

**A G E N D A**  
**CITY COUNCIL MEETING**  
**MONDAY, MARCH 4, 2024**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

Call to Order.

Pledge of Allegiance.

Roll Call.

- (mot) 1. Adoption of Agenda.
- (mot) 2. Approving Minutes from February 20, 2024
- 3. Recognitions and Awards.
  - Austin Eagles Lookout Aerie 703 Donation to the City of Austin Fireworks Fund
  - Dayton Kehret retirement from the Parks, Recreation, & Forestry Department
  - Greg Bell retirement from the Parks, Recreation, & Forestry Department
- (mot) 4. \*Consent Agenda  
Licenses:
  - Massage Establishment: Oriental Pearl LLP, 506 W Oakland Ave
  - Exempt Gambling (raffle): Austin Junior All Star Baseball Inc on July 11, 2024

Appointments to Board and Commissions:

Peter Bartley to the Planning Commission – term expiring December 31, 2027

Claims:

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

**BID OPENINGS AND AWARDS:**

- (res) 5. Receiving Bids for Bituminous Materials.
  - a. Awarding Bid.

**PETITIONS AND REQUESTS:**

- (res) 6. Approving Creekside Business Park Development Construction Admin & Inspection Services contract to SEH.
- (res) 7. Approving a Farm Lease with Kevin Finley
- (res) 8. Approving Budget Adjustment #3
- (res) 9. Accepting Donations to the City of Austin.

10. 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. 801 8<sup>th</sup> Street SE, Solis & Barreto Property

**CITIZENS ADDRESSING THE COUNCIL**

**HONORARY COUNCIL MEMBER COMMENTS**

**REPORTS AND RECOMMENDATIONS:**

City Administrator

City Council

- (mot) Adjourn to **Monday, March 18, 2024** 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  
February 20, 2024  
5:30 PM  
Council Chambers

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

MEMBERS ABSENT: None

STAFF PRESENT: Director of Administrative Services Tom Dankert, Police Chief David McKichan, Public Works Director Steven Lang, Assistant City Engineer Mitch Wenum, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Jason Schon, City Attorney Craig Byram, Human Resources Director Tricia Wiechmann, Library Director Julie Clinefelter, and City Clerk Brianne Wolf

APPEARING IN PERSON: Austin Daily Herald

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 Baker, seconded by Council Member Baskin, approving Council minutes from February 5, 2024. Carried.

Mayor King sent his condolences and support to the City of Burnsville. Mayor King read the proclamation for GO! Austin, MN App Day. Mayor King stated that Miguel Garate will be the Honorary Council member from March 4<sup>th</sup> to May 20<sup>th</sup> and welcomed him.

CONSENT AGENDA

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

Licenses:

Exempt Gambling: Ducks Unlimited Lake Region Chapter 50 on March 24, 2024

Temporary Liquor: LIFE Mower County on April 27, 2024

Temporary Liquor: Mower County Ag Society (Mower County Fair) on August 6-11, 2024

Temporary Liquor: Austin Area Chamber of Commerce on April 9, 2024

Claims:

a. Pre-list of bills

b. Financial Report.

Appointments:

Jenna Viehauser to the Culture and Arts Commission – term expiring December 31, 2024

Event Applications:

Get Together Event April 20, 2024

Beer, Bacon, and Beignets Craft Beer Tasting Event on April 27, 2024

National Night Out on August 6, 2024

Running with Ella 5k Fun Run on August 24, 2024

Carried.

AWARDING BID

Public Works Director Steven Lang spoke about the road development project at Creekside Business Park. Ulland Brothers came in as the lowest bidder and under bid. Mr. Lang recommended awarding the bid to Ulland Brothers.

Moved by Council Member Baker, seconded by Council Member Fischer, adopting a resolution to award the bid for Creekside Business Park Road development. Carried 7-0.

PUBLIC HEARINGS

Assistant City Engineer Mitch Wenum spoke about the 8<sup>th</sup> street project. No questions from the council or comments from the public on this project.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 23104 & 23201. Carried 7-0.

Assistant City Engineer Mitch Wenum spoke about the 9<sup>th</sup> Street SW and 12<sup>th</sup> Street SW project. Mr. Wenum stated that residents on that street do not favor the sidewalks being placed in the neighborhood. Mr. Wenum also spoke about 12<sup>th</sup> St SW and 19<sup>th</sup> Ave intersection connection to HWY 105, residents commented at the open house that they are against this.

Council Member Baker stated that the Complete Streets policy doesn't say anything meaningful or compels action on our part. He stated it would take \$20 million dollars to put sidewalks in the 47 miles of area that do not have sidewalks. He stated that this is not the best use of our funds. Council Member Baker stated that over the next 5-6 years, we have to identify where we have real risks and just not putting in sidewalks where we are putting in the streets.

Council Member Baker stated that we need to grandfather in some of the streets that do not have sidewalks and leave them alone. He stated that if there is no safety or connectivity problem, then leave them alone. He stated that we could use the sidewalk money and come up with a good,



complete street plan. He stated that we have an obligation to provide a fact-based message. Mayor King asked if there were public comments. The following citizens made comments.

Mark Bjorlie, 11<sup>th</sup> St SW, came on behalf of Faith Church. Mr. Bjorlie would like to see 19<sup>th</sup> Ave SW link up to HWY 105 canceled. He would like to see sidewalks on 19<sup>th</sup> Ave once we get to that project due to school children walking on the roads.

Charles Mills 2003 9<sup>th</sup> St SW, Mr. Mills thanked the engineering department for their openness. They chose their house because of the street. As he ages, he does not need a sidewalk in front of his house. He spoke about the Complete Streets policy, paragraph two, which states projects “may” include pedestrian improvements. He spoke about where we could use the funds in other areas of the City.

Evan Sorensen, 1905 9<sup>th</sup> St SW, Mr. Sorensen does not have any concerns with his children playing in the streets. He has an irrigation system, and if the city put in sidewalks, he will have to move his irrigation system. He stated that the council's duty is to represent the people that elected them.

Nick Baier 903 19<sup>th</sup> Ave SW, Mr. Baier has lived in two different cities; these cities have taken data, analyzed it, and used that to see if they wanted sidewalks implemented. Citizens were able to vote on whether they wanted to sidewalk put in. Mr. Baier stated that he doesn't have an issue with his child playing outside.

Dan Urlick 1610 3<sup>rd</sup> Ave SE, Mr. Urlick stated that he rides his bike in the city, and has his entire life. He has been hit by cars three times while on Austin City streets. The people who would benefit the most from the policy may not be here tonight because they cannot drive or may be vulnerable. So, he is here to advocate for Complete Streets. He was at a meeting a couple of months ago and the council voted unanimously to follow the Complete Streets policy.

Shawn Williams 1900 9<sup>th</sup> St SW, Mr. Williams asked about the grant funds for this project and where they are coming from. Mitch stated that this project was City funded. Mr. Williams stated that he and his wife bike all around Austin, there are horrible sidewalks everywhere. He proposes that the city use the money elsewhere in the city to fix other sidewalks.

Jerry and Suzanne McCarthy 306 13<sup>th</sup> St SE, Mr. McCarthy stated the Complete Streets policy came from Vision 2020. There was an outpouring of information that a policy like this impacted healthy living in cities like Austin.

Mr. McCarthy has lower-cost housing where he lives, so they didn't get a choice if they wanted a sidewalk. The council is going to face this every year. He stated that people's personal costs should not dictate what goes on in their neighborhood.

Paul Manocchio 1910 9<sup>th</sup> St SW, Mr. Manocchio stated that he has been in the neighborhood for 31 years and he has never seen an issue. He does not want the 19<sup>th</sup> St/HWY 105 connection. He has never felt unsafe in this neighborhood. He walks on the street and never has a close call.

Johnathon Poindexter 1909 9<sup>th</sup> St SW, Mr. Poindexter stated that this is more of an issue of losing our trees. He is not concerned with safety. He stated that sidewalks do not prevent accidents.

Director of Public Works Steven Lang, summarized the 19<sup>th</sup> Ave project. Mr. Lang stated it would increase traffic and vehicle movement.

Council Member Baskin thanked those who were here and those who reached out. He stated we are having a good, healthy debate, and it's a complex issue. He stated there are good points on each side and the residents raise some really good concerns.

He stated that we need to update the Complete Streets policy and grandfather properties into this policy. He would like to see the sidewalk removed from this project.

Council Member Helle thanked everyone for coming out tonight. Ms. Helle will not vote to punish or reward a neighborhood. She stated that sidewalks have a cost-benefit analysis.

She stated that every year, neighborhoods go through this. She stated that sidewalks serve our most vulnerable people. She stated there are health benefits to living in a neighborhood that is more walkable.

Council Member Poshusta asked Police Chief McKichan about sidewalk and bicycle laws. Police Chief McKichan stated that bikes and cars have the same rights and responsibilities. Bikes can use the sidewalk, the only place this is regulated is downtown. Council Member Poshusta stated she is opposed to the sidewalks.

Council Member Fischer stated that the council previously voted to use the Complete Streets policy, and now something has changed. He stated engineers should be the ones to vote on whether there should be a sidewalk. It should not be up to a council now or in the future. He is in favor of the complete street policy.

Council Member-at-Large Austin supports the Complete Streets policy, but stated that he did not read where we have to put in sidewalks; the policy says we may. He stated that this neighborhood is not heavily trafficked; the residents do not feel they need sidewalks. Mr. Austin stated that we do not need the sidewalk needed in this project.

Council Member Postma thanked the citizens for coming out and all of the emails. He is in favor of Complete Streets. He is hearing that the council needs to take a look at the Complete Streets policy, which the council tried last year and failed. He stated that the Council must find something we all agree on no matter what ward they represent. He is in favor of not having sidewalks on this project.

Moved by Council Member Baker to advance project 24101 without sidewalks, seconded by Council Member-at Large Austin (Council Member Fischer Nay and Council Member Helle Nay) Passes 5-2.

With concern to the 19th Street Connection, Council Member Postma asked Mr. Wenum what would be the purpose to do this. Mr. Wenum stated that this would be to provide more connectivity.

Mr. Lang stated if you are looking at this neighborhood with no walkable streets, you should not make the connection at 12<sup>th</sup> Street.

Council Member Baskin motioned to advance 24101, without HWY 105 Access, Second by Council Member Baker. Carried.

Assistant City Engineer Mitch Wenum spoke about the 4th Ave NE and 1st Ave NE projects. Council Member Baskin asked if there was public input on this. Mr. Wenum stated there are no specific concerns on this project.

Moved by Council Member Baskin, seconded by Council Member Baker adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 24102 & 24103 Carried 7-0.

Assistant City Engineer Mitch Wenum spoke about the 16th Street, 17th Street, and the 2nd Ave NW project, Mr. Wenum spoke about the discussion he had with Grace Baptist Church and Our Saviors Lutheran Church in regard to 16<sup>th</sup> Street NW.

Mr. Wenum stated that this road would be eliminated and a driveway would be placed in the area for Grace Baptist Church to utilize. Grace Baptist Church would be assessed the cost. The City would retain the right of way. Council Member Postma thanked Mr. Wenum for his work with the Churches to come to an agreement. Mayor King asked if there were citizens that wanted to speak on the issue.

David Huinker 205 17th St NW, Mr. Huinker asked about the timeline, where to place trash, sidewalk assessment, and irrigation. Mr. Huinker also asked if he could have someone do his own sidewalk vs. the city doing it. Mr. Wenum stated yes, but it would need to be completed before the City came to do the street project.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution ordering improvement, approving plans and specifications, and ordering advertisement for bids on Project 24104. Carried 7-0.

## PETITIONS AND REQUESTS

City Clerk Brianne Wolf requested that council adopt a resolution setting the final public hearings for the street improvement projects for March 18<sup>th</sup>, 2024.

Moved by Council Member Baker, seconded by Council Member Baskin, adopting a resolution setting public hearings for March 18, 2024 for street improvement project assessments. Carried 7-0.

City Clerk Brianne Wolf reviewed the changes to the massage therapy ordinance. Mrs. Wolf reported to the council that they reached out to the registered massage therapists and only received feedback from two massage therapists. Mrs. Wolf requested that council approve the changes to the Massage Ordinance.

Massage Therapist Patrick Whalen 58306 220<sup>th</sup> St, Austin MN was in attendance and had suggestions for council on what he would like to see in the ordinance. Mr. Whalen stated that he would like an exemption for Doulas and having language for them when they practice. Mr. Whalen would like the hours adjusted as he works past 10 p.m. and before 6 a.m.

He would like to have a 24-hour notice before any inspections were to take place. Mr. Whalen also stated that wearing underwear should be optional. Mr. Whalen stated that the state may be voting on a massage therapist license in the upcoming months and the city should wait until there is more guidance and align the ordinance with the state's regulations.

Council Member Helle stated that she would like to put this back on the city clerk's desk, get the wording adjusted, work with the providers and wait until the state has more guidance. Council Member-at-Large Austin also stated that a massage therapist reached out to him about similar issues.

Moved by Council Member-at-Large Austin, seconded by Council Member Baker to table the ordinance until a later date. Carried

City Clerk Brianne Wolf requested the council approve a change to the small vehicle ordinance. Council Member Baskin would like the City Clerk to reach back out to Uber and Lyft to see if they are open to coming to Austin.

Moved by Council Member Baker, seconded by Council Member Baskin, approving the ordinance change to Small Vehicle Passenger Service. Passes 7-0.

Director of Administrative Services Tom Dankert spoke about support for funding an Administrative Staff Member for Impact Austin.

Moved by Council Member Baker, seconded by Council Member Baskin, approving funding support for Impact Austin Administrative Staff Member. Carried.

Director of Administrative Services Tom Dankert requested council approve a new postage machine replacement.

Moved by Council Member Baker, seconded by Council Member Baskin, proving postage machine replacement. Carried.

Director of Administrative Services Tom Dankert requested the council approve the 2024 firework contract. Mr. Dankert stated that money will not be needed from contingency as the city will receive donations from outside organizations to fund the remaining balance.

Moved by Council Member Baker, seconded by Council Member Austin, approving the firework contract. Carried.

Director of Public Works Steven Lang spoke on the contract with VS Farms. Mr. Lang stated that there was an increase in the lease. Mr. Lang recommended we approve a new three-year contract.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin adopting a resolution to approve the Airport Property Farm Rental Contract with VS Farms, LLC. Carried 7-0

Director of Public Works Steven Lang stated that they have been working on this project for a couple of years and they want WHKS to oversee the construction services on the city's behalf. Mr. Lang recommended approving the contract with WHKS.

Moved by Council Member Poshusta, seconded by Council Member-at-Large Austin, approving a contract with WHKS for engineering construction services of sanitary sewer siphons. Carried

Mayor King read the Donations to the City of Austin.

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

Director of Public Works Steven Lang requested authorization to execute an entitlement transfer in regard to the Airport T-Hanger. He stated that this would allow Austin to use the Eveleth allocation for our project, and use the 2026 Austin allocation to pay them back.

Moved by Council Member Postma, seconded by Council Member Baskin, adopting a resolution to authorize the execution of Airport T-Hanger, Entitlement Transfer. Carried 7-0.

## CITIZENS ADDRESSING THE COUNCIL

## REPORTS

Library Director Julie Clinefelter gave thanks to Director of Administrative Services Tom Dankert for going over financials at the Library. Mrs. Clinefelter also stated that the library app through SELCO is available again. She stated that February 27<sup>th</sup> there will be a community event at the library, after hours, in conjunction with the Mower County Health and Human Services. She stated that she gave flyers to the council members about this event. Lastly, the Library received a mini-grant from SELCO and the library will be hosting an informational class about driver's license training in Spanish in March.

Council Member Baskin sends his Condolences to the community of Burnsville.

Council Member Baker apologized and stated that we need to solve the Complete Streets policy.

Council Member Postma sends his Condolences to the community of Burnsville.

Council Member Helle is looking forward to reviewing the Complete Streets policy. She gave an update on Parks and Recreation, and how they are forming a team around forestry. She also stated to watch for the summer activity guide from Park and Rec. Lastly, she reported that Fourth Ave Fest will be on June 5<sup>th</sup> this year.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adjourning the meeting to March 4, 2024. Carried.

Adjourned: 7:30 p.m.

Approved: March 4th, 2024

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

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

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



Steven J. Lang, P.E.  
City Engr./Public Works Dir.  
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## Memorandum

**To:** Mayor and City Council  
**From:** Steven Lang, PE  
**Subject:** Bituminous Material Bids  
**Date:** February 29, 2024

We have received bids for our seasonal supplies of asphalt for 2024. The bids are summarized below based on the base bid that was submitted plus the cost associated with hauling the materials.

For determining the cost of hauling, a rate of \$.40/ton/mile, based on one direction, was specified in the specifications to be used to determine hauling costs. The mileage is the distance to the asphalt plant from the intersection of Oakland Avenue and Main Street in Austin.

Bidder	Base Bid	Mileage	Total
Ulland Bros Inc	\$286,785	\$36,000	\$322,785
Rochester Sand & Gravel	\$310,500	\$50,400	\$360,900

These costs come out of our Streets and Highways road materials budget. We would recommend awarding this bid to Ulland Bros. Inc.

If you have any questions, please let me know.

### Historical Bid Prices

2024	\$286,785	\$63.73/ton
2023	\$290,250	\$64.50/ton
2022	\$274,500	\$55/ton
2021	\$229,500	\$51/ton
2020	\$234,000	\$52/ton
2019	\$241,875	\$53.75/ton
2018	\$211,500	\$47/ton

### Ulland Bros.

79223 -170<sup>th</sup> Street  
Albert Lea, MN  
20.0 miles

### Rochester Sand & Gravel

2627 County Road 6  
Stewartville, MN  
28.0 miles

**RESOLUTION NO.**

**AWARDING BID**

**WHEREAS**, pursuant to an advertisement for bids for the following local improvements:

2024 seasonal supply of bituminous material

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

Contractor	Base Bid	Mileage	Total
Ulland Bros. Inc.	\$286,785	\$36,000	\$322,785
Rochester Sand & Gravel	\$310,500	\$50,400	\$360,900

**AND, WHEREAS**, it appears Ulland Bros. Inc. is the lowest responsible bidder.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Austin, Minnesota: That the bid from Ulland Bros. Inc. is hereby accepted, and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Ulland Bros. Inc. in the name of the City of Austin for the following:

2024 seasonal supply of bituminous material

Passed by a vote of yeas and nays this 4th day of March, 2024.

Yeas

Nays

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor



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



Steven J. Lang, P.E.  
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## Memorandum

**To:** Mayor & Council  
**From:** Steven Lang, PE  
**Date:** February 26, 2024  
**Subject:** Creekside Business Park Development  
Construction Admin and Inspection Services  
CP 23107, 9<sup>th</sup> Street, 26<sup>th</sup> Avenue & 27<sup>th</sup> Avenue NW

Council recently awarded bids for a project that will involve roadway construction of segments of 9<sup>th</sup> Street NW, 26<sup>th</sup> Avenue NW and 27<sup>th</sup> Avenue NW. Construction will consist of sanitary sewer, storm sewer, retention pond, site grading, curb & gutter, asphalt paving, and street lighting. Austin Utilities will install gas, water, and electric mains on 9<sup>th</sup> Street and 26<sup>th</sup> Avenue. We have received a proposal from SEH to complete the construction admin, construction surveying, materials testing and inspection services in the amount of \$267,770.15.

### PROPOSED FEE

SEH proposes to provide the professional services described in this proposal on an hourly basis in accordance with our customary standard hourly rates with an estimated cost as follows:

Construction Observation:	\$159,390.00
Construction Surveying:	\$ 39,200.00
Materials Testing:	\$ 22,773.00
Project Management:	\$ 21,385.00
Reimbursable Expenses:	<u>\$ 25,022.15</u>
<b>Total:</b>	<b>\$267,770.15</b>

The estimated fee indicated above includes all project expenses, including travel expenses.

The proposal is based on estimated hours and the final cost will be based on actual hours.

SOURCES OF FUNDS		
(1) US Dept of Commerce EDA Grant	\$	2,212,848.00
(1) MN Dept of Employment and Economic Development Grant	\$	1,650,175.00
City of Austin CIP Revolving Fund 49	\$	782,922.00
Austin Port Authority	\$	546,250.00
Austin Utilities	\$	219,153.00
<b>TOTAL SOURCES OF FUNDS</b>	<b>\$</b>	<b>5,411,348.00</b>

USES OF FUNDS		
(2) Administrative and Legal	\$	50,000.00
Design Engineering		
Preliminary Engineering Report (PER)	\$	20,000.00
Design Services	\$	358,340.94
Construction Administration and Inspection Services	\$	267,770.15
Austin Utilities		
Water Distribution System	\$	143,000.00
Electric Distribution System	\$	427,000.00
Gas Distribution System	\$	17,000.00
Construction Contract	\$	2,764,762.74
<b>TOTAL USES OF FUNDS</b>	<b>\$</b>	<b>4,047,873.83</b>

(1) Grants will be adjusted based on final project cost.

(2) Estimated city staff costs

These costs have been identified within the project budget and are eligible for reimbursement through our grant reimbursement schedule. We would recommend extending a contract to SEH for these construction services. If you have any questions, please contact me.

RESOLUTION NO.

**APPROVING ENGINEERING CONSTRUCTION SERVICES  
FOR THE CREEKSIDE BUSINESS PARK DEVELOPMENT ROADWAY**

WHEREAS, the City has received a proposal from SEH, for construction administration and inspection services at Creekside Business Park Development for roadway construction and addition projects; and

WHEREAS, the proposal provides services in relation of the project including construction surveying, materials testing and inspection services; and

WHEREAS, the proposal for the construction services is in the amount of \$267,770.15;

NOW THEREFORE, BE IT RESOLVED, that the City Council approves the administration and inspection services in the amount of \$267,770.15 with SEH.

Passed by a vote of yeas and nays this 4th day of March, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

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



Steven J. Lang, P.E.  
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## Memorandum

**To:** Mayor & Council  
**From:** Steven J. Lang, P.E.  
**Date:** February 23, 2024  
**Subject:** Cook Farm Land Rental

The City of Austin has leased out the undeveloped portions of the Cook Farm for farming. Kevin Finley has been farming the property since 2012. The lease rate has fluctuated over the years as commodity rates have changed. Details of the agreement are as follows:

Cook Farm	Productive	Non-Productive	Total
2012/13/14	133 @ \$320/acre		\$42,560/year
2015/16	133 @ \$250/acre		\$33,250/year
2017/18	116 @ \$225/acre	18.5 @ \$50/acre	\$27,025/year
2019/20	116 @ \$225/acre	18.5 @ \$50/acre	\$27,025/year
2021/22	<sup>(1)</sup> 108 @ \$240/acre	15.6 @ \$50/acre	\$26,700/year
2023	<sup>(2)</sup> 98 @ \$240/acre	15.6 @ \$50/acre	\$24,300
2024	<sup>(3)</sup> 39 @ \$200/acre	31.5 @ \$50/acre	\$9,375

- City has the right to modify the acres if property develops
- City shall pay the property taxes
  - (1) Productive area reduced by 8.0 acres due to sale of property to NuTek
  - (2) Productive area reduced by 10.0 acres due to sale of property to Harty Mechanical
  - (3) Productive area reduced due to the construction of 9<sup>th</sup> St., 26<sup>th</sup> Ave. & 27<sup>th</sup> Ave.

The construction of the 9<sup>th</sup> Street, 26<sup>th</sup> Avenue and 27<sup>th</sup> Avenue NW roadway extension and associated infrastructure is planned for 2024. This project will impact a great deal of the farmable acreage. For that reason, I would recommend extending only a one-year lease for 2024 to Kevin Finley for the property described.

In the future we will likely look to plant all the undeveloped areas to grass/alfalfa. Row cropping small broken up fields is not cost effective. The change over to grass/alfalfa will present the area as more developable and shovel ready. Keven Finley has a demand for grass/alfalfa, so it will continue to fit his farming operation. If you have any questions, please feel free to contract me.

## FARM LEASE

**THIS AGREEMENT** is made this \_\_\_\_ day of March, 2024, by and between the City of Austin, a Minnesota municipal corporation, herein called LESSOR, and Kevin Finley, herein called LESSEE.

Section 1. Description of the Farm. In consideration of the rental and covenants specified below, the Lessor hereby leases to the Lessee real property located in Mower County, State of Minnesota, commonly referred to as the Cook Farm.

Map available in City Engineer's Office.

(herein called the "Farm").

Section 2. Use of Property. The Farm is to be used for the purpose of agricultural crops

Section 3. Length of Lease. This lease is for a term of one year beginning on March 15, 2024, and ending on December 31, 2024, unless otherwise terminated as hereinafter set forth.

Section 4. Rent. As and for rent of the above described Farm, Lessee shall pay Lessor the following. Said amount shall be due as follows: One half will be paid on or before June 15, and the remaining one half on or before December 1, of the associated year.

2023 rate

Non – Productive (31.5 acres)	\$50/acre	=	\$ 1,575
Productive (39 acres)	\$200/acre	=	<u>\$ 7,800</u>
TOTAL			<u>\$ 9,375</u>

Section 5. If development occurs during the time of the lease, the Lessor will have the right to reduce the acreage to be rented and the corresponding payment will be reduced on the same ratio as the reduction in land.

Section 6. Expenses. Lessee shall pay for all expenses for the planting and harvesting of said crops, including but not limited to cost of tillage, sowing, and harvesting, and further the cost of all seed and fertilizer, if any. If the lessor shall cancel the lease, or delete any acreage from the lease the tenant shall be entitled to reimbursement for expenses. This shall be prorated over the length of the lease. Example: If improvements equaling \$30/acre were made in the first year of the lease, the loss of 20 acres in the last year of the lease would be reimbursed at \$10/acre for total of \$200. Only improvements that have been preapproved in writing by the Lessor will be eligible for reimbursement. Terms of reimbursement shall be mutually agreed to by the Lessee and Lessor.

## **II. TECHNICAL SPECIFICATIONS**

- A. Farm Land Rental: The farm land available shall be that as shown on the map at the City Engineer's Office. The following conditions shall be followed:
1. That the described property shall be used only for agricultural purposes.
  2. As shown on the referenced map, the landlord will be conducting composting operations on the northwest corner of the property.
  3. No equipment will be stored on the property when not in actual use. Irrigation equipment, which causes an obstruction or interference will not be used on the property.
  4. Not to commit, suffer or permit any non-agricultural waste on said property, Lessee further agrees to comply with all state laws, local ordinances or other governmental regulations in connection with pest and weed control, land use, etc., which may be required by the property authorities.
  5. Lessee covenants and agrees to cultivate, irrigate, fertilize, prune, harvest and otherwise farm the premises in accordance with approved practices of good husbandry and in accordance with the standard farming practices of the vicinity, and to keep any buildings, fences, irrigation or

other farming facilities on the premises in good repair and keep farm free and clear of noxious weeds all at Lessee's expense.

6. Lessee agrees not to assign or sublet the above leased premises, or any part thereof, without first obtaining the prior written consent of Lessor.
7. Lessee agrees that it will, at the expiration of the Lease, quietly yield and surrender the aforesaid leased premises to Lessor in as good condition and repair as when taken, reasonable wear and tear and damage by the elements excepted.
8. Lessor agrees to pay all taxes imposed upon the property.
9. To pay Lessor all costs and expenses, including attorney's fees, in a reasonable sum, in any action brought by the Lessor to recover any costs for the breach of any of the covenants or agreements contained in this Lease, or to recover possession of said property, whether such action progresses to judgment or not.
10. The Lessee assumes by this agreement all risk of personal injury of, or death to, himself, his employees, customers, invitees, licensees, family or guests while on or about the leased premises, and agrees to save harmless the City of Austin for all claims, suits, costs, losses, damage and expenses arising out of such injury or death.
11. Anything herein contained to the contrary notwithstanding, this Lease may be terminated and the provisions of this Lease may be, in writing, altered, changed or amended by mutual consent of the parties hereto. If the leased area, or any portion thereof, is needed by the Lessor for development purposes, the Lease may be terminated upon three (3) months written notice to the Lessee.
12. The Lessee will be reimbursed for actual costs of any seeding or fertilization, or crops made to the land prior to notice of termination by Lessor. Reimbursement shall be prorated as stated in the example in Section 5 (Expenses).
13. Lessee shall obtain liability insurance to cover this agreement naming the City of Austin as an additional insured.
14. Lessee shall not be liable for any rent accruing after termination of the lease.
15. If the lessor removes portions of property from the lease, the lease value shall be reduced in equal proportion to the number of acres removed.

**IN TESTIMONY WHEREOF**, both parties have signed this lease this \_\_\_\_ day of March, 2024.

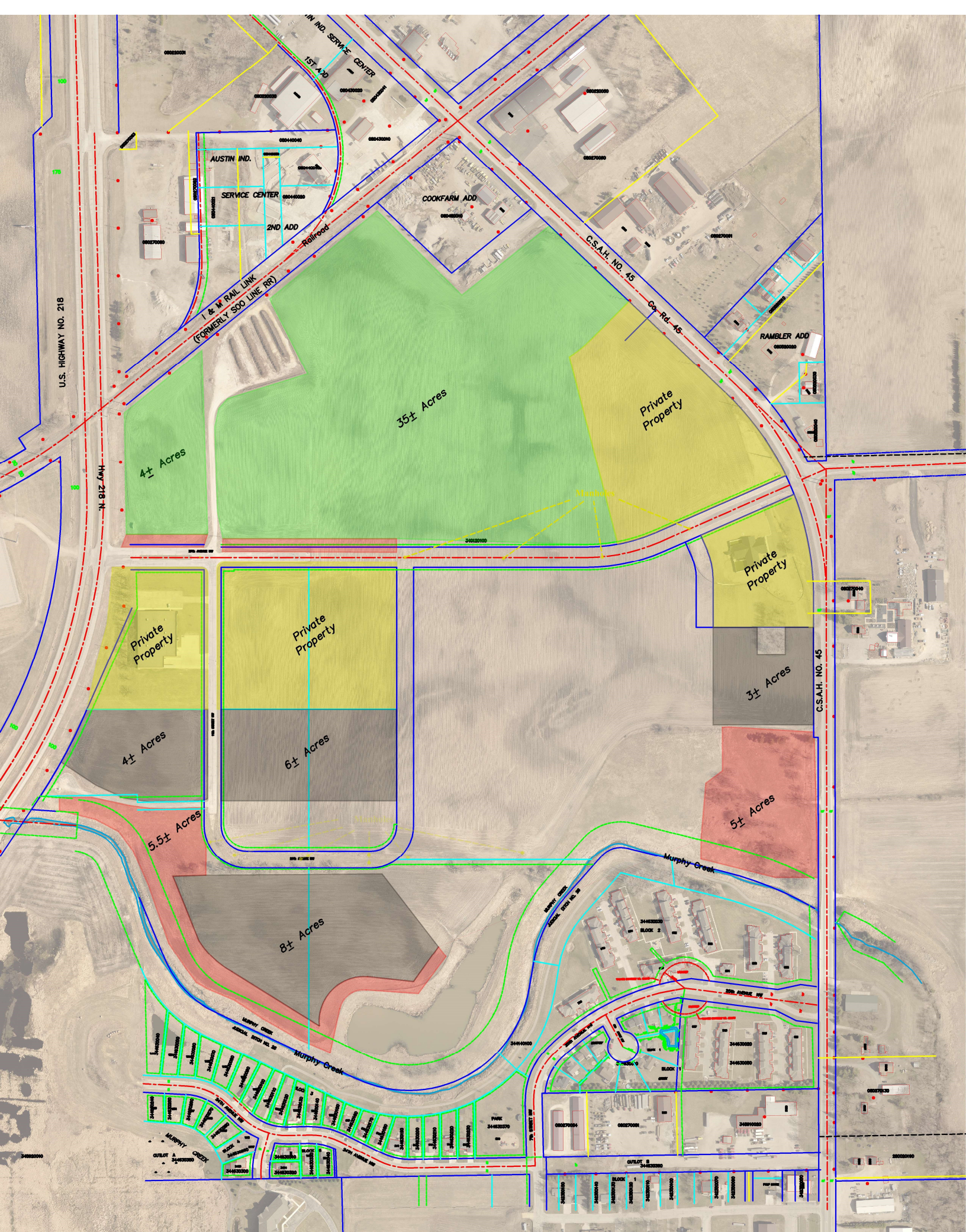
ATTEST:

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

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

BY: \_\_\_\_\_  
Kevin Finley







**RESOLUTION NO.**

**Resolution Authorizing Farm  
Lease Agreement with Kevin Finley**

**WHEREAS**, the City Council has leased land to Kevin Finley for farming at the Cook Farm and the City wishes to renew the contract.

**NOW THEREFORE, BE IT RESOLVED** that the Austin City Council approves the farming lease extension agreement with Kevin Finley for the year 2024. A copy of the lease is attached hereto.

Passed by a vote of yeas and nays this 4th day of March, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor



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



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

TO: Mayor King and Council Members

FROM: Tom Dankert <sup>TSD</sup>

DATE: March 4, 2024

RE: **Budget Adjustment #3 – 2024 Budget Adjustment**  
U:\Word\2024\Miscellaneous\2024 Budget Adjustment #3.doc

Department heads have gotten back to me on specific budgetary items that they would like to carry-over from the 2023 budget into 2024 to expend.

The requests are as follows:

**General Fund (11000):**

**Parks and Recreation:**

- Playground equipment, **\$130,000** (originally in the Building Fund for 2023).

**Administration:**

- Discover Austin Tourism Initiative, **\$40,000.**

**Human Resources:**

- Electronic archiving system, **\$30,000.**

**Police:**

- Police car equipment/build out costs, **\$32,000**
- Computer docks, **\$12,000**
- Office Chairs, **\$7,000**

**Library:**

- Replace office furniture, **\$55,000**

**Public Works:**

- Street name sign replacement, **\$25,000**
- Riverside Arena sidewalk replacement, **\$50,000**
- Packer Arena interior painting, **\$30,000**

	<u>Debit</u>	<u>Credit</u>
49011.6540 Equipment	\$ 411,000	
41110.5490 Use of Fund Balance		\$ 411,000
Total General Fund	\$ 411,000	\$ 411,000

**Local Option Sales Tax Fund (40000):**

Public Works/Administration Projects:

- Stormwater Lift Station Generators, **\$250,000**

Not a budgeted fund, so no line items to change. Will include in this memo to authorize purchase.

**Central Garage Fund (71000):**

Central Garage – Streets:

- Fiber to Central Garage, **\$7,500.**

Central Garage – Parks:

- Replace 1994 Pickup (#48), **\$45,000.**
- Replace 1991 Dump Truck, (Unit #38) **\$50,000.**
- Extra funding needed for the above from non-replacement of Unit #27 in 2022, **\$30,000**

	<u>Debit</u>	<u>Credit</u>
43317.6520 Buildings	\$ 7,500	
43317.5490 Use of Fund Balance		\$ 7,500
45217.6540 Equipment	\$ 125,000	
45217.5492 Use of Fund Balance		\$ 125,000
Total Central Garage Fund	\$ 132,500	\$ 132,500

**Fire Fleet Replacement Fund (73000):**

Fire Department:

- Replace #301 apparatus (deposit already made in 2022/2023), **\$118,000.**

	<u>Debit</u>	<u>Credit</u>
42207.6540 Machinery	\$ 118,000	
42207.5490 Use of Fund Balance		\$ 118,000
Total Fire Fleet Replacement Fund	\$ 118,000	\$ 118,000

**Risk Management Fund (75000):**

Safety Programs:

- Ergonomic chairs for Police Department, **\$2,300.**

	<u>Debit</u>	<u>Credit</u>
41327.6219 General Supplies	\$ 2,300	
49007.5490 Use of Fund Balance		\$ 2,300
Total Fire Fleet Replacement Fund	\$ 2,300	\$ 2,300

By passing a Resolution, council will have then officially amended the budget for the 2024 year that would allow for the above purchases/transfers.

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

## RESOLUTION NO.

### BUDGET ADJUSTMENT #3

#### RESOLUTION AMENDING THE 2024 OPERATING BUDGET OF FUND 11 - GENERAL FUND, FUND 40-LOCAL OPTION SALES TAX, FUND 71- CENTRAL GARAGE FUND, FUND 73 – FIRE FLEET FUND, AND FUND 75 RISK MANAGEMENT FUND

**WHEREAS**, he City Council of the City of Austin adopted Resolution No. 16908 on December 18, 2023 approving the 2024 operating budgets for the various city operations; and

**WHEREAS**, the following budgeted items from 2023 are requested to be carried over to 2024:

#### **General Fund (11000):**

##### Parks and Recreation:

- Playground equipment, **\$130,000** (originally in the Building Fund for 2023).

##### Administration:

- Discover Austin Tourism Initiative, **\$40,000**.

##### Human Resources:

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**Risk Management Fund (75000):**

Safety Programs:

- Ergonomic chairs for Police Department, **\$2,300.**

	<u>Debit</u>	<u>Credit</u>
41327.6219 General Supplies	\$ 2,300	
49007.5490 Use of Fund Balance		\$ 2,300
Total Fire Fleet Replacement Fund	\$ 2,300	\$ 2,300

And;

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

**NOW THEREFORE, BE IT RESOLVED** that the City Recorder shall record these authorized budget amendments upon the City's 2024 financial records.

Passed by a vote of yeas and nays this 4th day of March, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

## RESOLUTION NO.

### BUDGET ADJUSTMENT #3

#### RESOLUTION AMENDING THE 2024 OPERATING BUDGET OF FUND 11 - GENERAL FUND, FUND 40-LOCAL OPTION SALES TAX, FUND 71- CENTRAL GARAGE FUND, FUND 73 – FIRE FLEET FUND, AND FUND 75 RISK MANAGEMENT FUND

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	<u>Debit</u>	<u>Credit</u>
42207.6540 Machinery	\$ 118,000	
42207.5490 Use of Fund Balance		\$ 118,000
Total Fire Fleet Replacement Fund	\$ 118,000	\$ 118,000

**Risk Management Fund (75000):**

Safety Programs:

- Ergonomic chairs for Police Department, **\$2,300.**

	<u>Debit</u>	<u>Credit</u>
41327.6219 General Supplies	\$ 2,300	
49007.5490 Use of Fund Balance		\$ 2,300
Total Fire Fleet Replacement Fund	\$ 2,300	\$ 2,300

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

**NOW THEREFORE, BE IT RESOLVED** that the City Recorder shall record these authorized budget amendments upon the City's 2024 financial records.

Passed by a vote of yeas and nays this 4th day of March, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

## RESOLUTION NO.

## ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$2,000	Austin Eagles Lookout Aerie 703	City of Austin (4 <sup>th</sup> of July Fireworks Fund)
\$5,000	Fire Dex	Items donated to Austin Fire Department: 10 Pairs of Fire Gloves 10 Fire Hoods 1 Seek Thermal Imaging Camera Ball Caps, Coffee Tumblers, and Fire Dept. Coffee

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 4th day of March, 2024.

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](http://www.ci.austin.mn.us)

## Memorandum

**To:** Mayor and City Council

**Cc:** Omar Solis & Claudio Barreto 706 9<sup>th</sup> Ave SE Austin, MN 55912

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

**Re:** Accumulation of Refuse and Junk  
At 801 8<sup>th</sup> St SE Austin, MN 55912 Solis & Barreto Property

**Date:** February 28, 2024

---

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 801 8<sup>th</sup> St SE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You



**City of Austin  
Zoning Department**



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

February 6<sup>th</sup>, 2024

Omar Solis  
Claudio Barreto  
706 9<sup>th</sup> Ave SE  
Austin, MN 55912

RE: Zoning Violations at 801 8<sup>th</sup> St SE, Austin, MN 55912

Dear Omar & Claudio:

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 February 6<sup>th</sup>, 2024 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 maximum of \$100, the amount varies depending on the type of violations.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Johnson", with a stylized flourish at the end.

Brent Johnson  
Zoning Inspector



TIME STAMP 

February 28, 2024  
7:47 AM