

A G E N D A
CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 5, 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 August 21, 2023

3. Recognitions and Awards.

 Welcoming Week Proclamation - Briana Broberg

 Art Purchase Award – Bonnie and Tim Rietz

 Presentation of City Art Award

(mot) 4. *Consent Agenda

Licenses:

 Exempt Gambling (raffle): United Catholic Schools Foundation on November 8, 2023

Claims:

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

Appointments:

 An Le as the Honorary Council Member – September 18 to December 4, 2023

 Bryan Davis to the Human Rights Commission – term through December 31, 2024

 Tina Miller to the Parks and Recreation Board – term through December 31, 2025

 Michael Bambrick to the Parks and Recreation Board – term through December 31, 2024

PETITIONS AND REQUESTS:

(res) 5. Approving a contract with Abestrol for asbestos tile removal in City Hall.

(res) 6. Setting public hearings for October 2, 2023 for fall assessments.

(res) 7. Approving a letter of understanding with Agriculture Pollution Innovation and a grant application with Compeer Financial.

(mot) 8. Approving \$22,065 from 2023 contingency for an emergency panel at the Library.

(res) 9. Accepting donations to the City of Austin.

(res) 10. Accepting a volunteer fire assistance grant from the MnDNR.

(mot) 11. Authorizing the installation of camera equipment for the Austin Bruins at Riverside Arena.

(res) 12. Approving a contract with SEH, Inc. for design services on an equalization digester at the Waste Water Treatment Plant.

(res) 13. Authorizing grant funding with Minnesota Public Facilities Authority.

(res) 14. Approving a modified resolution for an annexation with Austin Township.

15. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at the following locations:

(mot) a. 1019 8th Avenue NE, Graham Property.

(mot) b. 709 11th Avenue SW, Win Property

(mot) c. 601 13th Avenue SW, Wilder Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

(mot) Adjourn to **Monday, September 18, 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
August 21, 2023
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Laura Helle, Jason Baskin, Michael Postma, Joyce Poshusta, Geoff Baker

MEMBER APPEARING ELECTRONICALLY: Council Member-at-Large Jeff Austin

MEMBERS ABSENT:

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

APPEARING IN PERSON: Austin Daily Herald, KAUS Radio, KAAL TV, Elaine Hansen, Nate Smit, Nancy Schnable, Saville Lord, Tim Ruzek, John Martin, Deanna Ryther, Dixie Gilbertson, David Raffles, Charles Mills, Public

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

Consent Agenda Addition

(mot) 4. Licenses:

Temporary Liquor: Austin Area Commission for the Arts on November 18, 2023

Edible Cannabinoid: Snak Atak Liquor, 903 West Oakland Avenue

Tobacco: Snak Atak Liquor, 903 West Oakland Avenue

(res) 15. Granting a hard liquor on-sale license to Austin Bruins, LLC dba Austin Bruins.

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

Moved by Council Member Baker, seconded by Council Member Fischer, approving Council minutes from August 7, 2023. Carried.

CONSENT AGENDA

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

Licenses:

Edible Cannabinoid: Snak Atak #21, 901 West Oakland Avenue
Edible Cannabinoid: Snak Atak #22, 3011 West Oakland Avenue
Food (transfer): Snak Atak #21, 901 West Oakland Avenue
Food (transfer): Snak Atak #22, 3011 West Oakland Avenue
Gas Station (transfer): Snak Atak #21, 901 West Oakland Avenue
Gas Station (transfer): Snak Atak #22, 3011 West Oakland Avenue
Mobile Food: Crock and Roll, Little Falls
Tobacco (transfer): Snak Atak #21, 901 West Oakland Avenue
Tobacco (transfer): Snak Atak #22, 3011 West Oakland Avenue
Temporary Liquor: Austin Area Commission for the Arts on November 18, 2023
Edible Cannabinoid: Snak Atak Liquor, 903 West Oakland Avenue
Tobacco: Snak Atak Liquor, 903 West Oakland Avenue

Claims:

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

Event Applications:

Austin ArtWorks Festival on August 25-27, 2023
Wyatt Strong Boys Hockey Fundraiser on September 16, 2023

Carried 6-0 with Council Member Helle abstaining.

PETITIONS AND REQUESTS

Director of Administrative Services Tom Dankert reviewed the 10 projects that have been submitted by staff for the 2024 Hormel Foundation. The Council ranked the projects in the following order:

CHIP Program - \$225,000
Emerald Ash Borer treatment and tree planting - \$75,000
Single Family Lot Incentive - \$200,000
Bandshell/Community Park ADA & Access Improvements - \$71,250
Delivering the Data: Hotspot Data Plans 2024 - \$60,000
Riverside Arena Handicapped Elevator Lift - \$50,000
Jay C. Hormel Nature Center Education Programs - \$50,000
Fire Prevention and Education - \$5,000
Ruby Rupner Facility Upgrades - \$75,000
Hormel Nature Center Radios - \$13,000

Mr. Dankert also noted there is a quality-of-life grant in the amount of \$97,078 that is funneled through the City for the benefit of the 4th of July fireworks and the Austin Artworks Center.

Moved by Council Member Baker, seconded by Council Member Postma, adopting a resolution approving Hormel Foundation grant request rankings. Carried.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution approving Austin Utilities service territory expansion. Carried 7-0.

Moved by Council Member Baker, seconded by Council Member Fischer, adopting a policy for outside entity participation. Carried.

Moved by Council Member Fischer, seconded by Council Member Postma adopting a resolution approving a memorandum of agreement with Hormel Foods for the bike skills course. Carried 7-0.

Moved by Council Member Baskin, seconded by Council Member Baker, for preparation of the cannabis moratorium ordinance. Carried.

Moved by Council Member Baker, seconded by Council Member Postma, for adoption and publication of the cannabis moratorium ordinance. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Poshusta, for preparation of the cannabis and cannabinoid products use ordinance. Carried.

Moved by Council Member Baker, seconded by Council Member Fischer, for adoption and publication of the cannabis and cannabinoid products use ordinance. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a limited use permit with the Minnesota Department of Transportation for the construction of pedestrian trails and sidewalk within the I-90 right of way as part of the bridge replacement projects. He stated there are multiple locations for the sidewalks and trails and the limited use permit would be in effect for 10 years. The City would be responsible for the construction of the trails.

Moved by Council Member Baker, seconded by Council Member Fischer, adopting a resolution approving a limited use permit with MnDOT for the I-90 bridge replacement project. Carried 7-0.

City Clerk Ann Kassel requested the Council approve a liquor license for an off-sale liquor license for Apollo Retail, LLC dba Snak Atak Liquor.

Moved by Council Member Poshusta, seconded by Council Member Baskin, adopting a resolution approving an off-sale liquor license to Apollo Retail, LLC dba Snak Atak Liquor #3. Carried 7-0.

City Administrator Craig Clark the Council approve a resolution modifying UAW Parks' participation in their post-retirement healthcare savings plan. The UAW requested the change and it is at no cost to the City.

Moved by Council Member Baker, seconded by Council Member Postma, adopting a resolution approving a memorandum of agreement with UAW 867 Parks for their participation in the Minnesota State retirement system health care savings plan. Carried 7-0.

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 406 2nd Street SE, Raygor Property. Carried.

Moved by Council Member Postma, seconded by Council Member Fischer, approving an on-sale liquor license to Austin Bruins, LLC dba Austin Bruins. Carried 7-0.

CITIZENS ADDRESSING THE COUNCIL

Charles Mills, addressed concerns about the City Charter and would like the charter clarified.

John Martin, noted the issues in the City and the community need to be fixed and was concerned about the marijuana laws.

Dixie Gilbertson, 2401 11th Avenue SW, stated the community would like to be informed as to what is happening with Park and Rec in the community.

Deanna Ryther, Lansing Township, would like consistent transparency for the community. She also appreciated the State in legalizing cannabis.

David Raffleson, 1110 5th Street NW, would like the issue with the Park and Rec charter and City charter resolved.

Mayor King thanked the citizens for their comments. He stated the charter issues are being discussed. He stated the Council has provided an opinion as to the ultimate leader of the City. He encouraged people with passion for the City will use that passion for the betterment of the City.

REPORTS

Council Member Poshusta thanked the community for showing up to the meeting and she agreed that there would be work for the clarification of the charter issue.

Council Member Fischer thanked the individuals for showing up to the meeting.

Council Member Baskin also thanked the community for coming and thanked the Mayor for the statement. He added there is two sides to every story and the City Council spent many hours behind the scene trying to work with the Park and Rec Board. He stated the City Attorney has issued a clear opinion on the issue.

Council Member Baker stated he is sorry the issue got to this point and noted there is work to do on the charter.

Council Member Postma stated he appreciated the Mayor's statement. He stated this has been worked on behind the scenes since his time on Council.

Council Member Helle thanked Randy Hofner and crew for their hard work for the Austin Artworks Festival. She also noted the mural on the pool building is being completed. She also encouraged citizens to serve on boards and commissions.

Moved by Council Member Baker, seconded by Council Member Postma, adjourning the meeting to September 5, 2023. Carried.

Adjourned: 6:10 p.m.

Approved: September 5, 2023

Mayor: _____

City Recorder: _____

From the Office of the Mayor



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

Proclamation

WHEREAS: *The City of Austin proudly recognizes the Welcoming Week national event occurring September 8 through September 17, 2023; and*

WHEREAS: *This week, we honor the spirit of unity that brings neighbors together throughout Austin. During Welcoming Week, we invite all the residents of Austin to join the movement of communities nationwide by renewing our commitment to our core American values and by acting in the spirit of welcoming. By working together, we can achieve greater prosperity and make our community the kind of place where diverse people from around the world feel valued and want to put down roots; and*

WHEREAS: *Regardless of where we are born or what we look like, we are residents united in our efforts to build a stronger community. By recognizing the contributions that we all make to create a vibrant culture and a growing economy, we make our community more prosperous and more inclusive to all who call it home; and*

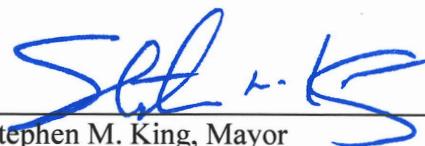
WHEREAS: *We encourage the business community, civic groups, other units of government, and community institutions to undertake initiatives beyond this proclamation, to make our community a place of welcome for new and long-term residents alike; and*

WHEREAS: *This will be a special week in Austin, with a series of events, hosted with collaborations within the business community, civic groups, other units of government and other community organizations, that will bring diverse communities together to celebrate their unity and strong connection to Austin and with each other, while recognizing the benefits of welcoming newcomers to our community; and*

FURTHER: *The City of Austin, Minnesota does hereby recognize, that today and during Welcoming Week 2023, the value of ensuring that Austin is Home to ALL and Where We ALL Belong; and encourages all residents and institutions to greet and bring their neighbors together to participate in one or more of the Welcoming Week events taking place within our community.*

NOW, THEREFORE, I, Stephen M. King, Mayor of Austin, do hereby proclaim September 8 through September 17, 2023 as

WELCOMING WEEK 2023



Stephen M. King, Mayor

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



Phone: 507-437-9940

www.ci.austin.mn.us

MEMO

TO: Mayor and City Council

FROM: Tom Dankert *TD*

DATE: August 14, 2023

SUBJECT: Asbestos Removal
U:\Word\2023\Miscellaneous\Asbestos removal.doc

As some of you are aware, we now have a cracked floor tile in the lower-level hallway leading up to the council chambers. With that floor tile needing to be tested, we had Brian Mason take Asbestrol around to some of the areas where older tile still exists. Samples were taken and some additional areas had asbestos in the floor tiles. While we wanted to wait until 2024 as part of the budget, we received the attached quote for \$20,820 to abate the asbestos around the different areas of city hall during 2023.

Our goal is to get the asbestos removed during 2023, and then look at flooring options in 2024, all of which funded out of the Building Fund. Once the asbestos is removed from numerous sites around city hall, we intend on exploring flooring options for the main hallway leading into the Council Chambers in the lower-level.

Brian Mason (City Facilities, Energy, and Maintenance Technician) received the attached quote after leading Asbestrol around city hall looking at the other areas. Brian noted he would get some help from the Street Department to clear out the areas where equipment/furniture needs to be taken out before the abatement can occur.

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

Asbestrol, Inc.

LICENSED, EPA CERTIFIED
ASBESTOS ABATEMENT
REMOVAL, DISPOSAL & ENCAPSULANT

PO BOX 1041
AUSTIN, MN 55912
Phone (507)433-2390
Fax (507)433-4030
Email: office@asbestrol.com

July 20th, 2023

Brian Mason
Austin City Hall
500 4th Ave NE
Austin, MN 55912

REVISED

Email: brianm@ci.austin.mn.us
Phone Number: (507)381-3249

Scope of work – Removal and disposal of approximately 1069 ft² of asbestos containing floor tile and mastic in basement 2 storage closets, west hall, north elevator lobby, hall, and boiler room and 1st floor in front of elevator and elevator at Austin City Hall

Dear Brian,
Asbestrol, Inc. will provide all labor and material necessary to remove and dispose of the defined materials in compliance with Federal, State and Local regulations for the sum of

Base Bid -	\$9,870.00
Add Alternate #1 - 353 ft ² of floor tile and mastic in finance storage vault and administration storage vault	\$4,930.00
Add Alternate #2 - 150 ft ² of floor tile and mastic in room 110	\$2,260.00
Add Alternate #3 - 222 ft ² of floor tile and mastic in old engineering space, one storage closet and engineering vault	\$3,760.00

NOTE – Asbestrol, Inc. uses Chemsafe No Odor mastic remover to remove mastic. The floor is then mopped with Chemsafe 800 TSP wash one time. The flooring contractor should be made aware of the possibility of residual chemical

NOTE – Duct taping the poly sheeting to the walls, floors and ceilings is the method Asbestrol, Inc. employees use to create containments in the asbestos work area. Even though we use extreme caution when pulling the duct tape off, sometimes there is damage caused to paint, sheetrock, flooring and other building materials. Building owner and others should be made aware of the possibility of incidental damages.

General Notes:

<input checked="" type="checkbox"/>	Building owner is to remove all movable items from the work area prior to the project start date
<input checked="" type="checkbox"/>	Building owner will provide electric and water service

Thank you for the opportunity to provide a quote for this project. If you have any questions, or to schedule the work, please contact our office.

Sincerely,

Brian Landherr

Brian Landherr
Manager

Approved by

Date

CHEMICAL LIABILITY WAIVER

Asbestrol, Inc. uses Chemsafe No Odor mastic remover to remove mastic. The floor is then mopped with Chemsafe 800 TSP wash one time.

The owner is aware of the possibility of residual chemical that may conflict with the new adhesive.

Asbestrol, Inc. recommends a two-week dry time before new adhesive is applied, grinding of cement and then testing of floor surface to assure that there is no residual chemical.

If our recommendation is not followed, Asbestrol, Inc. will not be held responsible for the new floor not adhering

Owner

RESOLUTION NO.

AWARDING A CONTRACT FOR ASBESTOS ABATEMENT

WHEREAS, the City requested a quote for asbestos abatement in City Hall from Asbestrol; and

WHEREAS, Asbestrol provided a quote in the amount of \$20,820 for the abatement;

WHEREAS, funding would come from 2023 contingency for the work.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota that the bid of Asbestrol is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Asbestrol in the name of the City of Austin for City Hall asbestos removal.

Passed by a vote of yeas and nays this 5th day of September, 2023.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

City of Austin
Ann M. Kasel, City Clerk



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

MEMORANDUM

To: Mayor and City Council
From: Ann M. Kasel
Re: Setting Assessment Hearings
Date: August 31, 2023

Attached is a resolution for the fall assessment hearings. The resolution will set the assessment hearings for October 2, 2023 at 5:30 p.m. for the following items:

- Snow removal
- Junk removal
- Weed removal and grass mowing
- Tree assessments
- Miscellaneous sidewalk and driveway projects
- Forfeited property reassessments
- Administrative Citations
- Unpaid Vacant Fees
- Hazardous Housing Mitigation
- Unpaid Sewer Bills
- Senior Deferral assessments
- Other unpaid City billings

Each property owner will be mailed notice of the hearing and a notice will be published in the Austin Daily Herald.

Please let me know if you have any questions.

RESOLUTION NO.

RESOLUTION SETTING HEARING ON PROPOSED ASSESSMENTS

WHEREAS, by resolution passed by the Council, the City Clerk is directed to prepare proposed assessments on the cost of the following projects:

2023 snow removal
2023 junk removal
2023 weed and grass removal
Tree Removal
Miscellaneous sidewalk and indrive projects
Forfeited Property reassessments
Administrative citations
Vacant property fees
Hazardous Housing Mitigation
Unpaid Sewer bills
Senior deferral assessments
Other unpaid City billings

AND, WHEREAS, the City Clerk has notified the Council that such proposed assessments have been completed and filed in the office for public inspection.

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

1. A hearing shall be held on the 2nd day of October, 2023 in the City Hall Council Chambers at 5:30 pm to pass upon such proposed assessments, and at such time and place all persons owning property affected by such improvements will be given an opportunity to be heard with reference to such assessments.
2. The City Clerk is hereby directed to cause a notice of hearing on proposed assessments to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement. The City Clerk shall cause mail notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The owner of any property so assessed may pay his or her assessment at any time prior to certification of the assessment on such property with interest accrued to the date of payment to the City, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessments. He or she may at any time thereafter pay to the City the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made.

Passed by a vote of yeas and nays this 5th day of September, 2023.

YEAS

ATTEST:

City Recorder

NAYS

APPROVED:

Mayor

City of Austin
Craig Clark,
City Administrator



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

TO: Honorable Mayor and City Council Members
FROM: Craig D. Clark, Administrator
RE: Compeer Grant Application for Ian Roback CEO, Clear Water Nitrate Reduction

Mr. Ian Roback, CEO of Clear Water Nitrate Reduction (DBA Agriculture Pollution Innovation LLC), has been working with the Development Corporation of Austin on growing a company that produces biochar for environmental containment of phosphorus before it enters bodies of water and causes impairment.

As Clear Water Nitrate Reduction moves towards feasibility, he has solicited a grant with Compeer Financial (Exhibit 1) in the amount of \$5,000. He is proposing a non-matching grant and feels the viability is high given the low number of applications. This grant would look at the feasibility of obtaining a suitable amount of wood stock in our geographic areas for the basis of creating the biochar. Grants need a sponsoring agency for which Mr. Roback is asking the City of Austin to be that entity in his letter of request (Exhibit 2). The City of Austin would provide an inventory of our tree waste for potential use in creating his product.

There is no financial obligation for the grant from the City but some collaboration of our staff time to provide Mr. Roback our tree removal data. This information is already currently collected for the most part.

I requested a letter of understanding between Clear Water Nitrate Reduction and the City outlining the partnership for future engagement should his process prove scalable and towards actual commercial production. This is to highlight our potential working relationship and dual commitment of working together as he moves towards a brick-and-mortar facility. This is included as Exhibit 3.

Council action is requested to approve serving as the grant applicant with due diligence by Mr. Roback and authorizing the Mayor, City Recorder and City Administrator to sign relevant documents as appropriate.



Rural Feasibility Study Grant Program

The Compeer Financial Fund for Rural America, the corporate giving program of Compeer Financial, is pleased to offer a Feasibility Study Grant Program. The purpose of the program is to fund feasibility studies that may result in economic development for rural areas of Compeer Financial's 144-county territory in Illinois, Minnesota and Wisconsin.

The Compeer Financial Fund for Rural America was created to demonstrate our support for agriculture and the rural communities we serve. The trustees established the fund's mission as "enriching agriculture and rural America." This special program underscores our dedication to rural communities and helps address one of the issues facing rural America.

Through this grant program, and the other programs of the Compeer Financial Fund for Rural America, we are helping to ensure a strong future for rural America.

Purpose of the Program:

The Rural Feasibility Study Grant Program is designed to provide funding to determine the feasibility of a project or to plan for a project located in rural areas of Illinois, Minnesota and Wisconsin. Such projects will need to meet an economic development or sustainability objective and, if implemented, will create new permanent jobs that result in the economic development of a rural area.

Sponsor:

Compeer Financial Fund for Rural America in conjunction with the Mission Financing team.

Amount of Funding:

Grants requests can range from \$1,000 to \$5,000, based on needs indicated. The Compeer Financial Fund for Rural America reserves the right to award all or part of the grant amount requested.

Timeline:

Applications will be accepted year-round until all funds are awarded for the current calendar year.

Eligible Applicants:

Non-profit organizations serving rural areas, educational institutions, and state, county, local or tribal governments are eligible to apply.

Eligible Projects:

What studies are eligible for a feasibility grant?

- Market research
- Cost analysis
- Financial projections
- Assessment of suitable facilities, equipment, etc.
- Raw material sources
- Prototype development
- Development of a Business Plan

Feasibility Study Grants will not support the purchase of equipment, or the costs of product research and development. Projects should be completed within one year of accepting the grant.

Geographic Eligibility:

We concentrate our giving programs in geographic areas where we have a significant business presence. Eligible applicants located within Compeer Financial's 144-county territory in parts of Illinois, Minnesota or Wisconsin are eligible to apply.

Criteria for Consideration in Granting Awards:

- Impact of the project on the community and region
- Project is consistent with local and area-wide strategic plans for community and economic development.
- Local support
- Collaboration with other entities
- Likelihood of project completion
- Level of economic distress in community
- Unique features of project

Proposal should include a basis for determining the success or failure of the project and individual major elements of the project and outlines procedures that will be taken to assess the project's impact at its conclusion.

Application Process:

Submit a proposal addressing the following criteria to:

Melanie Olson

Melanie.Olson@compeer.com, or

Compeer Financial Rural Feasibility Study Grant Program

PO Box 1219

Lakeville, MN 55044

Application Requirements:

- Name of proposed project
- Location of project including areas or communities affected by project
 - How many lives will be directly impacted if this request is funded?
 - How many lives will be touched if this request is funded? (Example: Consider the broader impact, like the resident population of project's footprint)
- Description of what will be studied and the need for the study
- Description of what type of entity is expected to complete the study (such as staff, consultant or university staff)
- Proposed timeline for the study
- A budget including cost of the study
- Amount of grant funds requested
- Statement describing:
 - How the project will meet "Criteria for Consideration" as listed above
 - The extent to which the proposed project or concept has already been studied
 - Any obstacles or hurdles
 - Any competition in area of study already located or proposed in the area
 - Have or will public discussions take place on project requesting funding and the intent to request feasibility/planning study funding.
- If the project is determined to be feasible:
 - Proposed timeline for project
 - Description of entity that will develop project
 - Proposed financing
- List any previous funds awarded to the community for economic development studies in the last 5 years.

Grant recipients are required to submit a final report noting progress toward goals and tasks or deliverables and a copy of the completed study.

For more information contact:

Melanie Olson
952-997-1255 or 844-426-6733
Melanie.Olson@compeer.com



CLEAR WATER
NITRATE REDUCTION

4 August 2023

To: Craig Clark – City Administrator
City of Austin

From: Ian Roback – CEO
Clear Water Nitrate Reduction

Subject: Letter of Request

Hello Craig Clark,

Per our 8/3/2023 meeting, this is a letter of request to work together with the City of Austin on a feasibility study - Processing and using wood waste to deliver benefits to the City of Austin in its sustainability, city planning, and economic development initiatives.

The study will analyze current wood waste operations, investigate and present full cycle processing/use scenarios, and address key impacts/benefits/risks each scenario might have to the City of Austin and the community.

Project investment is \$5,000. Clear Water can deliver the study to The City of Austin within 30-60 days after project start depending on availability of City data, resources, and personnel.

Clear Water has discovered a grant offered by Compeer Financial that the City of Austin may qualify for. This grant can fund all or a portion of this project. We will assist the City of Austin in completing the grant application should you decide to pursue this funding option.

Thanks,

Ian

Ian Roback – Founder/CEO
Clear Water Nitrate Reduction
ianroback@nitratereduction.com
715.828.6123

Whereas, Agriculture Pollution Innovation L.L.C., located at 1804 2nd Avenue SW, Austin, MN 55912, by and through its Manager, Ian Roback (hereafter "API"), is established and in the business of studying and analyzing clear wood waste operations, and investigating and presenting full-cycle processing/use scenarios address key impacts, benefits, and risks presented by each such scenario on the health, safety and welfare of the City of Austin and its citizens;

Whereas, the City of Austin, a municipal corporation located at 500 4th Avenue NE, Austin, Minnesota 55912, is interested in API's work in the potential of biochar production for the purpose of containment of phosphorus before it enters ground water and surface bodies of waters causing impairment of those water resources;

Whereas, if such biochar production proves viable and successful, API is interested in exploring the location and establishment of a new facility in Austin, Minnesota, and Austin, Minnesota, is interested in working with API to that end;

Whereas, API has identified a grant program offered by Compeer Financial which may provide a grant for such a study up to \$5,000;

Whereas, if successful, such a grant would cover the cost charged by API for conducting the study and providing the results to the City of Austin, thereby removing the need for the City of Austin to provide any independent funding for the study;

Whereas, the only costs or burdens to be placed on the City of Austin by the conducting of this study is expected to be staff cooperation, gathering of existing data, oversight of API's work when on site, and other staff time use; and

Whereas, the parties have entered into this Letter of Understanding for the purpose of establishing their agreement and relationship for the purposes outlined herein.

Now, therefore, the parties understand and agree as follows:

- A. API shall draft, create, and prepare any and all grant application documents necessary and related to the Compeer Financial grant program, seeking a grant award of \$5,000 payable to the City of Austin for the conducting of a study into the potential production of biochar for use in containment of phosphorus in the protection of water resources in Austin, Minnesota.
- B. The City of Austin shall cooperate with API in its pursuit of the above-described grant, including expressly endorsing the grant and committing to its use consistent with the purpose above stated, this includes but is not limited to the execution of any grant documents required to be executed by the City of Austin as grant recipient;
- C. Should said grant application be denied, the parties hereto are fully released from any further action under this letter of understanding with no claim against the other party;
- D. Should said grant be funded in part, the parties hereto shall collaborate in determining if there are other third-party funding sources to cover any unfunded portion of the grant, and if such funding sources are identified, the parties shall pursue grants from those funding sources under the same terms as described herein.
- E. Should the grant be funded in full, the parties hereto shall proceed to enter into a contract by which API shall complete the study and issue its report and results to the City of Austin in

exchange for a flat rate payment of \$5,000 fully inclusive of all costs, charges, fees, and expenses, and said contract shall be consistent with the terms outlined herein.

F. If the study, if funded and completed as provided above, successfully shows viability and success in the use of biochar production for the purpose of containment of phosphorus before it enters ground water and surface bodies of waters, the parties hereto will cooperate in exploring the location of an API facility in Austin, Minnesota.

The parties have executed this agreement with full authority to bind them to the terms outlined above.

Dated: August _____, 2023

City of Austin

Stephen M. King, Mayor

Tom Dankert, Recorder

Dated: August _____, 2023

Agriculture Pollution Innovation L.L.C.

Ian Roback, Founder/CEO

RESOLUTION NO.

APPROVING A LETTER OF UNDERSTANDING WITH AGRICULTURE POLLUTION INNOVATION, LLC FOR A GRANT WITH COMPEER FINANCIAL

Whereas, Agriculture Pollution Innovation L.L.C., located at 1804 2nd Avenue SW, Austin, MN 55912, by and through its Manager, Ian Roback (hereafter "API"), is established and in the business of studying and analyzing clear wood waste operations, and investigating and presenting full-cycle processing/use scenarios address key impacts, benefits, and risks presented by each such scenario on the health, safety and welfare of the City of Austin and its citizens;

Whereas, the City of Austin, a municipal corporation located at 500 4th Avenue NE, Austin, Minnesota 55912, is interested in API's work in the potential of biochar production for the purpose of containment of phosphorus before it enters ground water and surface bodies of waters causing impairment of those water resources;

Whereas, if such biochar production proves viable and successful, API is interested in exploring the location and establishment of a new facility in Austin, Minnesota, and Austin, Minnesota, is interested in working with API to that end;

Whereas, API has identified a grant program offered by Compeer Financial which may provide a grant for such a study up to \$5,000;

Whereas, if successful, such a grant would cover the cost charged by API for conducting the study and providing the results to the City of Austin, thereby removing the need for the City of Austin to provide any independent funding for the study;

Whereas, the only costs or burdens to be placed on the City of Austin by the conducting of this study is expected to be staff cooperation, gathering of existing data, oversight of API's work when on site, and other staff time use; and

WHEREAS, the parties drafted a Letter of Understanding for the purpose of establishing their agreement and relationship for the purposes attached and on file in the City of Austin.

THEREFORE NOW BE IT RESOLVED, that the City Council of the City of Austin authorizes the Mayor and City recorder to sign said Letter of Understanding.

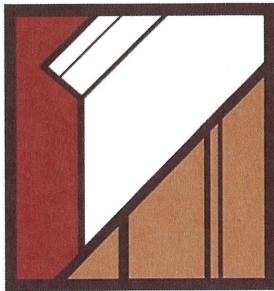
Passed by the following vote of yeas and nays this 5th day of September, 2023

YEAS

NAYS

Stephen M. King, Mayor

Tom Dankert, Recorder



AUSTIN PUBLIC LIBRARY

323 4TH AVENUE NORTHEAST | AUSTIN MINNESOTA

TO: Mayor and Council
FROM: Julie Clinefelter, Austin Public Library
RE: Request for Use of City Contingency Funds for Emergency Lighting Panel
DATE: August 1, 2022

During a routine inspection by the City's Building/Facilities Maintenance Technician, Brian Mason, it was discovered that the system of emergency lighting at the Austin Public Library was not working. This was confirmed by staff following a power outage (that occurred after hours), during which no emergency lights were functional. This obviously presents a significant safety issue - especially if a power outage occurs during the library's open hours.

Mr. Mason consulted Fox Electric Company, Inc., and it was determined the emergency lighting invertor panel would need to be replaced to correct the issue. The cost of this project was quoted at \$22,665.00, as of August 1, 2022. (See attached proposal.)

The library seeks approval from City Council for use of approximately \$22,065 from the City's contingency funds to cover the cost of this project.

PROPOSAL**FOX ELECTRIC CO. INC.**

Electrical Contractor

SECURITY FIRE ALARM DATA PHONE

500 NE 10th Street – Austin, Minnesota 55912

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

Email: foxelectric@foxelectricinc.com

PROPOSAL SUBMITTED TO :	E-MAIL	PHONE	DATE
CITY OF AUSTIN			08/3/2023 REVISED
STREET	JOB NAME		
	AUSTIN LIBRARY		
CITY, STATE and ZIP CODE	JOB LOCATION		
	323 4 TH AVE NE AUSTIN MN 55912		

We hereby submit specifications and estimates for:

1. DEMO EXISTING EMERGENCY LIGHTING INVERTOR PANEL.
2. DISPOSAL OF OLD BATTERIES.
3. FURNISH AND INSTALL NEW INVERTOR PANEL INCLUDES FACTORY START UP AND TRAINING.
4. STATE INSPECTION FEES.

TOTAL: \$23,485.00

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

Payment to be made as follows: **50% DOWNPAYMENT UPON ACCEPTANCE OF BID-REMAINDER UPON COMPLETION OF PROJECT**

Any alteration from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Owner to carry fire, tornado, and other necessary insurance. If additional insured is required on certificate of insurance, there will be an additional fee added to this price in the form of a change order. Price does not include performance bond, bid bond, building permit, or dumpster fees. Price does include State Electrical Inspection Fee.

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

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

Date of Acceptance: _____

Fox Electric
Signature BRIAN BRIDGEMAN/br

Owner
Signature _____



Austin Electric, Inc.
(507) 434-8080

QUOTE

08/16/2023

SID #: 2209042-001

Ph: 507-434-8080 | Chad@austinelectric.net

Prepared By: Chad Carlson

Customer: Austin, City Of	Job Name: City of Austin - Library Replacement
Address: 500 4th Ave N.E.	Emergency Backup System
Austin, MN 55912	323 4th Ave NE
Contact: Brian Mason	Austin, MN 55912
Phone: 507-381-3249	
Email: brianm@ci.austin.mn.us	

JOB ITEMS

Base Bid

1. Furnish and install replacement Dual Lite single phase central lighting invertor to replace existing
2. State Electrical Permit

\$24,571.00

FEATURES

- Uninterruptible emergency AC power system
- 90 minute emergency operation supplied standard
- "No Break" design transfers the load instantaneously when normal power is interrupted
- Single-phase
- For normally-on and normally-off loads
- User interface module includes multiple LED indicators and audible alarms to provide system status
- Overload and short circuit protection

TOTAL

\$24,571.00

TERMS & CONDITIONS

Thank you for choosing Austin Electric. We appreciate your business!

Prices are firm until 09/02/2023.

Billing and payments are to be as follows: 50% deposit required, 25% due upon equipment delivery and final 25% due on day of job completion. The 50% deposit is required before any materials can be ordered and/or work can begin.

Electrical Contractor shall not be liable for failure to perform if prevented by strikes or other labor disputes, accidents, acts of god, governmental or municipal regulation or interference, shortages of labor or materials, delays in transportation, non-availability of the same from manufacturer or supplier, or other causes beyond the Electrical Contractor's control. In no event shall the Electrical Contractor be liable for special or consequential damages whatsoever or however caused.

Notwithstanding any provision herein to the contrary, in the event that, during the performance of this agreement, the price of copper wire and cables, aluminum wire and cables, steel conduit and/or any other necessary commodities significantly increases, through no fault of electrical contractor, the price of any materials, components, or goods to be furnished under this agreement shall be equitably adjusted by an amount reasonably necessary to cover any such significant price increases. As used herein, a significant price increase shall mean any increase in price exceeding three percent (3%) experienced by the electrical contractor from the date of the execution of this agreement. Such price increases shall be documented through commercial quotes, invoices, receipts or other such documentation. Where the delivery of materials, components, or goods required under this agreement is delayed, through no fault of electrical contractor, as a result of the shortage or unavailability of commodities, raw



Austin Electric, Inc.
(507) 434-8080

QUOTE

08/16/2023

SID #: 2209042-001

materials, components and/or products, electrical contractor shall not be liable for any additional costs or damages associated with such delay(s).

If trenching is required, the bid price listed above is for a mounded trench only. All re-seeding and/or landscaping if required is not included in this proposal. All private underground facility locations to be marked and notified to Austin Electric before start of project. Austin Electric assumes no responsibilities for private underground facilities not identified by others.

My signature certifies that I have the authority to order the above work and do so order as outlined above. I understand that payment is due upon completion of work. In the event of default by either party, all amounts outstanding shall be due and payable on demand. In addition, the prevailing party shall be entitled to payment for any attorney's fees incurred by reason of the default, including late fees and costs, and interest at the rate designated in paragraph 5 of this contract, on any amounts that may be due. If the phone number you provided us is a mobile phone number, you authorize us to contact you at that number for collection. We are not responsible for any existing defective wiring or code violations in the existing electrical system and any said defective wiring or code violations that requires us to repair or extend the work we have proposed to install or repair, must be paid for in addition to the proposed price declared above. Due to the nature of this work, it is sometimes necessary to create openings in walls, ceilings or floors to gain access to concealed wiring, boxes, splices or to install new wiring. Price does not include patching or painting of walls, ceilings or floors that need to be cut or drilled to gain access for installation.

BUYER'S RIGHT TO CANCEL - This provision applies to all RETAIL CONTRACTS in which solicitation is performed at the BUYER'S home and/or if the solicitation is for improvements made to the BUYER'S home. The following statement complies with the requirements of Minnesota Statutes 325G.07, pertaining to the SELLER'S obligation to evidence in writing of the BUYER'S RIGHT TO CANCEL in all forms of indebtedness as it applies herein: THIS IS A HOME SOLICITATION AND/OR HOME IMPROVEMENT SALE. IF YOU DO NOT WANT THE GOODS OR SERVICES, YOU MAY CANCEL THIS AGREEMENT BY PROVIDING WRITTEN NOTICE TO THE SELLER IN PERSON, BY TELEGRAM, OR BY MAIL. THIS NOTICE MUST INDICATE THAT YOU DO NOT WANT THE GOODS OR SERVICES AND MUST BE DELIVERED OR POSTMARKED BEFORE MIDNIGHT OF THE THIRD BUSINESS DAY AFTER YOU SIGN THIS AGREEMENT IF YOU CANCEL THIS AGREEMENT, THE SELLER MAY NOT KEEP ALL OR PART OF ANY CASH DOWN PAYMENT.

LIEN LAW PERTAINING TO REAL PROPERTY CONTRACTS:

ACCORDING TO MINNESOTA'S CONSTRUCTION LIEN LAW (SECTIONS 514.011, MINNESOTA'S STATUTES). ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.

UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

MINNESOTA'S CONSTRUCTION LIEN LAW IS COMPLEX AND IT IS RECOMMENDED THAT WHENEVER A SPECIFIC PROBLEM ARISES, YOU CONSULT AN ATTORNEY.

*****3% credit card processing fees apply to transactions over \$1,000.*****

This Service Work expires on 08/26/2023

Please remit to:

Austin Electric, Inc.
P.O. Box 307
Austin, MN 55912

Please sign (Shows Approval)	_____ Date
Please print Above Name	

Prepared For

Brian Mason

Aaron Schutz

763-334-1140

aschutz@retrofitcompanies.com

ELECTRICAL PROPOSAL

LIBRARY UPS REPLACEMENT

09/06/2022



PROPOSAL INCLUDES

- Disconnection, demo, haul off, and recycling of existing 2.5kW UPS cabinet and batteries.
- Install new version of similar UPS
 - Spectron 2.7kW 90-Minute Lead-Calcium Battery UPS.
 - (4) 20A Circuit Breakers
 - 10-year Battery
 - Internal Bypass Switch
 - System Monitoring Terminal
 - Normally “Off” Circuits
 - Monitored
- Commissioning and startup.
- Electrical Permit
- Sales Tax
- 1-Year Workmanship warranty
- 2-year Manufacturer’s warranty
- 10-year battery warranty

**4-6-week lead-time on UPS equipment.*

**Specification is based on nameplate of existing UPS. Changes in specification will need to be re-quoted.*

ALTERNATE #1

- Replace UPS with 20-year battery version. Add \$4,940.

PROPOSAL EXCLUDES

- Evening or weekend work, outside of 6am-5pm, M -Th
- Multiple mobilizations
- Fire Alarm panel tie in (if applicable)

TOTAL BASE BID \$ 26,214.00

All goods and services provided herein are included for the listed price in USD

Due to current market volatility, the materials portion of this proposal may require a revision before final contract

Terms: Materials Down, Progress

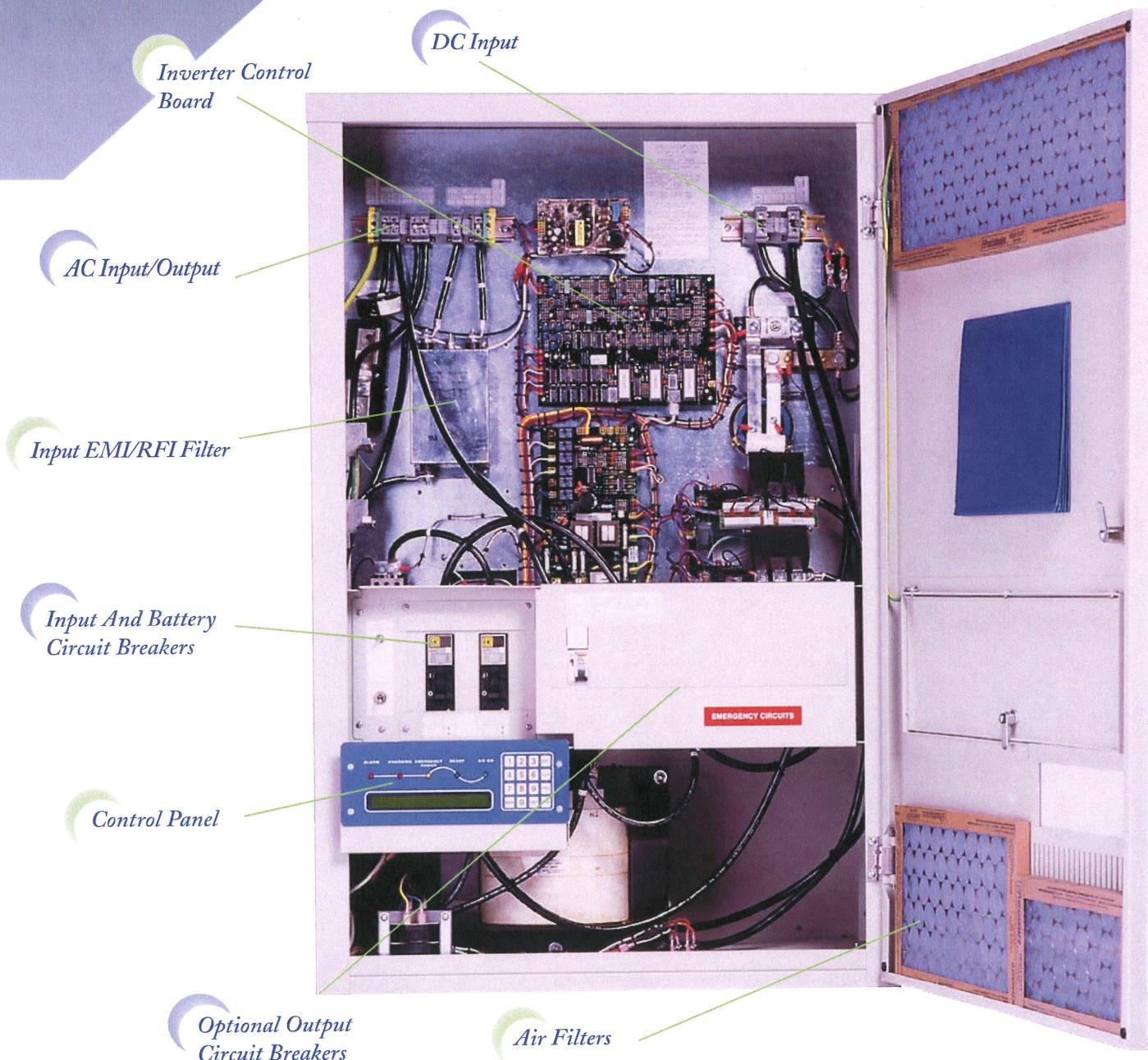
Proposal valid for 30 days from preparation date

A signature below indicates agreement with all terms and conditions listed in this proposal

Signature _____

Title _____ **Date** _____

Design Excellence



Plus...

Cost Efficiency

When all factors are considered, including equipment, installation, operating and maintenance costs, Spectron LSN becomes the clear choice to minimize a facility's total expense for providing life safety power and lighting.

Aesthetics

Traditional solutions for life safety egress lighting include unit equipment on walls or ceilings. This approach detracts from

interior design aesthetics. Spectron LSN supplies power to existing lighting fixtures, eliminating the need for special emergency lighting fixtures.

Security

Centrally located in a utility area, Spectron LSN is secure and safe. Locked cabinetry and a password-protected control panel prevent tampering or system operation by unauthorized personnel.

Unit Specifications

KVA/KW Rating	1.0K	2.0K	2.7K	3.7K	4.8K	5.5K	6.6K	8.3K	10.0K	12.5K	15.0K	17.5K
Power Factor Rating	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag	.8 lead to .75 lag
Input/Output Voltage Combinations Available — Single Phase	Input VAC: 120, 208, 240, 277, 347 Output VAC: 120, 240, 277, 347, 120/240 ⁽¹⁾ , 120/277 Other voltages available; consult factory ⁽²⁾							Input VAC: 208, 240, 277, 347 ⁽³⁾ Output VAC: 120, 240, 277, 347, 120/240 ⁽¹⁾ , 120/277 Other voltages available; consult factory ⁽²⁾				
AC Input Voltage/ Input Circuit Breaker Rating	120/20A 208/15A 240/15A 277/15A 347/15A	120/30A 208/20A 240/15A 277/15A 347/15A	120/40A 208/25A 240/20A 277/20A 347/20A	120/50A 208/30A 240/25A 277/25A 347/25A	120/70A 208/40A 240/35A 277/30A 347/30A	120/70A 208/50A 240/45A 277/40A 347/50A	120/80A 208/60A 240/60A 277/50A 347/50A	— 208/70A 240/70A 277/60A 347/50A	— 208/80A 240/80A 277/70A 347/60A	— 208/100A 240/100A 277/90A 347/80A	— 208/125A 240/125A 277/100A 347/80A	— 240/146 240/152.1 240/162.5 240/172.9
Output Voltage and Maximum Output Current In Amperes	120/8.3 240/4.2 277/3.6 347/2.9	120/16.6 240/8.3 277/7.2 347/5.8	120/22.5 240/11.3 277/9.7 347/7.8	120/30.8 240/15.4 277/13.4 347/10.7	120/40.0 240/20.0 277/17.3 347/13.4	120/45.8 240/22.9 277/19.9 347/15.9	120/55.0 240/27.5 277/23.8 347/19.0	120/69.1 240/34.6 277/29.9 347/23.9	120/83.3 240/41.7 277/36.1 347/28.8	120/104.1 240/52.1 277/45.1 347/36.0	120/125 240/62.5 277/54.2 347/43.2	120/146 240/72.9 277/63.2 347/50.4
Standard Charger Size (amps)	5	5	5	5	10	10	10	10	10	15	15	15
System DC Voltage	96	96	96	96	96	96	96	144	144	144	144	144
Heat Output (BTU/Hr.)	175	350	473	648	840	963	1,155	1,453	1,750	2,188	2,625	3,063

(1) On systems with 120/240VAC output, loading may not exceed 50% of the system's total KVA rating on any 120V leg. Loading beyond 50% on any 120V leg will cause an unsafe condition and transformer failure will occur. Call our Service Line at 800-848-6439 for alternate load connection configurations.

(2) An external transformer may be required with certain input/output voltage configurations. Consult factory for details.

(3) Input voltage on 17.5KVA model limited to 277 and 347VAC only.

Standard Battery Systems For 90-Minute Runtime

Type S Battery – Maintenance-Free Sealed Lead-Calcium – 10-Year Design Life Expectancy

System Capacity	1.0K	2.0K	2.7K	3.7K	4.8K	5.5K	6.6K	8.3K	10.0K	12.5K	15.0K	17.5K
System Configuration	A	A	A	A	A	B	B	B	B	B	C	C
Total Weight (lbs.) *	838	1,116	1,122	1,222	1,492	1,926	2,130	2,475	2,829	2,861	4,121	4,393

Type G Battery – Maintenance-Free Sealed Lead-Calcium – 20-Year Design Life Expectancy

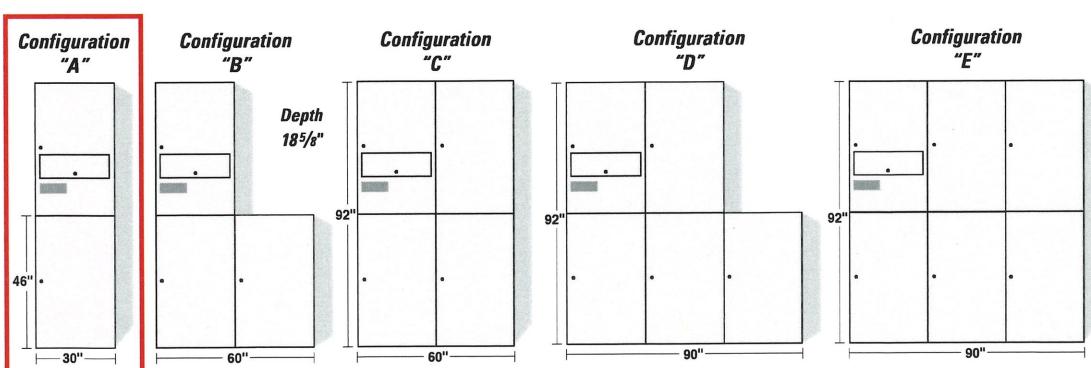
System Capacity	1.0K	2.0K	2.7K	3.7K	4.8K	5.5K	6.6K	8.3K	10.0K	12.5K	15.0K	17.5K
System Configuration	A	A	A	A	B	B	B	B	B	C	D	D
Total Weight (lbs.) *	1,365	1,384	1,390	1,472	1,684	2,062	2,630	2,679	3,589	3,657	4,885	5,491

Type N Battery – Wet-Cell Nickel-Cadmium – 25-Year Design Life Expectancy

Systems Capacity	1.0K	2.0K	2.7K	3.7K	4.8K	5.5K	6.6K	8.3K	10.0K	12.5K	15.0K	17.5K
System Configuration	B	B	B	B	B	C	C	D	D	E	E	Consult
Total Weight (lbs.) *	1,075	1,486	1,644	1,894	2,232	2,532	2,812	3,481	3,940	4,720	5,505	Factory

* Approximate system weights

Cabinet Configurations (90-Minute Runtime)



RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$500	Julie & Erik Schindler	Bike Club
\$300	Austin Eagles	Family Fun Night – Pool
\$100	Family of Captain George Fett – Fire Dept 20 years of Service	AFD weight room

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

Passed by a vote of yeas and nays this 5th day of September, 2023.

ATTEST:

APPROVED:

City Recorder

RESOLUTION NO.

ACCEPTING GRANT FROM THE MN DNR

WHEREAS, the Fire Department was awarded a grant in the amount of \$2,882 from the Mn DNR for Volunteer Fire Assistance; and

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Austin accepts the grant award in the amount of \$2,882 from the Mn DNR.

Passed by a vote of yeas and nays this 5th day of September, 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: Steven J. Lang, P.E.
Date: August 30, 2023
Subject: Riverside Arena Cameras

The Bruins, working with the NAHL, are looking to update and roll out new video replay of goals and video to bench technology. The technology will provide Video Replay of Goals, Video to Bench and 180 Panoramic views of the ice.

Phase 1: Video Replay of Goals

Teams will mount a camera, supplied by Pixellot, behind each goal line. These cameras need to be hardwired into a router in the middle of the arena. The Officials iPad, at the scoring table, will connect to the wireless Router to get access to the video.

Phase 2: Video to Bench

Teams can connect a video feed from the broadcast camera or a hockey ops camera into the router using a special video capture device that is included. The Coaching iPads, one on each bench, will connect to the wireless Router to get access to the video. Teams will be able to mark and catalog different clips. Additional iPads could be added should a team want additional personnel to have access to the system.

Phase 3: Pixellot S3 AI Panoramic View Camera

A Pixellot Artificial Intelligence camera with an Automatic Production feed that also has a 180-degree Panoramic view will be provided for installation in your arena. It is recommended that the camera is installed directly at center ice at least 25ft above the playing surface. The system includes a computer (also known as a VPU) that the camera connects into using a single wire from the camera head unit (CHU) to the VPU. The VPU will be connected to the Router mentioned above by hardwire. This system can be used for video to bench, fan experience and being able to see the entire ice surface for player safety, education, and supplemental discipline.

Timing and Rollout

- Video Review of Goals must be in place no later than October 1
- Live to Bench / 180 Pan must be in place no later than November 1
- Phase 1 hardware is ready to ship and may be in your hands by Friday August 18th, though, we will be shipping in the priority of who has home games the earliest.

Cameras are being provided by the NAHL and the installation is being covered by the Bruins. The Bruins are requesting authorization to install this equipment in Riverside Arena. If you have any questions, please let me know.

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: August 31, 2023
Subject: WWTP EQ/Digester #1 West Cover Replacement

In 2001, two 1.5-million-gallon Equalization Digesters were built as part of the Industrial Wastewater Treatment Plant. In 2021, we had a cover failure on EQ/Digester #2 and it was replaced in 2022. We are now planning for cover replacement on EQ/Digester #1. The estimated cost of the cover replacement is \$2.5 million and will be funded with Industrial Plant fund budget.

The first step in the process is to develop plans and specifications for soliciting bids for the project. SEH has provided a proposal in the amount of \$26,387 to complete this process of developing plans & specifications. Design is estimated to take 2 months and construction would be scheduled for summer 2024. SEH will be able to utilize some design efficiencies from EQ/Digester #2 to decrease the design costs from \$40,020 down to \$26,387 and the design time 6-months to 2-months.

We would recommend approval of a contract with SEH in the amount of \$26,387 for the design engineering and bidding services for this project. All costs for this work will be covered with Industrial Plant funds. If you have any questions, feel free to contact me.



Building a Better World
for All of Us®

August 31, 2023

RE: City of Austin, Minnesota
WWTF Design & Bidding Services
SEH No. AUSTN 14.00

Mr. Steven Lang, PE
City Engineer / Director of Public Works
City of Austin
500 4th Avenue NE
Austin, MN 55912

Dear Mr. Lang:

Thank you for the opportunity to submit this proposal for professional services to prepare bidding documents for the industrial digester cover. This letter serves as our understanding of the project scope, schedule and fee.

PROJECT BACKGROUND

In 2022, the City replaced the floating cover on Industrial EQ Digester No. 2 due to damage. During the construction of that cover, leaks were discovered in the cover on Industrial EQ Digester No. 1. The City and Hormel have decided to replace the cover and the draft tube mixers in EQ Digester No. 1. The City would like to bid this cover replacement competitively. Further, SEH assumes that the City will want an OTI cover (to match Digester No. 2) and OTI draft tube mixers (to match those installed on the Domestic Digesters).

As the digester cover and mixers are considered biosolids-related and the City owns the facility, the Minnesota Department of Revenue allows a sales tax exemption for these materials. The completed Form ST3, Certificate of Exemption, must be provided to the contractor who will then purchase the floating digester cover exempt from sales tax.

SCOPE OF SERVICES

SEH proposes the following work scope for the digester cover replacement.

Task 1: Project Management & Review

This task entails project coordination and invoicing. This also includes the quality control reviews.

Task 2: Cover & Draft Tube Installation Bid Package

Once the cover options are selected, SEH will prepare bidding documents for the new cover and draft tube installation. The cover piping and valving on EQ Digester No. 1 that were replaced with the Digester No. 2 cover replacement project will be noted for salvaging and reinstallation.

The Cover & Installation Bid package will include the following:

- Front-end specifications (ad, bid form, agreement, general conditions, supplementary conditions, etc).

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 10901 Red Circle Drive, Suite 300, Minnetonka, MN 55343-9302

SEH is 100% employee-owned | sehinc.com | 952.912.2600 | 800.734.6757 | 888.908.8166 fax

- Technical specification including concrete repair, cover installation, draft tubes, coatings (outside and interior).
- 11 plan sheets (Title/table of contents, removal sheet, cover plan, cover section, electrical sheets, and detail sheets).
- Appendix with existing digester drawings.

As part of this task, SEH will also prepare a bid cost estimate.

Task 3: Bidding Services

SEH will assist the City during the bidding process, responding to questions and providing a recommendation of award. We have assumed there will not be a pre-bid conference and the bid opening will be virtual, consistent with the approach for EQ Digester No. 2.

ADDITIONAL SERVICES

SEH may furnish Additional Services due to changes in the scope of services or as requested by the City. SEH will provide an estimated fee for Additional Services as requested, but will not initiate additional services until agreed upon and authorized by the City. Additional Services are not included in this work or scope agreement. Examples of Additional Services may include the following:

- Survey. It is assumed that the tank is round or near-round. If there are significant deviations from round, this may cause additional costs or project delays. If roundness were an issue, it would likely have been encountered with the initial installation of the covers.
- Construction-phase services. The scope provided is through bidding services. Engineering services during construction (preconstruction meeting, onsite observation, shop drawing/RFI responses, coatings inspection) are not included in this scope. Some of this may be coordinated with the other construction observation taking place at the WWTP, but this cover replacement will require a coatings specialist, which may not coincide with other coatings work at the WWTP.
- Additional services due to significant changes in the general scope of the Project resulting from the City's direction to reduce estimated probable construction cost.
- Additional services due to significant changes in the general scope of the Project, including, but not limited to, change in size, complexity or character or caused by revisions to MPCA, or EPA guidelines and regulations or code requirements administered by Minnesota Department of Labor and Industry and other entities based on revisions that occur after the project commences.
- Additional services in connection with the Project not otherwise provided for in this Agreement.

CITY RESPONSIBILITY

The City shall:

- Provide full information as to its requirement for the Project.
- Assist SEH by placing at SEH's disposal all available information pertinent to the Project.
- Guarantee access to and make all provisions for SEH to enter upon lands as required for SEH to perform the work under this Agreement.
- Review sketches, estimates, drawings, specifications, proposals, and other documents presented by SEH, and inform SEH of all decisions and feedback within a reasonable amount of time so as not to delay SEH.
- Participate in design review meetings on a regular basis as proposed in this Agreement.
- Provide such fiscal, legal, accounting, and insurance counseling services as may be required for the Project.

- Assist SEH in preparation of Division 00 and 01 specifications in making fiscal, insurance, and legal decisions as necessary. These are the specifications that form the terms of the contract for construction.
- Pay all charges or fees associated with advertising the project.

SCHEDULE AND COST

SEH is prepared to complete this scope of work and is prepared to begin these efforts upon receipt of your written authorization. Below is a possible schedule for this work.

TASK	TIMING
Authorization	September 6, 2023
Draft Bid Package	October 4, 2023
Bidding	October 11 – November 1, 2023
Cover Installation Award*	November 6, 2023

*Installation bid package timing is based on 6-7 months for materials to ship once ordered.

Based on the scope of services described above, SEH proposes to complete the work for a fee of \$26,387. This fee is broken down as follows:

TASK	TOTAL
Task 1: Project Mgmt & Reviews	\$3,573
Task 2: Cover & Draft Tube Installation Bid Package	\$16,745
Task 3: Bidding	\$6,069
TOTAL	\$26,387

SUMMARY

SEH appreciates the opportunity to serve the City of Austin, and its domestic, commercial and industrial users. Please contact me should you have any questions or requests for additional information.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.



Susan Danzl
Project Manager

dmk

c: Bob Cohrs – SEH

RESOLUTION NO.

**APPROVING ENGINEERING CONSULTING SERVICES
FOR EQ/DIGESTER COVER REPLACEMENT PROJECT**

WHEREAS, in 2001, two 1.5-million-gallon equalization digesters were constructed as part of the Industrial Waste Water Treatment Plant; and

WHEREAS, a failure occurred on one of the covers and it is in need of replacement; and

WHEREAS, the City has received a proposal from Short Elliot Hendrickson, Inc. (SEH) in the amount of \$26,387 for design and bidding services for the project; and

WHEREAS, the funding for the project would come from the industrial plant budget.

NOW THEREFORE, BE IT RESOLVED, that the City Council approves the contract in the amount of \$26,387 from Short Elliot Hendrickson, Inc. (SEH) for the engineering design and bidding services for the EQ/Digester cover replacement project at the Waste Water Treatment Plant.

Passed by a vote of yeas and nays this 5th day of September, 2023.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: August 31, 2023
Subject: Minnesota Public Facilities Authority (MPFA)
Special Appropriations Fund

Attached is a resolution authorizing city staff to submit the necessary documents to the MPFA for a \$14.5 million special appropriations grant for the WWTP project. If you have any questions, feel free to contact me.

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY OF AUSTIN TO SUBMIT INFORMATION TO THE MINNESOTA PUBLIC FACILITIES AUTHORITY (MPFA) AND TO ENTER INTO A GRANT AGREEMENT WITH THE MPFA.

WHEREAS, under the provisions contained in Laws of Minnesota 2023 chapter 71, article 1, section 15, subd. 3, \$14,500,000 was appropriated to the MPFA

"For a grant to the city of Austin to construct and equip improvements for upgrades to the city's wastewater treatment facility. This appropriation includes money for renovation, repairs, and replacement of infrastructure, equipment, and other components of the facility's wastewater treatment systems including site improvements to buildings and other structures as well as the costs of demolition associated with the project."

WHEREAS, to receive this money, the City of Austin must submit required information and enter into a Grant Agreement with the MPFA; and

BE IT FURTHER RESOLVED that the City of Austin has the legal authority to apply for the grant, and the financial, technical, and managerial capacity to ensure proper construction, operation, and maintenance of the project for its design life.

BE IT FURTHER RESOLVED that the Grant Agreement shall be executed on behalf of the City of Austin by the signature of its Public Works Director and its City Recorder. In the event of disability or resignation or other absence of either such officer, the Grant Agreement may be signed by the manual signature of that officer who may act on behalf of such absent or disabled officer. In case either such officer whose signature shall appear on the Grant Agreement shall cease to be such officer before delivery of the Grant Agreement, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery.

I CERTIFY THAT the above resolution was adopted by the City Council of the city of Austin on September 5, 2023 by the following vote of yeas and nays:

YEAS:

NAYS:

SIGNED:	
Signature:	
Name:	Stephen M. King
Title:	Mayor

WITNESSED:	
Signature:	
Name:	Tom Dankert
Title:	City Recorder

SEAL

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

Mayor and City

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



Memorandum

From: Holly Wallace, Planning & Zoning Administrator

Date: August 31, 2023

Re: Annexation of I-90

The legal description was initially approved by MnDOT for annexation, but was changed in the final ordinance, as a precaution, to catch any small slivers of property that may not have been included in the original description. Due to the change in the ordinance, the notice must be amended as well. Austin Township waived the notice/opportunity to respond previously, as the annexation only involves public right-of-way.

AMENDED NOTICE OF INTENT FOR ANNEXATION

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

TO: Austin Town Board
PO Box 479
Austin MN 55912; and

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

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

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

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

All that part of Interstate 90 Right-of-Way, County State Aid Highway No. 46, and State Highway 105, lying in the Northeast Quarter of Section 5, Township 102N Range 18W; Northwest Quarter of Section 5, Township 102N, Range 18W; Southwest Quarter of Section 5 Township 102N, Range 18W; Southeast Quarter of Section 5 Township 102N, Range 18W and; Northwest Quarter of Section 4 Township 102N, Range 18W Mower County, Minnesota, excepting any land already within the city.

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

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

WHEREAS, the area proposed for annexation is approximately 32 acres in size; and

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

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

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

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

Adopted this ____ day of _____, 20____

Mayor

City Clerk/Administrator

**City of Austin
Zoning Department**



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

Memorandum

To: Mayor and City Council

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

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1019 8th Ave NE, Graham Property

Date: September 1, 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 1019 8th Ave NE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

September 1, 2023

Cynthia Graham
1019 8th Ave NE
Austin, MN 55912

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

Dear Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on August 30, 2023 at this site and the following issues need to be resolved:

1. Remove all garbage from property

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

1.98 CIVIL PENALTIES.

Subd. 1. Purpose.

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

Subd. 4. Compliance letter.

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

Subd. 5. Administrative citation

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Johnson".

Brent Johnson
Zoning Inspector

1019 8th
Ave N.E

August 30, 2023
11:25 AM



1019



August 30, 2023
11:24 AM

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: Snow Win
709 11th Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 709 11th Ave SW, Win Property

Date: September 1, 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 709 11th Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You



August 8th, 2023

Snow Win
709 11th Ave SW
Austin, MN 55912

RE: Zoning Violations at 709 11th Ave SW Austin, MN 55912

Dear Snow:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on August 8th, 2023 this site and the following issues need to be resolved:

Remove all junk from property

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

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

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

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

B. Public nuisances affecting health

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

D. Public nuisances affecting peace and safety.

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

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

NOTICE AND ABATEMENT.

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

F. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the

premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

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

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

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

Sincerely,



Brent Johnson
Zoning Inspector

709 11th
Ave SW



**City of Austin
Zoning Department**



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

Memorandum

To: Mayor and City Council

Cc: Zachary Wilder
601 13th Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 601 13th Ave SW, Wilder Property

Date: September 1, 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 601 13th Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

**City of Austin
Zoning Department**



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

August 8th, 2023

Zachary Wilder
601 13th Ave SW
Austin, MN 55912

RE: Zoning Violations at 601 13th Ave SW Austin, MN 55912

Dear Zachary:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on August 8th, 2023 this site and the following issues need to be resolved:

Remove all junk from property

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

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

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

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

B. Public nuisances affecting health

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

D. Public nuisances affecting peace and safety.

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

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

NOTICE AND ABATEMENT.

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

F. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the

premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

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

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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

60' 13" x 13" Ave SW

