

**A G E N D A**  
**CITY COUNCIL MEETING**  
**MONDAY, JULY 17, 2023**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

Call to Order.

Pledge of Allegiance.

Roll Call.

- (mot) 1. Adoption of Agenda.
- (mot) 2. Approving minutes from July 3, 2023
- 3. Recognitions and Awards.  
EPA Brownfield Community Assessment presentation
- (mot) 4. \*Consent Agenda

Licenses:

Community Festival: Austin ArtWorks Festival on August 25-27, 2023  
Lodging Establishment (transfer): JJKWL Lodges, LLC to Nanbai, LLC  
Mobile Food: Red Cedar Organics, LLC, Chetek, WI  
Mobile Food: The Wandering Scoop, Rochester  
Outside Liquor Sales: B & J Bar on July 28 and 29, 2023

Claims:

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

Event Applications:

FITS Employee Appreciation on July 18, 2023  
Minnesota Autism Center Open House on July 18, 2023  
B & J Summer Parking Lot Party on July 28 and 29, 2023  
Oaxacan Community Basketball Tournament on July 29 and 30, 2023  
Travis Manion Foundation 9/11 Heroes Run on September 9, 2023

**PUBLIC HEARINGS:**

- 5. Reviewing a tax abatement application from the Austin Housing and Redevelopment Authority.  
(res) a. Approval or denial of abatement.

**PETITIONS AND REQUESTS:**

- 6. Reviewing a zoning ordinance change.  
(mot) a. For preparation of the ordinance.  
(ord) b. For adoption and publication of the ordinance.

- 7. Reviewing a variance request from the Radhe Shyam Corp. d/b/a One Stop Food Mart.
  - (mot) a. Approve or deny variance request.
- (res) 8. Approving an ICM agreement with WCI Austin Landfill, LLC.
- (res) 9. Approving a contract for engineering services on the Oakland Avenue West and 1<sup>st</sup> Avenue SW reconstruction project.
- (mot) 10. Approving the purchase of a drone by the Police Department.
- (res) 11. Approving a Greater Minnesota Legacy Grant application for a Jay C. Hormel Nature Center supplemental teaching staff project.
- (res) 12. Declaring the property at 613 10<sup>th</sup> Drive SE a hazardous structure.
- (mot) 13. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 707 6<sup>th</sup> Avenue SW, Batikare Property.

**CITIZENS ADDRESSING THE COUNCIL**

**HONORARY COUNCIL MEMBER COMMENTS**

**REPORTS AND RECOMMENDATIONS:**

City Administrator  
City Council

- (mot) Adjourn to **Monday, August 7, 2023** 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**  
July 3, 2023  
5:30 PM  
Council Chambers

**MEMBERS PRESENT:** Mayor King. Council Members Paul Fischer, Laura Helle, Michael Postma, Joyce Poshusta, Geoff Baker and Council Member-at-Large Jeff Austin

**MEMBERS ABSENT:** Council Member Jason Baskin

**STAFF PRESENT:** City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Public Works Director Steven Lang, Park and Rec Director Dave Merrill, City Attorney Craig Byram, and City Clerk Ann Kasel

**APPEARING IN PERSON:** Austin Daily Herald, Susan Strandberg

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

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

Moved by Council Member Postma, seconded by Council Member Baker, approving Council minutes from June 20, 2023. Carried.

**CONSENT AGENDA**

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

**Licenses:**

- Mobile Business: Goette Farms, Bricelyn, MN
- Temporary Food: American Legion Post 91 on August 19, 2023
- Temporary Food: La Senda Antigua on July 2 – 4, 2023
- Temporary Food: Salvation Army on August 19, 2023

**Claims:**

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

**Event Applications:**

River Rats Car Show on August 18, 2023

Carried.

## PETITIONS AND REQUESTS

Director of Administrative Services Tom Dankert requested the Council approve a financing and development agreement for the 1<sup>st</sup> and 3<sup>rd</sup> Apartments. He stated the City, HRA and Three Rivers have been working on this project for a 40-unit apartment complex east of the post office. He noted the State legislature reduced the state class tax rate for this type of property from .75% to .25% which will reduce the potential maximum repayment amounts through the TIF district. The resolution further authorizes the Mayor and City Recorder to sign additional project documents. He stated the Council had approved additional financing from the City at previous meetings.

Susan Strandberg with Three Rivers stated they are excited for the project to begin in late July.

Council Member Baker asked if providing insurance is material to the agreement.

City Attorney Craig Byram affirmed there needs to be insurance on the property or they would be in default.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adopting a resolution approving a financing and development agreement for the 1<sup>st</sup> and 3<sup>rd</sup> Apartments. Carried 6-0.

Director of Administrative Services Tom Dankert requested the Council approve budget adjustment number 4 which would modify the 2023 budgets for wage increases and health insurance benefits now that all the bargaining groups have settled their contracts.

Moved by Council Member Baker, seconded by Council Member Fischer, adopting a resolution approving budget adjustment number 4. Carried 6-0.

Director of Administrative Services Tom Dankert requested the Council approved budget adjustment number 5 for the library construction project. The requested adjustment would allocate Library balance for a LED lighting and security camera update in the Library.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adopting a resolution approving budget adjustment number 5. Carried 6-0.

City Administrator Craig Clark requested the Council approve a contract with Austin Associates Organization for 2023-2025. The labor agreement is similar to the other settled contracts in regards to wage and health insurance increases. He stated this is the final labor contract to be settled.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adopting a resolution approving a labor contract with Austin Associates Organization for years 2023-2025. Carried 6-0.

Public Works Director Steven Lang requested the Council approve a contract with MnDot for the maintenance of highway 105. The contract is a two-year agreement and accounts for a 4.5% increase annually.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting a resolution approving a maintenance agreement for Highway 105 with MnDot. Carried 6-0.

Public Works Director Steven Lang requested the Council approve MnDNR grant amendment #3 for the construct of a flood levee at the waste water treatment plant. The agreement specifies that the City has matching funds for the completion of the project.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution approving flood hazard mitigation grant for a Waste Water Treatment Plant project. Carried 6-0.

Public Works Director Steven Lang the City solicited quotes for snow plowing operations route optimization and automated vehicle locating services. C2Logix provided a quote in the amount of \$18,539 for review and optimization of the snow plow routes and CompassCom as provided a quote in the amount of \$7,867.20 for automatic vehicle locating services for 11 snow plow trucks. Mr. Lang recommended approval of the contracts with funding coming from 2023 contingency.

Moved by Council Member Baker, seconded by Council Member Fischer, adopting a resolution approving a contract for automated vehicle location services with C2Logix and route optimization contract with CompassCom with funding from 2023 contingency. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Helle, adopting a resolution accepting donations to the City of Austin. Carried 6-0.

Mayor King presented a proposed policy for employee affiliation with outside agencies.

Council Member Poshusta stated she would like to discuss the matter on a work session.

Moved by Council Member Poshusta, seconded by Council Member-at-Large Austin, tabling the policy for employee affiliation with outside entities to a future work session.

Moved by Council Member Fischer, seconded by Council Member Poshusta, declaring the property at 308 12<sup>th</sup> Avenue SW a hazardous structure. Carried 6-0.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 909 3<sup>rd</sup> Avenue NW, Greene Property. Carried.

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1011 4<sup>th</sup> Street SE, Nystel Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Postma, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1200 4<sup>th</sup> Street SE, Olson Property. Carried.

Moved by Council Member Postma, seconded by Council Member-at-Large Austin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1416 7<sup>th</sup> Avenue NW, McFarland Property. Carried.

## REPORTS

Council Member Postma thanked the individuals working on Freedom Fest.

Moved by Council Member Postma, seconded by Council Member Baker, adjourning the meeting to July 17, 2023. Carried.

Adjourned: 5:50 p.m.

Approved: July 17, 2023

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

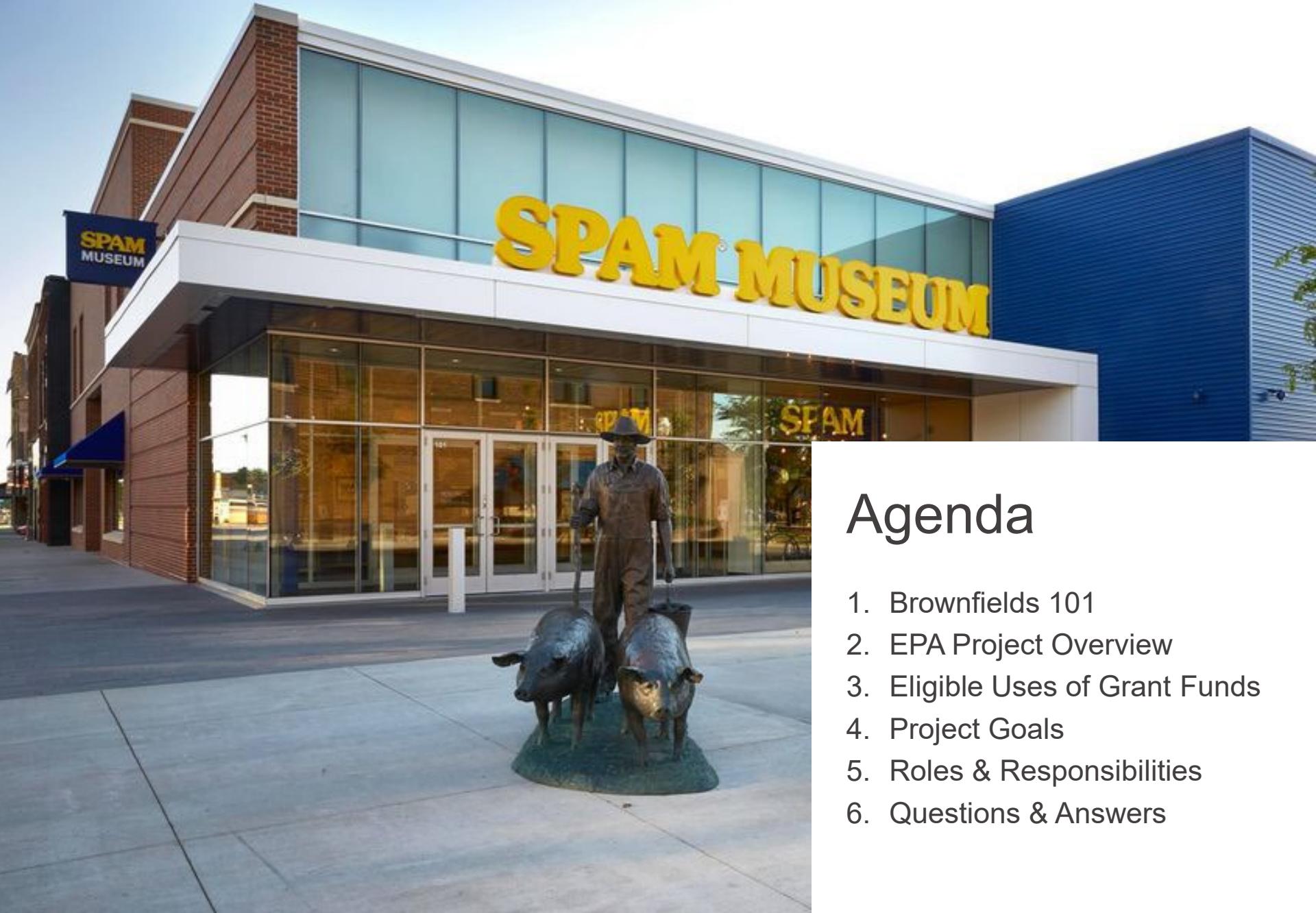
City Recorder: \_\_\_\_\_



# City of Austin, MN

EPA Brownfield Community-wide  
Assessment Grant





## Agenda

1. Brownfields 101
2. EPA Project Overview
3. Eligible Uses of Grant Funds
4. Project Goals
5. Roles & Responsibilities
6. Questions & Answers

# Brownfields 101

# What is a Brownfield?

**EPA Definition:** “Brownfields are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.”

## **Brownfields**

- Previously developed sites
- Redevelopment may be complicated by past use(s)

## **NOT Brownfields**

- Never been developed (open space or agricultural land)
- Fewer development constraints

# Types of Brownfields

## Petroleum

- Former manufacturing & industrial sites
- Former gas stations & auto repair shops
- Old railyards & truck depots

## Hazardous Substances

- Former manufacturing/industrial sites
- Underutilized warehouses & commercial buildings
- Former dry cleaners
- Landfills, salvage yards, & illegal dumping sites
- Buildings with asbestos or lead-based paint
- Mine scarred lands

# Why are Brownfields a Problem?

- Direct costs for local government (responses to code enforcements, crimes, fires, illegal dumping, etc.)
- Lost opportunity costs (environmental liabilities may derail redevelopment plans)
- Loss of potential jobs, tax base, and reduced property values
- Impacts on neighboring properties
- Threats to public health and the environment from known or undocumented contamination
- Threats to surface and drinking water sources

Logistics, Goals, Budget, and Schedule

EPA Project Overview

# Austin's Community-wide Assessment Grant

## Logistics

- \$500,000 awarded in funding
- 3-year grant term (12/1/2022 – 11/30/2025)
- 100% funded – no match funds required
- Public & privately owned sites are eligible

## Goals

- Identify, prioritize, and complete environmental assessments and/or remedial/reuse planning activities
- Assist with positioning sites for redevelopment and reuse
- Set the City & property owners up to leverage other funding

# Austin's Community-wide Assessment Grant

## Anticipated Outputs

- Inventory of potential brownfield sites throughout the City
- Phase I ESAs for up to 16 sites or parcels
- Phase II ESAs for up to 14 sites or parcels
- Asbestos, lead-based paint, and hazardous building materials surveys for up to 4 sites
- Response Action Plans for up to 5 sites
- Planning Reuse Activities for 2 brownfield impacted area/corridors
- Public outreach meetings, materials, and other media postings, as appropriate

# Austin's Community-wide Assessment Grant

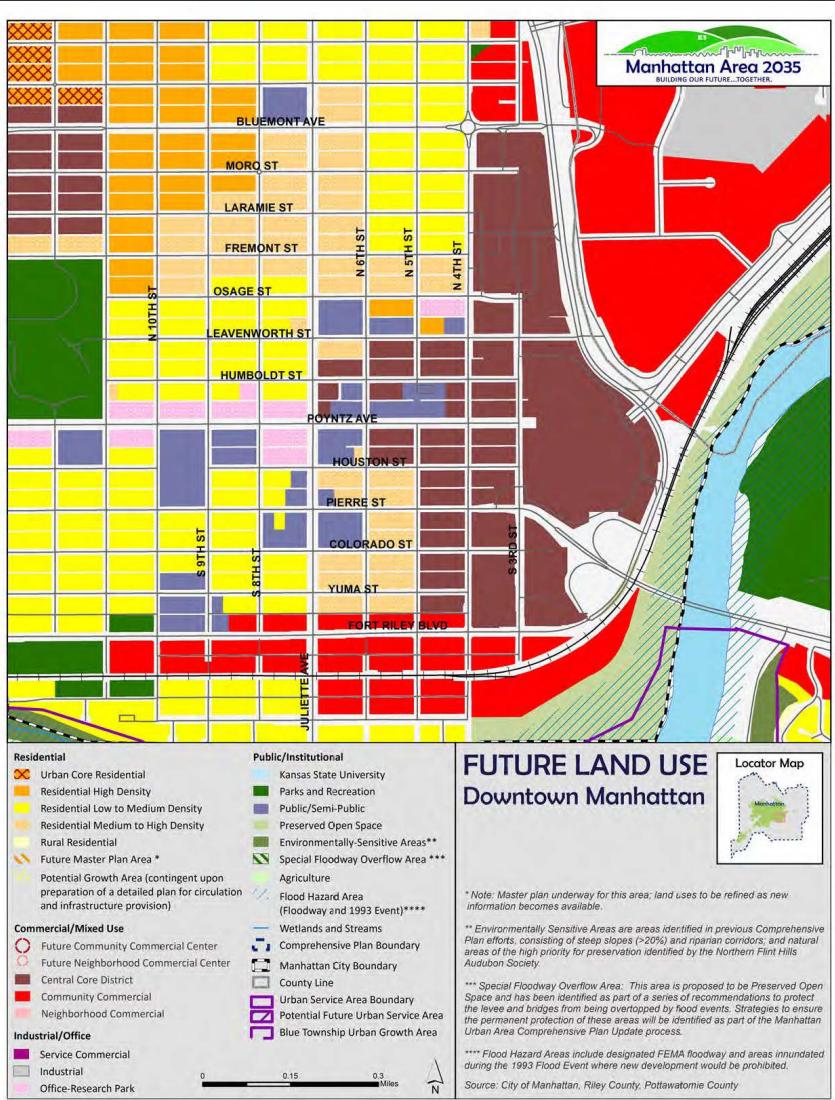
## Goals Identified in the Grant Application

- Plans to safely cleanup properties and development of brownfield reuse plans that will result in a safer and healthier community
- Reduction in pollutant runoff and migration as a result of greener redevelopment
- Use of assessment results to plan for safe removal or remodeling of blighted buildings
- Increased public awareness of the potential hazards of brownfields
- Redevelopment & potential sale of sites
- Leveraging of private and other investments
- Job creation
- Increased property and sales tax revenue
- Increased property values



# Eligible Uses of Grant Funds

# Brownfield Inventory



Create a comprehensive list & GIS maps of brownfield sites in the target areas.

# Site Prioritization & Nomination

## Establish Prioritization Criteria

- Site eligibility
- Owner/developer interest
- Feasibility of success
- Community benefit
- Threats to human health/environment

## Rank Prioritized Sites

- Apply scoring system
- Review highest ranked sites
- Outreach to owners/stakeholders of top ranked sites (evaluate interest & site eligibility)

## Nominate Sites for Grant Funding

- Property owners/stakeholders nominate sites
- Owners & developers apply for funding

# Site Prioritization & Nomination

Environmental Conditions	Redevelopment Feasibility	Community Goals
<ul style="list-style-type: none"><li>• Potential Level of Contamination</li><li>• Potential for Human Contact with Contaminants</li><li>• Potential to Contaminate Groundwater</li><li>• Land Use Change Requiring Higher Remediation</li><li>• Potential for State &amp; Federal Funding Assistance</li><li>• Potential Existence of a Viable Causer</li></ul>	<ul style="list-style-type: none"><li>• Potential for Near Term Redevelopment</li><li>• Potential Cost of Assembly &amp; Redevelopment</li><li>• Potential to Catalyze Redevelopment on Other Properties</li><li>• Potential to Assemble Entire Site</li><li>• Inclusion in Special Plans and Districts</li><li>• Potential to Eliminate Blight</li><li>• Potential to Replace Existing Inappropriate or Marginal Uses</li></ul>	<ul style="list-style-type: none"><li>• Improves Blighted Areas for Reuse</li><li>• Creates New Jobs</li><li>• Increases Property Tax Base</li><li>• Creates Opportunities to Retain/Expand/ Recruit New Businesses</li><li>• Enhances Long-Term Economic Sustainability</li><li>• Creates or Maintains Livable Neighborhoods</li></ul>



# Site Prioritization & Nomination

## Brownfield Site Nomination Form

Submitted by:

Title/Company:

Address:

E-mail:

Phone:

Site Name (if any)

Site Address:

Site Owner:

 Date purchased: 

Previous Owner:

How was this site aquired? (purchase, condemnation, tax foreclosure, deed, imminent domain, donation, other:

Current Use:

Is there known  
contamination at the  
site? If yes, describe.

Yes  No

Have any of the following previously been performed on this site (if known)?

Phase I Environmental Site Assessment (ESA)

Phase II ESA

Environmental Site Investigation

Environmental Cleanup Activities

Are reports available? If so, what kind?

Which of the following are you interested in having performed on this site?

Phase I ESA

Yes  No  Maybe

Phase I ESA Update

Yes  No  Maybe

Phase II ESA

Yes  No  Maybe

Additional Investigation of  
documented impacts

Yes  No  Maybe

Asbestos/regulated  
building materials  
assessment

Yes  No  Maybe

Corrective Action Plan

Yes  No  Maybe

- Historic & current property uses
- Known contamination
- Dates of previous environmental assessments
- Past or current regulatory enforcement actions
- Need for environmental assessment & grant funding
- Anticipated schedule for property sale, reuse, or redevelopment
- Community benefits

# Site Nomination & Eligibility Approval

1

**Site Nomination Form** completed by property owner or representative.



**Site is prioritized for grant funding.**

2

**Eligibility Determination Form** is prepared on the owner's behalf and submitted to EPA/MPCA for approval.



**EPA/MPCA approve use of grant funds.**

3

Property owner signs **Access Agreement** authorizing assessment activities on the property.

4

**Environmental Site Assessment & Cleanup Planning Activities**

# Site Specific Assessments

## Phase I ESAs

- Identifies potential environmental concerns that may impede redevelopment
- No environmental samples collected
- Used to facilitate property transactions

## Phase II ESAs

- Environmental sampling & testing
- Used to identify environmental impacts & develop cleanup alternatives

# Site Specific Assessments

## Hazardous Building Materials Surveys

- Asbestos, Lead Paint, Mold, PCB/Mercury Light Ballasts/Switches, Misc. Debris
- Necessary for renovating/demolishing older structures

## Response Action Plan (RAP)

- Develop detailed plans to implement preferred cleanup alternative
- Detailed cost estimate
- State must approve as part of closure process

# Planning Activities



- Existing conditions assessment
- Market analysis
- Identify opportunities & constraints
- Community visioning
- Redevelopment plan
- Implementation strategy

# Target Areas

## Target Areas

# Target Areas



# Roles and Responsibilities

# City of Austin

- Responsible for administration of grant (reporting)
- Manage/oversee consultant team
- Coordinate meetings of Brownfield Advisory Committee

## Consultant Team (Stantec)

- Complete assessment, remedial, & planning activities
- Lead role in completing inventory and outreach tasks
- Assist with reporting
- Serve as technical resource

# Brownfield Advisory Committee

Ensure community concerns are considered and inform assessment planning and execution.

- Meet 3-4 times per year
- Drive decisions
- Identify & prioritize sites/target areas
- Distribute project related materials
- Provide community feedback to BAC

# Questions & Answers





# Street/Special Event Permit

Permit Type: Street or Special Event

Permit Number: 2023-030

Applicant Information	
Organizer Name	Rebecca Heller
Organizer Address	1 Hormel Place
Organizer City	Austin
Organizer State	MN
Organizer Zipcode	55912
Organizer Phone	507-438-6719
Organizer Email	RJHeller@hormel.com
Alternate Name	Amanda Lundberg
Alternate Phone	507-440-8854
Alternate Email	ARLundberg@hormel.com

## Permit Information

Event Title	FITS Employee Appreciation Event		
Event Description	Department Employee Party		
Event Start Date	July 18, 2023	Event End Date	July 18, 2023
Approximate Number of Participants	350		
Event Start Time	07:00	Event End Time	17:00
Portion of Street Width Being Used	None.		
Traffic Control Barricades Needed for Street/Lane Closure?	No	Will Traffic Control Barricades be Provided by Applicant or will City Assistance be Requested?	
Food Trucks at Event?	Yes	Number of Food Trucks	3
Food Truck Information	<b>Food Truck 1:</b> Pleasant Grove Woodfired Pizza, Emily Knudsen, 715-523-0857 <b>Food Truck 2:</b> LA Borinquen Puerto Rican Food, Amanda Plaza, 507-218-9800 <b>Food Truck 3:</b> Wandering Scoop, Jeremy Marquez, 507-202-0966 <b>Food Truck 4:</b> , , <b>Food Truck 5:</b> , ,		
Alcoholic Beverages Available	No		
Location of Alcohol			
Licensed Establishment(s) Serving Alcohol			
Types of Alcohol			
Live Entertainment	No		
Recorded Entertainment	No		
Date and Time Clean Up will be Accomplished	07/18/2023 around 5:00 PM	Responsible Person(s) for Clean Up	Rebecca Heller and committee
Will Event be Advertised?	No	Describe Invited People	Hormel Foods FITS department employees
Designated Adult Name	Rebecca Heller	Designated Adult Phone	507-438-6719
Designated Adult Address	1 Hormel Place, Austin, MN 55912		
Additional Information	I will reach out to the food trucks to ensure they apply for the mobile business license in advance of the event.		

Engineering Department

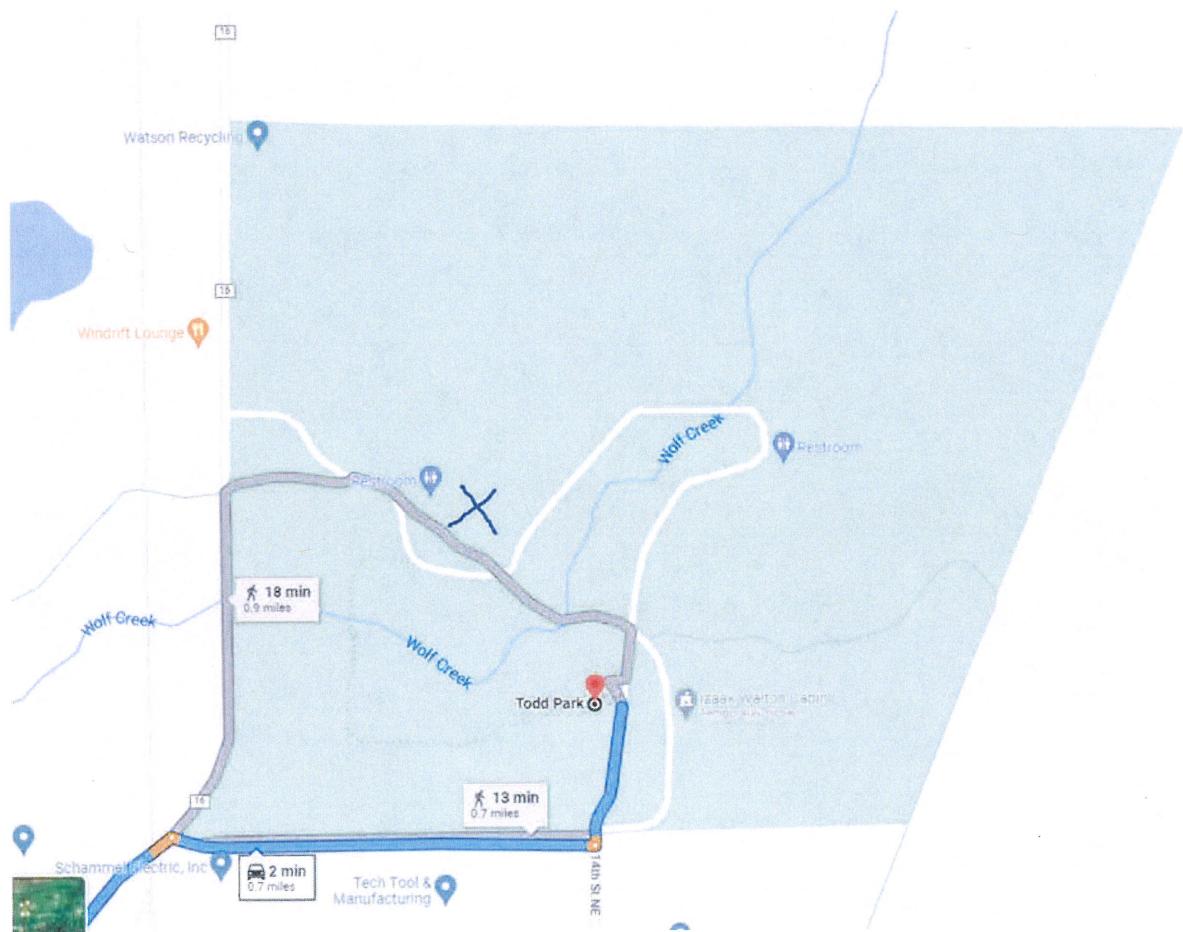
<b>Determination</b>	Approved	<b>Date of Approval</b>	June 1, 2023	<b>Approved By</b>	Mitch Wenum
<b>Comments</b>					

<b>Police Department</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	June 1, 2023	<b>Approved By</b>	David McKichan
<b>Comments</b>					

<b>City Clerk</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 11, 2023	<b>Approved By</b>	Ann Kasel
<b>Comments</b>					

<b>Final Determination</b>	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.*





# Street/Special Event Permit

Permit Type: Street or Special Event

Permit Number: 2023-039

Applicant Information	
Organizer Name	Minnesota Autism Center
Organizer Address	111 11th Ave NE
Organizer City	Austin
Organizer State	MN
Organizer Zipcode	55912
Organizer Phone	952-767-4201
Organizer Email	genevieve.cornish@mnautism.org
Alternate Name	Genevieve Cornish
Alternate Phone	
Alternate Email	

## Permit Information

Event Title	Minnesota Autism Center Open House		
Event Description	We are opening an autism therapy center in Austin and having a celebratory open house for our clients, employees, and public community members impacted by autism.		
Event Start Date	July 18, 2023	Event End Date	July 18, 2023
Approximate Number of Participants	25-100		
Event Start Time	16:30	Event End Time	18:30
Portion of Street Width Being Used	11th Ave NE		
Traffic Control Barricades Needed for Street/Lane Closure?	No	Will Traffic Control Barricades be Provided by Applicant or will City Assistance be Requested?	
Food Trucks at Event?	Yes	Number of Food Trucks	1
Food Truck Information	Food Truck 1: B-Lo Zero Sno Cones, Brendan Bustad, Booked on facebook Food Truck 2: , , Food Truck 3: , , Food Truck 4: , , Food Truck 5: , ,		
Alcoholic Beverages Available	No		
Location of Alcohol			
Licensed Establishment(s) Serving Alcohol			
Types of Alcohol			
Live Entertainment	No		
Recorded Entertainment	No		
Date and Time Clean Up will be Accomplished	Immediately following event	Responsible Person(s) for Clean Up	Genevieve Cornish
Will Event be Advertised?	Yes	Describe Invited People	MAC employees, clients and members of Eat.Drink.Shop Austin and Autism Friendly Austin.
Designated Adult Name	genevieve Cornish	Designated Adult Phone	6127236908
Designated Adult Address	5860 Baker Road, Minnetonka MN 55345		
Additional Information			

<b>Engineering Department</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 8, 2023	<b>Approved By</b>	Mitch Wenum
<b>Comments</b>					

<b>Police Department</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 10, 2023	<b>Approved By</b>	David McKichan
<b>Comments</b>					

<b>City Clerk</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 11, 2023	<b>Approved By</b>	Ann Kasel
<b>Comments</b>					

<b>Final Determination</b>	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.*





# Street/Special Event Permit

**Permit Type:** Street or Special Event

**Permit Number:** 2023-035

Applicant Information	
Organizer Name	B&J BAR AND GRILL
Organizer Address	114 4TH AVE NE
Organizer City	AUSTIN
Organizer State	MN
Organizer Zipcode	55912
Organizer Phone	507-433-9830
Organizer Email	scottf@foxelectricinc.com
Alternate Name	SHELLEY LETENDRE
Alternate Phone	507-440-4670
Alternate Email	shellthompson4@yahoo.com

## Permit Information

Event Title	SUMMER PARKING LOT PARTY		
Event Description	BANDS, FOOD AND POSSIBLY CORNHOLE GAMES		
Event Start Date	July 28, 2023	Event End Date	July 30, 2023
Approximate Number of Participants	200		
Event Start Time	18:00	Event End Time	00:00
Portion of Street Width Being Used	NONE, IN B&J OWNED PARKING LOT		
Traffic Control Barricades Needed for Street/Lane Closure?	No	Will Traffic Control Barricades be Provided by Applicant or will City Assistance be Requested?	
Food Trucks at Event?	No	Number of Food Trucks	
Food Truck Information	Food Truck 1: , , Food Truck 2: , , Food Truck 3: , , Food Truck 4: , , Food Truck 5: , ,		
Alcoholic Beverages Available	Yes		
Location of Alcohol	INSIDE BAR, PATIO AND FENCED IN PARKING LOT		
Licensed Establishment(s) Serving Alcohol	B&J BAR AND GRILL		
Types of Alcohol	Wine, Strong Beer, Liquor		
Live Entertainment	Yes		
Recorded Entertainment	No		
Date and Time Clean Up will be Accomplished	SUNDAY MORNING JUNE 30TH BEFORE 10 AM	Responsible Person(s) for Clean Up	B&J BAR OWNERS AND STAFF
Will Event be Advertised?	Yes	Describe Invited People	OPEN TO ALL
Designated Adult Name	SCOTT FOX (OWNER) & SHELLEY LETENDRE (MANAGER)	Designated Adult Phone	507-460-0346
Designated Adult Address	504 29TH AVE NE AUSTIN, MN		
Additional Information			

Engineering Department

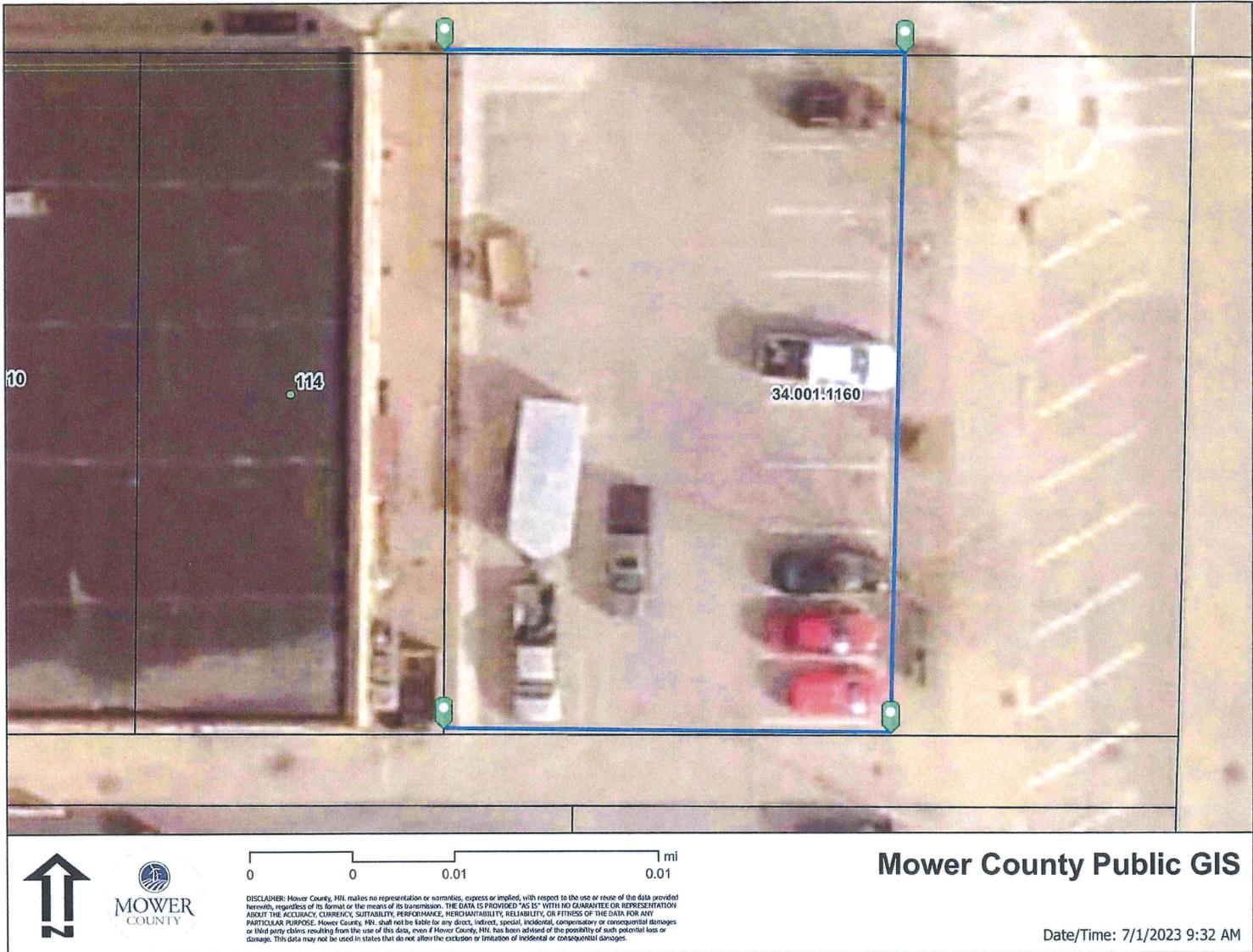
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 3, 2023	<b>Approved By</b>	Mitch Wenum
<b>Comments</b>					

<b>Police Department</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 10, 2023	<b>Approved By</b>	David McKichan
<b>Comments</b>					

<b>City Clerk</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 6, 2023	<b>Approved By</b>	Ann Kasel
<b>Comments</b>					

<b>Final Determination</b>	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.*





# Street/Special Event Permit

**Permit Type:** Street or Special Event

**Permit Number:** 2023-037

Applicant Information	
<b>Organizer Name</b>	Oaxacan Community Leaders
<b>Organizer Address</b>	1100 14th street nw
<b>Organizer City</b>	Austin
<b>Organizer State</b>	MN
<b>Organizer Zipcode</b>	55912
<b>Organizer Phone</b>	507-460-0067
<b>Organizer Email</b>	miguel.garate@riverland.edu
<b>Alternate Name</b>	Felix Sandoval
<b>Alternate Phone</b>	507-279-9732
<b>Alternate Email</b>	felixsandoval128@gmail.com

## Permit Information

<b>Event Title</b>	Annual Basketball tournament Oaxaca Community.		
<b>Event Description</b>	This event is organized every year and is to celebrate our Oaxacan cultures with a Basketball tournament and entertainment and food,		
<b>Event Start Date</b>	July 29, 2023	<b>Event End Date</b>	July 30, 2023
<b>Approximate Number of Participants</b>	maybe aorund 1000		
<b>Event Start Time</b>	07:02	<b>Event End Time</b>	19:00
<b>Portion of Street Width Being Used</b>	from the church to Rotary park		
<b>Traffic Control Barricades Needed for Street/Lane Closure?</b>	No	<b>Will Traffic Control Barricades be Provided by Applicant or will City Assistance be Requested?</b>	
<b>Food Trucks at Event?</b>	Yes	<b>Number of Food Trucks</b>	1
<b>Food Truck Information</b>	Food Truck 1: Tienda Guerrero, Custodio Serrano, 507-437-4106 Food Truck 2: , , Food Truck 3: , , Food Truck 4: , , Food Truck 5: , ,		
<b>Alcoholic Beverages Available</b>	No		
<b>Location of Alcohol</b>			
<b>Licensed Establishment(s) Serving Alcohol</b>			
<b>Types of Alcohol</b>			
<b>Live Entertainment</b>	No		
<b>Recorded Entertainment</b>	No		
<b>Date and Time Clean Up will be Accomplished</b>	07/30/2023	<b>Responsible Person(s) for Clean Up</b>	Feliz Sandoval, Agustin Sandoval, Ruebn Vazquez
<b>Will Event be Advertised?</b>	No	<b>Describe Invited People</b>	leadears of the community and city adminstartors
<b>Designated Adult Name</b>	Miguel garate	<b>Designated Adult Phone</b>	507-460-0067
<b>Designated Adult Address</b>	1100 14th street nw #210		
<b>Additional Information</b>			

Engineering Department

<b>Determination</b>	Approved	<b>Date of Approval</b>	July 8, 2023	<b>Approved By</b>	Mitch Wenum
<b>Comments</b>					

<b>Police Department</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 10, 2023	<b>Approved By</b>	David McKichan
<b>Comments</b>					

<b>City Clerk</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	July 7, 2023	<b>Approved By</b>	Ann Kasel
<b>Comments</b>					

<b>Final Determination</b>	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.*



# Street/Special Event Permit

**Permit Type:** Street or Special Event

**Permit Number:** 2023-011

Applicant Information	
<b>Organizer Name</b>	Chris Geis
<b>Organizer Address</b>	2201 9th Place SW
<b>Organizer City</b>	Austin
<b>Organizer State</b>	MN
<b>Organizer Zipcode</b>	55912
<b>Organizer Phone</b>	708-514-9234
<b>Organizer Email</b>	CJGEIS@HORMEL.COM
<b>Alternate Name</b>	Bailey Petersen
<b>Alternate Phone</b>	507-437-5334
<b>Alternate Email</b>	BJPETERSEN@HORMEL.COM

## Permit Information

<b>Event Title</b>	Travis Manion Foundation 9/11 Heroes Run sponsored by Hormel Foods		
<b>Event Description</b>	Our 9/11 Heroes Run event (5k Run/Walk/Ruck) unite communities internationally with the goal to never forget the sacrifices of all of our nation's heroes, from the first responders who came to the aid of thousands of Americans in New York City, Washington DC, and Pennsylvania, to the service members who have served with pride since.		
<b>Event Start Date</b>	September 9, 2023	<b>Event End Date</b>	September 9, 2023
<b>Approximate Number of Participants</b>	300		
<b>Event Start Time</b>	08:00	<b>Event End Time</b>	15:30
<b>Portion of Street Width Being Used</b>	3rd Ave NE in between Main and 1st ST NE AND Main Street from 4th Ave NW to 2nd Ave NW		
<b>Traffic Control Barricades Needed for Street/Lane Closure?</b>	Yes	<b>Will Traffic Control Barricades be Provided by Applicant or will City Assistance be Requested?</b>	Requested City Help
<b>Food Trucks at Event?</b>	Yes	<b>Number of Food Trucks</b>	3
<b>Food Truck Information</b>	<b>Food Truck 1:</b> TBD, Bailey Petersen is coordinating - Not Confirmed as of this time , N/A <b>Food Truck 2:</b> Bailey Petersen is coordinating - Not Confirmed as of this time , Bailey Petersen is coordinating - Not Confirmed as of this time , n/a <b>Food Truck 3:</b> Bailey Petersen is coordinating - Not Confirmed as of this time , Bailey Petersen is coordinating - Not Confirmed as of this time , n/a <b>Food Truck 4:</b> , , <b>Food Truck 5:</b> , ,		
<b>Alcoholic Beverages Available</b>	No		
<b>Location of Alcohol Licensed Establishment(s) Serving Alcohol</b>			
<b>Types of Alcohol</b>			
<b>Live Entertainment</b>	No		
<b>Recorded Entertainment</b>	No		
<b>Date and Time Clean Up will be Accomplished</b>	9/9/2023 by 1600 hours	<b>Responsible Person(s) for Clean Up</b>	Chris Geis
<b>Will Event be Advertised?</b>	Yes	<b>Describe Invited People</b>	Community and Hormel Foods Team Members Globally

<b>Designated Adult Name</b>	Chris Geis	<b>Designated Adult Phone</b>	708 514 9234
<b>Designated Adult Address</b>	2201 9th Pl SW Austin Minnesota 55912		
<b>Additional Information</b>			

<b>Engineering Department</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	March 28, 2023	<b>Approved By</b>	Mitch Wenum
<b>Comments</b>					

<b>Police Department</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	March 28, 2023	<b>Approved By</b>	David McKichan
<b>Comments</b>					

<b>City Clerk</b>					
<b>Determination</b>	Approved	<b>Date of Approval</b>	March 28, 2023	<b>Approved By</b>	Ann Kasel
<b>Comments</b>	Sunny's and Just Take the Cake are the approved food trucks.				

<b>Final Determination</b>	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.*



## HOUSING TAX ABATEMENT APPLICATION

(Application Period 1-1-2023 through 12-31-2025)

Property Owner / Applicant:

Austin HRA

Current Address:

308 2nd Ave NE - Austin MN 55912

Telephone:

507-433-1864

E-Mail:

taggett@austinhra.org

Has applicant ever defaulted on property taxes?

 Yes No

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

Are property taxes current?  Yes  No

PROJECT		(check all that apply)	
Single-Family:			
<input checked="" type="checkbox"/> New Construction ("stick build")	<input type="checkbox"/> Modular	<input type="checkbox"/> Duplex	<input type="checkbox"/> Townhomes
<input type="checkbox"/> Manufactured on permanent foundation	<input type="checkbox"/> Shouse	<input type="checkbox"/> Apartment Building	<input type="checkbox"/> Other:
Multi-family Complex			
		<input type="checkbox"/> Duplex	<input type="checkbox"/> Townhomes
		<input type="checkbox"/> Apartment Building	<input type="checkbox"/> Other:
Is this an application for a replacement of an existing housing unit on the same parcel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is this application for an existing housing unit you intend to move to this parcel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, where is the unit being relocated from? <input type="checkbox"/> Outside Mower County OR <input type="checkbox"/> Within Mower County but currently uninhabited			
Project Address: 903 24th Ave NW			
Project Legal Description: 34509 Block 001 Lot 003 North Pointe (Subdivision of Austin, MN)			
Parcel Number: 34.509.0030	Estimated Project Valuation: \$ 350,000		

**Attach** building plans, site plan, certification from zoning entity that housing project complies with zoning regulations and there are no outstanding land use issues. (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 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, due to % of completion on January 2nd, there are not any non-compliance or non-conformity outstanding land use issues on the parcel, 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 annually following full payment of real estate taxes due.

Signature of Applicant(s)

6/28/23  
Date

FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

 City or  Township of

Date:

School District of

Date:

**Disclaimer:** Each taxing entity makes its own decision on approval or denial of application for tax abatement. Applications must comply with all requirements of the policy/program as outlined in the policy/program guidelines and build within allotted timeframe or tax abatement offer will be automatically terminated.

Please submit completed application with attachments to:

Mower County Administration

201 1<sup>st</sup> Street NE, Suite 9, Austin MN 55912

507-437-9549

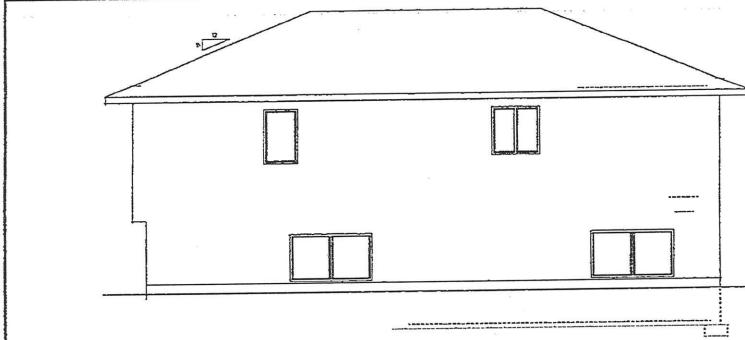
Office Hours: M-F 8 a.m. - 4:30 p.m.

deniseb@co.mower.mn.us

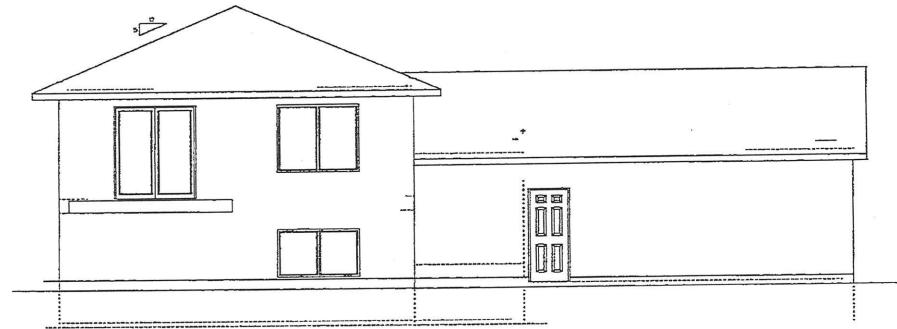
## Notice – City of Austin Housing Projects

This application must be approved prior to the building permit being issued by the City of Austin.

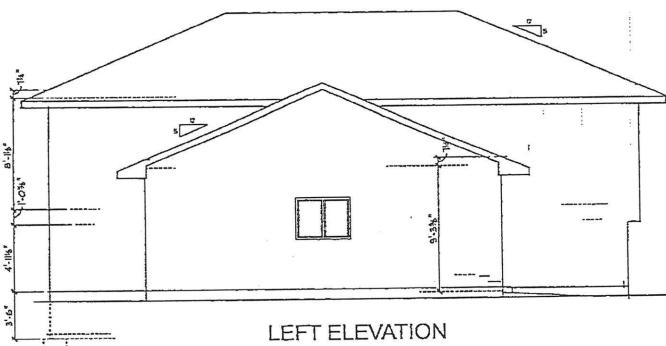




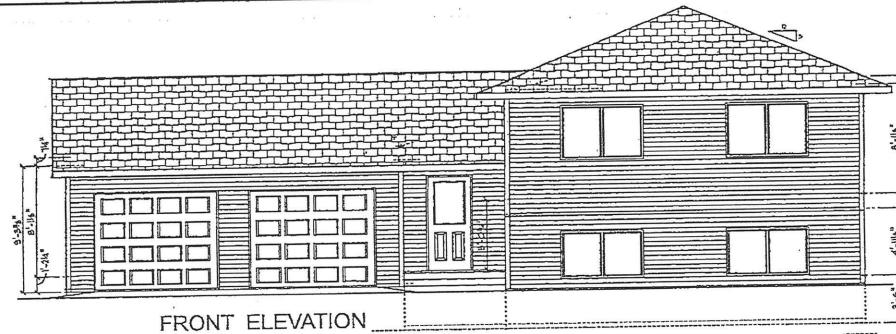
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



FRONT ELEVATION

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

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

2021-07-07 09:45:46 2021-07-07 09:45:46

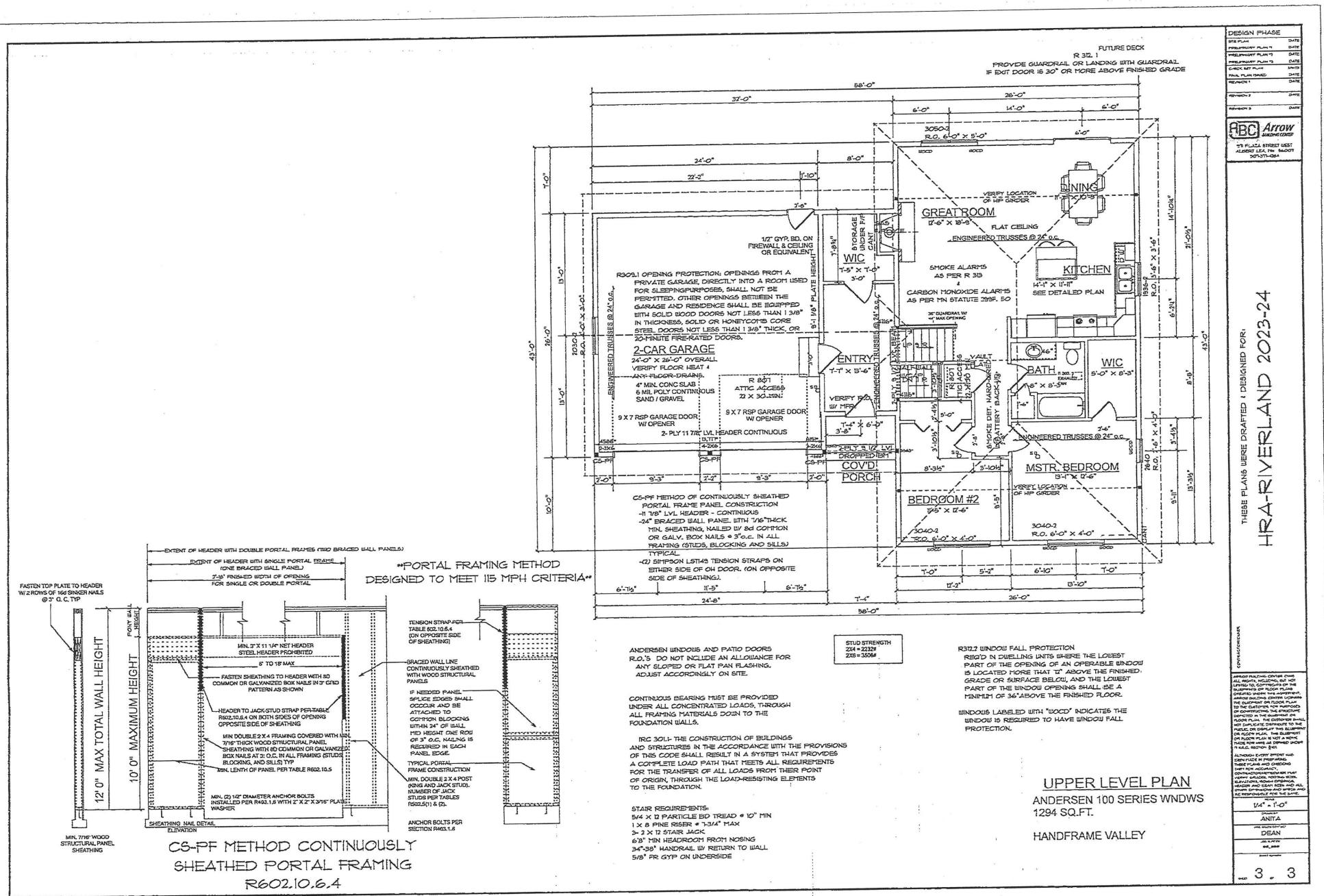
## SECTION

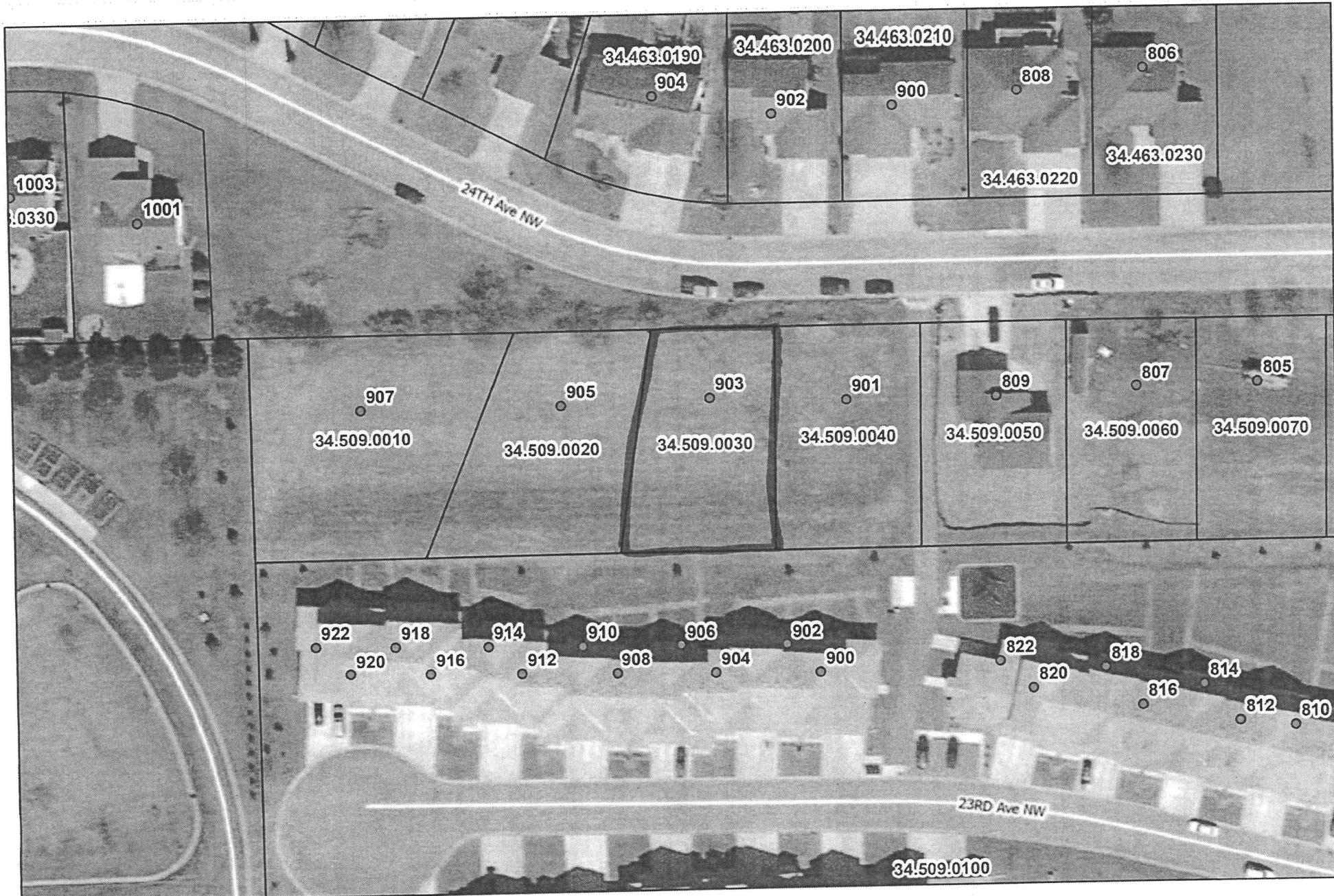
DESIGN PHASE	
Site Plan	DATE
PRELIMINARY PLANT	DATE
PRELIMINARY PLANT 2	DATE
PRELIMINARY PLANT 3	DATE
CHOICE OF PLANT	DATE
FINAL PLANT BOARD	DATE
REVIEW 1	DATE
REVIEW 2	DATE
REVIEW 3	DATE

GENGIS KHAN'S WARRIOR

HRA-RIVERLAND 2023-24

111





## Mower County Public GIS



MOWER  
COUNTY

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

0 0.01 0.02 0.03 0.04  
1 mi

Date/Time: 6/28/2023 11:51 AM

**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, July 17, 2023 at 5:30 p.m. to consider a tax abatement request from the Austin Housing and Redevelopment Authority, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City’s portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$7,812. The subject property is located at 903 24<sup>th</sup> Avenue NW, Austin, Minnesota and is legally described as:

Lot 3, Block 1, North Pointe Addition to the City of Austin, County of Mower

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

Publish: July 5, 2023

## **RESOLUTION NO. 16545**

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

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

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

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

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

Lot 3, Block 1, North Pointe Addition to the City of Austin, Mower County.

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

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

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

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

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

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

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

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

Passed by a vote of yeas and nays this 17th day of July, 2023.

Yea

Nay

ATTEST:

APPROVED

---

City Recorder

---

Mayor

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



Holly Wallace  
 Planning & Zoning Administrator  
 507-437-9952 / Fax 507-437-7101  
 Cellular 1-507-438-2380  
 Email: [hollyw@ci.austin.mn.us](mailto:hollyw@ci.austin.mn.us)

## Memorandum

**To:** Mayor & City Council  
**From:** Austin Planning Commission  
**Subject:** Recommendation for Rezoning Request Petitioned by: Schafer Northwest, LLC  
 d/b/a Pulver Towing  
**Date:** July 13, 2023

---

During the July 11, 2023, meeting of the Austin Planning Commission, the commission reviewed a request to rezone property from Pulver Towing. The property is located at 1210 14<sup>th</sup> St NE.

The petitioners are requesting to rezone this property from a "B-2" Community Business District to an "I-1" Industrial District and to amend the Future Land Use plan to light industrial. The rezone is required to allow outdoor storage of inoperable vehicles related to the towing business.

One individual appeared in opposition to the rezone, noting that there is existing industrial property in the NE Industrial Park and citing concerns about the smaller size of the parcel and possible traffic conflicts.

The petitioner noted that they have a plan for traffic circulation and will establish a fenced and screened area for outdoor vehicle storage. They also have additional sites for storage if needed.

The Planning Commission with 6 members present recommends the approval of the rezoning request by the following vote:

6 Ayes 0 Nays

Listed below are findings of fact from this public hearing that relate to this recommendation:

- The use is compatible with the surrounding uses and zoning.
- No significant impacts are anticipated with regard to the existing infrastructure and surrounding environment.

**This rezoning action is taken by ordinance, for approval of this request the vote must be a unanimous approval for the first reading of the ordinance. If this fails, to obtain an approval the second reading of the ordinance shall be by 2/3<sup>rd</sup>'s vote in accordance to MN Statute 462.357, Subd.2**

**PETITIONER:** Schafer Northwest, LLC d/b/a Pulver Towing  
6077 Rome Circle NW  
Rochester MN 55901

**LOCATION:** 1210 14<sup>th</sup> St NE

**LEGAL DESCRIPTION:** (See attached)

**CURRENT LAND-USE AND ZONING:**

**CLASSIFICATION:** Was vacant commercial B-2, Pulver has moved to the location.

**SURROUNDING LAND-USE AND ZONING:**

North – “I-1” light industrial  
South – “B-2” commercial  
East – “I-2” heavy industrial  
West – “B-2” commercial

**REQUESTED ACTION:** The petitioner has made this rezoning request to amend the future land use plan and change the current use from a “B-2” Commercial to an “I-1” Light Industrial District to allow vehicle storage on the property.

**Applicable Zoning**

**Ordinance:** The following use table shows the uses currently allowed under B-2 and I-1.

[https://codelibrary.amlegal.com/codes/austinmn/latest/austin\\_mn/0-0-0-25694](https://codelibrary.amlegal.com/codes/austinmn/latest/austin_mn/0-0-0-25694)

and district regulations

[https://codelibrary.amlegal.com/codes/austinmn/latest/austin\\_mn/0-0-0-25690](https://codelibrary.amlegal.com/codes/austinmn/latest/austin_mn/0-0-0-25690)

**Staff Report:**

**Considerations: (with staff notes)**

1. Consistency of the proposed zoning with the goals, policies and Future Land Use Map of the Comprehensive Plan. **Requested change.**
2. The compatibility of the site with the uses permitted in the proposed zoning district. **Mixed zoning districts in the area, adjacent to single family residential and commercial.**
3. The compatibility of all the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values. **Also see staff recommendations.**
4. The capacity of existing infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety and welfare” of the residents. **Infrastructure is sufficient.**
5. Whether the uses permitted in the proposed zoning district will cause detrimental environmental impacts, including, but not limited to, excessive

storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.

6. The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the proposed zoning district. [The project will meet the required zoning regulations.](#)
7. The ability of the applicant to satisfy any requirement (e.g., site plan, etc.) applicable to the specific use imposed pursuant to zoning and land use regulation. [It is anticipated that the project will meet parking and other zoning requirements. No variances have been requested.](#)

**Staff recommendations:**

City staff received public comments concerning traffic flow in and out of the property. The city engineer made the following recommendations/observations:

1. There should be a circulation plan within their site to ensure that vehicles are not backing in and impacting traffic on 14<sup>th</sup> Street/11<sup>th</sup> Drive NE.
2. If/when 12<sup>th</sup> Avenue NE is constructed in the future, driveway access will likely be relocated to 12<sup>th</sup> Avenue to avoid intersection conflicts.
3. Fencing will be required around the outdoor vehicle storage area.

**Attachments:**

Map of proposed rezone area  
Future Land Use map

SEC 35-T103N-R18W

Mower Co.

080350040

## I-2 Heavy Industrial

## Subject property

## I-1 light industrial

## B-2 commercial

## B-2 Commercial

B-2

## GOOD SAMARITA

## Interstate

8th AVENUE

THE NE

10

卷之三

160

3116

100

1000

卷之三

卷之三

卷之三

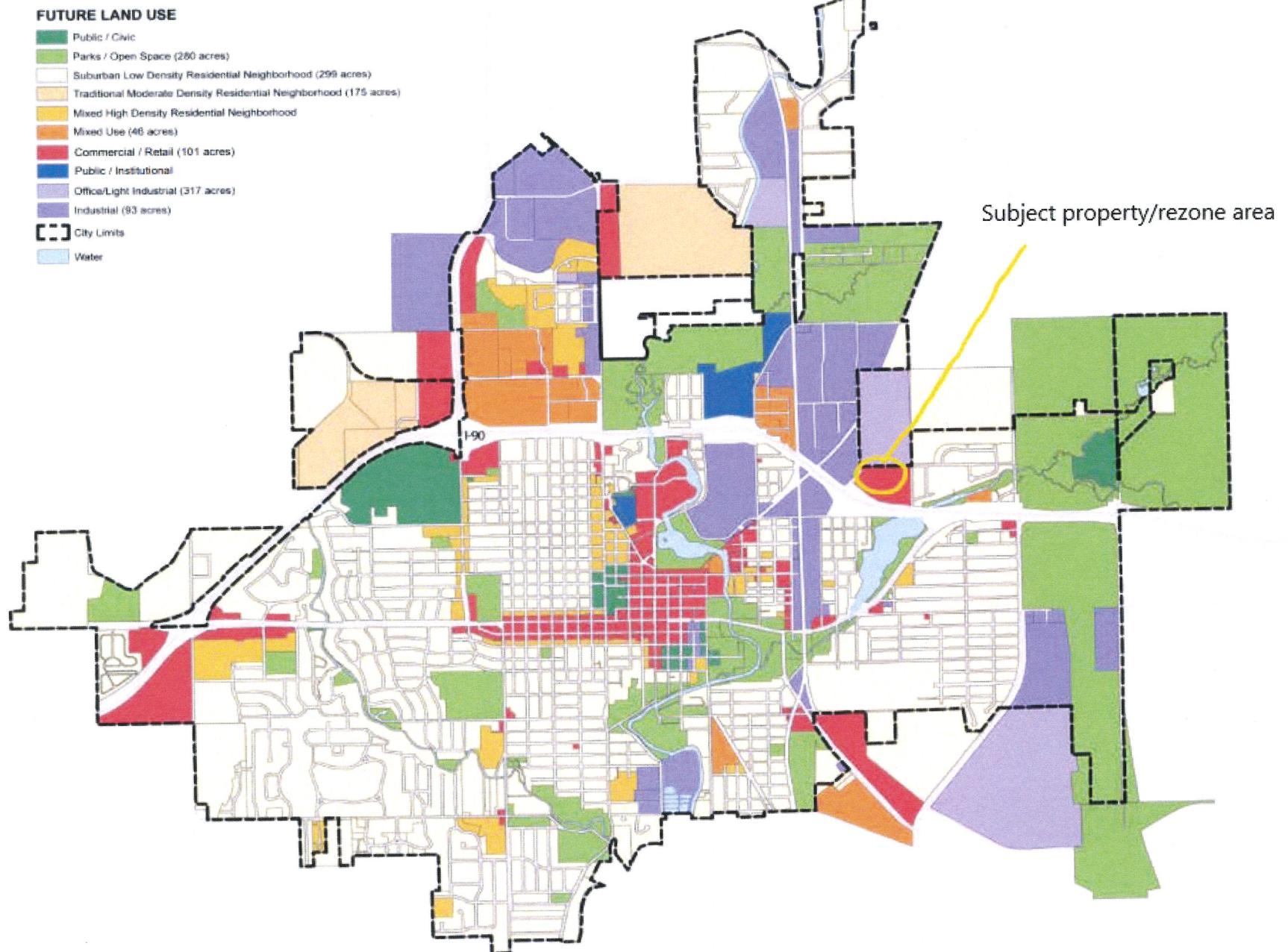
卷之三

三

卷之三

5

FIGURE 2-3.



# APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)  
\*\*Applications are due by the 20<sup>th</sup> day of the prior Month\*\*  
i.e an application for a June meeting is due by May 20<sup>th</sup>

## CITY OF AUSTIN

Street Location of Property: 1710 14<sup>th</sup> St NE

Legal Description of Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Owner: Name SCHAFFER NORTHEWEST LLC Phone 507-433-9189

Address GO 77 Rome Circle NW

City ROCHESTER State MN Zip 55917

Type of Request: Variance CUP IUP  Rezone Other

Fee Total \$ 200

Applicable to Section \_\_\_\_\_ of the Austin City Zoning Ordinance, as amended

Description of Request REZONE FROM INDUSTRIAL TO COMMERCIAL

Reason for Request WE ARE A TOWING + SERVICE SHOP

SO THE NATURE OF OUR BUSINESS REQUIRES US

TO HOLD VEHICLES FOR MINIMUM TIMES ACCORDING TO STATUTE. SO WE NEED  
Present Zoning Classification INDUSTRIAL THE "STORAGE"  
CLASSIFICATION

Existing Use of the Property EMPTY DOCK FACILITY

Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been  
previously sought? N/A When? \_\_\_\_\_

Signature of Applicant Mark Schaffer Date 6/1/23

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the Planning Commission on \_\_\_\_\_ (date)

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the Common Council

Comments \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

**AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA  
AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND  
USE REGULATION (ZONING)" BY CHANGING A LAND  
USE DISTRICT; AND BY ADOPTING BY REFERENCE,  
CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG OTHER  
THINGS, CONTAIN PENALTY PROVISIONS.**

**THE CITY COUNCIL OF THE CITY OF AUSTIN ORDAINS as follows:**

**Section 1.** City Code Chapter 11 is hereby amended by changing the Use District as follows:

The Use District of the hereinafter described premises shall be changed from a B-2 (Community Business) District to an I-1 (Light Industrial) District. The Future Land Use map shall be changed from Commercial / Retail to Office/Light Industrial.

See attached legal description, Exhibit "A".

**Section 2.** The foregoing change shall be noted on the Zoning Map in accordance with City Code Section 11.090.

**Section 3.** City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Passed by a vote of Yeas and Nays this \_\_\_\_\_ Day of \_\_\_\_\_ 2023.

Yea<sup>s</sup> \_\_\_\_\_ Nay<sup>s</sup> \_\_\_\_\_

**ATTEST:**

---

Tom Dankert  
City Recorder

**APPROVED:**

---

Steven King  
Mayor

No.



# Abstract of Title

*To the following described Real Estate situated in*

That portion of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 35, Township 103 North, Range 18 West, Mower County, Minnesota, to-wit: Beginning at the Northwest Corner of said quarter-quarter section; thence East 781.00 feet along the North line of said quarter-quarter section; thence South 303.30 feet at a deflection angle to the right of 89°49' to the Northeast corner of the land conveyed to Holiday Inns of America by deed dated December 5, 1963, and recorded in Book 249 of Deeds, page 352; thence West 443.60 feet at a deflection angle to the right of 89°49' along the North line of said land conveyed to Holiday Inns of America, to the West end of said line, which point lies on the Northeasterly line of the tract of land (hereinafter called the Pure Oil Tract) conveyed to Pure Oil Company by deed dated October 13, 1959, and recorded in Book 224 of Deeds, page 29, at a point 263.65 feet Northwesterly from the most Easterly corner of said tract; thence Northwesterly 336.35 feet at a deflection angle to the right of 37°42', along the Northeasterly line of said Pure Oil Tract to the most Northerly corner of said tract; thence Northwesterly 124.3 feet at a deflection angle to the right of 17°54', to the point of beginning, making an internal angle of 55°14' at said point.

**AFFIDAVIT OF MAILING**  
**PUBLIC HEARING REZONE NOTICE**  
**STATE OF MINNESOTA**  
**COUNTY OF MOWER**

Lauren K Bakken, being first duly sworn, disposes and says: "I am a United states citizen, over 21 years of age, and the engineering clerk of the City of Austin, MN."

On Tuesday June 27<sup>th</sup> 2023, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

Pulver Towing- Rezone  
See attached list

There is delivery service by United States mail between the place of mailing and the places so addressed.



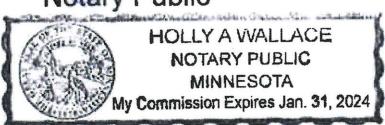
Lauren K Bakken

Subscribed and sworn to before me  
This 27<sup>th</sup> Day of June 2023.



Holly A Wallace

Notary Public



HOLLY A WALLACE  
NOTARY PUBLIC  
MINNESOTA  
My Commission Expires Jan. 31, 2024

**Pulver Towing Rezone**

**Austin Port Authority 34.905.0101- 500 4<sup>th</sup> Ave NE Austin MN 55912**

**Jeffrey Pederson 34.905.0051- 1300 14<sup>th</sup> St NE Austin MN 55912**

**Mailing Address- 52690 130<sup>th</sup> St Lyle MN 55953**

**Convenience Store Investments 34.905.0040 34.905.0191 1509 10<sup>th</sup> PL NE Austin MN 55912**

**Mailing Address- 1626 Oak St Lacrosse WI 54603**

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



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

## Memorandum

**To:** Mayor and City Council

**From:** Austin Planning Commission

**Re:** Radhe Shyam Corp. d/b/a One Stop  
Manishkumar J. Patel  
2114 7th Ave NE  
Austin, MN 55912

**Date:** July 13, 2023

---

At the July 11, 2023, meeting of the Austin Planning Commission, the Commission reviewed a request from the petitioner for a variance from City Code Section 11.023, which requires a 20-foot setback in rear and side yards that abut a residential district.

The petitioner has requested to build up to 5.4 feet from the West property line, which abuts one residential property. There is no setback requirement from the adjacent B-2, commercial district to the South. The lot is small and allowing the smaller setback will make an expansion more feasible for One Stop, however they have an alternative plan in the event the variance is not granted, which is attached.

The property in question is approximately 0.37 acres. With this proposed 40 x 65 addition, the total lot coverage with structures would be approximately 40% (80% lot coverage is allowed).

Two neighbors spoke at the meeting. The adjacent neighbor objected to the variance and another neighbor appeared to support the adjacent neighbor. The adjacent neighbor was primarily concerned about the addition of a liquor store as a use, added traffic, and the change in sight lines. The variance request will not affect the commercial use of the property as a liquor store or other retail establishment, which is allowed.

The builder for the petitioner spoke and noted that the client agreed to additional development recommendations from the city, including the addition of drives, curb and sidewalk along 12<sup>th</sup> St. and closure of the drive along 8<sup>th</sup> Ave. to improve traffic flow and pedestrian safety.

After review, the Planning Commission, with six members present, recommended denying the variance by the following vote:

Ayes – 6

Nays – 0

The Planning Commission found that the variance did not meet the following, specifically #2 of the variance criteria:

1. The requested variance is in harmony with the general purposes and intent of the zoning ordinance.
2. The variance, if granted, would not alter the essential character of the locality in which the property is situated.
3. There are circumstances unique to the property not created by the landowner.
4. The landowner intends to use the land in a reasonable manner not permitted by the ordinance.

## APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)

\*\*Applications are due by the 20<sup>th</sup> day of the prior Month\*\*

i.e an application for a June meeting is due by May 20<sup>th</sup>

### CITY OF AUSTIN

Street Location of Property: 902 12<sup>th</sup> St. SW, Austin, TX 78712

Legal Description of Property: Reidhe Shyam Corp

DBA: One stop Foursquare

Owner: Name Manishkumar J. Patel Phone 512-589-8457

Address 2114 7<sup>th</sup> Ave. NE

City Austin State TX Zip 78712

Type of Request: Variance CUP IUP Rezone Other

Fee Total \$ 360.00

Applicable to Section 11.22.3 of the Austin City Zoning Ordinance, as amended

Description of Request Variance

60x44.5 addition for liquor store. 5.4ft off west property line.

Reason for Request \_\_\_\_\_

Present Zoning Classification OB-2

Existing Use of the Property gas station

Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? NO When? \_\_\_\_\_

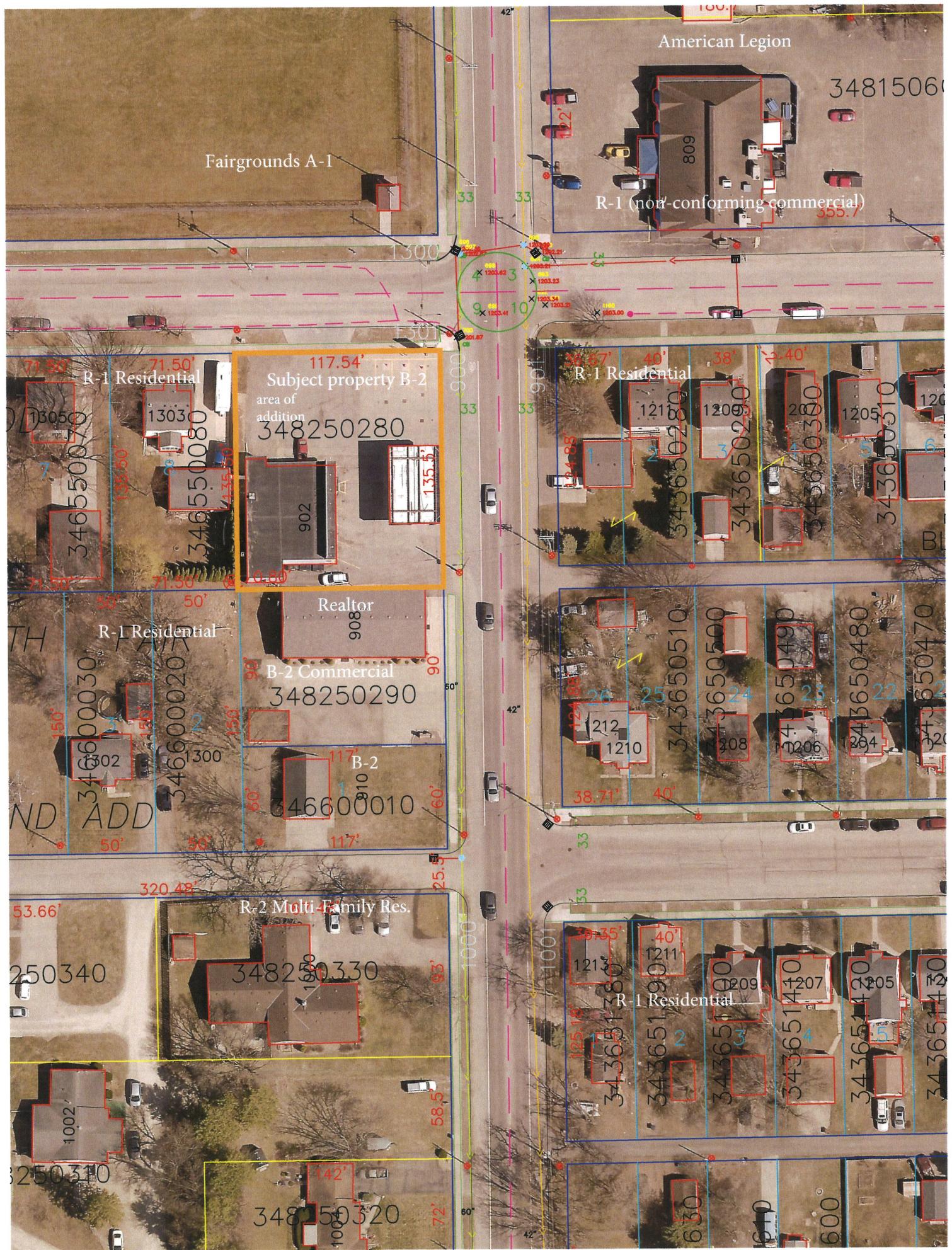
Signature of Applicant [Signature] Date 6/20/2023

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the Planning Commission on \_\_\_\_\_ (date)

Approved \_\_\_\_\_ Denied \_\_\_\_\_ by the Common Council

Comments \_\_\_\_\_

PAD  
(6-21-23)



**AFFIDAVIT OF MAILING**  
**PUBLIC HEARING VARIANCE NOTICE**  
**STATE OF MINNESOTA**  
**COUNTY OF MOWER**

Lauren K Bakken, being first duly sworn, disposes and says: "I am a United states citizen, over 21 years of age, and the engineering clerk of the City of Austin, MN."

On Tuesday June 27<sup>th</sup> 2023, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

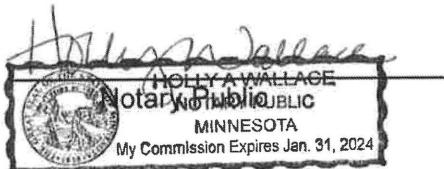
One Stop Food Mart- Variance  
See attached list

There is delivery service by United States mail between the place of mailing and the places so addressed.



Lauren K Bakken

Subscribed and sworn to before me  
This 27<sup>th</sup> Day of June 2023.



### One Stop Food Mart Mailing List

Donald & Kimberly Nystel 34.655.0080- 1303 8<sup>th</sup> Ave SW

Robert & Mary Gleason 34.665.0070- 1305 8<sup>th</sup> Ave SW

Scott Kelly 34.655.0060- 1307 8<sup>th</sup> Ave SW

Matthew Swanson 34.655.0050- 1309 8<sup>th</sup> Ave SW

Liliana Ramirez 34.655.0040- 1311 8<sup>th</sup> Ave SW

Mower County 34.870.0021- 700 12<sup>th</sup> St SW

Mailing Address- 201 1<sup>st</sup> St NE Ste 7 Austin MN 55912

Harlan Bisbee 34.660.0040- 1306 9<sup>th</sup> Ave SW

Mailing Address- Po Box 184 Stacyville IA 50476

Jeffrey Capretz 34.660.0030- 1302 9<sup>th</sup> Ave SW

Mailing Address- 2411 4<sup>th</sup> Dr SW Austin MN 55912

Michael & Dana Steichen 34.825.0290 34.660.0020- 908 12<sup>th</sup> St SW

Mailing Address- 54760 180<sup>th</sup> St Austin MN 55912

Donn Sandell Trust 34.660.0010- 910 12<sup>th</sup> St SW

Mailing Address- 16000 26<sup>th</sup> Ave N Plymouth MN 55447

Anderson Siding & Window 34.825.0340 1307 9<sup>th</sup> Ave SW

Mailing Address- 1700 8<sup>th</sup> St SE Austin MN 55912

Dept Of Human Services 34.825.0330- 1000 12<sup>th</sup> St SW

Mailing Address- 444 Lafayette Rd St Paul MN 55155

Christopher Grunewald 34.815.0610- 805 12<sup>th</sup> St SW

Michael Bothun 34.815.0580- 807 12<sup>th</sup> St SW

American Legion Post 91 34.815.0600- 809 12<sup>th</sup> St SW

Richard W Doty 34.365.0320- 1203 8<sup>th</sup> Ave SW

Mailing Address- 821 Apple LN Lake City MN 55041

David Eyre 34.365.0310- 1205 8<sup>th</sup> Ave SW

Gary Alink 34.365.0300- 1207 8<sup>th</sup> Ave SW

Brandon Lawhead 34.365.0290- 1209 8<sup>th</sup> Ave SW

Mailing Address- 506 W Oakland Ave Austin MN 55912

Georgena Fail 34.365.0280- 1211 8<sup>th</sup> Ave SW

Eng Heng 34.365.0480- 1204 9<sup>th</sup> Ave SW

Mailing Address- 911 E Village Cir SE Rochester MN 55904

Ryan Gapa 34.365.0490- 1206 9<sup>th</sup> Ave SW

Donald Jones 34.365.0500- 1208 9<sup>th</sup> Ave SW

Mailing Address- 300 N Central Ave Hollandale MN 56045

Ana Arguello Lopez 34.365.0510- 1212 9<sup>th</sup> Ave SW

Mailing Address- 1102 1<sup>st</sup> Ave NW Austin MN 55912

Jared Brown 34.365.1400- 1209 9<sup>th</sup> Ave SW

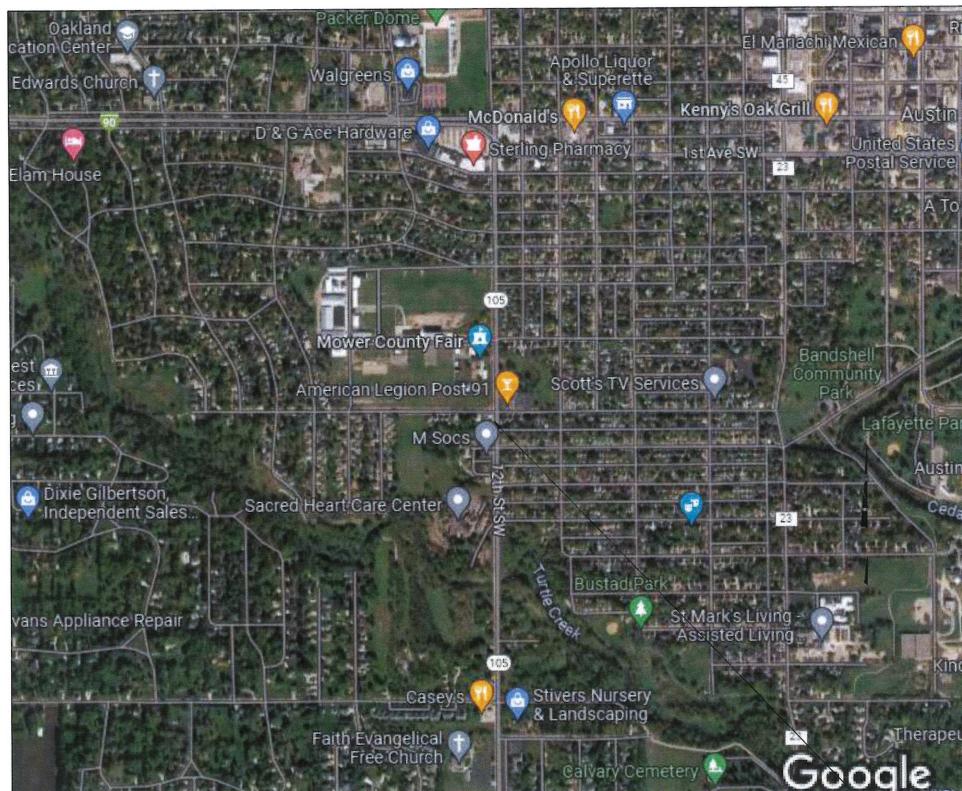
AMNP LLC 34.365.1390- 1211 9<sup>th</sup> Ave SW

Mailing Address- 7017 64<sup>th</sup> St SE Snohomish WA 98290

Dustin Dornink 34.365.1380- 1213 9<sup>th</sup> Ave SW

Mailing Address- 74427 170<sup>th</sup> Ave Hayfield MN 55940

**ONE STOP FOOD MART**  
**IN PART OF OUTLOT 4, SECTION**  
**9-T102-R18W**  
**AUSTIN, MN**



PROJECT LOCATION

**INDEX TO SHEETS**

C1: TITLE SHEET  
 C2: EXISTING CONDITIONS/REMOVAL PLAN  
 C3: HARDSCAPE/LANDSCAPE PLAN

THIS PLAN CONTAINS 3 SHEETS

**LEGEND**

O	■ 5" x 5" x 15" Iron stake monument
●	■ Corner monument
W	■ Water Main
S	■ Sanitary Sewer
ST	■ Storm Sewer
G	■ Gas Main
UT	■ Underground Telephone
OT	■ Overhead Telephone
PO	■ Power Optic
UE	■ Underground Electric
OE	■ Overhead Electric
X	■ Chain Link Fence
-	■ Chain Link Fence - Open Access
○	■ Gate Post
◎	■ Bollards
□	■ Electric Meter
■	■ Gas Meter
□	■ Fiber-Optics Box
V	■ Telephone Pedestal
■	■ Light Tower
8	■ 8' Chain
F&I	■ Furniture & Install
1271	■ Existing Elevation Contour Line
1272	■ Proposed Elevation Contour Line
1273	■ Line Elevation
FL1282.3	■ Concrete Surface
	■ Bluffous Surface
	■ Gravel Surface
	■ Proposed Pavement Elevation
	■ Proposed Top/Bottom of Retaining Wall Elevation

**APPLICABLE CONSTRUCTION PERMITS**

ALL CONSTRUCTION WITHIN COUNTY RIGHT-OF-WAY  
 SHALL BE DONE IN ACCORDANCE WITH THE APPLICABLE  
 PERMIT AS ISSUED BY THE HIGHWAY DEPT.

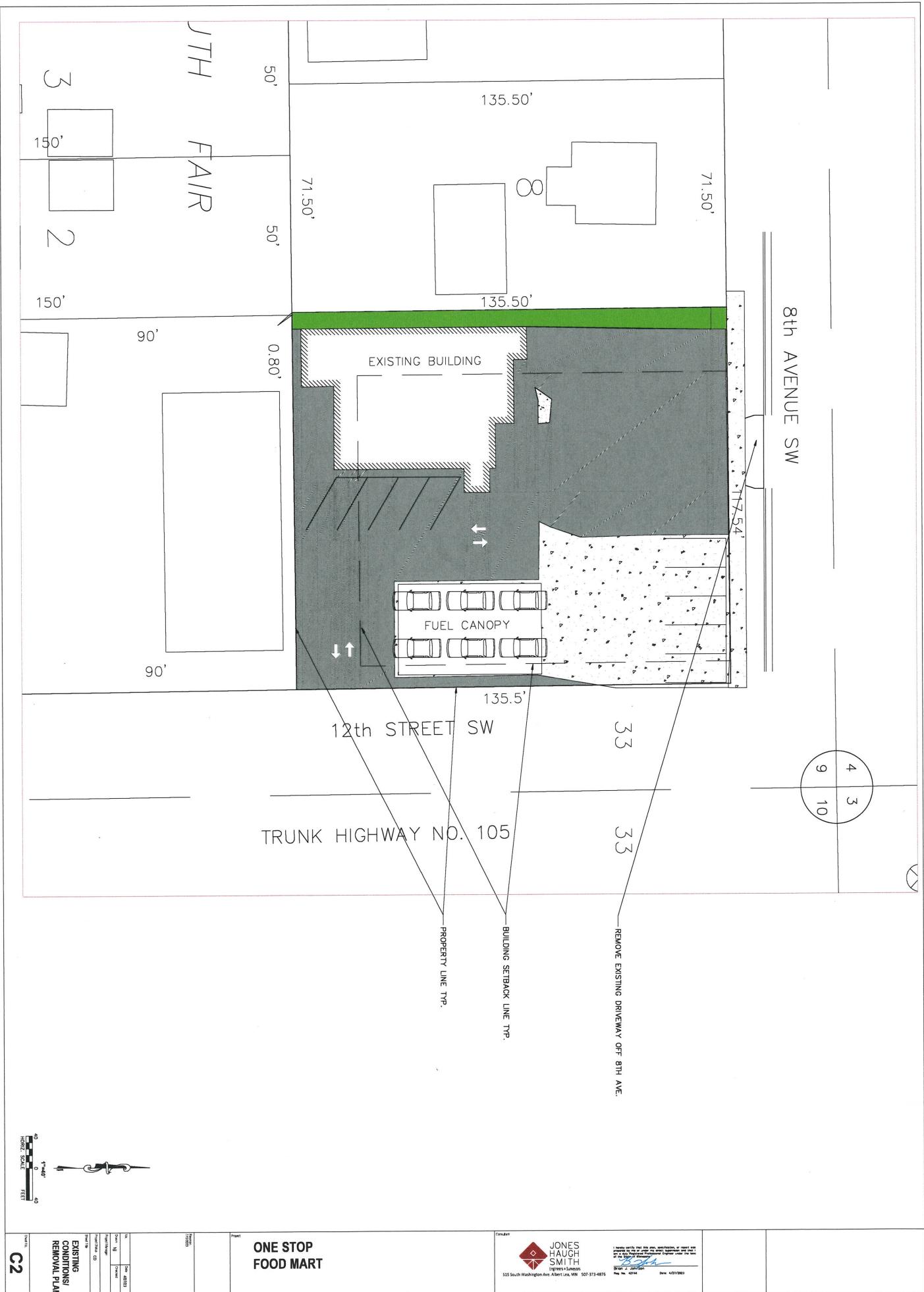
**GENERAL NOTES**

DEVELOPER, CONTRACTOR AND ALL SUBCONTRACTORS SHALL  
 ENSURE THAT ALL CONSTRUCTION ACTIVITIES ARE GOVERNED BY STATE AND LOCAL JURISDICTION.  
 SITE SURVEYS AND PLANS ARE NOT A PART OF THIS PLAN.  
 PROVIDE EROSION CONTROL PER MNPSIS PERMIT REQUIREMENTS AND AS SHOWN.  
 PROVIDE HANDICAP CURB RAMPS & SIGNAGE, COMPLY WITH ALL AMERICAN DISABILITY  
 ACT REQUIREMENTS AS SHOWN.  
 ALL CONCRETE OR ASPHALTIC PAVEMENT CONSTRUCTION SHALL COMPLY WITH THE  
 PROVIDED MNPSIS PAVING AND CONCRETE STANDARDS AND SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.  
 LATEST EDITION.  
 A LOCAL CONSTRUCTION ENTRANCE IS REQUIRED AT ALL  
 CONTRACTOR'S WORK SITES. PAVED ROADS AND DRIVES SHALL BE MAINTAINED.  
 ACCESSED FOR RESIDENTIAL DRIVES SHALL ALWAYS BE MAINTAINED.  
 PROVIDED PAVEMENT SURFACES AS SHOWN.  
 CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL  
 NECESSARY PERMITS AND APPROVALS.  
 SEE BOUNDARY SURVEY BY OTHERS FOR SITE BOUNDARIES.  
 ANY CONSTRUCTION ACTIVITIES OUTSIDE OF THE DEVELOPMENT PLAN AS SHOWN SHALL  
 NOT BE THE RESPONSIBILITY OF JONES, HAUGH & SMITH INC. AND SHALL RELEASE  
 JONES, HAUGH & SMITH INC. FROM ALL LIABILITY RELATED THERETO UNLESS WRITTEN AUTHORIZATION OR PLAN REVISION HAS BEEN APPROVED  
 BY JONES, HAUGH & SMITH INC. PRIOR.

**ONE STOP  
 FOOD MART**

No.	Drawn	Check
Date	02/22	
Drawn by	CHM	
Project Manager		
Project Status	CD	
Client Info		
<b>TITLE SHEET</b>		

**C1**







1. With the increased traffic to the site, I would recommend the following site modifications to improve/control traffic flow and movement.
  - a. Remove driveway on 8th Avenue SW
  - b. Install curb & gutter on 12th Street SW with 2 designated driveways
  - c. Construct pedestrian sidewalk on 12th Street SW
  - d. Relocate existing power pole



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



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

## Memorandum

**To:** Mayor & Council  
**From:** Steven J. Lang, P.E.  
**Date:** July 10, 2023  
**Subject:** Individual Control Mechanism  
 WCI Austin Landfill, LLC (VEIT C&D Landfill)

---

The City has been accepting leachate from the landfills northwest of Austin since 2011. WCI Austin Landfill, LLC purchased the VEIT Construction and Demolition landfill and has had a leachate agreement for this site the last few years. An Individual Control Mechanism has been developed by the City of Austin that establishes the parameters for the leachate and are as follows:

- Establish pollutant level limits for all leachate
  - BOD, TSS, pH, Ammonia, and others
- Establish flow limits
  - 2,000,000 gallons per year or about 330 tanker loads
- Identifies prohibited wastes
  - Flammables, grease/fats, toxic chemicals, and others
- The fee structure corresponds with those established within the City's Miscellaneous Fees, which are currently:
  - \$2,500 annual administration fee
  - \$250 quarterly sampling fee
  - Tanker Fee: based on 6,000 gal/tanker
    - 2023 - \$65.95/load

Attached is the three-year ICM, with modifications consistent with previous agreements. I would recommend approval of a three-year agreement which would expire December 31<sup>st</sup>, 2025 for WCI Austin Landfill. If you have any questions, please feel free to contact me.

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

The City of Austin (City) operates a wastewater treatment facility that serves the businesses and citizens within the City of Austin. WCI Austin Landfill (permittee) the owner/operator of a construction demolition landfill (MPCA Permit SW-514 DD 002) has requested consideration of discharging approximately 2 million gallons/year of leachate from the above referred facility. This ICM is specific to the above referred Permittee.

**The Permittee:** Located in Lansing Township near Austin, accepts Construction and Demolition Debris. Leachate collection system makes the facility an environmentally responsible and convenient disposal option serving southern Minnesota, northern Iowa, and western Wisconsin. Acceptable Materials non-hazardous debris resulting from construction, demolition (C&D), and remodeling projects including Asbestos. Monitoring is done from an underground storage tank located near the main office. Sampling is done quarterly. Leachate is trucked to the Austin Wastewater Treatment Facility.

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

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

**Authority:**

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

2. **Discharge Limits**

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

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

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

b. Flow limits – Permittee may not deliver to the City more than 7,200 gallons/day and an annual amount of approximately 2,000,000 gallons. These amounts may be increased at the discretion of the City with prior authorization on a day by day basis.

**3. Prohibited Waste Charges:**

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

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

Wastes generated outside of the City of Austin, unless prior approval is obtained from the City.

**4. Monitoring and Reporting:**

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

**5. Discharge Sites:**

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

**6. Fee's:**

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

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

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

**7. General Permit Conditions:**

- a. All discharges into public sewers by the Permittee shall be in accordance with applicable provisions of the Minnesota Pollution Control Agency (MPCA), and City.
- b. The Permittee shall not knowingly make any false statement, representation or certification in any record, report, plan or other document submitted.
- c. This ICM shall not release the Permittee from any liability, duty or penalty imposed by local, state or federal statutes, regulations or license requirements regarding waste disposal.
- d. The Permittee shall take all reasonable precautions to minimize all accidental discharges including prohibited slugs, spills and bypasses.
- e. The Permittee shall pay applicable permit fees, add-on service charges, Strength Charges, Load Charges and all other fees as outlined. Any fees that are over 90 days due by the neglect of the Permittee may result in the termination of this ICM.
- f. This ICM is not exclusive. This ICM shall not release the Permittee from conditions set forth by the MPCA, Department of Health, Minnesota Department of Natural Resources or the community in which the site is located.
- g. This ICM is enforceable under the provisions of the Ordinance. A violation of this ICM may be a violation of the Ordinance and subject to the enforcement provisions of the Ordinance.
- h. Any record or other information obtained by the City or furnished to by the Permittee of one or more SIU's as it applies to wastewater, which are certified by said Permittee, and said

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

- i. The City will be allowed to restrict the time periods that leachate is hauled to the Austin Wastewater Treatment Facility. This restriction will be the result of capacity or loading impacts at the WWTP.
- j. As provided for in the Ordinance, duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter the landfill for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of the Ordinance.
- k. This ICM may be renewed or modified by mutual consent of the City and Permittee. This ICM is not transferable except with the prior written permission of the City and prior agreement in writing to the transfer and all conditions in the ICM by the parties involved.
- l. This ICM expires on December 31, 2025 and is subject to be re-opened at the request of either party.

Agreed to:

City of Austin, Minnesota

WCI Austin Landfill

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

Steve King  
Mayor

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: 11/16/2023  
\_\_\_\_\_  
\_\_\_\_\_

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

Tom Dankert  
City Recorder

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

**Testing Parameters**

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

**RESOLUTION NO.**

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

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

**NOW THEREFORE, BE IT RESOLVED** that the City Council approves the agreement as attached in Exhibit A and that such agreement will be effective immediately upon adoption of this resolution and will expire on December 31, 2025.

Passed by a vote of yeas and nays this 17th day of July, 2023.

YEAS

NAYS

ATTEST:

---

City Recorder

APPROVED:

---

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:** Mitch Wenum, PE  
**Date:** July 13, 2023  
**Subject:** Engineering, Planning & Design Services  
 Oakland Ave W & 1<sup>st</sup> Avenue SW

---

The City of Austin has been selected to receive federal funding for the reconstruction of Oakland Avenue and 1<sup>st</sup> Avenue SW in 2025 and 2027.

Project	Year	Federal Funds	Estimated Construction Cost
<b>Oakland Avenue</b> (from 1 <sup>st</sup> St NE to 12 <sup>th</sup> St NW)	2025	\$2,160,000	\$6,000,000
<b>1<sup>st</sup> Avenue SW</b> (from Main St to 12 <sup>th</sup> St SW)	2027	\$2,000,000	\$6,000,000

Due to the importance of the streets to the community, size of the projects, and complexity of the federal funding documentation requirements, we have solicited proposals from three qualified engineering firms to complete the engineering planning and design work for these projects. Our request for proposal to the consultants included the following tasks:

- Task 1: Project Management, Coordination, and Quality Control
- Task 2: Public and Agency Involvement
- Task 3: Project Memorandum, Environmental Documentation and Permitting
- Task 4: Easement / Right-of-way Services
- Task 5: Traffic Analysis
- Task 6: Preliminary Street and Utility Design
- Task 7: Alternate – Austin Utilities Water Main Design
- Task 8: Phasing Plan
- Task 9: Final Design, Construction Document Preparation and Bidding

In order to meet federal funding requirement deadlines, Tasks 1-9 are planned for completion by December 1, 2024.

We received proposals from three engineering firms to complete the planning and design for Oakland Ave and 1<sup>st</sup> Ave SW. The proposals are summarized below:

Consultant	Proposal Amount
WHKS & Co.	\$795,700.00
SEH Inc.	\$995,288.00
Bolton & Menk	\$1,188,134.00

Selection of the consultant is based on the following criteria:

- Qualifications/experience of the personnel working on the project (20%)
- Understanding of the project objectives (20%)
- Work plan/schedule (20%)
- Cost (40%)

The WHKS proposal includes approximately 5,330 hours of their staff time to complete the work in Tasks 1-9. WHKS and their staff have experience in meeting federal documentation requirements and designing similar projects throughout southeast Minnesota.

Based upon the selection criteria for the proposals, we recommend awarding the Oakland Ave & 1<sup>st</sup> Ave SW engineering, planning and design services to WHKS & Co.

Funding for the planning and design work will come from the total project budget which includes federal, municipal state aid street fund and local funds.

If you have any questions, please contact me.



## Existing Roadways



0 500 1,000 2,000 US Feet

Date: 6/26/2023

RESOLUTION NO.

**APPROVING ENGINEERING CONSULTING SERVICES  
FOR OAKLAND AVENUE WEST AND 1<sup>ST</sup> AVENUE SW STREET RECONSTRUCTION**

WHEREAS, the City of Austin has been selected to receive federal funding in 2025 & 2027 for the reconstruction of Oakland Avenue West and 1<sup>st</sup> Avenue SW; and

WHEREAS, the City has received proposed from three engineering firms to complete the planning and design for the project; and

WHEREAS, the City has received a proposal from WHKS in the amount of \$795,700 for construction planning and design services for the project; and

WHEREAS, the WHKS proposal was the lowest proposal submitted; and

WHEREAS, the City recommends awarding the contract to WHKS.

NOW THEREFORE, BE IT RESOLVED, that the City Council approves the contract in the amount of \$795,700 from WHKS for the engineering design services for the Oakland Avenue West and 1<sup>st</sup> Avenue SW Street Reconstruction project.

Passed by a vote of yeas and nays this 17th day of July, 2023.

YEAS

NAYS

ATTEST:

APPROVED:

---

City Recorder

---

Mayor

# AUSTIN POLICE DEPARTMENT

## LAW ENFORCEMENT CENTER

201 1<sup>ST</sup> STREET NE STE 2 AUSTIN MN 55912 (507) 437-9400 FAX: (507) 437-9546



7-12-2023

Mayor and Council,

The Austin Police has a drone program and two currently licensed operators. We have a 3<sup>rd</sup> officer attempting to complete the training and take the licensure exam. We have four drones. We do use one of those drones almost exclusively due to its performance far exceeding the other models. That drone is also our most expensive and represented the majority of our initial costs.

We do use our drone on a somewhat regular basis and in many regards, our large drone has exceeded our expectations. This is mostly for area searches in missing person or runaway cases. We also will assist other City Departments when they have photo needs, such as we are doing now, and will do going forward, for the sewage treatment plant project, by providing our staff and drone to take periodic overview photos to show progress.

The other three drones have not provided us with the performance we expected and also are no longer current technology. Outside of being back-ups, if we are operating two drones at once, or our flight hours exceed our ability to keep the first drone aloft due to battery needs. We had hoped that we could use the other three drones in confined spaces, such as buildings during search warrants, but we have found that they cannot perform in that role, as their design does not fit with that use. We do want to use them more for that role, especially as we no longer have a K-9 to perform some searches. Even if we had a K-9 though, we often could not introduce them into some searches due to safety reasons.

Our drone operators have identified a newer style drone made by DJI as being able to fulfill that interior building search role. DJI is the manufacturer of our other drones and we have been happy with the construction and build quality. This drone has first person viewing capabilities as well.

# AUSTIN POLICE DEPARTMENT

## LAW ENFORCEMENT CENTER

201 1<sup>ST</sup> STREET NE STE 2 AUSTIN MN 55912 (507) 437-9400 FAX: (507) 437-9546



A cost breakdown for the drone and the accessories is attached. The total dollar amount would be \$3,521. We are asking for Council approval to pay for a purchase that was not an original 2023 budgeted item or known need. This is not a contingency fund request as we have identified saving in the 2023 budget that would offset the amount required for this drone. I have conferred with the City Administrator on this purchase and with his permission; I am now advancing it to you for consideration.

That offset would be that we would have cost savings from our remaining unutilized 2023 K-9 budget of \$3,197, which will cover the majority of the costs here. We also have additional anticipated budget saving related to not paying a K-9 stipend to the handler for the remainder of 2023 that I estimated at around \$8,000.

Thank you for your consideration,



Chief McKichan



# VERTEX

UNMANNED SOLUTIONS

Quote #D2352  
Mar 6, 2023

**SHIPPING ADDRESS**

Derek Ellis  
Austin Police  
201 1st St NE  
Austin MN 55912  
United States

**CUSTOMER**

Derek Ellis  
Austin Police  
201 1st St NE  
Austin MN 55912  
United States

ITEMS	PRICE	QTY	ITEM TOTAL
 DJI AVATA CASE SKU: 850005270898	\$249.00	1	\$249.00
 DJI Avata Fly More Kit	\$279.00	1	\$279.00
 DJI Avata FPV Tactical Light Kit for Interior and Exterior Ops. 4 Light Kit	\$139.00	1	\$139.00
 DJI Avata Intelligent Flight Battery	\$129.00	1	\$129.00
 DJI Avata Pro-View Combo	\$1,388.00	1	\$1,388.00
 DJI FPV Remote Controller 2	\$199.00	1	\$199.00



DJI Goggles 2 Battery	\$39.00	1	\$39.00
-----------------------	---------	---	---------



FPV Tactical Command Case - 24" screen	\$1,099.00	1	\$1,099.00
--	------------	---	------------

---

Subtotal	\$3,521.00
----------	------------

Shipping	\$0.00
----------	--------

<b>TOTAL (USD)</b>	<b>\$3,521.00</b>
--------------------	-------------------

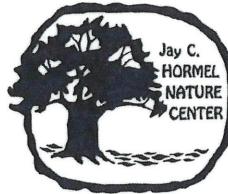
---

\*This quote is confidential and is not to be shared or discussed with outside parties.

**Vertex Unmanned Solutions, LLC**

14212 23rd Ave N, Plymouth, MN, 55447, United States  
sales@vertexunmanned.com  
vertex-unmanned-solutions-llc.myshopify.com

Jay C. Hormel Nature Center  
1304 21<sup>st</sup> St NE  
Austin, MN 55912



[www.hormelnaturecenter.org](http://www.hormelnaturecenter.org)  
(507) 437-7519

## Memorandum

TO: Craig Clark

CC: Dave Merrill

RE: GMRPTC Funding Request for Supplemental Environmental Education Staffing

DATE: July 13, 2023

Mr. Clark:

The current funding for supplemental environmental education staffing targeting students from outside of Austin ends June 30, 2024.

In April, we applied to the Legislative-Citizen Commission on Minnesota Resources (LCCMR) for an additional three years of funding. On June 22, we presented the project before the LCCMR. Funding recommendations will be released in the end of July.

If unsuccessful, the Greater MN Regional Parks and Trails Commission (GMRPTC) is another possible source for funding. The application deadline is July 31. We plan to apply to the GMRPTC with virtually the same request for \$410,000. The only difference is that I will be requesting a match from the Friends of the Hormel Nature Center at their July 17 meeting. **These requests require no match from the City of Austin.**

If the LCCMR grant request is successful, we will pull our GMRPTC request.

As a reminder, the "HNC Supplemental Teaching Staff" project is a continuation of what began in fall of 2021 with our initial LCCMR grant that funds two staff for three years, one naturalist and a one-year intern for each year. The purpose of this project is to grow our environmental education reach outside of Austin by using state funds. LCCMR funding comes from the state's Environmental and Natural Resources Trust Fund while GMRPTC funding comes from their allocation from the Clean Water Land and Legacy Amendment.

Challenges we had with the first grant from the LCCMR have been resolved. I am confident the budget is as accurate as can be expected given the unknowns of future city staff contracts beyond 2025.

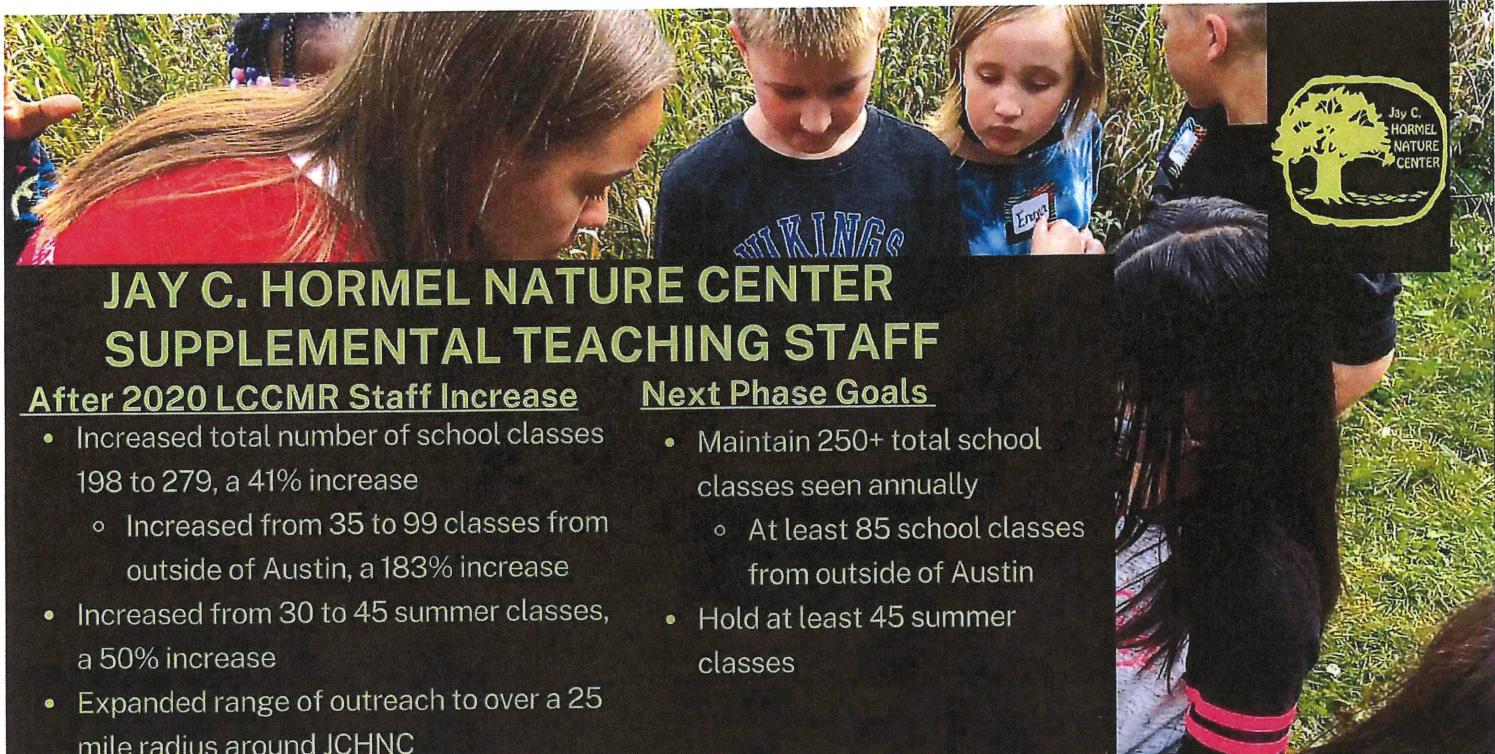
Funding from either of these grant requests would become available on July 1, 2024. If funding from outside of the City of Austin is not found, the additional staffing positions will be eliminated and we will return to the staffing levels from before the first grant.

Respectfully submitted,

J. Luke Reese

Director

Jay C. Hormel Nature Center  
[luke.reese@hormelnaturecenter.org](mailto:luke.reese@hormelnaturecenter.org)



## JAY C. HORMEL NATURE CENTER SUPPLEMENTAL TEACHING STAFF

### After 2020 LCCMR Staff Increase

- Increased total number of school classes 198 to 279, a 41% increase
  - Increased from 35 to 99 classes from outside of Austin, a 183% increase
- Increased from 30 to 45 summer classes, a 50% increase
- Expanded range of outreach to over a 25 mile radius around JCHNC

### Next Phase Goals

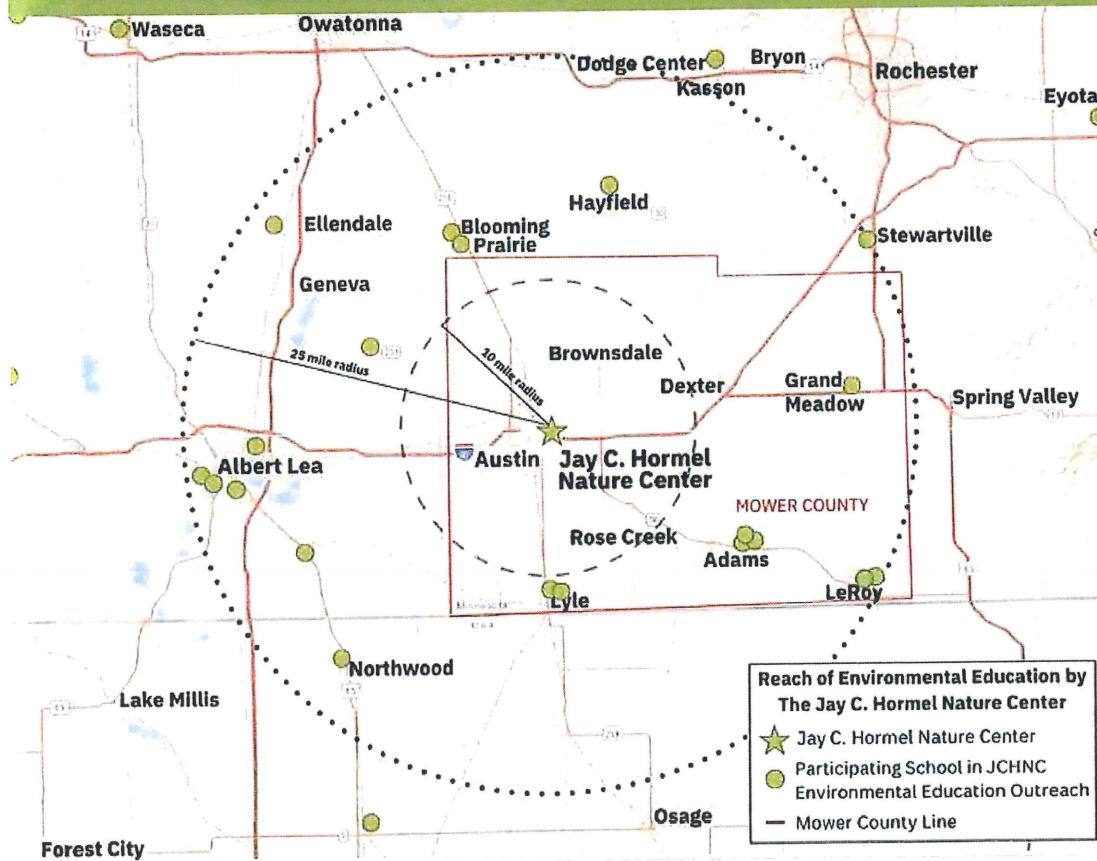
- Maintain 250+ total school classes seen annually
  - At least 85 school classes from outside of Austin
- Hold at least 45 summer classes



## Jay C. Hormel Nature Center

- Established 1971
- Owned and Operated by the City of Austin

- 530+ Acres of Land
- \$6.8 Million Interpretive Center Built in 2017



### Schools Reached With LCCMR & ENRTF

- Lyle
- Southland
- Blooming Prairie
- LeRoy-Ostrander
- Grand Meadow
- Hayfield
- Glenville-Emmons
- United South Central
- NRHEG
- St. Charles
- Stewartville
- Northwood Kensett
- Central Springs
- Albert Lea
- Waseca
- SMEC
- Kasson-Mantorville
- Hollandale
- Janesville-Waldorf

**RESOLUTION NO. #####**

**RESOLUTION APPROVING A GREATER MINNESOTA LEGACY GRANT  
APPLICATION TO THE GREATER MINNESOTA REGIONAL PARK AND  
TRAILS COMMISSION AND MINNESOTA DEPARTMENT OF NATURAL  
RESOURCES FOR THE JAY C. HORMEL NATURE CENTER SUPPLEMENTAL  
TEACHING STAFF PROJECT**

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

WHEREAS, the City of Austin, Jay C. Hormel Nature Center has the right and authority to sponsor a grant funding request to the Greater Minnesota Regional Parks and Trails Commission (GMRPTC).

WHEREAS, City of Austin, Jay C. Hormel Nature Center has a right and authority to act as Legal Sponsor for the State Grant Application (the "Application") and will work with the Minnesota Department of Natural Resources ("DNR"), in developing a Grant Agreement relating to the funding which may be awarded by the GMRPTC.

**THEREFORE, BE IT RESOLVED**, That the Applicant certifies it has read and understands the Office of Grants Management Conflict of Interest Policy 08-01, will maintain an adequate Conflict of Interest Policy and monitor and report any actual, potential, or perceived conflicts of interest to the GMRPTC and DNR.

**BE IT FURTHER RESOLVED**, that the Applicant confirms all of the information in its Application and further confirms that it has no expectation of, or entitlement to, reimbursement of costs incurred prior to grant agreement execution date and, if applicable, it has not entered into a written purchase agreement to acquire property described in its Application if grant funds are to be used for the purchase.

**BE IT FURTHER RESOLVED**, that the Applicant has or will acquire a fee interest ownership or permanent easement over the land described in the Application for regional parks and regional special feature parks as applicable. The applicant has or will acquire a fee interest, permanent or perpetual easement or minimum twenty (20) year lease over the land described in the Application for regional trails or regional special feature parks, as applicable and approved, before the project proceeds.

**BE IT FURTHER RESOLVED**, that the Applicant agrees that it will comply with all applicable laws, regulations and requirements as stated in the Grant Agreement with the DNR, including dedicating the park property for uses consistent with the grant agreement into perpetuity or for trails, committing to maintain the trails for a period of not less than twenty (20) years, and dedicating all land acquired under the project for uses consistent with the grant agreement into perpetuity.

**BE IT FURTHER UNDERSTOOD**, that the GMRPTC will confirm at such time that it has made the award of funds authorizing a Grant Agreement to be developed between the DNR and the Applicant.

Passed by a vote of yeas and nays this 17th day of July, 2023.

YEAS

NAYS

ATTEST:

---

City Recorder

APPROVED:

---

Mayor

City of Austin  
Zoning Department



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

## Memorandum

**To:** Mayor and City Council

**Cc:** Warren & Janette Hegna  
709 8<sup>th</sup> Ave SE  
Austin, MN 55912

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

**Re:** Hazardous Structure located at **613 10<sup>th</sup> Dr SE, Austin MN 55912**

**Date:** **July 12, 2023**

---

May I ask the City Council to review and approve this resolution classifying the property located at 613 10<sup>th</sup> Dr SE, Austin, Minnesota, as hazardous pursuant to Minnesota Statues 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!



July 22<sup>nd</sup>, 2021

Warren & Janette Hegna  
709 8<sup>th</sup> Ave SE  
Austin, MN 55912

RE: Housing Violations at 613 10<sup>th</sup> Dr SE, Austin, MN 55912

Dear Warren & Janette:

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 July 20<sup>th</sup>, 2021 to check for progress at this site, and the following issues need to be resolved:

1. Protective treatment on fascia, trim and exterior door
2. Weatherproofing on exterior walls
3. Repair/Replace broken windows

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

**304.2 Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, loose or rotting material; and maintained weatherproof and properly surfaced coated where required to prevent deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if: a) The protective surface is paint (25%) of the area of any plane or wall or other area including window trim, cornice members, porch railing and other such areas; b) More than (25%) of the finish coat of a stucco wall is worn through or chipped away.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.** Glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

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,



Brent Johnson  
Zoning Inspector



April 14<sup>th</sup>, 2023

Warren & Janette Hegna  
709 8<sup>th</sup> Ave SE  
Austin, MN 55912

RE: Violations at 613 10<sup>th</sup> Dr SE, Austin, MN 55912

Dear Warren & Janette:

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 July 20<sup>th</sup>, 2021 and April 13<sup>th</sup>, 2023 to check for progress at this site, and the following issues need to be resolved:

- 1. Exterior walls of building shall be maintained weatherproof and properly surfaced coated. Shall be free from holes, breaks, loose or rotting material.**
- 2. Windows on building shall be kept in sound condition, good repair and weather tight**
- 3. Protective treatment on all non-covered exterior trim of the building**

**( No progress has been made)**

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

**304.2 Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**304.6 Exterior walls.** All exterior walls shall be free from holes, breaks, loose or rotting material; and maintained weatherproof and properly surfaced coated where required to prevent deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if: a) The protective surface is paint (25%) of the area of any plane or wall or other area including window trim, cornice members, porch railing and other such areas; b) More than (25%) of the finish coat of a stucco wall is worn through or chipped away.

**304.13 Window, skylight and door frames.** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

**304.13.1 Glazing.** Glazing materials shall be maintained free from cracks and holes.

**304.13.2 Openable windows.** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

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,



Brent Johnson  
Zoning Inspector

TIME STAMP 

July 20, 2021  
9:32 AM

TIME STAMP 





**July 20, 2021  
9:25 AM**

TIME STAMP 



TIME STAMP 



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

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING  
LOCATED AT 613 10<sup>th</sup> DR SE AUSTIN, MINNESOTA  
OWNED BY WARREN & JANETTE HEGNA**

**WHEREAS**, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 613 10<sup>th</sup> Dr SE to be a hazardous building for the following reasons:

- 1. Exterior walls of building shall be maintained weatherproof and properly surfaced coated. Shall be free from holes, breaks, loose or rotting material.**
- 2. Windows on building shall be kept in sound condition, good repair and weather tight**
- 3. Protective treatment on all non-covered exterior trim of the building**

**WHEREAS**, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on July 22<sup>nd</sup>, 2021 and April 14<sup>th</sup>, 2023 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. Exterior walls of building shall be maintained weatherproof and properly surfaced coated. Shall be free from holes, breaks, loose or rotting material.**
  - 2. Windows on building shall be kept in sound condition, good repair and weather tight.**
  - 3. Building permits required**
  - 4. Protective treatment on all non-covered exterior trim of the building**
  - 5. Interior safety/structural inspection**
  - 6. Or demolish building- 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 \_\_\_\_\_, 2023

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:** Borere Batikare  
707 6<sup>th</sup> Ave SW Austin, MN 55912

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

**Re:** Accumulation of Refuse and Junk  
At 707 6<sup>th</sup> Ave SW, Batikare Property

**Date:** July 14, 2023

---

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 707 6<sup>th</sup> Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You



June 27<sup>th</sup>, 2023

Borere Batikare  
707 6<sup>th</sup> Ave SW  
Austin MN 55912

RE: Zoning Violations at 707 6<sup>th</sup> Ave SW, Austin, MN 55912

Dear Borere:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on June 26<sup>th</sup>, 2023 at this site and the following issues need to be resolved:

1. Remove all junk/garbage from property
2. All refuse must be in watertight containers and lawfully disposed of, at least once each week during the year.

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

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

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

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

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

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

except tune-up parts, inflammable liquids, tree trunk sections over four inches in diameter. Tires and white goods need not be accepted as refuse by licensed garbage haulers, but shall be disposed of at the depository as designated by the County Board.

B. *Container requirements.* Each container shall be watertight, shall be impervious to insects and rodents and shall not exceed 32 gallons in capacity, garbage containers when full shall not exceed 60 pounds in weight, when waste is collected by licensed haulers by mechanical lifting devices, the use of the container shall not exceed 90 gallons or limited, as defined by the hauler. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this section or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city. Notwithstanding the foregoing, grass clippings and leaves may be temporarily stored in bags provided by licensed garbage haulers for pick up by licensed garbage haulers or in plastic bags provided by the owner for ultimate disposal at a site designated by the Council.

C. *Placement.*

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

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

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

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

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

**B. Public nuisances affecting health**

5. Accumulations of manure, refuse, junk or other debris;

**D. Public nuisances affecting peace and safety.**

16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

**City Code Section 10.14, Subd. 4(E-G)**

**NOTICE AND ABATEMENT.**

E. Whenever a public officer or other person charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the City enforcement officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

**F.** The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

**G.** If an emergency exists that presents an immediate danger to citizens affecting their safety, the officer shall require immediate abatement of such nuisance. If the notice is not complied with within the time specified, the enforcing officer shall report that fact forthwith to the Council and may take such other appropriate action as may be necessary. The Council may, after notice to the owner or occupant, provide for the abating of the nuisance by the City.

**City Code Section 10.14, Subd. 5:**

**RECOVERY OF COST.** The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Recorder shall prepare a bill for the cost and mail it to the owner. There upon, the amount shall be immediately due and payable at the Office of the City Recorder. Ownership shall be presumed to be the owner as shown on the records of the County Treasurer unless the City Recorder has reason to know that such information is not accurate, in which event, notice shall be given to such other person as the City Recorder has reason to believe is, in fact, the true owner of said premises.

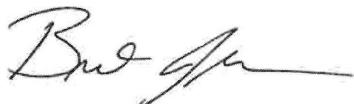
**City Code Section 10.14, Subd. 6:**

**ASSESSMENT.** If the cost of abating said nuisance is not paid in full to the City Recorder before September 1, next, then on or before September 1, next, following the abatement of the nuisance, the City Recorder shall list the total unpaid charges along with other such charges, as well as other charges for current services to be assessed under Minnesota Statutes 429.101 against each separate lot or parcel to which charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Please resolve the City Code violations within **10 days** of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations.

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

Sincerely,



Brent Johnson  
Zoning Inspector

