

PUBLIC HEARINGS:

- (res) 5. Reviewing a tax abatement application from Cedar City Builders, LLC.
 - a. Approval or denial of abatement.

PETITIONS AND REQUESTS:

- (res) 6. Certifying the August 9, 2022 primary election results.
- (mot) 7. Approving the 2023 Hormel Foundation Grant request rankings.
- (res) 8. Approving a proposal with SEH, Inc. for an Airport T-Hangar design.

- 9. Reviewing post construction storm water management and salt storage ordinance updates.
 - (mot) a. For preparation of the ordinances.
 - (ord) b. For adoption and publication of the storm water management ordinance.
 - (ord) c. For adoption and publication of the salt storage ordinance.
- (mot) 10. Authorizing the Mayor to sign a letter in support of funding for the I-90 bridge projects.
- (res) 11. Accepting donations to the City of Austin.
- (res) 12. Declaring the property at 1019 8th Avenue NE a hazardous structure.
- 13. 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. 808 1st Avenue NW, Gallardo Property.
 - (mot) b. 909 3rd Avenue NW, Greene Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator

City Council

- (mot) Adjourn to **Tuesday, September 6, 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
August 1, 2022
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Human Resources Director Trish Wiechmann, Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Dave Merrill, City Attorney Craig Byram, Library Director Julie Clinefelter, and City Clerk Ann Kasel

APPEARING IN PERSON: Austin Daily Herald, KAUS Radio

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

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

Moved by Council Member Fischer, seconded by Council Member Postma, approving Council minutes from July 18, 2022. Carried.

CONSENT AGENDA

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

Licenses:

- Lodging: Sherry King, 810 19th Street SW
- Mobile Business: Original Hockey Mom Brownies, Andover
- Mobile Business: Pleasant Grove Pizza Farm, Waseca
- Mobile Business: The Wandering Scoop, Rochester
- Temporary Food: Salvation Army on August 20, 2022
- Temporary Liquor: Austin VFW Post 1216 on August 15, 2022

Claims:

- a. Credit Card Report

Events: Approving use of East Side Lake for the 2022 English Springer Spaniel National Open Championship

Carried.

PUBLIC HEARING

A public hearing was held for a five-year tax abatement request from Bigelow & Lennon Construction. City Administrator Craig Clark stated the applicant is proposing to build a single family home at 803 24th Avenue NW valued at \$320,000. Mr. Clark recommended approval of the abatement.

Moved by Council Member Postma, seconded by Council Member Baskin, adopting a resolution approving a five-year tax abatement request from Bigelow & Lennon Construction. Carried 7-0.

BID OPENING AND AWARD

The City received the following bids for the Waste Water Treatment Plant expansion and phosphorus reduction project:

Bidder	Base Bid	Alt. 1	Alt. 2	Total
Rice Lake Construction Group	\$ 99,124,600	\$318,800	\$564,600	\$100,008,000
Gridor Construction, Inc.	\$ 99,248,000	\$406,000	\$600,000	\$100,254,000
Knutson Construction	\$107,825,767	\$363,000	\$640,000	\$108,828,767

Public Works Director Steven Lang stated the project will consist of the construction of an activated sludge system, which will require the demolition of existing processes, modifications to existing processes and the construction of new treatment systems. The project will be funded in part via state grants, Hormel Foods funding, a PFA Loan and sewer user fees.

Mr. Lang recommended awarding the bid plus alternates one and two to Rice Lake Construction Group.

Moved by Council Member Fischer, seconded by Council Member Poshusta, for preparation of an ordinance to award the bid. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Postma, for adoption and publication of the ordinance to award bid. Carried 7-0.

PETITIONS AND REQUESTS

Public Works Director Steven Lang stated that the May 31, 1995 waste water agreement with Hormel Foods will need to be amended to account for the construction project. He presented a proposed addendum to the contract specifying both parties' obligations for the project with

Hormel Foods being responsible for 49.9% of the costs. He recommended approving the amendment to the agreement with Hormel Foods.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting a resolution approving an amendment to the Waste Water Treatment Plant agreement with Hormel Foods. Carried 6-0 with Council Member Baskin abstaining.

Public Works Director Steven Lang proposed sanitary sewer rate adjustments to generate additional revenue for the Waste Water Treatment Plant Expansion and phosphorous reduction project. In 2022, the sewer user fund is projected to generate \$5,330,000 but to make the payments on the PFA loan for the project, the fund will need to generate \$8,025,000. The yearly increases through 2026 will allow the necessary funds to be generated for the loan payments.

Mayor King noted there will be a rate increase to the citizens for the project but it's a necessary upgrade.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving sanitary sewer rate adjustments. Carried 7-0.

Public Works Director Steven Lang stated construction inspection services will be required for the Waste Water Treatment Plant expansion project. Construction is anticipated to begin in the spring of 2023 with a completion date of June 2026. The City received a proposal from SEH in the amount of \$5,190,000 for construction inspection services on the project. Mr. Lang recommended awarding the contract to SEH, Inc.

Council Member Baker asked if any other firm bid on the project or if the City sought bids from any other firm.

Mr. Lang stated the City did not receive any other bids for the project.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution approving a construction services contract with SEH, Inc. for the Waste Water Treatment Plant project. Carried 6-1 with Council Member Baker voting nay.

Public Works Director Steven Lang stated materials testing will be required for the Waste Water Treatment Plant expansion project. Construction is anticipated to begin in the spring of 2023 with a completion date of June 2026. The City received a proposal from American Engineering and Testing in the amount of \$269,300 for construction inspection services on the project. Mr. Lang recommended awarding the contract to American Engineering and Testing.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution approving a material testing contract with American Engineering and Testing for the Waste Water Treatment Plant project. Carried 7-0.

Moved by Council Member Baskin, seconded by Council Member Poshusta, declaring the Austin ArtWorks Festival a community festival and approving festival requests. Carried.

Moved by Council Member Postma, seconded by Council Member Waller, appointing Geoff Baker to the Housing and Redevelopment Authority Board and the Community Advisory Council Board. Carried.

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

Moved by Council Member Fischer, seconded by Council Member Waller, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1203 11th Avenue NW, Dennison Property. 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 1106 4th Avenue NW, Leif Property. Carried.

Public Works Director Stephen Lang requested the Council approve a contract with Hansen Hauling & Excavating for the 24th Street SW drain tile project.

Moved by Council Member Postma, seconded by Council Member Fischer, awarding a bid to Hansen Hauling & Excavating for the 24th Street SW drain tile improvements. Carried 7-0.

REPORTS

Honorary Council Member Stephen Juenger stated he has enjoyed the experience of being an honorary Council Member.

Library Director Julie Clinefelter stated the summer reading program is wrapping up. She also introduced Evan Walker, the new library assistant.

City Clerk Ann Kasel reminded the Council of the upcoming primary on August 9th.

Council Member Poshusta stated National Night Out is August 2nd at the bandshell and family fun night at the pool is August 5th.

Council Member Postma stated she attended the Coalition of Greater MN Cities conference in Red Wing.

Council Member Baker noted that the agreement between Hormel Foods will allow for payment of almost half of the waste water treatment plant. He also noted on August 27th at noon the fall campaign for soccer begins.

Council Member-at-Large Austin noted that the waste water treatment plant is the most important asset in the City.

Council Member Fischer stated he also attended the Coalition of Greater Minnesota Cities conference.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adjourning the meeting to August 15, 2022. Carried.

Adjourned: 6:02 p.m.

Approved: August 15, 2022

Mayor: _____

City Recorder: _____

From the Office of the Mayor



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

Proclamation

- WHEREAS:** *The "Our Austin, Our America" project has focused on bringing equity and inclusion to our community; and*
- WHEREAS:** *The project aims to help residents feel respected and have equal access to resources and opportunities; and*
- WHEREAS:** *This project highlights the importance of diversity and how Austin has changed for the better; and*
- WHEREAS:** *By working together, we are trying to make Austin a welcoming and prosperous community for all; and*
- WHEREAS:** *William Taufic has helped facilitate this project through his photography; and*
- WHEREAS:** *His photographs narrate the stories of immigrants, refugees, and other newcomers to Austin and how they have made this community their home.*

NOW, THEREFORE, I, Stephen M. King, Mayor of the City of Austin, Minnesota, do hereby proclaim Saturday, August 27, 2022, as

OUR AUSTIN, OUR AMERICA DAY



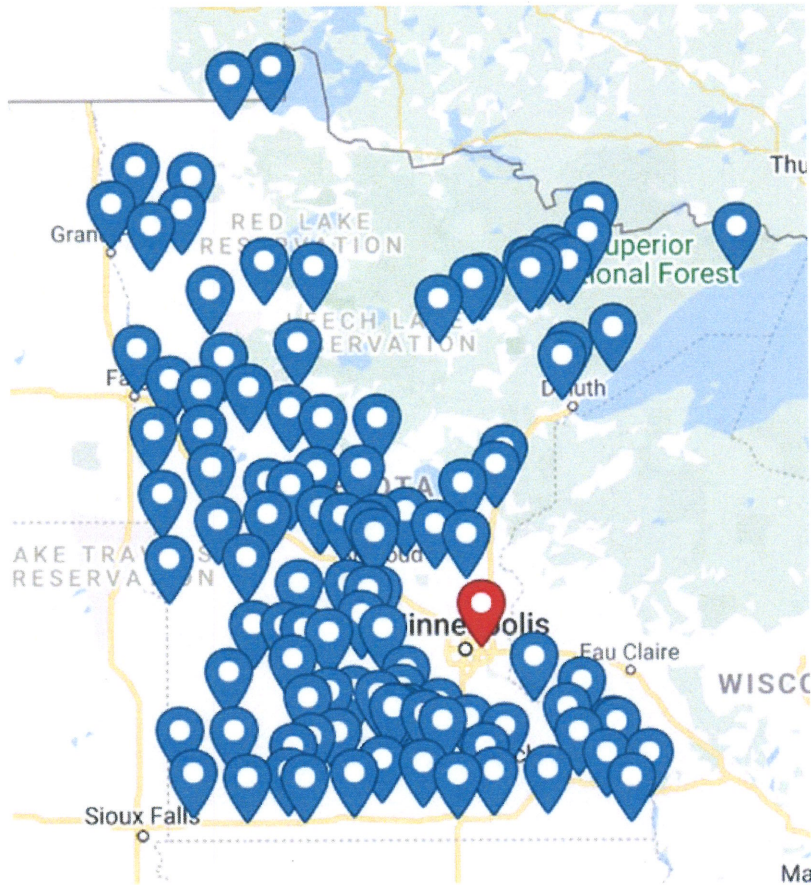
A handwritten signature in blue ink, reading "Stephen M. King".

Stephen M. King
Mayor



2022 Austin City Visit

AUSTIN, ELIZABETH WEFEL, AUGUST 15



CGMC – Over 100 cities across the state working together

- LGA/Property Taxes
- Economic Development
- Annexation and Land Use
- Transportation
- Environment and Energy
- Labor and Employment

2022
session
starts with
lots of
potential...

Historic \$9.3 billion surplus

Traditional year for big bonding bill

Infrastructure funding from the federal
Infrastructure, Investment and Jobs Act (IIJA)

State had unspent ARPA money

Lots of resources to address needs across the
state

...and some challenges

Constrained operations due to COVID-19

- Third pandemic session mostly hybrid

Redistricting

Elections

Ongoing political polarization

Unfinished business from 2021

- Front line worker “hero pay”
- Depleted Unemployment Insurance Fund

Opportunities Squandered

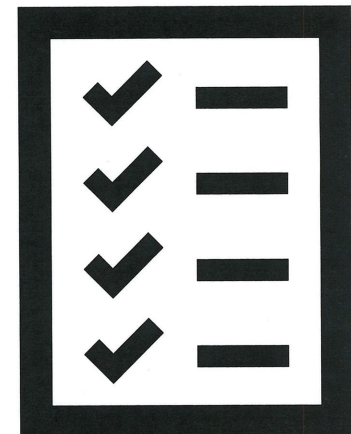
All the conditions present for a productive legislative session

Legislators came close on many bills

Yet, negotiations fell apart and the session ended in disappointment

Top CGMC goals for 2022

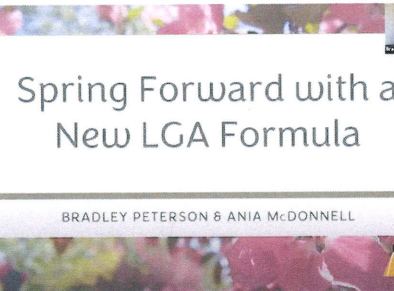
- \$90 Million LGA increase
- Updated LGA formula
- Infrastructure-focused bonding bill
 - Public Facilities Authority
 - Child Care Facilities Grants
 - Business Development Public Infrastructure Grants
 - Housing Public Infrastructure Grants
- DEED child care economic development grant program
- City streets
 - Large city - increase in funding
 - Small city - dedicated funding





*Local Government
Aid (LGA)*

Explained!

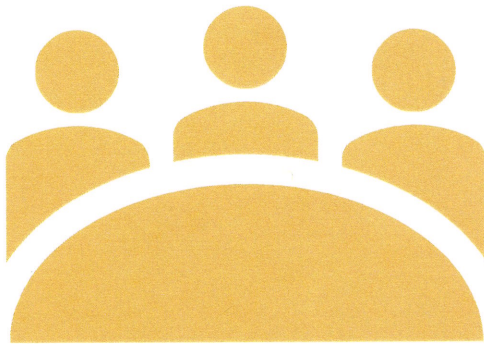


CGMC uses variety of advocacy strategies in hybrid environment

- LGA education video
- Pre-session priorities press conference
- LGA formula proposal webinar
- Remote and in person testimony
- Formed coalition to pass transformational funding for water infrastructure alongside trade unions and a conservation group
 - IOUE Local 49, AGC, LIUNA, and Conservation Minnesota

LGA Formula Proposal

City groups met starting in October 2021



- CGMC, LMC, Metro Cities, Small Cities
- House and Senate non-partisan staff
- Staff from Department of Revenue

Formula update discussions at the Legislature

First step: analyze existing formula

- Current formula increasingly outdated

Identify possible new need factors

- Analyzed over forty potential need factors
- Looked for factors that had strong explanatory value when determining the differences in city spending

CGMC analytical capacity has been a significant advantage for our members during discussion



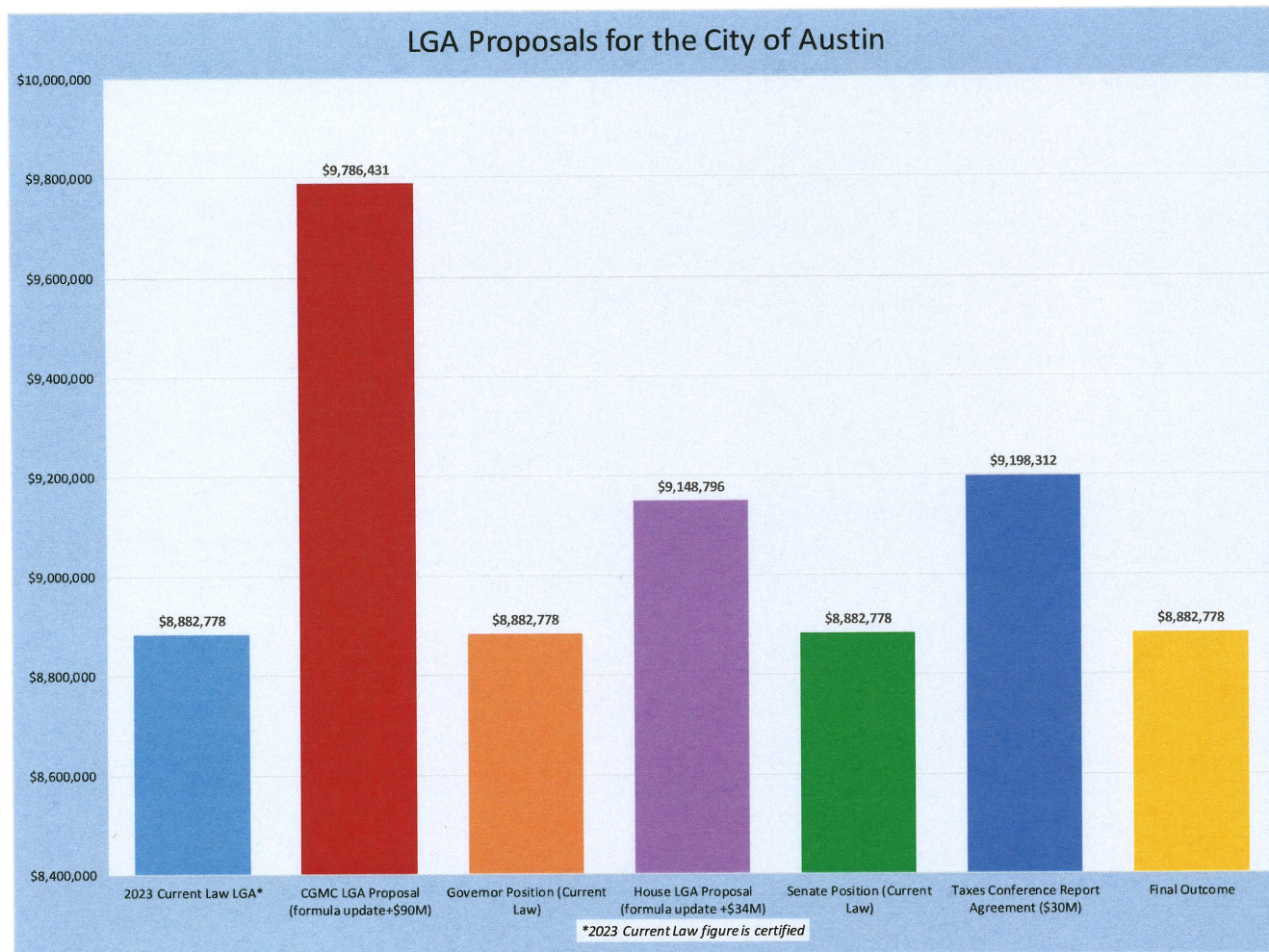
LGA formula proposal: how it works

- Maintains basic LGA structure of evaluating a city's need vs. its capacity to meet those needs (i.e. tax-base)
- Continues to split cities into three categories
 - Small (1-2,499 population)
 - Medium (2,500 – 9,999 population)
 - Large (10,000+ population)
- Same method of calculating a city's capacity
- Same method to distribute money within the formula
- Biggest change is new formula need factors

Legislature fails to get LGA across finish line

- House Tax Bill included formula updates and \$34M increase
- Nothing for LGA in Senate Tax Bill
- Final Conference Committee agreement included \$30M increase, but no formula update
- Legislature fails to pass final tax bill agreement







CGMC supports ambitious water and wastewater funding package

Joined coalition of labor and environmental groups

\$299M for grant and loan programs through the Public Facilities Authority

\$75M per year in ongoing PSIG funding

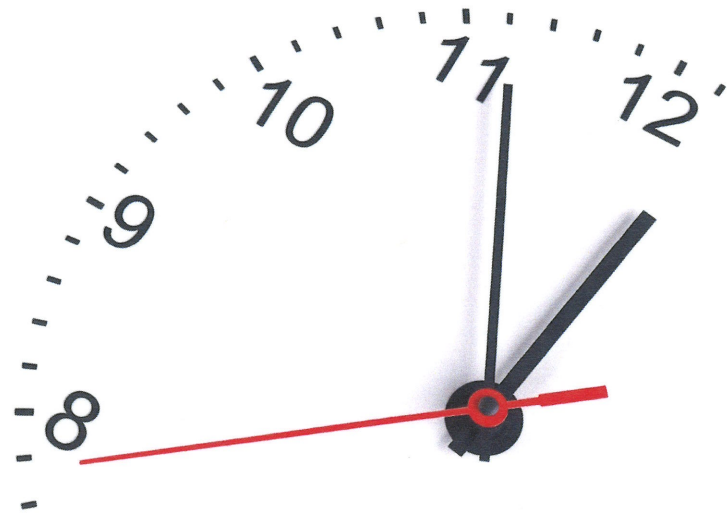
\$5M for technical assistance grants

\$10M for lead line mapping grants

\$30M per year for lead line removal and replacement for 10 years

No bonding bill means infrastructure will have to wait

- Neither the House nor the Senate ever produce a bonding bill
- Chairs and leaders tried to negotiate an agreed upon bill
- Nothing materializes and important projects will go unfinished





Child care

- House Jobs and Economic Development bill included \$4 million for the DEED Child Care Grant program
 - However, agreed upon Jobs target was only \$11 million, so child care funding was not included
 - Jobs bill agreed to, but never passed either chamber
- No bonding bill means no money for the Greater MN Child Care Facilities Grant Program



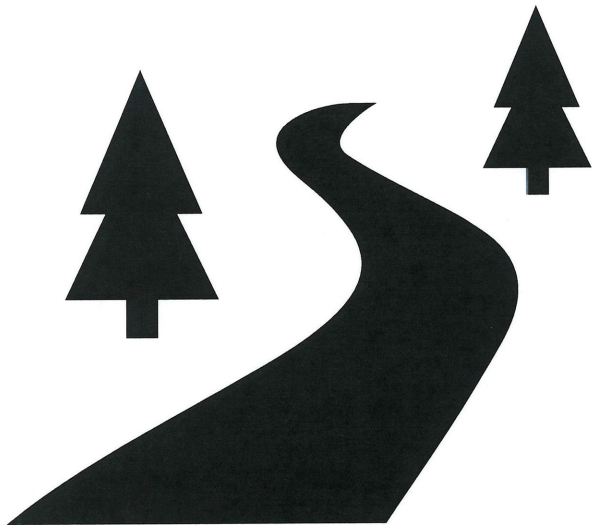
Housing our families and employees

- Senate Housing bill included \$10 million for the workforce home ownership program
 - Housing bill never got agreed to by the House and Senate
- With no bonding bill, no money for the Greater MN Housing Infrastructure Grant program



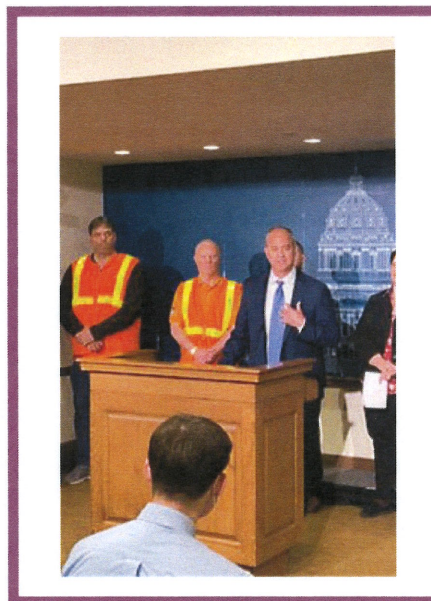
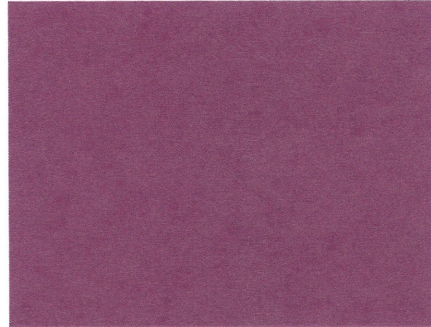
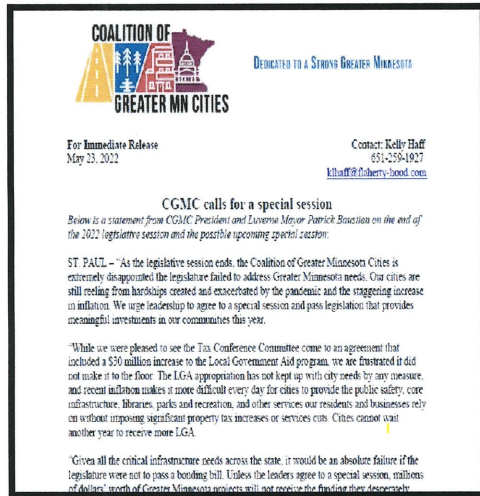
Connecting our communities

- Broadband may be the one bright spot this session
 - \$50 million for the Border-to-Border Broadband grant program
 - At least \$100 million from the Infrastructure Investment and Jobs Act to fund additional Border-to-Border grants
 - \$60 million in ARPA Capital Projects Funds
 - Low-density pilot project
 - State broadband mapping
 - Line extension pilot project



Small city streets

- CGMC goal: at least \$25 million per year in dedicated, annual funding for small city streets
- Little progress was made as Chairs could not agree to any major finance items
- House and Senate had competing finance proposals
- Legislature's failure to come to an agreement will leave no additional funding in 2023 or beyond for small cities



The last week of session: how did everything collapse?

- Wednesday, May 18: Leadership releases agreed upon spending targets, progress still looks promising
- Friday, May 20: Jobs, Energy and Commerce Conference Committee report agreed upon in hearing
- Saturday, May 21: Taxes Conference Committee report agreement announced in a press conference
- Sunday, May 22 (last day to pass bills): Leadership couldn't agree on all omnibus bills, session ended with little activity
- Monday, May 23: Day after session ends, CGMC calls for a special session in a press release and press conference



Looking ahead to 2023

- Expect significant legislative turnover in 2023 - at least 47 new legislators
- Potential changes in legislative control
- Governor's race will be competitive
- 2023 is a budget year with likely a large surplus to deal with
- CGMC will play a critical role educating new and returning legislators on Greater MN issues



Join us at our upcoming CGMC events!

Fall Conference, Alexandria

November 17 - 18, 2022

Summer Conference, Thief River Falls

July 26-28, 2022

January 25, 2023

Legislative Action Day, St. Paul



Thank you!

Website

Greatermncities.org

Facebook

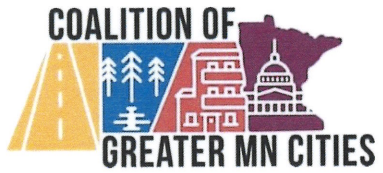
Facebook.com/gretermncities

Twitter

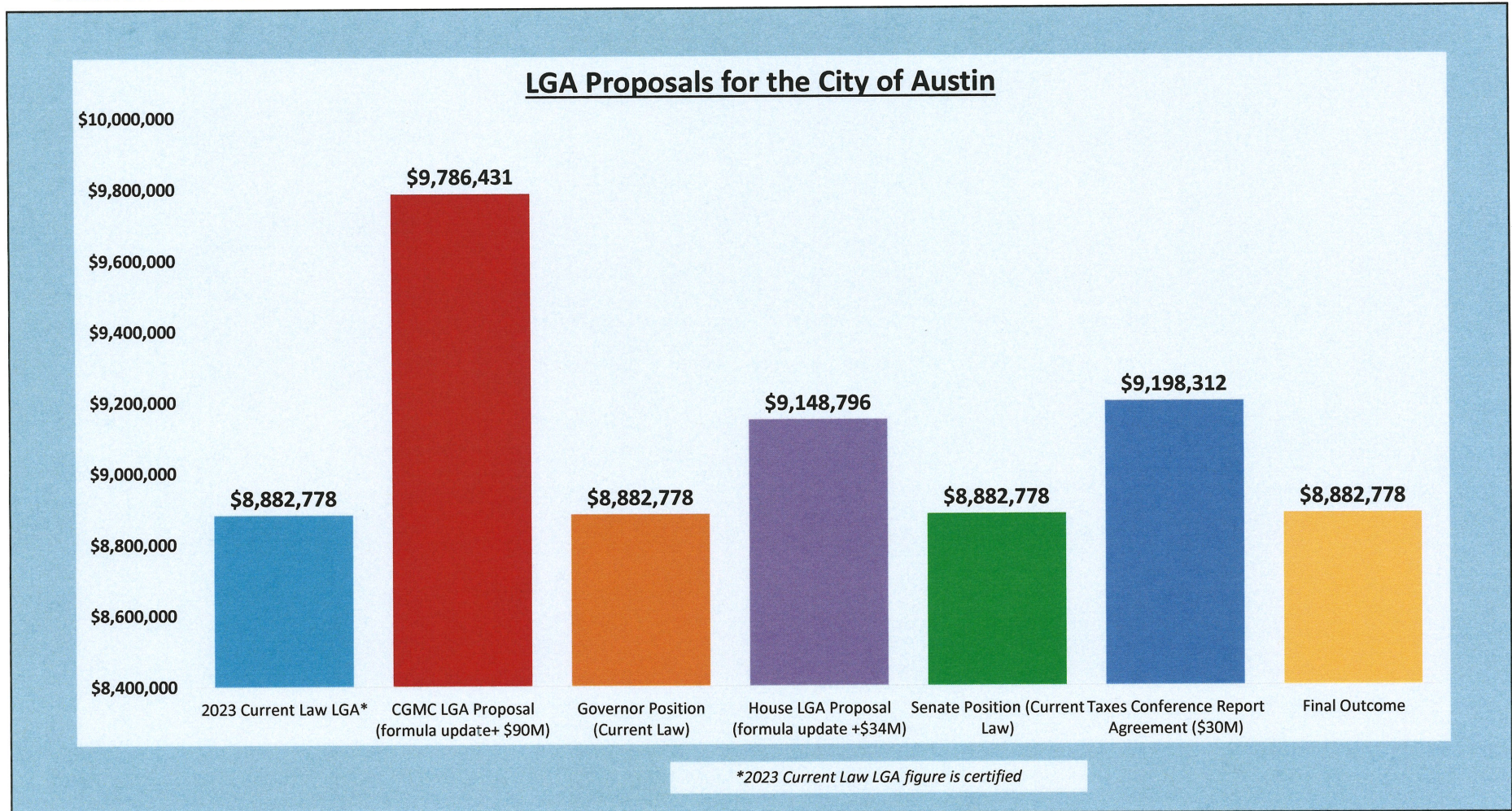
[@gretermncities](https://twitter.com/gretermncities)

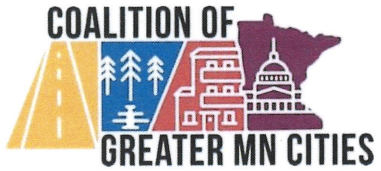
Youtube

Youtube.com/GreaterMNCities



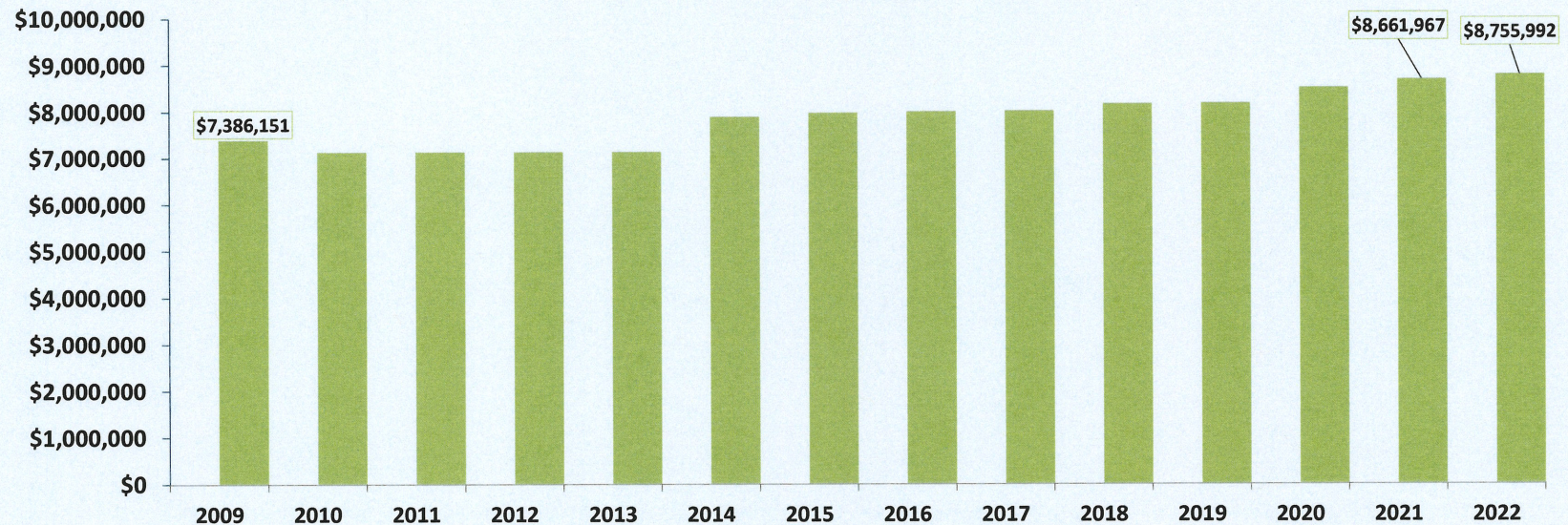
2022 CGMC City Report





2022 CGMC City Report

Austin LGA History 2009-2022



In 2022, the City of Austin will receive \$8,755,992 in LGA, which is an increase of \$94,025 compared to 2021 (\$8,661,967).



2022 Legislative Session: Final Outcomes on CGMC Priorities

	CGMC Goal	Governor	House	Senate	Conference Committee Report	Final Outcome
Local Government Aid (LGA)	<ul style="list-style-type: none"> - Updated LGA formula - \$90M appropriation increase 	<ul style="list-style-type: none"> - No formula change - No appropriation increase 	<ul style="list-style-type: none"> - Updated LGA formula - \$34M appropriation increase 	<ul style="list-style-type: none"> - No formula change - No appropriation increase 	<ul style="list-style-type: none"> - No formula change - \$30M appropriation increase - Hold harmless provision 	Tax bill agreement did not make it to the floor
Public Facilities Authority (PFA) water infrastructure programs	<ul style="list-style-type: none"> - \$299M in bonding (\$150M for Point Source Implementation Grant Program (PSIG), \$100M for Water Infrastructure Fund (WIF), \$49M as a state match for federal funds) - \$80 million from general fund for PSIG and technical assistance grants 	\$200M in bonding	No bonding proposal	No bonding proposal	No bonding proposal	No bonding bill
Lead line mapping and replacement grants	<ul style="list-style-type: none"> - \$30M per year for 10 years for lead line replacement - \$10M for grants for inventory and mapping 	<ul style="list-style-type: none"> - \$4M in 2022-23 biennium and \$4.1M in 2024-25 biennium for lead service line inventory 	<ul style="list-style-type: none"> - \$5M for lead line replacement - \$4M per year for 2 years for inventory and mapping grants 	\$0	No conference committee report	No health and human services bill
Child Care Facilities Grant Program	<ul style="list-style-type: none"> - \$10M in bonding - \$10M in General Fund 	\$0	No bonding proposal	No bonding proposal	No bonding proposal	No bonding bill
DEED Child Care Grant Program for training and business development	\$5M	\$0	\$4M	\$0	\$0	Jobs bill agreement did not make it to the floor

	CGMC Goal	Governor	House	Senate	Conference Committee Report	Final Outcome
Broadband	At least \$100M	\$170M	\$25M	\$110M	\$210M	\$210M (\$50M in state funding, \$160 in federal)
Greater MN Business Development Public Infrastructure Grant Program (BDPI)	\$20M in bonding	\$7M in bonding	No bonding proposal	No bonding proposal	No bonding proposal	No bonding bill
Housing – Greater MN Fix-Up Fund	\$5M	\$0	No bonding proposal	No bonding proposal	No bonding proposal	No bonding bill
Housing – Greater Minnesota Housing Public Infrastructure Grand Program	\$2.5M in bonding	\$0	No bonding proposal	No bonding proposal	No bonding proposal	No bonding bill
Housing – Greater MN Workforce Development Fund	\$10M	\$10M	\$0	\$0	\$0	Jobs bill agreement did not make it to the floor
Large City Streets (Cities with populations over 5,000 receive state funding through the Municipal Street Aid program)	At least \$25M/year increase	- No increase in base funding - \$25M for matching federal funds	- No increase in base funding - \$9.7M for matching federal funds	-\$11.4M increase in dedicated base funding - Various amounts for federal matching in 2022-25	No conference committee report	No transportation bill
Small City Streets (Cities with populations under 5,000 receive no dedicated funding from the state)	At least \$25/year dedicated and ongoing	\$10M/year ongoing general fund appropriation	\$10M/year ongoing general fund appropriation	Dedicated 7% of sales tax revenues from auto parts (at least \$22.3M/year ongoing)	No conference committee report	No transportation bill
Corridors of Commerce	At least \$200M/year with project selection changes to improve regional balance	Proposed project selection changes, but would not significantly improve regional balance	- No new funding - Project selection changes that would improve regional balance	-\$152.5M funding increase in 2023-25 - Project selection changes, but would not significantly benefit regional balance	No conference committee report	No transportation bill



Coalition of Greater Minnesota Cities

2022 SESSION REPORT

Session Timeline

January 27: CGMC holds pre-session press conference

January 31: Legislative session begins

March 2: CGMC Legislative Action Day

March 16: CGMC holds joint press conference with trade unions and conservation group on water infrastructure needs

April 8: CGMC hosts LGA webinar

May 4: House passes tax bill including LGA increase and CGMC-supported formula changes

May 17: Governor Walz, Senate Majority Leader Jeremy Miller, and House Speaker Melissa Hortman reveal conference committee budget targets

May 23: Session Adjourns

May 23: CGMC President Pat Baustian urges Governor and legislative leaders to agree to a special session

Many things could have defined the 2022 Minnesota Legislative Session: the historic \$9.3 billion surplus, the partial return to normal operations after two years of remote legislating, a significant bonding bill making investments in infrastructure across the state, the state becoming a national leader in bipartisan compromise as one of only two divided legislatures in the country, an inspiring recommitment to local government aid, the list of possibilities goes on and on. Ultimately, what will define this legislative session are its failures. No bonding bill, no LGA increase, no investments in housing or child care, and many other Greater Minnesota needs left unaddressed.

In early May, there were indications that the legislative session could have ended differently. The legislature and Governor Walz agreed to refill the depleted Unemployment Insurance Fund, relieving businesses of an automatic tax increase, and provide a frontline worker bonus for COVID-19 essential workers. Shortly after, the Governor and legislative leaders published a supplemental budget agreement broadly outlining tax cuts and spending priorities, with details to be ironed out by the respective conference committees. This was the high point of the session.

With three weeks left, conference committees met in fits and starts, committee chairs negotiated in private, and everyone speculated about a possible last-minute appearance of a bonding bill. But by the final weekend of session, it appeared as though everyone was simply going through the motions, having already conceded to themselves that nothing was going to get done.

Despite calls for a special session to resolve their differences, including from the CGMC, it is unlikely that Governor Walz and the legislative leaders will agree on a framework and call legislators back. A waning sense of urgency and a looming election further suggest little action will be done until the legislature convenes again in January.

Despite this disappointing legislative session, the CGMC remains resilient in our fight for our cities' priorities. Read on for more information about the 2022 legislative session and the CGMC's continued role as the leading advocate for Greater Minnesota communities.

CGMC presses for LGA formula updates and appropriation increase

Since its inception in the 1970s, the Local Government Aid formula has periodically undergone revisions and updates following each decennial census. Last year, key legislators asked city groups, including the CGMC, to work together on a formula update proposal for the 2022 legislative session. The city groups, Minnesota Department of Revenue staff, and nonpartisan house and senate staff convened a working group that met consistently throughout the fall, working together to produce an updated LGA formula. The group created a formula proposal that better reflects city needs and supports cities who are seeing a decrease in LGA as well as cities who are approaching their maximum LGA amount.

This session, the CGMC strongly advocated not only for the updated formula proposal we helped create, but also for a \$90 million increase to the LGA appropriation. In April, we hosted a webinar and created an educational video to help members better understand and advocate for LGA legislation.

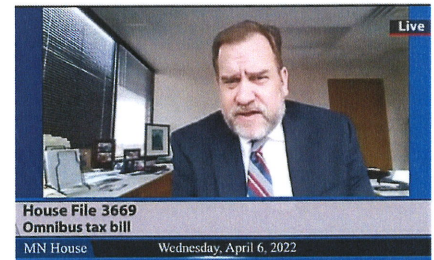
Throughout the session, the CGMC testified in support of LGA reform and continuously met with legislators on both

sides of the aisle. In late April, the House Tax Committee released their omnibus bill which included both the formula update and a \$34 million appropriation increase. The Senate's version of the bill included neither the proposed formula nor an increase to the appropriation.

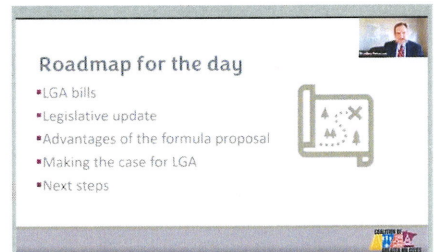
Near the end of session, the Tax Conference Committee was one of very few committees that showed significant progress, collaboration, and effort. Just one day before adjournment, the House and Senate Tax Chairs came together to release their final \$4 billion tax bill agreement. The agreement included a \$30 million increase to the LGA appropriation and a hold harmless provision for 2023 only, which would keep cities at or above their final 2022 LGA allotment. It did not include the LGA formula update.

Unfortunately, the agreed-upon Tax bill was held back as a final bargaining chip and did not pass before session adjourned.

The CGMC remains your voice on LGA. As we look towards next session, we will continue to push for a substantial LGA appropriation increase and advocate for formula reform.



CGMC Executive Director Bradley Peterson testified in support of House omnibus tax bill.



CGMC hosted an LGA update webinar.



CGMC Policy Analyst Ania McDonnell explains LGA formula changes during CGMC Legislative Action Day.

Not even a draft of a bonding bill

Typically, the even year of a biennium is considered a bonding year at the legislature. With a record high budget surplus and federal infrastructure dollars requiring matching state funds, the stage was set for what everyone thought would be a robust bonding bill that addressed the extensive infrastructure needs of state agencies and local governments.



Austin Mayor Steve King speaks during CGMC joint press conference with labor unions and conservation group.

By the time the legislative session began, more than \$5.5 billion in capital investment requests had been submitted to the state, including \$4 billion in state agency requests and nearly \$1.5 billion in requests from local governments. Both the House and Senate Capital Investment Committees toured all corners of the state, visiting project sites seeking funding.

In January, the Governor introduced his own version of a bonding bill which included \$2 billion in general obligation bonds and \$730 million from other sources.

Over the course of the session, the House Capital Investment Committee held multiple hearings on agency bills and on multiple individual projects. The Senate Capital Investment Committee also held a series of hearings on specific

topic areas, including water infrastructure, higher education and state agency asset preservation, and transportation.

Numerous advocates, including the CGMC, met countless times with legislators to ask for a substantial bonding bill. Despite all these efforts, both the House and Senate Capital Investment Committees failed to introduce even a draft of a bonding bill. No bills were brought to the floor. No conference committees were held. And though there were allegedly negotiations between the committee chairs and minority leads behind closed doors, no bonding proposal ever came forward.

Since the session ended, the CGMC has called on legislators to come back to the Capitol and pass a bonding bill in a special session.

Urgent workforce housing crisis left unaddressed

This year, the CGMC housing priorities were focused on two areas: establish and secure funding for a new program that provides grants to local communities to help pay for the public infrastructure needed for new housing developments, and secure additional funding for the Greater Minnesota Workforce Housing Grant program.

During the session, the public infrastructure bill was heard in the House Capital Investment Committee. Since the Senate Capital Investment Committee held very few hearings, the bill did not have a hearing in the Senate. With neither the House nor Senate introducing a bonding bill it is unclear what this proposal's standing was as the committee chairs negotiated behind closed doors.

Child care funding falls short

The CGMC child care priorities this year included securing funding for the Greater Minnesota Child Care Facilities Grant program and additional funding for the DEED Child Care Economic Development Grant program.

In both the 2021 and 2022 sessions, the facilities grant bill had hearings in both the House Early Childhood Finance and Policy Committee and the House Capital Investment Committee. With the Senate Capital Investment Committee holding only a few hearings in either session, this proposal was not heard in the Senate. As neither the House nor Senate introduced a bonding bill, it is unclear what this proposal's standing was as the committee chairs worked behind closed doors to negotiate an agreement.

As for the DEED child care grant program, the House Jobs Committee included an additional \$4 million appropriation as a part of their \$217 million omnibus bill. The Senate's version

For the Greater Minnesota Workforce Housing Grant program, our most significant success was Governor Walz including an additional \$10 million for the program in his budget proposal. The Senate proposed an additional \$50 million in new housing spending, with \$10 million going to a different workforce housing program; one that is statewide rather than dedicated to Greater Minnesota and is focused on home ownership rather than workforce housing specifically. The House proposed \$230 million in new housing spending, but none of which was allocated for workforce housing.

As was the case with most budget areas, the conference committee was unable to reach an agreement on a final housing bill, and negotiations were conducted in



CGMC lobbyist Scott McMahon testifies in support of DEED child care grant program.

of the bill contained only \$250,000 in spending targeted at a handful of small grant or nonprofit appropriations, none of which addressed child care.

Near the very end of the session, the Jobs Conference committee did adopt an agreement. Unfortunately, with a target of only \$11 million, it did not include any additional child care funding. The committee focused its investment on economic recovery associated with the pandemic.

In the end, it did not matter. Though the conference committee did pass their agreement, the legislature failed to act on the bill before the end of the session.

private, so it is unclear where any discussions on new investment in workforce housing stood before the end of the legislative session.

CGMC Fights Annexation Proposals

Like clockwork, the Minnesota Association of Townships (MAT) pushed legislation this session that would greatly restrict the ability of cities to annex nearby property. Once again, the CGMC worked with the League of Minnesota Cities to successfully push back on these efforts.

The MAT's efforts were more aggressive this year, beginning with a pre-session so-called stakeholder meeting they organized where they laid out their grievances to legislators sympathetic to their cause. The Local Government Committees in both the House and Senate held informational hearings on two pieces of legislation that would reinstate the election requirement, remove several popular non-controversial forms of annexation by ordinance, make detachment easier, and allow orderly annexation agreements to be used as a weapon, rather than a tool for development.

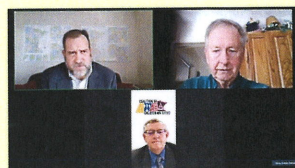
Despite the informational nature of these hearings, the MAT kept up their fight in the conference committee where they pushed legislators to create another legislative task force to discuss these issues. Though legislators rejected all of these efforts this year, we anticipate that the townships will continue to push for restrictions in the next legislative session.

The CGMC uses innovative and effective communications strategies

This session, the CGMC utilized press conferences, social media campaigns, letters to government officials, virtual and in-person events, and informational handouts and videos to advocate for Greater Minnesota priorities.



Watch our LGA video at bit.ly/LGA-Explained



CGMC pre-session priorities press conference



CGMC Legislative Action Day legislative panel

Legislature misses the moment to invest in environment

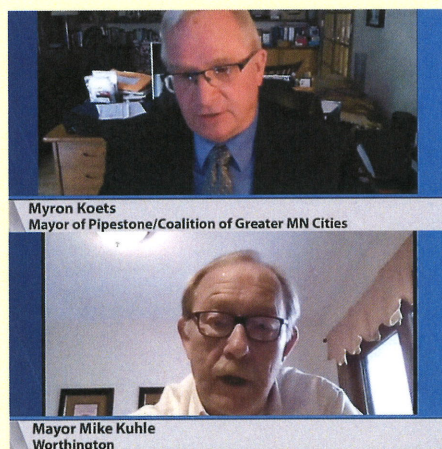
With a record-setting budget surplus, \$12.3 billion in estimated need over the next 20 years, federal money on the line, and over 200 local government water-related projects ready to go, 2022 presented the opportunity for the state to make a transformational investment in water and wastewater infrastructure.

This year, the CGMC partnered with trade unions and an environmental group to introduce and support a package of infrastructure investments that would have had a generational impact on clean water in our state.

Our proposal includes \$299 million for the Public Facilities Authority (PFA) to fund wastewater and drinking water grants and loans. We also proposed making a long-term investment in the Point Source Implementation Grant (PSIG) program with \$75 million in general fund money going forward. And to help meet the ever-escalating costs of construction, we proposed raising the cap on Water Infrastructure Fund (WIF) grants and removing the cap PSIG grants. Lastly, we proposed a technical assistance grant program to help cities better plan for the future of their water infrastructure costs and more readily access available resources.

With cities facing a 2024 federal EPA deadline to inventory lead service pipes in their communities and the knowledge that no level of lead in drinking water is safe for children, we also pushed for \$10 million in grants to help cities perform the lead pipe inventories and develop mitigation plans as well as \$30 million per year until 2032 for grants to help pay for their removal.

Right away, our proposals received a positive reception. Responses to our joint-press conference, meetings



CGMC members, including Pipestone Mayor Myron Koets and Worthington Mayor Mike Kuhle, testified in support of lead pipe removal grants.

with legislators, social media campaign, and testimony in House committees on both bills were largely positive. We began to run into roadblocks, however, with several metropolitan legislators who wanted to put requirements on the lead pipe money so that most would funnel into the metro and to rework programs in a way that they would no longer address the affordability needs in our communities. Unfortunately, we had to spend a significant amount of time pushing back against these proposals and working on alternatives. Whether our efforts to support additional funding or to stop negative policy changes were successful is unknown because neither the House nor the Senate ever introduced a bonding bill.

The CGMC also stayed engaged on many other environmental issues. We worked with other municipal groups to seek funding for PFAS monitoring at wastewater facilities and to direct the MPCA to perform rulemaking on the Wild Rice Sulfate rule. We also pushed back against several concerning policy provisions. In the end, none of these items were included in the final Environment Conference Committee report, and the legislature adjourned before passing the agreement.

Optimistic session for transportation ends with frustration

Transportation saw a lot of discussion in 2022, but little action. The state's massive general fund surplus and the passage of the federal Infrastructure Investment and Jobs Act should have combined to create an opportunity for legislators to make massive one-time investments in advancing Minnesota's transportation system. Instead, they let political dynamics stop them short, and a final transportation bill never passed the legislature. Small cities, Corridors of Commerce, and federal matching dollars are all potential victims of the legislature's failure.

Cities with populations under 5,000 received one-time assistance for their streets in 2021, but without the passage of a transportation bill in 2022, they will receive nothing this year. Yearly, dedicated funding for small cities is one of CGMC's top transportation priorities, and a mechanism for funding these streets was included in the Senate's

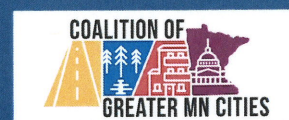
omnibus transportation bill.

Unfortunately, unless the legislature reconvenes for a special session, small cities will be left behind.

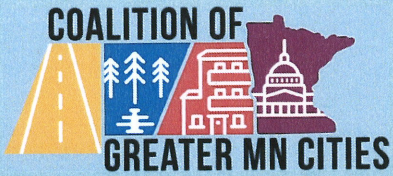
Proposals to enhance the Corridors of Commerce program also advanced in both chambers. While the House and Senate versions differed, both would have resulted in significant efficiencies for MnDOT in administering the program. That said, the House version would have done a better job at balancing regional interests and ensuring Greater Minnesota projects had a chance to compete.

Other issues, such as the disposition of federal matching dollars, have lingered even after the legislature went home. Legislators appeared poised to appropriate the state dollars necessary to unlock billions in federal funds during session, but no bill passed.

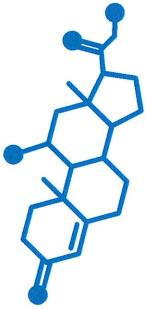
Since adjournment, the conversation has continued, with legislators pointing out that MnDOT has the authority to seek the federal funds on its own and does not need the legislature's go-ahead. Stay tuned to see what happens next.



CGMC cities are dedicated to a strong Greater Minnesota. Our mission is to develop viable, progressive communities for businesses and families through strong economic growth and good local government. We support fair property taxes, good land use planning, sensible environmental regulation, a balanced transportation system, and effective economic development tools to meet that goal.



CGMC ENVIRONMENTAL PROGRAM SUCCESS, EMERGING ISSUES & CONTINUED ADVOCACY



Per- & Poly-fluoroalkyl Substances (PFAS)

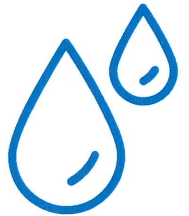
PFAS are a class of pervasive chemicals that have been linked to various health concerns and have been found in waterbodies across the state. PFAS can be removed from drinking water through an expensive treatment process, but there is no technologically feasible method for removing them from wastewater.

CGMC's Role: We are participating in the municipal source reduction strategy task force, which was created and funded last year based on legislation we introduced. We actively engaged with the MPCA and their PFAS monitoring stakeholder group, resulting in favorable changes to the monitoring proposal. We will continue to defend against proposals that impose unreasonable demands against municipalities and seek ways to reduce sources of PFAS.

Chloride

According to an MPCA report, more than 100 cities could face chloride limits in their wastewater permits, but there is no feasible method to remove chloride at a wastewater facility. Most cities will need a variance from these permit requirements, which will still require action by the city to reduce sources of chloride. Some cities may be required to install a central water softening system, but others may be able to address the issue by working with citizens to remove and/or upgrade home water softening equipment.

CGMC's Role: We supported "safe salting" legislation that would help minimize salt application to landscapes. We will continue to pursue state funding for grants to assist cities with the removal or upgrade of home water softeners and to support cities on this issue.



Funding for Extreme Weather Events & Resiliency

As the state continues to face extreme weather events, cities are looking to alternative approaches to address resiliency and related water quality issues. Many cities need assistance in developing resiliency plans. Moreover, current state funding may not always support innovative projects, including stormwater mitigation, because they do not fit into traditional program definitions.

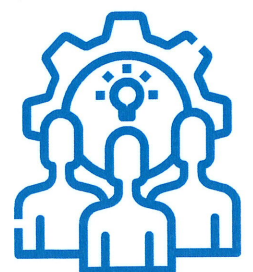
CGMC's Role: We continue to support state funding for resiliency planning. We also support bonding funds for a new program aimed at addressing stormwater mitigation.

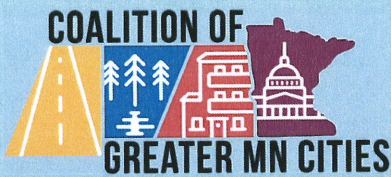


Technical Assistance for Our Communities

Our cities are facing an array of problems due to aging infrastructure, nutrient pollution, emerging chemicals, ineffective weather resiliency, and other challenges. Some are at risk of falling behind in development because they lack the technical expertise to formulate long-term plans, create innovative solutions, or access funding.

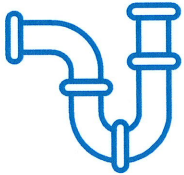
CGMC's Role: We advocated for a grant program to help cities develop long-term plans for their wastewater facilities and related sewer systems that will allow them to address current needs and future challenges, think creatively about cost-effective solutions, and access funds needed to implement those plans. With the collapse of budget negotiations, this proposal did not advance, but we will continue to advocate for this assistance.





CGMC ENVIRONMENTAL PROGRAM SUCCESS, EMERGING ISSUES & CONTINUED ADVOCACY

Lead Pipe Inventory & Replacement



The EPA requires all cities to inventory the lead pipes within their water systems by October 2024 and develop plans for mitigating and removing lead pipes. These processes will be challenging and expensive for many cities with older infrastructure.

CGMC's Role: In 2022, the CGMC advocated for both inventory and replacement funding, which were included in the House Omnibus Health bill but did not advance when negotiations at the Capitol fell apart. The CGMC will continue to advocate for both.

Water Infrastructure Funding

As facilities age and regulatory burdens increase, cities face increasing water infrastructure costs. Ensuring that cities receive help from the state in the form of Public Facilities Authority (PFA) grants and loans is vital.

CGMC's Role: We continue to advocate for PFA funding from bonding and the Clean Water Fund. In 2022, we pushed for a large bonding bill that included substantial PFA funding and ongoing Point Source Implementation Grant (PSIG) funding. We also pushed back on proposed changes to the PFA's programs that would have restricted the ability of our cities to receive funds. With no bonding bill introduced or passed during the 2022 session, we will continue to advocate for these goals either in a special session or in January.



Wild Rice Sulfate Rule



Minnesota's standard for sulfate in wild rice waters is outdated and may result in permit limits that require expensive facility upgrades that would not certifiably improve water quality. At the insistence of the EPA, the MPCA added 35 waterbodies to the Impaired Waters List for exceeding the sulfate standard and has begun to include sulfate effluent limits in draft permits for some cities.

CGMC's Role: Working with a variety of stakeholders, we advocated for funding to update the standard to ensure any permit limit is grounded in sound science. Moving forward, we will continue to monitor this issue and seek opportunities to mitigate the impact of this regulation on municipal wastewater facilities.

Supporting Precedent-Setting Litigation

Through the Environmental Action Fund (EAF), the CGMC provides support in precedent-setting litigation and regulatory matters that may impact the interests of many members.

CGMC's Role: Currently, the CGMC is providing support to the City of Osakis as it challenges its wastewater permit. The Minnesota Court of Appeals ruled that the MPCA made legal errors and lacked substantial evidence to enforce a permit limit on the city's wastewater facility. The CGMC has weighed in on multiple variance requests and other permit matters, impaired water listings, and rulemaking proceedings that could have significant impacts on our members.



Proposed Permit Fee Increase



MPCA has signaled its intent to impose a fee increase on water quality-related permits to generate more funding for its water quality operations in 2023. A significant portion of this increase could fall on municipalities.

CGMC's Role: We will continue to push for increased state general fund spending for water quality operations rather than requiring local municipalities to pay for these increases. We will monitor and advocate as the proposed fee increases move forward.



LABOR & EMPLOYEE RELATIONS PROGRAM

Purpose

The purpose of the Coalition of Greater Minnesota Cities Labor & Employee Relations Program is to 1) to **develop a coordinated effort among Greater Minnesota cities** on managing labor and employee relations and negotiating labor contracts through **researching and developing databases, advocating positive changes to labor processes**, and by **providing a forum for networking, discussing and implementing uniform labor policies and negotiating strategies**; and 2) to make available **expert and coordinated advice**—at a significantly reduced rate—on employment and labor relations issues facing Greater Minnesota cities.

CGMC Labor Program Services



Newsletter on relevant labor relations and public employment issues



Maintain **wages and insurance database** to track contract settlements and interest arbitration awards



Analyze and summarize labor relations and public employment **legislative changes** to report to cities



Sustain **cluster analysis database** to identify comparable cities for contract negotiations and interest arbitrations



Prepare and present **Labor and Employee Relations Seminars**



Develop **arbitrator selection database** for cities to analyze and select arbitrators in grievance and interest arbitrations



Prepare and present information at **Labor Committee Meetings and Webinars**



Develop joint labor contract negotiation **strategy and policy positions/guidelines**



Coordinate efforts with the League of Minnesota Cities and other organizations and governmental agencies

Individual Consultation Services

CGMC members have access to consultation services on labor relations and public employment issues impacting their individual city on a reduced fee-for-service basis through the law firm of Flaherty & Hood, P.A. Examples of services provided by Flaherty & Hood are listed below.

Employment Law Services

Represent cities in negotiations, mediation, arbitrations, administrative proceedings, litigation, and appeals

Advise on compliance with labor and employment laws, hiring employees, investigating misconduct, harassment and discrimination, and discipline and discharge actions

Investigate misconduct, performance problems, harassment, and discrimination



Labor Relations Services



Represent cities in **labor contract negotiations** and mediations with employee unions



Compile and summarize data from comparable cities on wages, health insurance, and other data



Investigate employee and union **grievances**, draft responses and settlement proposals, and attend grievance meetings



Represent cities in **arbitration hearings** and compile and analyze relevant data



Research state-provided lists of arbitrators and provide ranking order for purposes of **striking and selection**



Prepare filings with the **Bureau of Mediation Services (BMS)**

Job Classification and Compensation Services



Review job classifications, conduct interviews, and **analyze job descriptions**



Prepare and establish **comparisons of jobs** to determine the appropriate job worth



Draft classification and **compensation** plans, establish pay structure, and total compensation packages



Review, analyze, and advise on **pay equity** and represent in any legal compliance matter



Analyze and **make organizational recommendations** on work processes, structure, staffing, and retention

Human Resources

Draft, revise, and interpret employee handbooks, evaluations, manuals, and job descriptions

Conduct **training session for management** on hiring, performance matters, handling grievances, and other employee matters.



Contact Us

For more information, call Flaherty & Hood, CGMC's representative, at 651-225-8840 or email at CGMC_Communications@Flaherty-Hood.com or contact the labor and employment attorneys or analyst.

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bmfitzsimmons@flaherty-hood.com

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Christina Petsoulis
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ccpetsoulis@flaherty-hood.com

Rachel Parker
Human Resources Analyst
rtparker@flaherty-hood.com

THE CGMC IS GREATER MINNESOTA'S VOICE ON LGA

For more than 40 years, the CGMC has been the most prominent and outspoken advocate for Local Government Aid (LGA). No one fights harder, brings the level of expertise, or looks out for Greater Minnesota like the CGMC does.

A TIMELINE OF CGMC'S RECENT ADVOCACY EFFORTS

2012

LAUNCHES "THANK LGA" CAMPAIGN

CGMC staff organized and hosted townhall meetings with city leaders around the state on the vital role LGA plays in providing local services and keeping property taxes down. The THANK LGA campaign generated significant media attention and set the stage for discussions on formula reforms and increasing LGA funding.

2014

SUCCESSFULLY ADVOCATES FOR \$9.3M INCREASE IN THE LGA APPROPRIATION

2017

SUCCESSFULLY ADVOCATES FOR \$15M INCREASE IN THE LGA APPROPRIATION

2022

ADVOCACY FOR LGA FORMULA REFORM AND APPROPRIATION INCREASE

CGMC participated in many meetings through the late fall of 2021 and into 2022 to discuss LGA formula reform, as it often happens after every decennial census. At the direction of the House and Senate tax chairs, the CGMC met with the other city groups, and nonpartisan Senate, House, and Department of Revenue staff to create an updated LGA formula proposal that is a better reflection of city needs and best for our member cities. The CGMC then advocated for the updated formula proposal and for an LGA appropriation increase of \$90 million throughout the Legislative session.

The tax conference committee agreement, which included an LGA increase of \$30 million, was not passed, leaving cities for another year without an appropriation increase.

2013

KEY PLAYER IN LGA REFORM AND \$80M INCREASE IN LGA APPROPRIATION

CGMC was a vocal critic of a Dayton Administration plan that would have reduced LGA for numerous Greater Minnesota cities and channeled minimal new aid to rural communities, despite a proposed \$80 million increase to the LGA program.

Due to our pushback, the Legislature initiated a stakeholder process that included legislators and municipal organizations. CGMC was the only group at the table to exclusively represent Greater Minnesota.

2015

DEFENDS LGA AGAINST ARBITRARY CUTS

CGMC successfully pushed back against legislative proposals that would have significantly reduced LGA for first-class cities. The proposals would have undermined the integrity of the LGA formula and presented a long-term danger to the LGA program for all cities.

2019

SUCCESSFULLY ADVOCATES FOR \$30M INCREASE IN LGA APPROPRIATION, RESTORING LGA TO 2002 LEVEL

After the 2013 LGA increase and reform, CGMC set its sights on restoring the LGA program to its 2002 funding level — the high-water mark for the program. After a few years of modest increases, LGA finally returned to its 2002 funding level thanks to a strong campaign led by CGMC.

2023 AND BEYOND

CONTINUING TO FIGHT FOR CITY NEEDS

CGMC is dedicated to increasing the LGA appropriation to keep up with inflation. CGMC membership is your city's seat at the negotiating table!

SAVE THE DATE

Mark your calendar for
upcoming CGMC events:

Fall Conference

November 17-18, 2022, Alexandria

Legislative Action Day

January 25, 2023, St. Paul

Summer Conference

July 26-28, 2023, Thief River Falls

Website

greatermncities.org

Twitter

[@greatermncities](https://twitter.com/greatermncities)

YouTube

youtube.com/GreaterMNCities

FOLLOW
CGMC
ON
SOCIAL
MEDIA

Right of Way Permit



Permit Type: Street Event
Permit Number: 2022-117

Applicant Information		Organization Information	
Primary Name	Eric Olson or Michael Bednar	Organization Name	KSMQ Public Television
Primary Phone	507-481-2098	Organization Address	2000 8th Ave NW
Primary Cell	507-202-8273	Organization City	Austin
Primary Email	mbednar@ksmq.org	Organization State	MN
Alternate Name	Robert Hartman	Organization Zipcode	55912
Alternate Phone	715-409-9474		
Alternate Cell	507-383-6904		
Alternate Email	robert.hartman@gmail.com		

Permit Information

Event Title	50th Anniversary Community Block Party		
Event Description	Stage entertainment beginning at 1:00 pm and ending at 10:00 pm		
Event Start Date	September 17, 2022	Event Start Date	September 17, 2022
Approximate Number of Participants	400		
Event Start Time	10:00	Event End Time	22:00
Portion of Street Width Being Used	Stage set-up on the corner of 4th avenue and Main in front of Steve's Pizza. And possibly food trucks on the corner of 3rd avenue and 1st street NE near Spam Museum		
Traffic Control Barricades Needed for Street/Lane Closure?	Yes	Will Traffic Control Barricades be Provided by Applicant or City?	City

Engineering Department				
Determination	Approved	Date of Approval	July 29, 2022	Approved By Mitch Wenum
Comments	City to provide barricades in locations as requested			

Police Department				
Determination	Approved	Date of Approval	August 2, 2022	Approved By David McKichan
Comments				

City Clerk				
Determination	Approved	Date of Approval	July 29, 2022	Approved By Ann Kasel
Comments	Food trucks need to have a City license to participate.			

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.

Right of Way Permit



Permit Type: Street Event
Permit Number: 2022-118

Applicant Information		Organization Information	
Primary Name	Bob Diterson	Organization Name	Austin VFW Post 1216
Primary Phone	507-396-3394	Organization Address	300 4th Ave NE
Primary Cell		Organization City	Austin
Primary Email	unknown@gmail.com	Organization State	MN
Alternate Name	Scott Wiechmann	Organization Zipcode	55912
Alternate Phone	507-396-3394		
Alternate Cell			
Alternate Email			

Permit Information

Event Title	River Rats Car Show		
Event Description	Car show for the VFW		
Event Start Date	August 20, 2022	Event Start Date	August 20, 2022
Approximate Number of Participants	200		
Event Start Time	10:00	Event End Time	17:00
Portion of Street Width Being Used	N/A		
Traffic Control Barricades Needed for Street/Lane Closure?	No	Will Traffic Control Barricades be Provided by Applicant or City?	

Engineering Department			
Determination	Approved	Date of Approval	July 29, 2022
Approved By	Mitch Wenum		
Comments			

Police Department			
Determination	Approved	Date of Approval	August 1, 2022
Approved By	David McKichan		
Comments			

City Clerk			
Determination	Approved	Date of Approval	July 29, 2022
Approved By	Ann Kasel		
Comments	Liquor license needs to be approved separately. Not approved as part of this application.		

Final Determination	Approved
---------------------	----------

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.

MAIN ST.

xx

BEER GARDENS
PAVILLION
BLDG.

LAFAYETTE PARK
Σ

HOUSING TAX ABATEMENT APPLICATION

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

Property Owner / Applicant:

Cedar City Builders, LLC

Current Address:

51760 160th St Austin, MN 55912

Telephone:

507-438-8669

E-Mail:

PSween O adams@pizzi-sween.comHas applicant ever defaulted on property taxes? ☐ Yes ☒ No If Yes, provide details on separate page(s).Are property taxes current? ☒ Yes ☐ NoProposed Project: ☒ New Construction ☐ Replacement of housing unitProject Type: ☐ Single Family ☐ Duplex ☐ Multi-familyProject Address: 1310 18th Street NE

Project Legal Description:

Lot 2, Block 2, Nature Ridge Trnd

Parcel Number:

34.468.0220

Estimated Project Valuation:

\$ 395,000

Applicant Statement:

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

To justify putting up Spec HomeAttach 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.

Construction Certification

Signature of Applicant(s)

Date

July 24, 2022

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.

Cedar City Builders, LLC

Signature of Applicant(s)

Date

ManagerJuly 26, 2022

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



The Wilshire

BUILDING STATISTICS:

MAIN FLOOR	= 1,660 SQ. FT.
BSMT FINISHED	= 1,340 SQ. FT.
BSMT UNFINISHED	= 320 SQ. FT.
GARAGE	= 826 SQ. FT.
DECK/COV. DECK	= 224 SQ. FT.
PORCH	= 48 SQ. FT.

NOTES:

THESE PLANS ARE PROVIDED BY CRAFTSMEN WHO ARE NOT LICENSED ARCHITECTS OR ENGINEERS. CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A CONSTRUCTION PROFESSIONAL.

THE CONTRACTOR OR ANY USER OF THESE PLANS IS RESPONSIBLE FOR CHECKING CONTRACT DOCUMENTS, FIELD CONDITIONS, AND SUPPLYING FOR ACCURACY. THESE PLANS WERE DESIGNED TO MEET CODES IN THE CITY OF CHICAGO, ILL. ON THE DATE OF ISSUED PLANS. CODES THAT CHANGE AND VARY FROM LOCATION TO LOCATION, THEREFORE, ANY USER OF THESE PLANS MUST VERIFY ANY LOCAL CODES WITH ORDINANCES BEFORE CONSTRUCTION IS TO BEGIN AND ASSESS BY ALL STATE AND LOCAL RULES AND LAWS. ANY USER OF THESE PLANS IS TO RELEASE AND WAIVE DESIGNER FROM ANY AND ALL CLAIMS OR LAWS THAT MAY ARISE FROM ANY NEGLIGENCE CONSTRUCTED FROM THIS PLANS. BY USING THESE PLANS, CONTRACTOR OR ANY OTHER USER OF THESE PLANS MUST TAKE FULL RESPONSIBILITY FOR ALL ORDINANCES THAT COME ALONG WITH ANY CONSTRUCTION PROJECT.

STRUCTURAL NOTES:

DESIGN LOADS:
FLOOR LIVE LOAD 40 PSF
FLOOR DEAD LOAD 10 PSF
ROOF SNOW LOAD 20 PSF
ROOF DEAD LOAD 10 PSF

ANY OTHER LOADS ARE TO BE DETERMINED BY CONTRACTOR
INCREASE ANY MORE MENTIONED LOADS IF REQUIRED BY LOCAL CODE

TRUSSES ARE TO BE DESIGNED BY LOCAL TRUSS MANUFACTURER
FLOOR JOISTS SHOWN ARE SOME EXAMPLES SPECIFIED. SUBSTITUTION IN LOCAL MARKET ONLY IF USED BY OTHERS TO VERIFY SPAN.

ANY STRUCTURAL ITEMS NOT SPECIFIED ARE TO BE USED BY CONTRACTOR
ALL LOADS (WIND, DEAD, SNOW, LATERAL, AND EARTHQUAKE) TO BE DETERMINED BY CONTRACTOR BEFORE CONSTRUCTION IS TO BEGIN.
CONTRACTOR OR OWNER ARE TO TAKE PRECAUTIONS TO PROTECT AGAINST ANY FUTURE ISSUES TO PREVENT THE POSSIBILITY OF FLOOD IN THE FUTURE.

CONTRACTOR TO VERIFY DEPTH OF FLOOD IN CONSTRUCTION AREA FOR FOOTING DEPTH.
CONTACT YOUR LOCAL BUILDING INSPECTOR TO ASSURE THAT ALL NECESSARY STEPS ARE TAKEN BEFORE CONSTRUCTION IS TO BEGIN.

INDEX OF SHEETS:

T1	TITLE SHEET
A1	FIRST FLOOR PLAN & TYPICAL WALL SECTION
A2	BASEMENT PLAN, STAIR SECTION, & DECK DETAILS
A3	FRONT & REAR ELEVATIONS
A4	SIDE ELEVATIONS, BUILDING SECTION, & ROOF PLAN
S1	FIRST FLOOR STRUCTURE PLAN
E1	FIRST FLOOR ELECTRICAL PLAN
E2	BASEMENT ELECTRICAL PLAN

BY USING THESE PLANS YOU AGREE TO ALL OF THE FOLLOWING:
CRAFTSMEN ARCHITECTS AND ENGINEERS ARE NOT LICENSED ARCHITECTS OR ENGINEERS. CONSTRUCTION FROM THESE PLANS SHOULD NOT BE UNDERTAKEN WITHOUT THE ASSISTANCE OF A CONSTRUCTION PROFESSIONAL. THESE PLANS WERE DESIGNED TO MEET CODES IN THE CITY OF CHICAGO, ILL. ON THE DATE OF ISSUED PLANS. CODES THAT CHANGE AND VARY FROM LOCATION TO LOCATION, THEREFORE, ANY USER OF THESE PLANS MUST VERIFY ANY LOCAL CODES WITH ORDINANCES BEFORE CONSTRUCTION IS TO BEGIN AND ASSESS BY ALL STATE AND LOCAL RULES AND LAWS. ANY USER OF THESE PLANS IS TO RELEASE AND WAIVE DESIGNER FROM ANY AND ALL CLAIMS OR LAWS THAT MAY ARISE FROM ANY NEGLIGENCE CONSTRUCTED FROM THIS PLANS. BY USING THESE PLANS, CONTRACTOR OR ANY OTHER USER OF THESE PLANS MUST TAKE FULL RESPONSIBILITY FOR ALL ORDINANCES THAT COME ALONG WITH ANY CONSTRUCTION PROJECT.

CA DESIGN LLC
ARCHITECTS & ENGINEERS
1640-09/11
PAGES 1-1

The Wilshire

Drawn By
GAP

Scale
1/4" = 1'-0"

Date
Sept 18, 2017

Revisions





Drawing No.
1640-09/11


Page
11

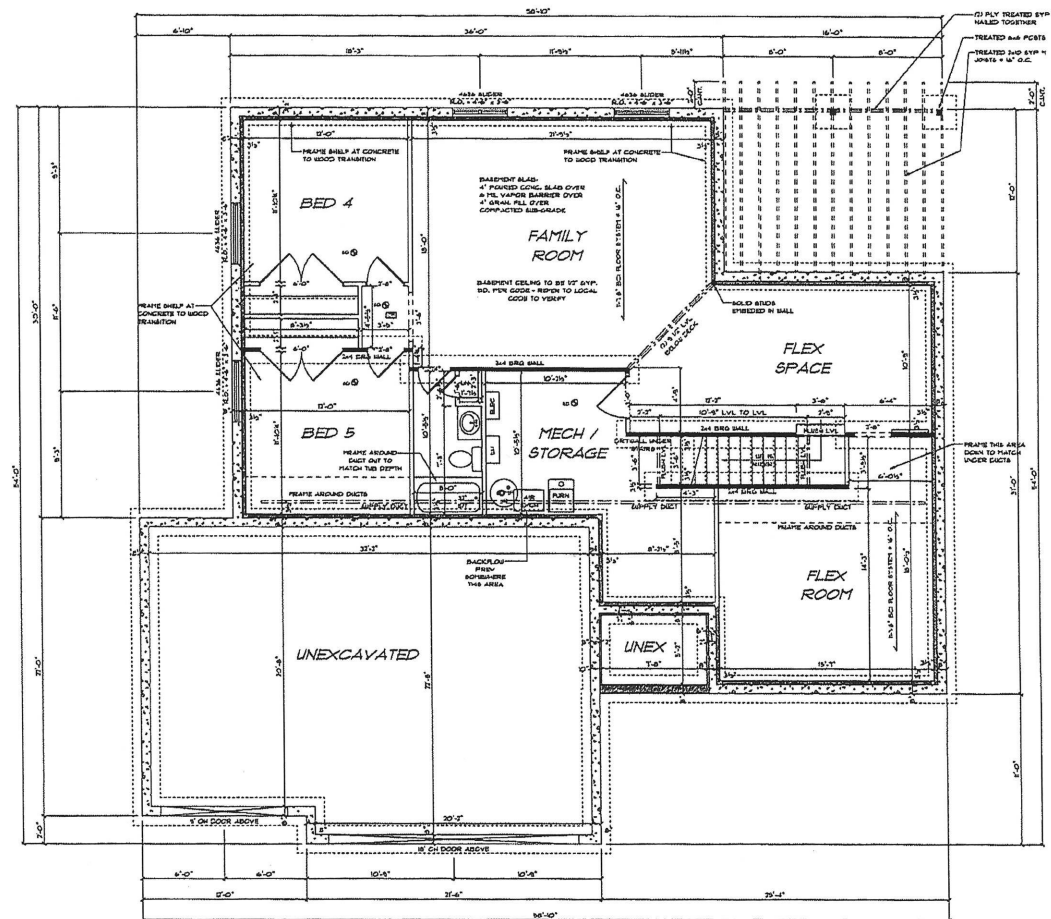
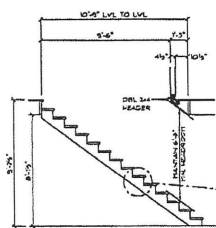
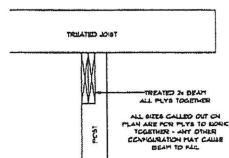
of 1



ALL PLUMBING WALLS ARE CRASH
WITH 2x4 STUDS. SUBSTITUTE 2x6
STUDS IF DESIRED OR NEEDED.

- FD  DUAL-BED SENSOR SMOKE DETECTOR
-  CARBON MONOXIDE DETECTOR
- F  EXHAUST FAN
- FD  FLOOR DRAIN

Drawn By GAF
Scale 1/4" = 1'-0"
Date Sept 12, 2017
Revisions
Drawing No. 1660-02/17
Page <div style="text-align: center;">  </div> of 4



- | NOTES: | |
|--|---|
| 8" CONC. FUL BALL - CONC. HEIGHT = 8" | ALL PLUMBING SHALL BE DRAIN WITH 3/4 STD. SUBSTITUTE 3/8 BRICK IF DEMAND OR NEEDED. |
| 1" 3/4 IN. PLASTER TOP | |
| 1" DOB RECES BACK FILLING | |
| ON ALL CONC. FUNDATION WALLS READ OR 3/4 PLUMBING 8-10 | VERIFY ALL WINDOW ROOFS OPENING WITH WINDOW MANUFACTURER |
| 10-0 DUAL-SENSOR SMOKE DETECTOR | |
| 10-0 CARBON MONOXIDE DETECTOR | |
| 10-0 SMOGGAUT PAK | |
| 10-0 FLOOR DRAIN | |

DO NOT USE THESE PLANS TO ADVISE ANY OF THE FOLLOWING:

W
Design LLC
6314 N. DEER CREEK LN. DUNCAN, IA 52821

The Wilshire

Drawn By
GAP

Scale:
1/4" = 1'-0"

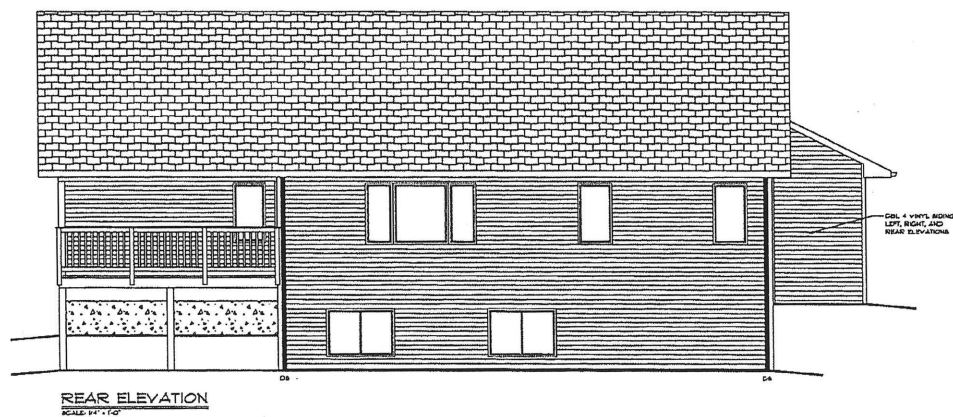
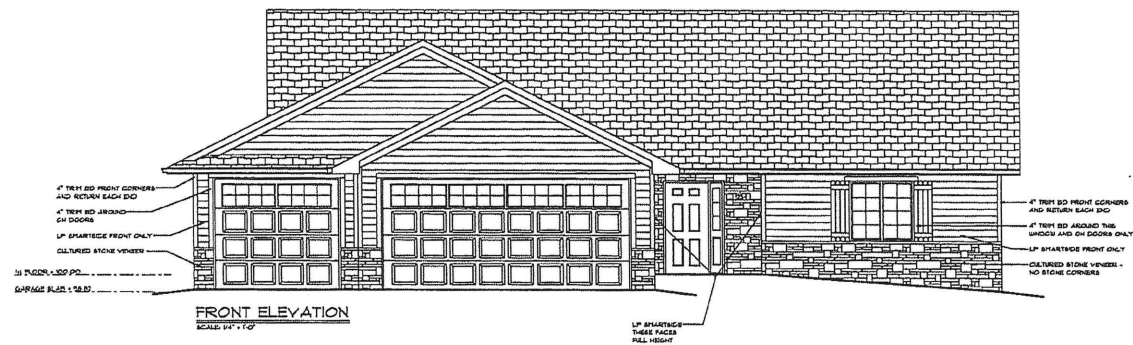
Date
Sept 18, 2017

Revisions

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of 4



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GA DESIGN LLC
614 N DECEMBER LN SUITE 111
FARMERS BRANCH, TX 75440
940.263.5470
info@ga-design.com

The Wilshire

Drawn By
GAP

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1. *Journal of the American Medical Association*, 2000; 283: 2689-2694.

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Journal compilation © 2007 Blackwell Publishing Ltd

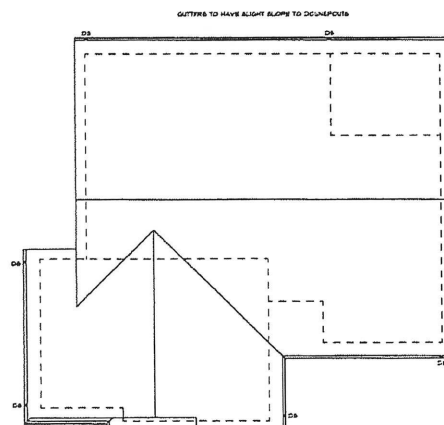
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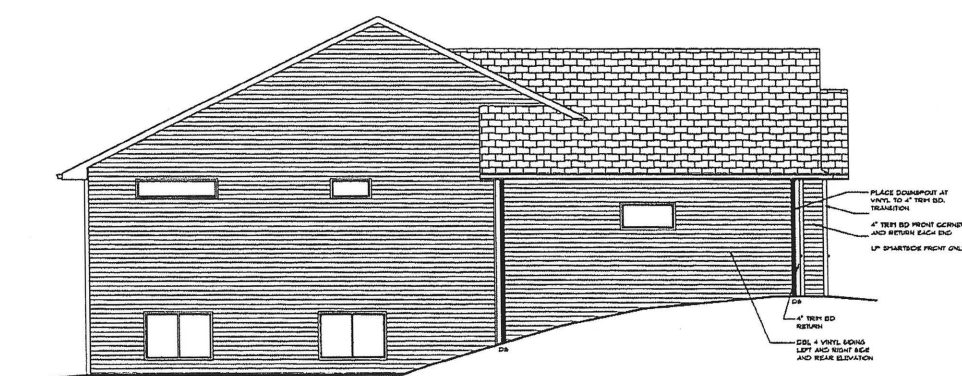
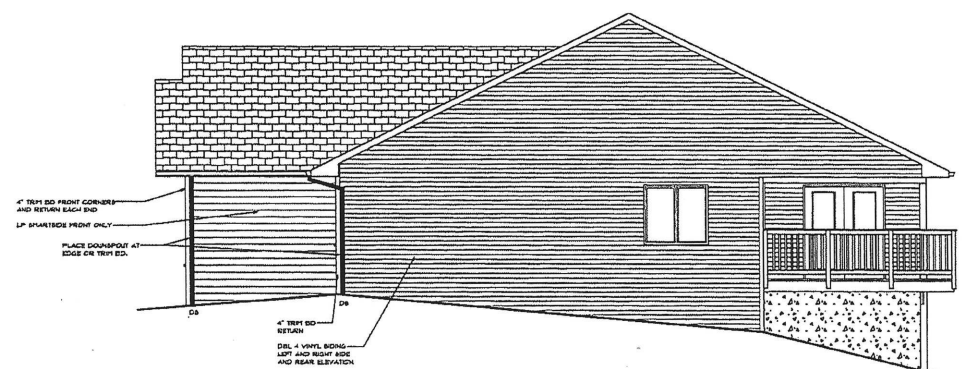
A5

or 4



ROOF PLAN
SCALE: 1/4" = 1'-0"

ROOF NOTES:
TYPICAL 8/12 ROOF PITCH
TYPICAL 3" OVERHANGS AT EAVES
TYPICAL 3" OVERHANGS AT GABLES
TYPICAL 12" ENERGY BREA



BY: GMS FILE PLAN, YOU AGREE TO ALL OF THE FOLLOWING:
I, THE ARCHITECT, HEREBY CERTIFY THAT I AM A LICENSED ARCHITECT IN THE STATE OF TEXAS AND THAT I AM THE AUTHOR OF THE DESIGN AND CONSTRUCTION DOCUMENTS FOR THE PROJECT DESCRIBED HEREIN. I HAVE REVIEWED THE PROJECT AND I AM SURE THAT THE PROJECT IS IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE TEXAS ARCHITECTURAL BOARD. I HAVE ALSO REVIEWED THE PROJECT AND I AM SURE THAT THE PROJECT IS IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE TEXAS ARCHITECTURAL BOARD. I HAVE ALSO REVIEWED THE PROJECT AND I AM SURE THAT THE PROJECT IS IN ACCORDANCE WITH THE MINIMUM REQUIREMENTS OF THE TEXAS ARCHITECTURAL BOARD.

W DESIGN LLC
WILSHIRE ARCHITECTS, P.C.
1400 S. GULF SHORE BLVD., SUITE 100
HOUSTON, TEXAS 77057
713.865.1111

The Wilshire

Drawn By
GAP

Scale
1/4" = 1'-0"

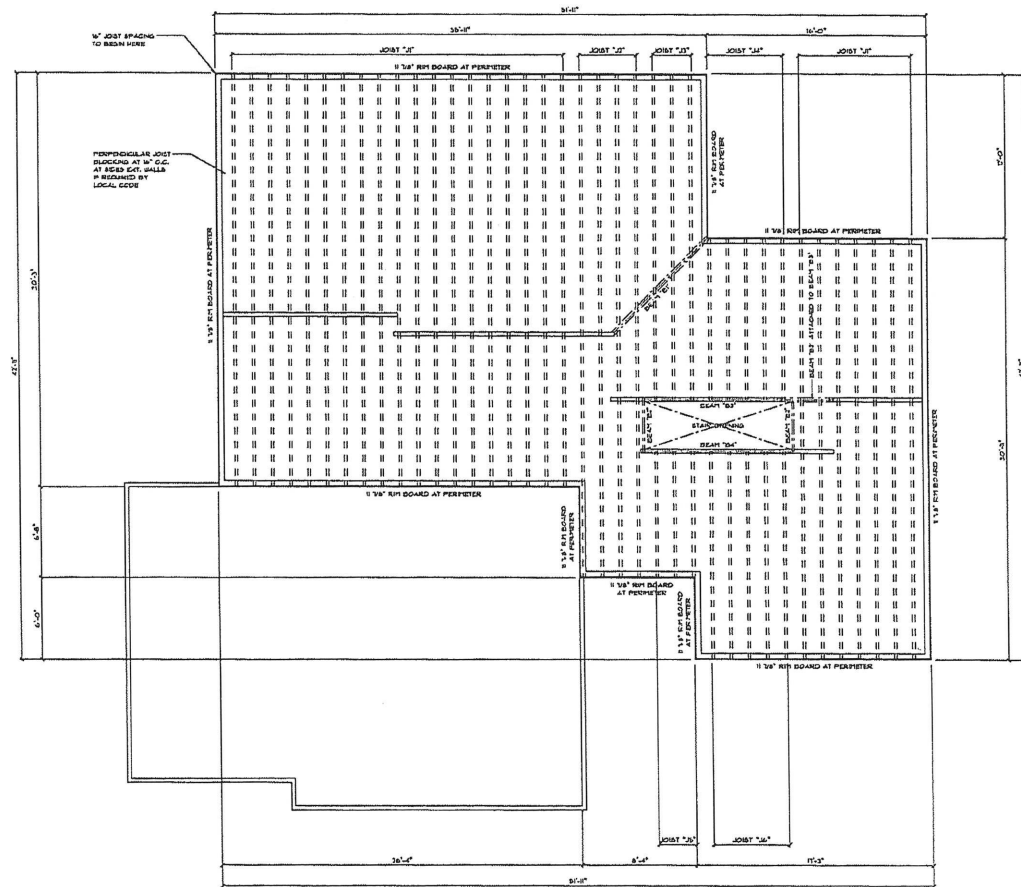
Date
Sept 18, 2011

Revisions

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Page
A4
of 4

MATERIALS LIST			
MARK.	JOIST / BEAM	LENGTH	QUANTITY
A	8" W8" RCI ADOB	21'-0"	24
B	8" W8" RCI ADOB	37'-0"	4
C	8" W8" RCI ADOB	34'-0"	3
D	8" W8" RCI ADOB	5'-0"	5
E	8" W8" RCI ADOB	47'-0"	3
F	8" W8" RCI ADOB	16'-0"	5
G1	2X12 PLT 1 3/4" x 5 1/2" VERTICAL	10'-0"	1 - 2 PCS
G2	1 3/4" x 5 1/2" VERTICAL	6'-0"	3
G3	1 3/4" x 5 1/2" VERTICAL	6'-0"	1
G4	1 3/4" x 5 1/2" VERTICAL	6'-0"	1
R0	8" W8" RIB BOARD AT PERIMETER	302 LK	1 - 11 PCS x 12

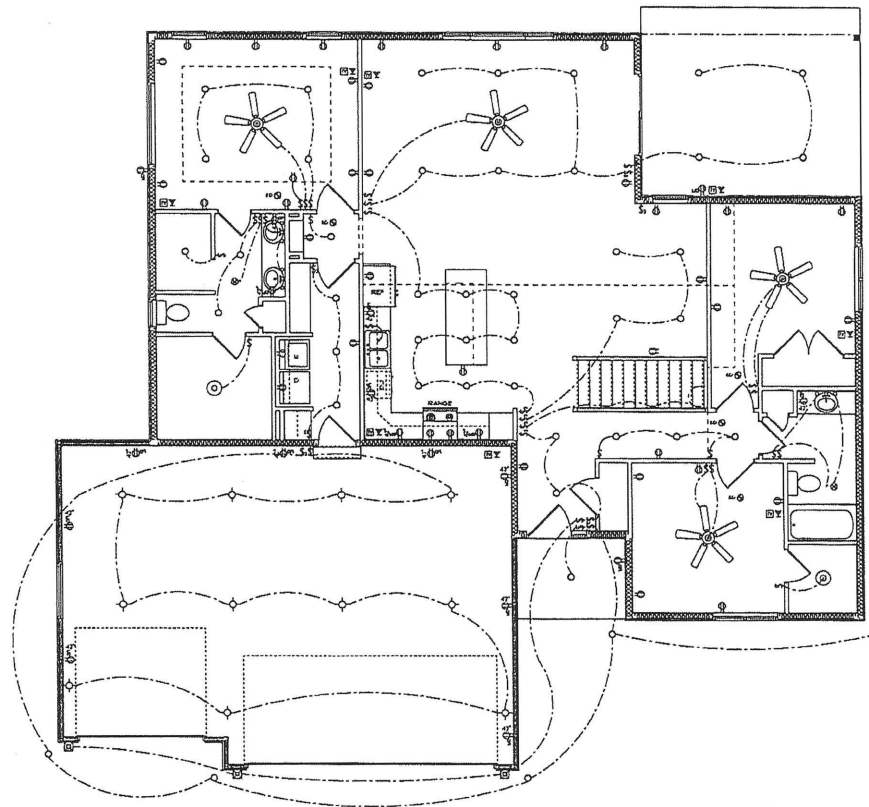


BASEMENT FLOOR PLAN
SCALE: 1/4" = 1'-0"

BY THIS NEW PLAN YOU AGREE TO BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED HEREON. THE DESIGNER ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY, OR FOR ANY LOSS OF PROFITS OR BUSINESS, OR FOR ANY OTHER CONSEQUENCES OF ANY KIND, ARISING OUT OF OR IN CONNECTION WITH THE USE OF THIS PLAN, OR FOR ANY OTHER CONSEQUENCES OF ANY KIND, ARISING OUT OF OR IN CONNECTION WITH THE USE OF THIS PLAN.

A DESIGN LLC
The Wilshire
1000 Wilshire Blvd.
Suite 1000
Los Angeles, CA 90017
Tel: 310.551.1111
Fax: 310.551.1112
www.adesignllc.com

Drawn By
GAP
Scale
1/4" = 1'-0"
Date
Sept. 18, 2011
Revisions
Drawing No.
1660-0901
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61
or 1



BASEMENT ELECTRICAL PLAN SCALE: 1/4" = 1'-0"

ELECTRICAL LAYOUT IS PROVIDED AS A BASIC LAYOUT ONLY WITH NO WARRANTY WHATSOEVER FOR CODE COMPLIANCE. ALL ELECTRICAL WORK IS TO BE PROVIDED BY A LICENSED ELECTRICIAN.

NOTES:

PLEASE NOTE THAT THIS ELECTRICAL PLAN IS FOR REFERENCE ONLY. OWNER OR CONTRACTOR SHOULD CONTACT A LICENSED ELECTRICIAN TO VERIFY ALL LAYOUTS AND WORK THROUGH ANY CHANGES THAT MAY ARISE.

100-01 DUAL-BEAMER SMOKE DETECTOR
100-02 EXHAUST FAN
100-03 TYPICAL DUPLEX OUTLET
100-04 60" GA. OUTLET
100-05 OUTLET AT 41"
100-06 LED STAIN LIGHT

100-07 TYPICAL SWITCH
100-08 3-WAY SWITCH
100-09 4-WAY SWITCH
100-10 TV CABLE
100-11 PHONE / NETWORK
100-12 CAN LIGHT
100-13 SURFACE MOUNTED CEILING LIGHT
100-14 CARRIAGE LIGHT
100-15 CEILING DIM LIGHT

BY: LEAD SHEET PLAN FOR LAYOUTS OF THE BUILDINGS.
ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B. THE ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE (NEC) AND THE 2017 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B. THE ELECTRICAL WORK SHALL BE DONE IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRICAL CODE (NEC) AND THE 2017 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70B.

GA DESIGN LLC
ARCHITECTS
1000 10TH AVENUE
SUITE 100
DENVER, CO 80202
(303) 733-1000
www.gadesignllc.com

The Wilshire

Drawn By
GAP

Scale
1/4" = 1'-0"

Date
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Drawing No.
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Page

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of 2



The Wilshire

of 2

SCALE: $1/4" = 1'-0"$

NOTES:

10-9 DUAL-SENSOR SMOKE DETECTOR

2-③ EXHAUST FAN

2018年12月15日 星期六

8. **WFLA-TV**

ON ON OUTLET

4" OUTLET AT 4"

= LED STAR LIGHT

• **مجلس القضاء**

S₂ 3-WAY SWITCH

S. - AWAY BUTC

TV CABLE

☎ PHONE / NETWORKS

2 433 000 000

1

 SURFACE MOUNTED

D CARRIAGE LIGHT

 CEILING DISH LIGHT

NATURE RIDGE THIRI

IN OUTLOT D & OUTLOT E, NATURE RIDGE
AND NE 1/4 SECTION 35-T103N-R18W
AUSTIN, MOWER COUNTY, MINNESOTA

CERTIFICATE C

KNOW ALL MEN BY
Authority, a Minnesota
City of Austin, G

All that part of Out
Recorder of Mower

Commencing at the
assumed bearing of
Outlot D, Nature R

thence South 00°5

thence South 89°1

thence South 02°4

thence North 89°1

thence North 00°5

thence North 89°0

thence northerly as

North 00°43'56"

North 08°26'08"

North 22°41'03"

North 36°23'15"

thence North 30°2

thence North 53°1

thence North 40°5

thence North 57°5

thence North 00°1

thence South 89°0

Having caused the s

Witness our hands t

Michael Merten, Pro

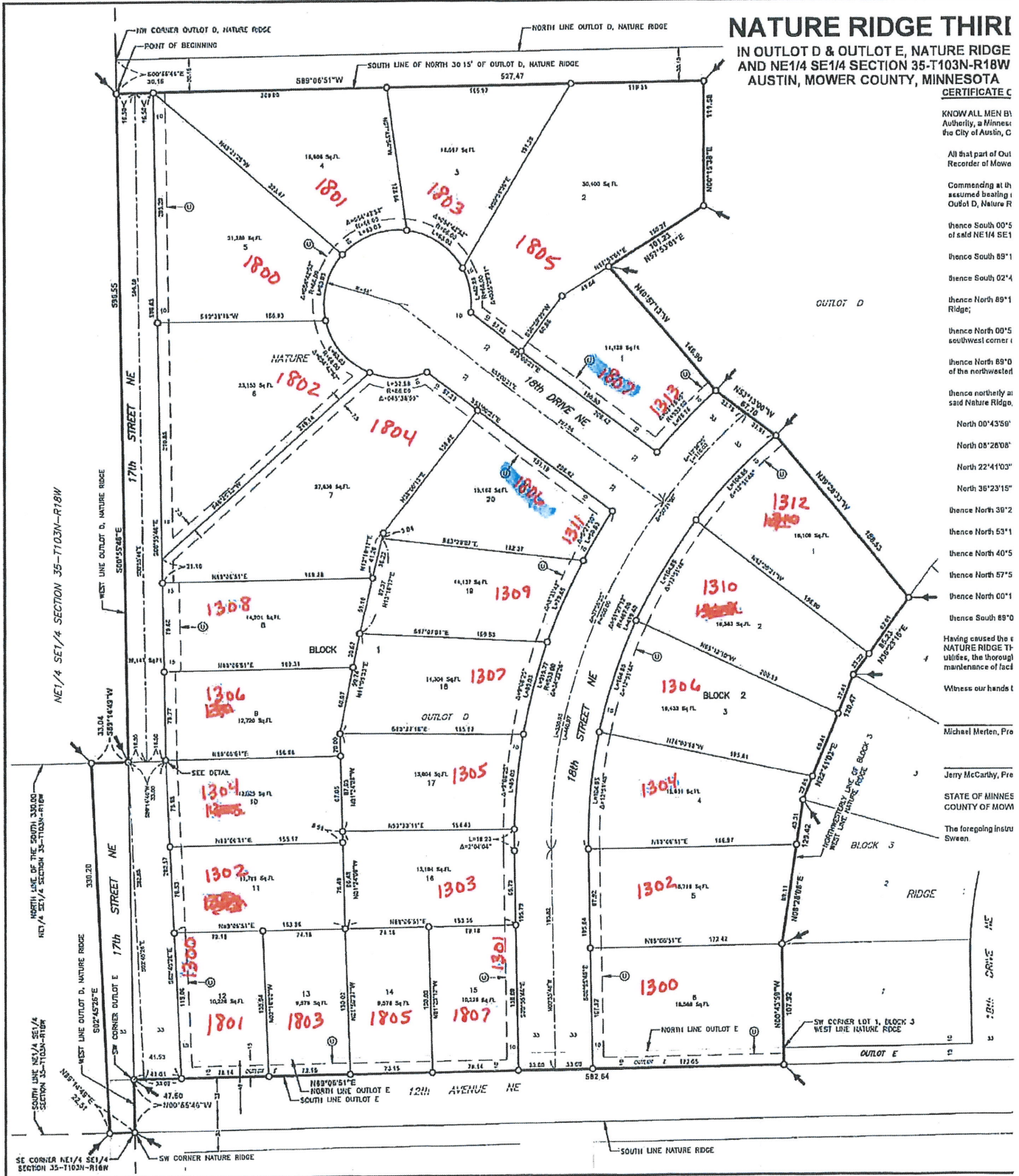
Jerry McCarthy, Pro

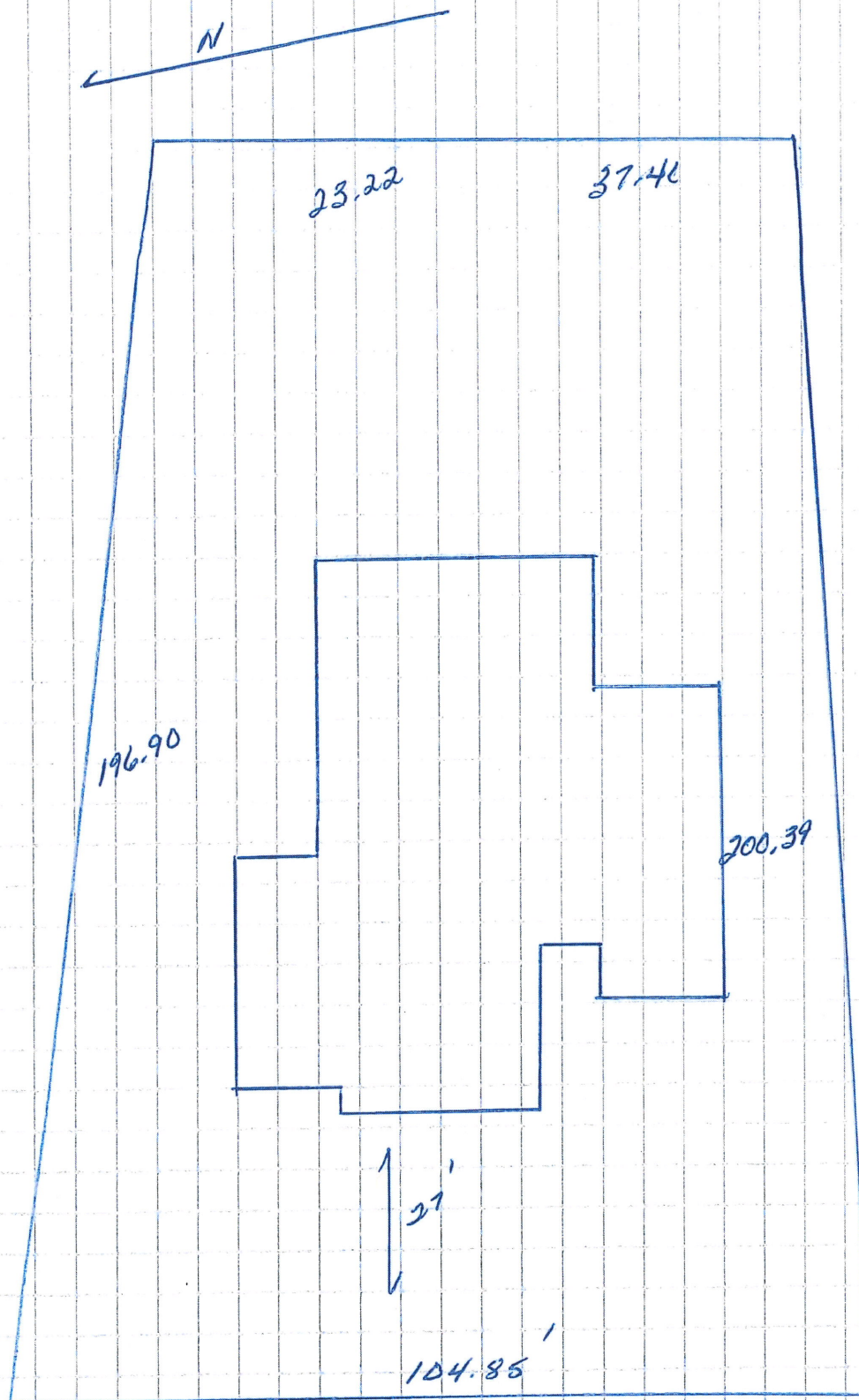
STATE OF MINNES

COUNTY OF MOW

The foregoing insur

Sween





PURCHASE AGREEMENT

RECEIVED OF Cedar City Builders, LLC the sum of \$500.00 as earnest money in part payment for the purchase of property in Mower County, Minnesota, described as:

Lot 2, Block 2, Nature Ridge Third in Outlot D and Outlot 3, Nature Ridge and Northeast Quarter of the Southeast Quarter of Section 35, Township 103 North, Range 18 West, Austin, Mower County, Minnesota.

LEGAL TO GOVERN, all of which property the undersigned has this day sold to the buyer for the sum of \$46,900.00, which the buyer agrees to pay as follows: Earnest money \$500.00 and \$46,400.00 cash when the buyer obtains the construction loan but not later than September 1, 2022. Seller will defer \$10,000.00 of the purchase price until the spec home is sold by buyer herein and buyer will sign a Promissory Note for 10,000.00 with no interest to accrue.

The real estate taxes due and payable in the year 2022 shall be prorated as of the date of closing. The real estate taxes due and payable in the year 2023 and thereafter shall be paid by the buyer.

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

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

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

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

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

The seller further agrees to deliver possession not later than September 1, 2022 PROVIDED THAT ALL THE CONDITIONS OF THIS AGREEMENT HAVE BEEN COMPLIED WITH. Closing date shall be on or before September 1, 2022.

The Seller shall at its sole cost and expense provide Buyer with a current Commitment from a title insurer acceptable to Buyer for issuance of an Owner's Title Insurance Policy (the "Title Commitment"). Buyer shall be allowed twenty (20) days after receipt of the Title Commitment for examination and the making of any objections thereto, such objections (exclusive of any of the Permitted Title Exceptions) to be made in writing or deemed to be waived. If any objections are so made, Seller shall be allowed sixty (60) days after receipt of such objections to make title marketable. If title is not marketable and is not made to within said sixty (60) days of

this Agreement, Buyer may either (i) waive the uncured title defect and proceed with this transaction; (ii) terminate this Agreement by written notice to Seller, whereupon the Earnest Money shall be returned to Buyer and the parties shall be relieved of all further liability under this Agreement; (iii) exclude from this Agreement in writing the portions of the Property affected by the uncured title defect and proceed with this Agreement as to the remainder of the Property, with appropriate adjustment in the Purchase Price. If the title to the Property is found marketable or is made so within said time, and this Agreement is terminated by Seller in accordance with Minnesota Statutes Section 559.21, all Earnest Money shall be retained by Seller as liquidated damages.

(1) The following shall be Permitted Title Exceptions:

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

(2) The following shall not be Permitted Encumbrances:

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

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

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

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

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


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

Dated this 30th day of December, 2021.

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

By 
Michael Merten, Its Manager

**CEDAR CITY BUILDERS, LLC,
Buyer**

By ,
Its President

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

F:\JMS\Paul Assignment\95356 Nature Ridge v. Cedar City Builders\2022,01.10 95356 PURCHASE AGREEMENT Lot 2, Block 2,
Nature Ridge 3rd -.docx

**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, August 15, 2022 at 5:30 p.m. to consider a tax abatement request from Cedar City Builders, LLC, 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 \$10,280. The subject property is located at 1310 18th Street NE, Austin, Minnesota and is legally described as:

Lot 2, Block 2, Nature Ridge Third Addition, 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: August 3, 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, Cedar City Builders, LLC is the owner of certain property within the City of Austin legally described as follows:

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

WHEREAS, Cedar City Builders, LLC has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

WHEREAS, Cedar City Builders, LLC 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 15th day of August, 2022.

Yeas

Nays

ATTEST:

APPROVED

City Recorder

Mayor

City of Austin
City Clerk, Ann M. Kasel



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9943
Fax: 507-434-7197
www.ci.austin.mn.us

Memorandum

To: Mayor & Council
From: Ann M. Kasel, City Clerk
Date: August 11, 2022
Subject: Primary Election Results 2022

Attached is a resolution affirming the 2022 primary election results. The City canvassing board met on August 11th to review the returns and certified the results.

City turnout was at 31%, which is the highest turn out for a primary since I have worked elections. We thank the citizens of Austin for the great turnout and especially thank the election judges for their dedication to work a long day. If you have any questions, please feel free to contact me. Thank you.

RESOLUTION NO.

ACCEPTING THE PRIMARY ELECTION RESULTS OF AUGUST 9, 2022

WHEREAS, the City Council of the City of Austin, Minnesota, has heretofore and by resolution duly published provided for the holding of a City Primary Election on the 9th day of August, 2022; and

WHEREAS, the following votes were cast for the following named candidates, to-wit:

COUNCIL MEMBER AT LARGE

Oballa Oballa	1637
Jeff Austin	1569
David Schneck	626

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Austin, Minnesota, that the following named persons are hereby declared nominees for the respective office and their names are hereby certified to the City Clerk to be placed upon the City Charter Election Ballot for November 8, 2022.

COUNCIL MEMBER FIRST WARD

Rebecca Waller
Laura Helle

COUNCIL MEMBER SECOND WARD

Jason Baskin
Watsana Thiravong

COUNCIL MEMBER THIRD WARD

Joyce Poshusta
Ronald A. Kelly

COUNCIL MEMBER AT LARGE

Jeff Austin
Oballa Oballa

UTILITY BOARD COMMISSIONERS (2 POSITIONS)

Jeanne F. Sheehan
Steve Greenman

BE IT FURTHER RESOLVED, that the following notice of election of November 8, 2022, be given by the City Clerk by posting and publishing said notices as provided by law. Said notice shall be substantially in the following form:

NOTICE OF CITY CHARTER ELECTION

Pursuant to resolution of City Council, NOTICE IS HEREBY GIVEN, that on Tuesday, November 8, 2022, the biennial Charter Election of the City of Austin, Minnesota will be held for the election of city officers for the ensuing four year respectively for the terms of offices hereinafter designated. The following officers will be elected to the following terms:

- Council Member At Large - 4 years
- 1 Council Member from 1st Ward - 4 years
- 1 Council Member from 2nd Ward - 4 years
- 1 Council Member from 3rd Ward - 4 years
- 2 Utility Board Commissioners - 4 years

NOTICE IS HEREBY GIVEN that the polling places will be open from 7:00 am - 8:00 pm. The polling places are designated as follows:

FIRST WARD

First Election Precinct	Voting Place: City Hall
Second Election Precinct	Voting Place: Austin High School, Hastings Gym

SECOND WARD

First Election Precinct	Voting Place: Southgate School
Second Election Precinct	Voting Place: Banfield School

THIRD WARD

First Election Precinct	Voting Place: Mower County Senior Citizen Center
Second Election Precinct	Voting Place: Ellis School

Passed by a vote of yeas and nays this 15th day of August, 2022.

By Order Of The City Council

City Clerk

BE IT FURTHER RESOLVED, that the voting at said Charter Election shall be with voting machines and in accordance with the provisions of Chapter 200.01, as amended, and the rules and instructions heretofore prescribed by this Council and approved by the Attorney General, that the City Clerk shall cause to be prepared such number of ballots as shall be deemed necessary for use of absentee voters and also to be used by the voters in the event that any voting machine shall become out of order. The City Clerk is also authorized to procure all additional and necessary election supplies.

BE IT FURTHER RESOLVED, that publication of this Notice of City Charter Election shall be notice to all persons and parties concerned.

Passed by a vote of yeas and nays this 15th day of August, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



Phone: 507-437-9940

www.ci.austin.mn.us

MEMO

TO: Mayor and City Council

FROM: Tom Dankert *TD*

DATE: August 2, 2022

SUBJECT: Hormel Foundation Grant Requests for 2023
U:\Word\2022\Hormel Foundation 2022\Hormel Foundation 2023 Grant Requests to CC.doc

The listing below is the final listing of the 6 projects as decided by the Mayor and City Council at the August 1 work session. These are now listed in order of priority, as follows:

1. CHIP II Program - \$200,000
2. (Tie) Business Encouragement/Enhancement Program (BEEP) - \$100,000
2. (Tie) Jay C. Hormel Nature Center Education Programs - \$45,000
4. (Tie) Delivering the Data: Hotspot Data Plans 2023 - \$61,000
4. (Tie) East Side Lake Trail - \$120,000
6. Fire Prevention and Education - \$5,000

Not included in the rankings is one project that is being requested to be funneled through the City of Austin, but is not our specific request and as such is not ranked:

- Quality of Life - \$98,253 (this includes \$2,000 for Leadership Austin; \$23,000 for the 4th of July festival; \$73,253 to the Austin Artworks Center for rent and property tax reimbursement).

We would request Council approval of the above rankings for submittal to The Hormel Foundation. Please call if you have any questions.

[illegible]

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: August 11, 2022
Subject: Airport Federal Project Funding Breakdown (AIP & BIL)

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

- 1) Taxiway joint and crack repair – BIL funding **Under Construction**
- 2) T-Hangar taxilane construction – BIL funding **Under Construction**
- 3) T-Hangar building design – BIL funding
- 4) T-Hangar building construction – AIP funding

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

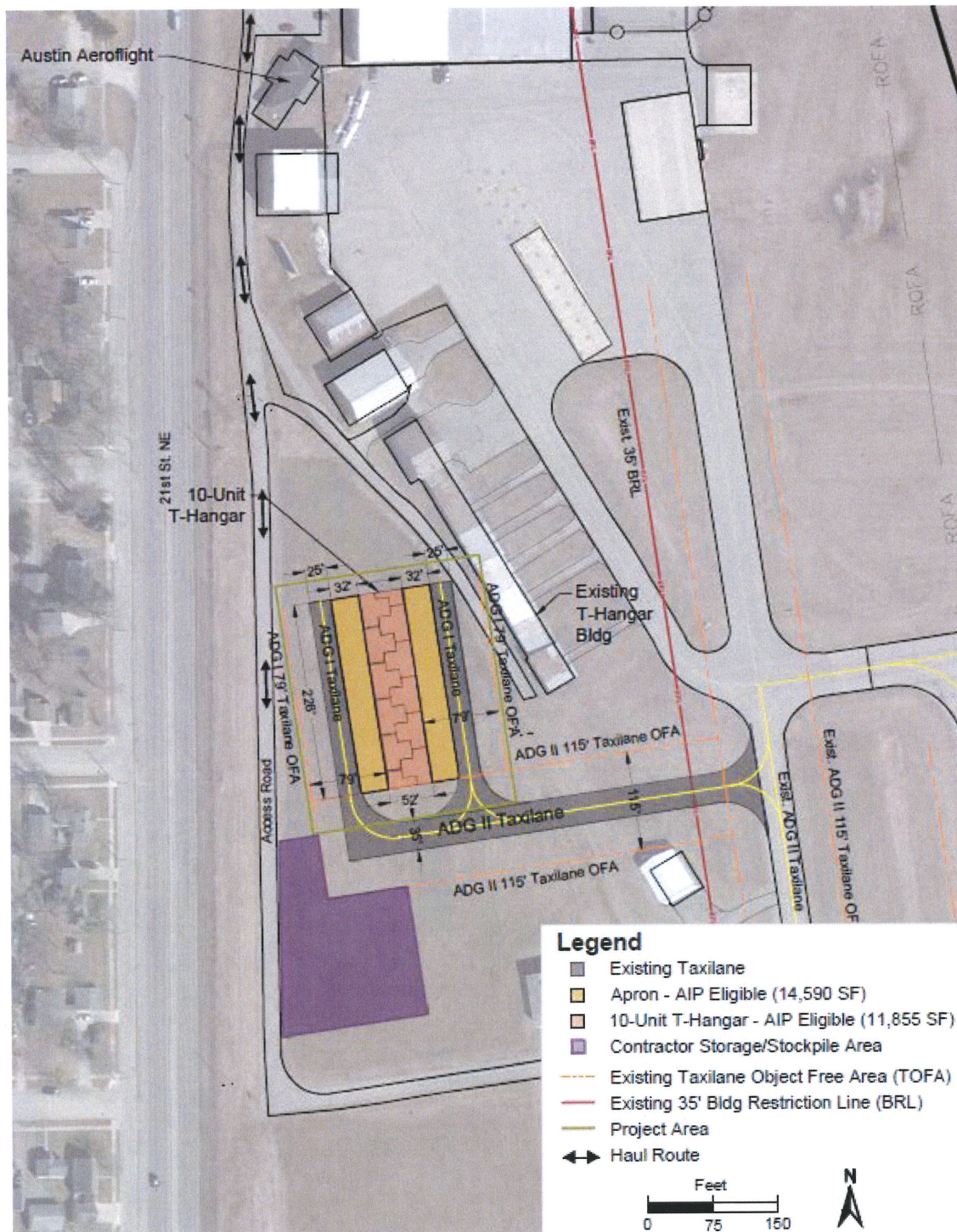
With the new Bipartisan Infrastructure Law (BIL) the Austin Municipal Airport eligible to receive \$159K per year for 5-years. These dollars can be used similarly to the AIP funding, but they can't be combined with AIP funding. The BIL dollars need to be used on their own standalone project. These BIL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

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

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

The next project identified in the CIP is the T-Hangar design and construction. We have received a proposal from SEH for the design of a Multi-Unit T-Hangar in the amount of \$80,700. The project will involve developing plans and specifications to meet all necessary federal requirements for the construction of a 10-unit T-Hangar.

Costs for the design work will be funding with a 90% future BIL funding grant and 10% local costs. I would recommend approval of these design services to SEH. Please let me know if you have any questions.



RESOLUTION NO.

APPROVING A CONTRACT FOR ENGINEERING DESIGN SERVICES
FOR THE T-HANGAR AT THE AUSTIN MUNICIPAL AIRPORT

WHEREAS, the City of Austin has a plan for construction of a T-Hangar at the Austin Municipal Airport; and

WHEREAS, SEH, Inc has provided a quote in the amount of \$80,700 for the design service; and

WHEREAS, the Engineering Department recommends extending the contract to SEH, Inc.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves the agreement for contract with SEH, Inc. in the amount of \$80,700 and authorizes the Mayor and City Recorder to execute all contract documents.

Passed by a vote of yeas and nays this 15th day of August, 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: August 11, 2022
Subject: National Pollution Discharge Elimination System Permit Program
MS4 Ordinance Updates

The National Pollution Discharge Elimination System (NPDES) permit program is part of the Clean Water Act, which controls water pollution by regulating point sources that discharge pollutants into waters of the United States. The city has been part of the program since the early 2000's. We recently entered a new 5-year permit cycle and as part of the new permit there are additional requirements of the city which include;

- Develop a salt storage ordinance for commercial, institutional, and non-NPDES permitted industrial facilities
- Update the current Post-Construction Stormwater Management ordinance
- Create a snow and ice management policy
- Create a bacteria reduction implementation plan

Keith Bollinger, Stormwater Quality Specialist/GIS, is tasked with managing the City's stormwater system. He has been working on developing these new documents for compliance with the NPDES permit.

The ordinance changes are attached for your review and consideration. We would recommend approval of the modifications to the ordinance for compliance with our permit requirements. If you have any questions, feel free to contact me.

§ 20.04 ILLICIT DISCHARGES AND CONNECTIONS.

Subd 15. Salt and Deicer Storage

A. Applicability

1. The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage and other storage of deicing materials. Bulk storage, as regulated by this chapter, is defined as storage of any material used for deicing and/or traction during winter conditions that is more than five tons in solid form (or 1,000 gallons in liquid form).

B. General Requirements

1. Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.
2. All salt and other deicing materials stored outdoors must be covered at all times.
 - i. When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles to protect against precipitation and surface water runoff. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
 - ii. Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.

C. Facility Siting

1. The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
2. Each facility must be located outside of floodplains and 50 feet from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
3. A facility must be located on impermeable surfaces.
4. The property slope must be away from the facility's salt, and deicer storage area.
5. Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures should be instituted to protect vulnerable areas. [Salt vulnerable/intolerable natural areas include, but are not limited to:
 - i. Areas with salt sensitive vegetation
 - ii. Areas serving as a source of drinking water (surface water and ground water)
 - iii. Areas with bodies of water with low dilution, low volume or salt sensitive species
 - iv. Areas associated with ground water recharge zones or shallow water table, with medium to high permeable soils

D. Transfer of Materials

1. Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other deicing material.

§ 20.06 POST-CONSTRUCTION STORMWATER MANAGEMENT

Subd. 3. *Conditions for Post-Construction Stormwater Management.* Plans for drainage design and stormwater management must meet the regulations of the Cedar River Watershed District, the Department of Natural Resources, and the U.S. Army Corps of Engineers. Site plans for new development or redevelopment shall also include any combination of Best Management Practices, with the highest preference given to green infrastructure techniques and practices, necessary to meet the following conditions on the site of a construction activity to the maximum extent practicable:

~~A. For new development projects—no net increase from pre-project conditions (on an annual average basis) of:~~

~~—— 1. Stormwater discharge volume, unless precluded by the stormwater management limitations in Subd. 4.~~

~~—— 2. Stormwater discharges of total suspended solids (TSS).~~

~~—— 3. Stormwater discharges of total phosphorus (TP).~~

~~B. For redevelopment projects: a net reduction from pre-project conditions (on an annual average basis) of:~~

~~—— 1. Stormwater discharge volume, unless precluded by the stormwater management limitations in Subd. 4.~~

~~—— 2. Stormwater discharges of TSS.~~

~~—— 3. Stormwater discharges of TP.~~

- A. Owners of construction activity to submit site plans with post construction stormwater management BMPs designed with accepted engineering practices to the permittee for review and confirmation that regulatory mechanism(s) requirements have been met, prior to start of construction activity.
- B. Owners of construction activity must treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres.
- C. For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface.
- D. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface.
 1. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made.
 2. Volume reduction practices must be considered first, as described in Subd 3. Volume reduction practices are not required if the practices cannot be provided cost effectively.
 3. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.

- E. Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. This permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. If this permit prohibits infiltration as described in item 20.9, other volume reduction practices, a wet sedimentation basin, or filtration basin may be considered.

Subd. 4. *Stormwater management limitations and exceptions.*

A. *Limitations.*

1. ~~The use of infiltration techniques to achieve the conditions for post-construction stormwater management in Subd. 3 is prohibited when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas:~~

- ~~—— a. Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.~~
- ~~—— b. Where vehicle fueling and maintenance occur.~~
- ~~—— c. With less than three feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.~~
- ~~—— d. Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.~~

~~2. The use of infiltration techniques to achieve the conditions for post-construction stormwater management, without higher engineering review, is restricted to those techniques that are sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas:~~

- ~~—— a. With predominantly Hydrologic Soil Group D (clay) soils.~~
- ~~—— b. Within 1,000 feet up gradient, or 100 feet down gradient of active karst features.~~
- ~~—— c. Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13.~~
- ~~—— d. Where soil infiltration rates are more than 8.3 inches per hour.~~

~~3. A reasonable attempt shall be made to obtain right-of-way during the project planning process. For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in Subd. 4., the city may allow exceptions as described in Subd. 4.B. below.~~

~~B. Exceptions for stormwater discharge volume. Lesser volume control on the site of the original construction activity than that in Subd. 3. is allowed only under the following circumstances:~~

- ~~—— 1. The owner and/or operator of a construction activity is precluded from infiltrating stormwater through a designed system due to any of the infiltration related limitations described above; and~~

~~2. The owner and/or operator of the construction activity implements, to the MEP, volume reduction techniques, other than infiltration, (e.g., evapotranspiration, reuse/harvesting, conservation design, green roofs, and the like) on the site of the original construction activity that reduces stormwater discharge volume, but may not meet the conditions for post-construction stormwater management in Subd. 3.~~

1. The use of infiltration techniques to achieve the conditions for post-construction stormwater management in Subd. 3 is prohibited when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas:
 - a. That receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface.
 - b. Where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the MPCA's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans.
 - c. Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour.
 - d. With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - e. Of predominately Hydrologic Soil Group D (clay) soils.
 - f. In an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health.
 - g. In an ERA within a DWSMA classified as moderate vulnerability unless you perform or approve a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.
 - h. Outside of an ERA within a DWSMA classified as high or very high vulnerability unless you perform or approve a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.
 - i. Within 1,000 feet up-gradient or 100 feet down gradient of active karst features.
 - j. That receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

Subd. 5. *Mitigation provisions.* In circumstances for non-linear projects, where the City or other owners and operators of a construction activity cannot cost effectively meet the conditions for post-construction stormwater management for TSS and/or TP in Subd. 3. on the site of the original construction activity, the city shall identify, or may require owners or operators of a construction activity to identify, locations where mitigation projects can be completed. Any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity shall be addressed through mitigation and, at a minimum, shall ensure the following requirements are met:

- A. Mitigation project areas are selected in the following order of preference:

1. Locations that yield benefits to the same receiving water that receives runoff from the original construction activity;

2. Locations within the same Department of Natural Resource (DNR) catchment area as the original construction activity;

3. Locations in the next adjacent DNR catchment area up-stream;

4. Locations anywhere within the permittee's jurisdiction.

B. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

C. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.

D. Mitigation projects shall be completed within 24 months after the start of the original construction activity.

E. The city shall determine, and document, who is responsible for long-term maintenance on all mitigation projects of this part.

F. If the city receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Subd. 3., the city shall apply any such payment received to a public stormwater project, and all projects must be in compliance with requirements in Subd. 4.A. through E. above.

Subd. 5. *Long-term maintenance of structural stormwater BMPs.* Legal mechanism(s) shall be established between the city and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the city, that have been implemented to meet the conditions for post-construction stormwater management in Subd. 3. This includes only structural stormwater BMPs constructed after this chapter is passed, that are directly connected to the city's MS4, and that are in the city's jurisdiction. The legal mechanism shall include provisions that, at a minimum:

A. Allow the city to conduct inspections of structural stormwater BMPs not owned or operated by the city, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the city determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance.

B. Include conditions that are designed to preserve the city's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the city, when those responsibilities are legally transferred to another party.

C. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with Subd. 3. If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in Subd. 3. continue to be met.

ORDINANCE NO.

AN ORDINANCE FOR THE CITY OF AUSTIN, MINNESOTA AMENDING CHAPTER 20, SECTION 20.06, SUBD 3 AND 4, REGARDING STORMWATER MANAGEMENT.

The City Council of the City of Austin does ordain:

SECTION 1. Section 20.06, Subdivision 3 and 4 shall be amended to read as follows:

Subd. 3. *Conditions for Post-Construction Stormwater Management.* Plans for drainage design and stormwater management must meet the regulations of the Cedar River Watershed District, the Department of Natural Resources, and the U.S. Army Corps of Engineers. Site plans for new development or redevelopment shall also include any combination of Best Management Practices, with the highest preference given to green infrastructure techniques and practices, necessary to meet the following conditions on the site of a construction activity to the maximum extent practicable:

- A. owners of construction activity to submit site plans with post construction stormwater management BMPs designed with accepted engineering practices to the permittee for review and confirmation that regulatory mechanism(s) requirements have been met, prior to start of construction activity.
- B. Owners of construction activity must treat the water quality volume on any project where the sum of the new impervious surface and the fully reconstructed impervious surface equals one or more acres.
- C. For construction activity (excluding linear projects), the water quality volume must be calculated as one (1) inch times the sum of the new and the fully reconstructed impervious surface.
- D. For linear projects, the water quality volume must be calculated as the larger of one (1) inch times the new impervious surface or one-half (0.5) inch times the sum of the new and the fully reconstructed impervious surface.
 1. Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made.
 2. Volume reduction practices must be considered first, as described in Subd 3. Volume reduction practices are not required if the practices cannot be provided cost effectively.
 3. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.
- E. Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. This permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. If this permit prohibits infiltration as described in item 20.9, other volume reduction practices, a wet sedimentation basin, or filtration basin may be considered.

Subd. 4. *Stormwater management limitations and exceptions.*

A. *Limitations.* The use of infiltration techniques to achieve the conditions for post-construction stormwater management in Subd. 3 is prohibited when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas:

- a. That receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface.
- b. Where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the MPCA's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans.
- c. Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour.
- d. With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
- e. Of predominately Hydrologic Soil Group D (clay) soils.
- f. In an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health.
- g. In an ERA within a DWSMA classified as moderate vulnerability unless you perform or approve a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.
- h. Outside of an ERA within a DWSMA classified as high or very high vulnerability unless you perform or approve a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater.
- i. Within 1,000 feet up-gradient or 100 feet down gradient of active karst features.
- j. That receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

Passed by a vote of yeas and nays this 15th day of August, 2022

Yeas

Nays

ATTEST:

APPROVED:

Tom Dankert, City Recorder

Stephen M. King, Mayor

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF AUSTIN,

MINNESOTA ADDING CITY CODE SECTION 20.04, Subd. 15

The Council of the City of Austin does ordain:

Section 1. Austin City Code Chapter 20.04, Subdivision 15 is hereby enacted.

Subd 15. *Salt and Deicer Storage*

A. Applicability

1. The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage and other storage of deicing materials. Bulk storage, as regulated by this chapter, is defined as storage of any material used for deicing and/or traction during winter conditions that is more than five tons in solid form (or 1,000 gallons in liquid form).

B. General Requirements

1. Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.
2. All salt and other deicing materials stored outdoors must be covered at all times.
 - i. When not using a permanent roof, a waterproof impermeable, flexible cover must be placed over all storage piles to protect against precipitation and surface water runoff. The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.
 - ii. Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.

C. Facility Siting

1. The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
2. Each facility must be located outside of floodplains and 50 feet from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
3. A facility must be located on impermeable surfaces.
4. The property slope must be away from the facility's salt, and deicer storage area.
5. Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures should be instituted to protect vulnerable areas. [Salt vulnerable/intolerable natural areas include, but are not limited to:

- i. Areas with salt sensitive vegetation
- ii. Areas serving as a source of drinking water (surface water and ground water)
- iii. Areas with bodies of water with low dilution, low volume or salt sensitive species
- iv. Areas associated with ground water recharge zones or shallow water table, with medium to high permeable soils

D. Transfer of Materials

- 1. Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other deicing material.

Passed by a vote of Yeas and Nays this 15th day of August, 2022

YEAS

NAYS

APPROVED:

Mayor

ATTEST:

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

August 10, 2022

Pete Buttigieg
United States Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

RE: Letter of Support for the 2022 Bridge Investment Program: I-90 Austin Bridges
Improvement & Mobility Project in Austin, MN

Dear Secretary Buttigieg:

I am writing in support of the Minnesota Department of Transportation's (MnDOT) application for funding through the United States Department of Transportation's Bridge Investment Program (BIP). The BIP funding would facilitate completion of the long-planned replacement/rehabilitation of ten bridges along the Interstate 90 (I-90) corridor in the city of Austin, MN. The Project aligns with the goals and priorities of BIP funding opportunity by restoring bridges to a state of good repair while doing so within the existing right-of-way and minimizing the need for relocations, improving transportation safety, reducing surface transportation-related greenhouse gas emissions, increasing resilience to climate change, delivering equitable transportation options and access, and promoting competitiveness of the U.S. economy.

I-90 is the longest interstate highway in the US and traverses through 13 states, connecting several urban and rural communities. The project provides multimodal connectivity to the thriving industrial community, housing development of various densities, employment centers, medical facilities, and retail/commercial/tourist destinations. As one of the fastest growing regions in southeastern Minnesota, infrastructure improvements in Austin are critically needed so residents and visitors of all backgrounds, incomes, and abilities may access jobs, healthcare, and housing.

The existing bridges along the I-90 project corridor are at the end of their useful design life, which causes several operational and safety issues for the roadway users, freight haulers, and businesses along the corridor. These issues include structurally deficient and/or functionally obsolete bridges with poor deck condition and geometry, insufficient vertical clearances, and significant scour conditions at under water piers, among others. There are also significant crash

From the Office of the Mayor



500 Fourth Avenue NE
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www.ci.austin.mn.us

and congestion issues due to narrow bridges, insufficient sight lines, and traffic queuing. The absence of ADA accessible multiuse paths across I-90 is a huge barrier to multimodal connectivity for the community. The project will address all the transportation challenges noted above and will result in a cohesive network of multimodal alternatives that support diverse community needs. Additionally, the project aligns with USDOT's strategic goals and statutory project requirements of the BIP opportunity.

These projects are of high impact for the City of Austin and our business owners, general public and traveling visitors. These bridges are in high traffic areas and therefore of high visibility and ensure a connected roadway system that is in sore need of upgrade. The rehabilitation/replacement of ten bridges, associated roadway improvements, and construction of new multimodal connections along the project corridor will strengthen our system of transport and contribute to growth in our region, including the anticipated growth of City of Austin itself.

I support MnDOT's application for the funding of the I-90 Austin Bridges Improvement & Mobility Project and look forward to the infrastructure investment in our region through the Bipartisan Infrastructure Law. Please give this 2022 BIP funding application your full consideration and if I can answer any questions, please do not hesitate to contact me. I may be reached at (507) 437-9453.

Sincerely,

Stephen M. King
Mayor
City of Austin, MN

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$250	Terry & Jan Fox	Bike Club Donation
\$250	Disc Golf Club	Disc Golf Donation
\$250	Mower County Veterans Council	Pool Family Fun Night
\$250	Fraternal Order of the Eagles	Pool Family Fun Night
\$1,500	VFW	Summer Rec Programs
\$60	Chad Christenson	Bike Club Donation

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

Passed by a vote of yeas and nays this 15th day of August, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

 City Recorder

 Mayor

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Cynthia Graham
1019 8th Ave NE Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure located at 1019 8th Ave NE, Austin MN 55912

Date: August 10, 2022

May I ask the City Council to review and approve this resolution classifying the property located at 1019 8th Ave NE, Austin, Minnesota, as hazardous pursuant to Minnesota Statutes 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!

City of Austin
Building Department



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

June 28th, 2022

Cynthia Graham
1019 8th Ave NE
Austin, MN 55912

RE: Housing Violations at 1019 8th Ave NE, Austin, MN 55912

Dear Cynthia:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on January 29th, 2022 and June 22nd, 2022 at this site, and the following issues need to be resolved:

1. **House is dangerous, unsafe and unfit for human occupancy due to fire.**
2. **Structures repaired to current MN Building Codes, City of Austin Ordinances and International Property Maintenance Code (Contact the City of Austin Building Department) Permits required**
3. **Or demolish house- Permit required**

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

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,

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

Brent Johnson
Zoning Inspector



August 10, 2022
11:08 AM









RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING
LOCATED AT 1019 8TH AVENUE NORTHEAST AUSTIN, MINNESOTA
OWNED BY CYNTHIA GRAHAM.**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 1019 8th Ave NE to be a hazardous building for the following reasons:

- 1. House is dangerous, unsafe and unfit for human occupancy due to fire.**
- 2. Structure repaired to current MN Building Codes, City of Austin Ordinances and International Property Maintenance Code (Contact the City of Austin Building Department) Permits required**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on June 28th, 2022 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 to 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
 - 1. House is dangerous, unsafe and unfit for human occupancy due to fire.**
 - 2. Structure repaired to current MN Building Codes, City of Austin Ordinances and International Property Maintenance Code (Contact the City of Austin Building Department) Permits required**
 - 3. Or demolish house- Permit required**
2. The repairs listed above must be made within 30 days after the order is served upon the record owner and in compliance with applicable codes, regulations and permits.
3. The City Council further orders that unless such corrective action is taken, the building(s) is/are ordered to be razed, the foundation(s) filled and the property left free of debris in compliance with all applicable codes, regulations and permits. The structures must be removed within 20 days after the initial 30 day repair period has expired.
4. If corrective action is not taken and an answer is not served within 20 days as specified in Minn. Stat. Section 463.18, a motion for summary enforcement of this order will be made to the District Court of Mower County.
5. In accordance with Minn. Stat. Section 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 14 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.

6. The City Council further orders that if the city is compelled to take any corrective action herein, all necessary costs expended by the city will be assessed against the real estate concerned and collected in accordance with Minnesota Statutes, Section 463.22, 463.161 and 463.21.
7. The Mayor, City Recorder, City Attorney and other officers and employees of the City are authorized and directed to take such action, prepare, sign and serve such papers as are necessary to comply with this order and to assess the costs thereof against the real estate described above for collection along with taxes.
8. The city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. Sections 463.15 to 463.261.

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

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Everardo Gallardo
808 1st Ave NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 808 1st Ave NW, Gallardo Property

Date: August 12, 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 808 1st 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**

August 12, 2022

Everardo Ramirez Gallardo
808 1st Ave NW
Austin, MN 55912

RE: Zoning Violations at 808 1st Ave NW, Austin, MN

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on August 10, 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

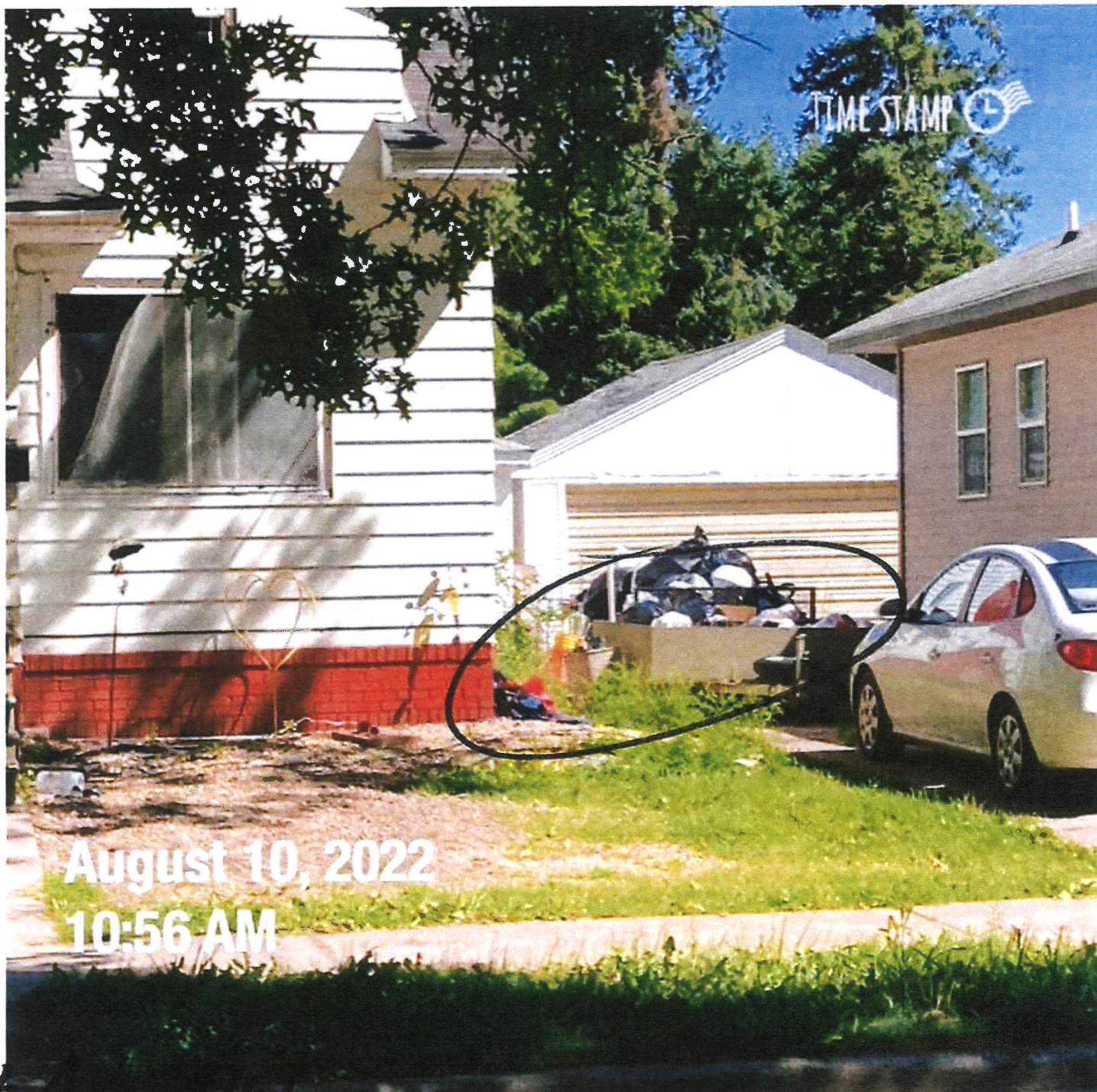
A. Generally:

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,

Brent Johnson
Zoning Inspector



TIME STAMP

August 10, 2022
10:56 AM

808 1st Ave NW

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Ketorra Greene
909 3rd Ave NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 909 3rd Ave NW, Gallardo Property

Date: August 12, 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 909 3rd 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

August 12, 2022

Ketorra Greene
909 3rd Ave NW
Austin, MN 55912

RE: Zoning Violations at 909 3rd Ave NW, Austin, MN

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on August 10, 2022 at this site and the following issues need to be resolved:

1. Remove all garbage 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 

August 10, 2022
10:57 AM

909
3rd Ave
NW