

A G E N D A
CITY COUNCIL MEETING
MONDAY, DECEMBER 16, 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 December 2, 2024 and Truth in Taxation Hearing on December 4, 2024
- 3. Recognitions and Awards
- (mot) 4. *Consent Agenda

Licenses:

Massage Therapist: Sarah Bachmeier, Austin, MN

Sign Installer: SignPro of SoMN & Mankato Sign Service, N. Mankato, MN Temporary

Liquor: Pacelli Austin Committee-UCSF on January 25, 2025

Exempt Gambling (bingo): Knights of Columbus Council 1201 on January 18, 2025

2025 License Renewals (*complete list in the consent agenda folder*)

Claims:

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

Making the following appointments and reappointments to Boards and Commissions:

- a. Tyler Hulsebus to the Fire Civil Service Commission – term expiring 12/31/2027
- b. Vern Lippert to the HRA Authority – term expiring 12/31/2029
- c. An Le to the Human Rights Commission – term expiring 12/31/2027
- d. Miguel Garate to the Human Rights Commission – term expiring 12/31/2027
- e. Bryan Davis to the Human Rights Commission – term expiring 12/31/2027
- f. Nitaya Jandragholica to the Library Board – term expiring 12/31/2027
- g. Kristi Beckman to the Library Board – term expiring 12/31/2027
- h. Michael Bambrick to the Park and Recreation Board – term expiring 12/31/2028
- i. Randal Forster to the Pillars of the City Board – term expiring 12/31/2027
- j. Mike Ankeny to the Pillars of the City Board – term expiring 12/31/2027
- k. Taggart Medgaarden to the Pillars of the City Board – term expiring 12/31/2027
- l. Mark Mayer to the Planning Commission – term expiring 12/31/2028
- m. Jana Norman to the Planning Commission – term expiring 12/31/2028
- n. Holli Mayer to the Police Civil Service Commission – term expiring 12/31/2027
- o. Tim Ruzek to the Port Authority – term expiring 12/31/2030
- p. Jenna Viehauser to the Culture and Arts Commission – term expiring 12/31/2027
- q. Kandace Feist to the Culture and Arts Commission – term expiring 12/31/2027
- r. Stephen King to the Part Time Fire Relief Trustees – term expiring 12/31/2025

- s. Tom Dankert to the Part Time Fire Relief Trustees – term expiring 12/31/2025
- t. James McCoy to the Part Time Fire Relief Trustees – term expiring 12/31/2025

PUBLIC HEARINGS:

- (res) 5. Public Hearing on the 5-year Capital Improvement Plan. (*See separate upload for full plan*)
 - a. Adopting the Capital Improvement Plan.

AWARDING BID:

- (res) 6. Receiving Bids for Asbestos Abatement at 500 4th Avenue NE (City Hall)
 - a. Awarding Bid

PETITIONS AND REQUESTS:

- (res) 7. Approving the Tax Levy for 2025
- (res) 8. Adopting the Budget for 2025
- (res) 9. Authorizing the Cancellation of Certain Ad Valorem Tax Levies
- (mot) 10. Designating the Austin Daily Herald as the Official Newspaper for 2025
- (res) 11. Granting Renewals of 2025 Licenses for the Sale of Hard Liquor On-Sale, Sunday Hard Liquor On-Sale, Sunday Wine On-Sale and 3.2 Beer On and Off-Sale
- (res) 12. Approving Temporary Seasonal Wages
- (res) 13. Approving Change Order Number Six for the Waste Water Treatment Plant Project
- (res) 14. Approving Change Order Number One for the EQ/Digester Cover Replacement
- (res) 15. Declaring the Structure at 2400 4th Dr SW as Hazardous
- (mot) 16. Reviewing a Variance Request for Detached Structures from Scott Soderberg
 - a. Approve or Deny Variance Request
- (res) 17. Approving Donations

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Monday, January 6, 2025** at 5:30 pm in the Council Chambers.

Council Agenda
December 16, 2024

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.

MINUTES
2025 BUDGET AND TAX LEVY PUBLIC HEARING
DECEMBER 4, 2024
6:00 P.M.
COUNCIL CHAMBERS

MEMBERS PRESENT: Mayor Steve King. Council Members Paul Fischer, Mike Postma, Geoff Baker, Joyce Poshusta, and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: Council Members Jason Baskin and Laura Helle

STAFF PRESENT: Director of Administrative Services Tom Dankert

OTHERS APPEARING: Austin Daily Herald.

Mayor King called the meeting to order at 6:00 P.M.

Mr. Dankert noted the purpose of the meeting is for discussion of the 2025 property tax levy and the 2025 operating budgets for all city departments. Mr. Dankert noted this budget was created based on the direction of the elected officials.

Administrative Services Director Tom Dankert gave a brief review of the city's overall budget of \$49,800,227 noting the budgeting process takes the greater part of seven months to complete as we started the budgeting process in June this year. Mr. Dankert further noted that for 2025, LGA is 43.53% of the total General Fund budget, so we are heavily dependent upon the State of Minnesota to keep taxes and services at the level they are at. The total LGA Austin is certified to receive in 2025 is \$9,804,050.

The past tax levies were discussed and Mr. Dankert noted that 2025 will have a proposed tax levy increase of 11.97%, for a tax levy of \$9,800,000. In the past, roughly 2-3% of any tax increase has been paid by new homes and new businesses in the community, however the City's Housing Tax Abatement program will reduce that going forward.

Full-time equivalent (FTE) employees are projected to increase from 2024 to 2025 by 3.0 FTE's (Human Resource Generalist, Housing Resource Code Officer, and WWTP Operator/Lead Maintenance). Approximately 69% of the General Fund budget goes towards team member investment, and this percentage continues to increase annually indicating the rest of our budget is not keeping up with inflationary pressures.

Mr. Dankert discussed the portion of the tax levy that goes toward street projects, noting the street debt service levy is now gone, as we no longer finance the middle 50% of a street project with debt. Instead, \$1,726,000 is also being used for current street projects/trails/hazardous buildings that did not involve a debt issuance for 2025. Contingency also sits at \$120,000 for 2025.

Mr. Dankert also discussed maintaining fund balances in the General Fund at the 42% to 48% level. This helps to maintain our Aa2 credit rating, and allows for us to have some cash flow money for the first six months of the year. Mr. Dankert noted at the end of 2023

we were above that fund balance amount, which gives Council an option to use some of this fund balance in the future for other projects they might want to fund.

Mr. Dankert noted the budgeting process began in mid-June and is not completed until December. Mr. Dankert noted it is typical for the city to take several months to finalize the budgets, as meetings are held with department heads and the council on several occasions before the final budget is approved. Preliminary budgets and tax levies are required by law to be approved by September 30 of each year. Tax levies cannot be increased after September 30 (with some exceptions), but they may be decreased.

Mr. Dankert discussed the breakdown of the 2025 proposed tax levy. Mr. Dankert noted the tax levy is increasing from \$8,752,000 in 2024 to \$9,800,000 in 2025 if Council approves the proposed amount.

The current breakdown of the citizen's tax dollar is as follows: The City of Austin's tax levy represents about 37% of the tax capacity (37 cents of every local property tax dollar paid comes to the City). Mower County receives 28%, the School District receives 34%, and the Watershed/HRA receives the other 1%.

Mr. Dankert discussed the budgeted expenditures of \$49,800,227 for 2025, noting the Enterprise Fund expenditures of \$14,645,104 are paid for via the users. The revenue sources for the year 2025 budget include the tax levy of \$9,800,000, and state aid of \$11,445,852 (mainly LGA). Mr. Dankert noted other minor line items that balance out the total city budget of \$49,800,227 for the year 2025. Mr. Dankert noted the largest revenue source for the City of Austin is from LGA at \$9,804,050 budgeted for 2025.

Mr. Dankert discussed the tax levy over the last 10 years, noting the increasing amount. Accordingly, the tax valuation of property subject to tax continues to grow at the same level. Our actual tax rate per \$1,000 of valuation is at 45.95 for payable 2025, fourth out of five between Winona, Faribault, Owatonna, and Albert Lea.

Mr. Dankert discussed each budgeted fund and the revenue sources and expenditures that make up each. The governmental funds (General, Library, Recreation Program Funds) budget of \$24,276,702 was discussed by area of expenditure. In the General Fund, our major operating fund, General Administration's budget of \$2,885,211 pays for the City Clerk, Mayor, Council Members, Finance, Elections, City Attorney, and Administrator, among other things. The Public Safety budget of \$9,874,755 is primarily for the Police and Fire Departments and Building Inspection and comprises over 40% of the General Fund budget. The Highways and Streets Department's budget of \$4,493,338 funds Engineering, Streets, Highway, and Lighting, among other things. Park and Rec have a budget, including the Riverside and Packer arenas, of \$4,162,994 for their programs. Other budgeted costs of \$1,106,141 are primarily for capital and contingency, plus economic development (mainly the hotel/motel tax remittance and the DCA payment). Mr. Dankert did note undesignated Contingency is at \$120,000 as cuts had to be made to fit into Council's budget parameters (and therefore won't be at our standard \$150,000 level).

Mr. Dankert briefly discussed the Recreation Programs Fund budget of \$141,473. These funds are generated via the different programs and used to help support each individual group. Mr. Dankert said there is no public tax support for this.

The budget for the Library Fund was discussed. The total budget of \$1,612,790 includes a funding request from the County for \$213,000 in 2025. Mr. Dankert noted most of the Library budget is funded by tax payers.

The Tax Increment Debt Service Fund Budget of \$560,200 is funded via tax increments paid on the affected properties. Expenditures include payments on existing developer agreements.

The Capital Projects budget is being used to continue to with hazardous building removal, local street projects, sound wall, and some signage and trails funded via grants. The tax levy and grants make up most of the revenue sources associated with these expenditures.

The Enterprise Funds are funded primarily from user fees. The Sewer User Fund has budgeted revenues of \$12,118,248 for the year 2025. Reserves are being used to help fund the ongoing capital improvements to the facility. Mr. Dankert noted Hormel Foods Corporation pays 100% of the industrial charges at the Wastewater Treatment Plant. This is an operational budget, so the proposed multi-million-dollar engineering costs for creating the plans and specs for the new WWTP and the expansion itself are not included here.

The Waste Transfer Station budget of \$126,454 has a primary revenue source from a lease with Waste Management. A recent lease with Waste Management should ensure the longevity of the transfer station for our residents' use. The Waste Transfer Station does not use any tax levy to help fund its operations or capital improvements.

The Storm Water Management District is used to meet funding needs for the federal/state storm water unfunded mandates. User fees added to utility bills pay for the normal operations in 2025 of approximately \$1,469,746.

Mr. Dankert discussed the Port Authority budgets. The Port Authority General Fund uses the \$40,000 of tax levy for development purposes. The Walker Building has income projected, and that income has been put back into the building for improvements, and helped to finance other projects over the years. The Port Authority owns the Hormel Institute Phase II expansion, but all of the costs (except depreciation) are on The Hormel Institute as an entity.

Internal Service Funds have revenue sources from other city departments. Funds are accumulated to pay for health insurance, new vehicles, and computer operations. The Central Garage has a budget of \$2,943,814. This includes both the Street Department and the Park and Rec Department. Included in the budgets are building/equipment additions of \$735,000 for the Street Department and \$299,500 for the Park and Rec Department.

The M.I.S. Department has a budget of \$326,287 for 2025. This fund has revenue sources from the city's departments within the General Fund. The employee in this department is available to all city departments to evaluate individual needs. Also, web site development and upkeep are done internally by this position.

The Fire Equipment Fund is used for purchasing and maintaining fire vehicles. Mr. Dankert noted there is currently \$70,000 of equipment (new Chief's vehicle) scheduled for 2025.

The Risk Management Fund accounts for all of our insurance programs. The proposed revenues of \$3,834,520 are used to cover the expenditures. The Risk Management Fund includes Health Insurance, Property/Liability Insurance, Workers Comp. Insurance, and Sick Leave payments that are owed.

Council Member Baker questioned the health insurance total budget and how we came up with the balance. Mr. Dankert noted it was based on full staffing at the health insurance rates recently approved. Mr. Dankert noted he would send out more detailed information to hopefully answer the question better.

Mr. Dankert discussed the resolutions that will need to be passed at the December 16, 2024 city council meeting. The first resolution would certify the tax levy to the County Auditor in the amount of \$9,800,000 if Council desires to levy the proposed amount. The second resolution would certify the adopted budget for the year 2025.

The third resolution would cancel certain tax levies on the Austin Utilities Central Facility bond issue. This levy is not needed as we have alternate sources of revenues to pay off the bond issue.

No additional comments or questions were made by the public, as nobody was there.

With no others speaking, motion by Council Member Postma, seconded by Council Member Fischer recommending to Council the tax levy of \$9,800,000 for payable 2025. Carried 3-2 (Council Member-at-Large Austin and Council Member Baker = Nay). Item will be added to the next council agenda.

Motion by Council Member Postma, seconded by Council Member Fischer to recommend to Council the budget of \$49,800,227 for 2025. Carried 3-2 (Council Member-at-Large Austin and Council Member Baker = Nay). Item will be added to the next council agenda.

Motion by Council Member Baker, seconded by Council Member-at-large Austin, recommending to Council the cancelation of certain ad valorem taxes for 2025. Carried 5-0. Item will be added to the next council agenda.

Mr. Dankert noted these three resolutions will be acted on at the December 16, 2024 city council meeting at 5:30.

Motion by Council Member-at-large Austin, seconded by Council Member Postma, to adjourn the meeting at 6:30 P.M. Carried.

Approved December 16, 2024

Mayor _____

City Recorder _____

M I N U T E S
CITY COUNCIL MEETING
December 2, 2024
5:30 PM
Council Chambers

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

MEMBERS ABSENT: Council Member Jason Baskin, Council Member Laura Helle

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

APPEARING IN PERSON: Austin Daily Herald, Honorary Council Member Cindy Stahl

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

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

Moved by Council Member Baker, seconded by Council Member Postma, approving Council minutes from November 18, 2024. Carried.

CONSENT AGENDA

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

Claims:

- a. Pre-list of bills

Appointments:

Kandace Feist to the Culture and Arts Commission – term through December 31, 2024

Carried.

PUBLIC HEARINGS

A public hearing was held for a tax abatement requested by Bigelow & Lennon Construction. They are proposing to build a single-family home at 1302 17th Street NE valued at approximately

\$360,000.00. City Administrator Craig Clark stated the application is in conformance with the City's policy for tax abatement.

There were no comments from the public.

Moved by Council Member Baker, seconded by Council Member Postma, approving the tax abatement. Carried. 5-0.

There were no comments from the public.

A public hearing was held for the renewal of a currency exchange license for Tienda y Taqueria Guerrero, Inc.

City Clerk Brianne Wolf stated the City has had no issues with the business and requested Council approval of the renewal of the currency exchange license for Tienda y Taqueria Guerrero, Inc.

Moved by Council Member-at-Large Austin, seconded by Council Member Baker, approving the renewal of the currency exchange license. Carried. 5-0.

AWARDING BIDS

Public Works Director Steven Lang stated the June flooding caused damage to the riprap located on the dams at East Side Lake and the Cedar River. They have created a plan to add new, larger riprap to protect the dams from undermining and relocate the existing riprap downstream to protect the river banks.

They received two bids for repair with Hansen Hauling & Excavating, Inc. coming in with the low bid of \$21,760. Mr. Lang stated the project will be funded using the Property/Liability Insurance Risk Management Fund. He will also seek reimbursement from FEMA. He would recommend awarding the bid to Hansen Hauling & Excavating, Inc.

Moved by Council Member Baker, seconded by Council Member Fischer, awarding the bid for dam riprap repairs to Hansen Hauling & Excavating, Inc. Carried. 5-0.

PETITIONS AND REQUESTS

City Clerk Brianne Wolf requested approval of an ordinance related to cannabis registration and zoning.

Council Member Baker stated he would not be in favor of this ordinance. He would like there to be a preventive barrier in place around schools and daycares. He stated there is too much uncertainty about this and he would like to be smart about this. He would like to start off more restrictive with the ordinance. He stated in the future we can loosen the restrictions.

Mayor King asked City Attorney Craig Byram about the hold up at the State level with Cannabis licensing and asked if we would be able to place the ordinance on hold.

City Attorney Byram stated there is a lot of uncertainty at the State level and it is hard to know when they will have their program going. From our prospective, the City should have something in place before the beginning of the year as the State does have the ability to license starting in January. He noted many other municipalities have stated the end of the year is their drop-dead date of getting an ordinance in place. He recommends we pass something at the next Council meeting or hold a special meeting to get something passed.

Mayor King stated to mirror the alcohol ordinances make sense, as this is something that has existed. This can be a good model but he can be swayed.

Council Member-at-Large Austin agrees with Council Member Baker. He stated it is easier to relax things in the future than to tighten them.

Council Member Postma stated he does not see a reason in delaying this. He stated the State has not given the City a lot of control over these issues. The State has given the City control over zoning and the minimum amount of business allowed per population. The City has gone as conservative as we can with the amount of businesses they are allowing. He feels having zoning restrictions in place may cause barriers in the future.

Mayor King requested a motion for preparation of the ordinance.

Council Member Postma motioned to approve. No second.

Council Member Baker stated he would like a 1000ft buffer zone included in the ordinance.

Mayor King stated we do not need to have this done by the end of the year, we do not need to rush this.

City Attorney Byram stated if an applicant of the State is able to be processed in January, comes to the City and asks the simple question does this comply with your zoning ordinance, and we have no ordinance in place, then the answer is yes.

Mayor King stated with missing Council Members we would need to continue this to another meeting.

City Administrator Craig Clark wanted verification that with a 1000ft zoning buffer in place from the High School this would intersect the downtown.

Planning and Zoning Director Holly Wallace stated she would have to check on the map but she noted with this ordinance, these types of businesses would be required to apply for a conditional use permit which would be reviewed by the planning commission before being approved for their business location.

City Administrator Craig Clark stated do we want to take the most exclusionary standpoint or a scalpel approach. Would Council want a 600ft buffer as to not intersect the downtown.

Police Chief McKichan stated there is a daycare in between the High School and the downtown. He does believe Mower County created a map with a 1000ft radius with the exclusionary zones and they would have to look at the map.

Council Member Postma had a question about the exclusionary zones if implemented. He stated if a cannabis business were to open and then later on a daycare wanted to open up that was within that 1000ft exclusionary zone, would the daycare be permitted to open.

City Attorney Byram stated usually it's first come first served so the daycare would not be able to open.

Council Member Postma stated this is the reason he does not agree with the exclusionary zones and he fears there would be unintended consequences and he doesn't see the positive benefits of doing so.

Mayor King stated residence restrictions are tough. He does support what was previously agreed upon and having no restrictions.

City Attorney Byram stated with the material changes to this ordinance we will need to start this process over. This may affect some of the people who look to pursue these licenses in Austin, whether or not they will be negatively impacted.

Mayor King stated he has not heard anything negative on this ordinance from the public.

Director of Administrative Services Tom Dankert stated this will be move to the work session for December 16, 2024.

Police Chief McKichan stated he would speak with the County about getting the GIS map with the buffer in place.

City Clerk Brianne Wolf requested Council approve a resolution setting the fee schedule for miscellaneous business operations.

Council Member Baker asked why there is a \$10 adoption fee and if it is utilized.

Police Chief McKichan stated prior to the Police Departments partnership with the Mower County Humane Society a person was able to adopt an animal from the pound. They do not currently utilize this fee.

Council Member Baker made a motion to approve the 2025 fee schedule with the removal of the adoption fee.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, approving the 2025 fee schedule. Carried 5-0.

Public Works Director Steven Lang stated Council previous approved the rates for the T-Hangar lease and now he has a draft of the lease agreement to present to interested parties wishing to rent space in the new T-Hangar. Mr. Lang stated he is leaving the lease open as he is encouraging

long term leases. He would designate a specific unit out of the ten units to a specific owner. They would be responsible for electrical costs of each unit. He noted the lessee will be responsible for any taxes that the County may evoke on this property.

Council Member Postma asked about the 2% yearly increase term in the lease agreement. He wanted to know if there was the possibility in the future for the City to change this.

Public Works Director Steven Lang stated the 2% fee would last as long as the lease the person signs and when they sign a new lease their fees would be whatever is designated at that time to be the fees.

Council Member Postma wanted to know how long Mr. Lang anticipates some of these lease agreements will go for. Mr. Lang stated there is no end date set as of right now.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, approving the T-Hangar lease agreement template. Carried.

Director of Administrative Services Tom Dankert relayed that all of the Hormel Foundation Grant Awards the City requested were granted except for one. In total, the City was approved for \$5,170,193 for 2025. Mr. Dankert requests a resolution approving acceptance of the grants.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, approving the 2025 Hormel Food Grant Awards. Carried 5-0.

Director of Administrative Services Tom Dankert requested a release of easement from the property located at 510 2nd Street NW, the Former Mayo Eye Clinic. The easement was originally obtained in 1978 by Austin Utilities from the City of Austin. The owner of the building is in the process of selling the building and requests the release of the easement from the City. Austin Utilities has reviewed and approved the release of easement at their November 19, 2024 Board Meeting. They now request the City's approval to proceed.

Moved by Council Member Baker, seconded by Council Member Fischer, approving the release of easement from the City. Carried 5-0.

Director of Administrative Services Tom Dankert requested Council approve a resolution authorizing the City to enter into an agreement with the Minnesota Department of Revenue to continue collection of local option sales tax (LOST) on the City's behalf. This change is due to the fee paid to the Minnesota Department of Revenue. Currently, the City of Austin pays approximately 1.35% as a floating fee of LOST collections to the state to administer our program. A new statute was passed last session and now they will charge a flat rate going forward of up to 1%. The Minnesota Department of Revenue is expected to charge Austin 0.90% based on recent correspondence.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, approving a resolution to continue an agreement with MN Dept. of Revenue to continue the collection of LOST. Carried 5-0.

Public Works Director Steven Lang request the Council call for the feasibility reports for the

2025 construction projects.

Moved by Council Member Baker, seconded by Council Member Postma, adopting a resolution requesting feasibility reports for 2025 street reconstruction projects. Carried 5-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, to grant the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 503 8th Avenue SE, Wakefield Property. Carried.

COUNCIL REPORTS

City Administrator Craig Clark relayed that constituent Mia Eckert, who was at the previous Council meeting, was instructed to talk to Ms. Wallace about her zoning violations. Mr. Clark stated Ms. Eckert never reached out to Ms. Wallace so the City will be moving forward with the violations.

Director of Administrative Services Tom Dankert stated the Truth in Taxation hearing will be held on Wednesday, December 6, at 6:00 p.m. in Council Chambers.

Council Member Baker stated Tim Donovan and Tia Andree in the Engineering department were wonderful to work with when he was trying to obtain a permit and he wanted to thank them.

Council Member Postma thanked the Austin Enhancement Group for their work on the Downtown Holiday Kick off. He stated there are many events to attend in Austin this December. Merry Tuba Christmas is this Saturday. He noted there are many events to celebrate the holidays in Austin.

Mayor King read off the December Anniversaries.

Moved by Council Member Baker, seconded by Council Member Fischer, adjourning the meeting to December 16, 2024. Carried.

Adjourned: 6:09 p.m.

Approved: December 16, 2024

Mayor: _____

City Recorder: _____

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



Phone: 507-437-9940

www.ci.austin.mn.us

TO: Mayor and City Council

FROM: Tom Dankert, ^{TD}Director of Administrative Services

DATE: December 16, 2024

RE: 2025-2029 Capital Improvement Plan
U:\CAPITAL IMPROVEMENT PLANS\2025-2029 CIP\CIP Cover Memo - Council Meeting.doc

Attached you will find the Capital Improvement Plan for the years 2025-2029. The plan proposes spending of \$142,185,310 over the next five-year period, but as we have noted, if funding sources are not accessed for a particular project, then the project would need to be put on hold until all of the funding sources are realized.

A big thanks to all of the department heads that participated in the creation of this document. Significant time is spent at the City of Austin planning for the future in many aspects of what staff do for the citizens on a daily basis, and this document should help in identifying the capital needs and the resources to pay for such over the next five years.

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

RESOLUTION NO.

ADOPTING THE 5-YEAR CAPITAL IMPROVEMENT PLAN (2025-2029)

WHEREAS, during the course of the preparation and review of the 5-Year Capital Improvement Plan 2025-2029 (the CIP), the City Council of the City of Austin, Minnesota (the City) has considered, for each capital improvement and for the CIP overall: the condition of the city’s existing infrastructure, including the projected need for repair and replacement; the likely demand for the improvement; the estimated cost of the improvement; the available public resources; the level of overlapping debt in the City; the relative benefits and costs of alternative uses of the funds; operating costs of the proposed improvements; and alternatives for providing services most efficiently through shared facilities with other cities or local government units; and

WHEREAS, the CIP covers at least a five-year period beginning with the date of this adoption; sets forth the estimated schedule, timing, and details of specific capital improvements by year, together with the estimated cost, the need for the improvement, and sources of revenue to pay for the improvement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUSTIN, MINNESOTA, does ordain that the CIP is hereby adopted.

Passed by a vote of yeas and nays this 16th day of December, 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.
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, PE
Date: December 11th, 2024
Subject: Bids – Asbestos Abatement
500 4th Ave NE. City Hall Building

The City of Austin received bids for the removal of asbestos containing materials located at 500 4th Ave NE on Tuesday, December 10th, 2024. Work will consist of the removal of floor tile/mastic. The bids are summarized below.

Mavo Systems, Inc				Unit Price		
	Base Bid	Add Alternate #1	Add Alternate #2	Supervisor	Worker	Mobilization
	\$23,700	\$7,100	\$23,900	\$123.00	\$120.00	\$400.00
Total		\$30,800	\$54,700			

Environmental Plant Services				Unit Price		
	Base Bid	Add Alternate #1	Add Alternate #2	Supervisor	Worker	Mobilization
	\$26,000	\$7,500	\$25,000	\$130.00	\$127.00	\$500.00
Total		\$33,500	\$58,500			

Asbestrol, Inc.				Unit Price		
	Base Bid	Add Alternate #1	Add Alternate #2	Supervisor	Worker	Mobilization
	\$44,580	\$18,580	\$58,720	\$108.00	\$105.00	\$300.00
Total		\$63,160	\$121,880			

Project overview:


The base bid will consist of lower-level hallways, boiler room, janitor closets, AU vault, main floor administration vault and elevator.

The add alternate #1 will consist of lower-level conference room, voting office and IT vault. (Rooms 8, 9 & 17)

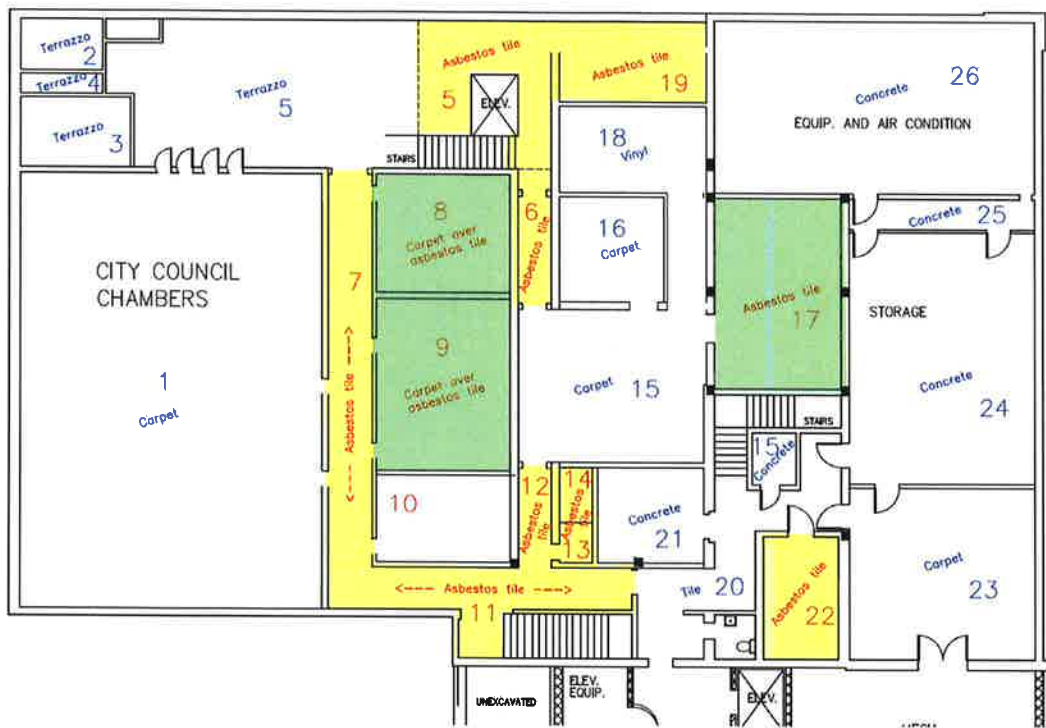
The add alternate #2 will consist of old engineering offices. (Rooms 51 & 52)

The project will start beginning of January, 2025 until mid-February, 2025. The project will be funded using the dollars set aside from the building fund. We would recommend awarding the asbestos abatement Base Bid, Alternative 1 and Alternative 2 to Mavo Systems, Inc. If you have any questions, please contact me.



Project Budget	\$100,000
Asbestos design and bidding	\$4,200
Asbestos Abatement	<u>\$54,700</u> (Base, Alt. 1 and 2)
Total to-date	\$58,900

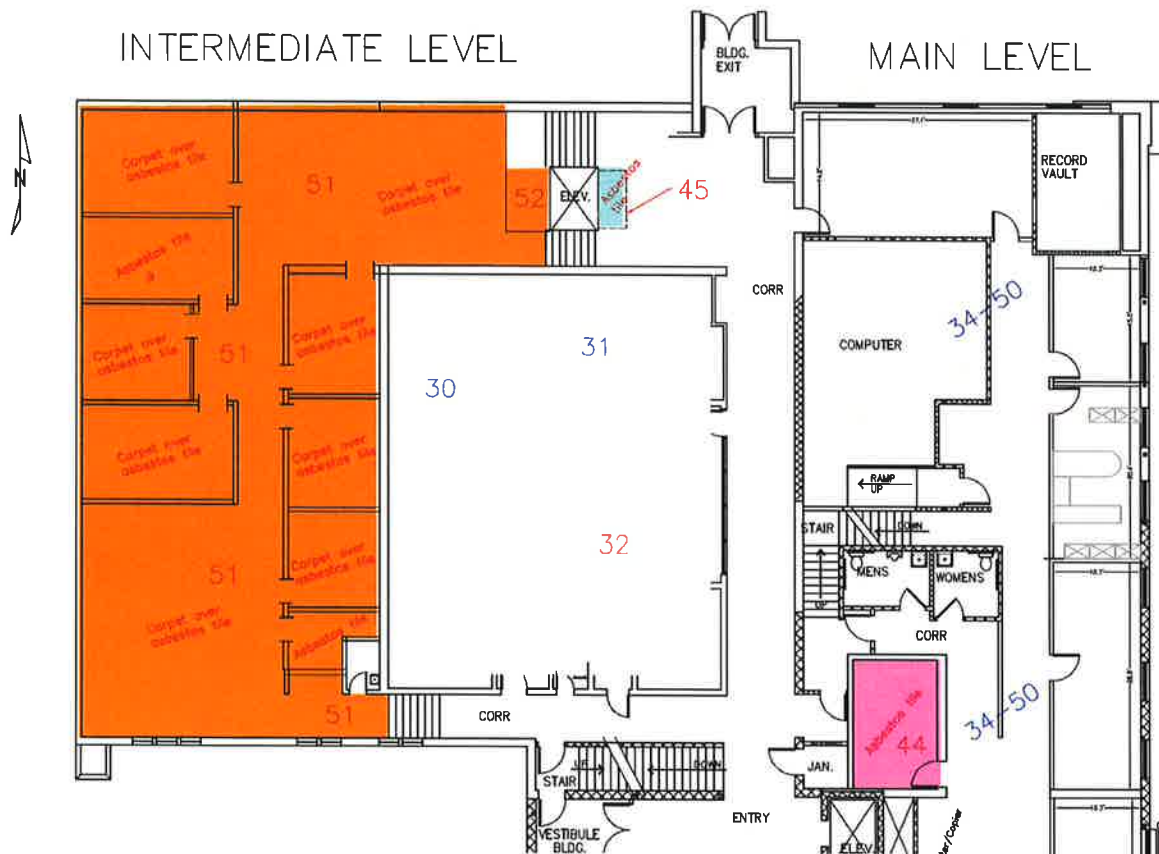
 Phase 1: Lower Level

 Add Alternate 1: Lower Level Rooms 8, 9, & 17



ASB100 GROUND LEVEL PHASE PLAN

-  Phase 2: Main Level Elevator Lobby
-  Phase 3: Main Level Room 44
-  Add Alternate 1: Intermediate Level Rooms 51 and 52



ASB200 MAIN LEVEL AND INTERMEDIATE LEVEL PHASE PLAN

RESOLUTION NO.

AWARDING BID FOR ASBESTOS ABATEMENT

WHEREAS, pursuant to solicitation for bids for the following local improvements:

Asbestos Abatement at 500 4th Avenue NE – City Hall

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

<u>Mavo Systems, Inc</u>				Unit Price		
	Base Bid	Add Alternate #1	Add Alternate #2	Supervisor	Worker	Mobilization
	\$23,700	\$7,100	\$23,900	\$123.00	\$120.00	\$400.00
Total		\$30,800	\$54,700			
<u>Environmental Plant Services</u>				Unit Price		
	Base Bid	Add Alternate #1	Add Alternate #2	Supervisor	Worker	Mobilization
	\$26,000	\$7,500	\$25,000	\$130.00	\$127.00	\$500.00
Total		\$33,500	\$58,500			
<u>Asbestrol, Inc.</u>				Unit Price		
	Base Bid	Add Alternate #1	Add Alternate #2	Supervisor	Worker	Mobilization
	\$44,580	\$18,580	\$58,720	\$108.00	\$105.00	\$300.00
Total		\$63,160	\$121,880			

AND, WHEREAS, it appears Mavo Systems, Inc. is the lowest responsible bidder.

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

Asbestos Abatement at 500 4th Avenue NE – City Hall

Passed by a vote of yeas and nays this 16th day of December, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

APPROVING TAX LEVY FOR THE YEAR 2025

BE IT RESOLVED, by the Common Council of the City of Austin that there is hereby levied upon all taxable property in the City of Austin a direct ad valorem tax in the year 2024, payable in 2025, for the following purposes and in the following amounts:

<u>PURPOSE</u>	
GENERAL	\$6,728,810
LIBRARY	1,305,190
PORT AUTHORITY	40,000
CAPITAL IMPROVEMENTS	<u>1,726,000</u>
	<u>\$9,800,000</u>

A certified copy of this resolution shall be transmitted to the County Auditor.

Passed by a vote of Yeas and Nays this 16th day of December, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

**RESOLUTION NO.
ADOPTING A BUDGET FOR THE YEAR 2025**

BE IT RESOLVED, by the Common Council of the City of Austin that the budget for the year 2025 is hereby approved and adopted with appropriations for each of the purposes to be as follows:

General Government Services	
General Administration	\$ 2,885,211
Public Safety	9,874,755
Highways and Streets	4,493,338
Park and Recreation	4,162,994
Business Development	354,541
Other General	751,600
Recreation Programs	141,473
Library	1,612,790
Capital Projects Funds	<u>2,973,600</u>
Total General Government Services	<u>27,250,302</u>
Tax Increment Revenue Pool	<u>560,200</u>
Enterprise Funds	
Sewer User	12,118,248
Waste Transfer Station	126,454
Storm Water Management Dist.	1,469,746
Port Authority Operations	<u>930,656</u>
Total Enterprise Funds	<u>14,645,104</u>
Internal Service Funds	
Equipment Garage	2,943,814
Management Information System	326,287
Fire Equipment Services	240,000
Risk Management	<u>3,834,520</u>
Total Internal Service Funds	<u>7,344,621</u>
Total Budgets	<u>\$49,800,227</u>

SECTION 2. The estimated gross revenues of the City of Austin for all sources, including ad valorem tax levies as hereinafter set forth for the year 2024, as the same are more fully detailed in the official copy of the 2025 budget, are hereby found and determined as follows:

Revenues and Sources for all Funds:

Current Local Property Taxes	\$ 9,800,000
Intergovernmental Revenues	11,445,852
Charges for Services	701,914
Licenses and Permits	701,005
Miscellaneous	3,623,531
Other taxes	814,000
Fines and Forfeits	<u>164,000</u>
Total for General Government Funds	27,250,302
 Tax Increment Funds	 560,200
Port Authority Funds	930,656
Enterprise Funds	13,714,448
Internal Service Funds	<u>7,344,621</u>
Total Budgets	<u><u>\$49,800,227</u></u>

Provisions have also been made in General Fund revenues for receipt of State Local Government Aid.

SECTION 3. A certified copy of this resolution shall be transmitted to the County Auditor.

Passed by a vote of Yeas and Nays this 16th day of December, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.**RESOLUTION AUTHORIZING CANCELLATION OF
CERTAIN AD VALOREM TAX LEVIES**

WHEREAS, certain resolutions of the City Council of Austin and Austin Port Authority provide for Ad Valorem Tax Levies to be made for the retirement of principal and interest on bond issues; and

WHEREAS, it appears desirable to cancel or to reduce such Ad Valorem Tax Levies to be levied in 2024 because there is sufficient fund balance available in these debt service funds to pay all or some of the principal and interest on these bonds due in 2025.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Austin, Minnesota that tax levies authorized to be made in 2024, collectible in 2025, are hereby canceled by the amounts indicated below:

<u>Resolution #</u>	<u>Issue</u>	<u>Cancellation Amount</u>
14976	G.O. Capital Improvement Bonds of 2015A	\$1,283,953

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be promptly given to the Mower County Auditor.

Passed by a vote of Yeas and Nays this 16th day of December, 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 and City Council
FROM: Tom Dankert
DATE: December 16, 2024
RE: 2025 Legal Publications
U:\MISCELLANEOUS\Miscellaneous Word - 2024\2025 Legal Publications.doc

Attached is the quote from Crystal Miller at the Austin Daily Herald for our legal publications for 2025. The Austin Daily Herald is the only newspaper that we can designate as the official newspaper by law since there are no other newspapers home based in Austin.

Please note the rate for 2025 is frozen at \$5.64 per column inch. This rate equates to \$0.32 per word.

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

Austin Newspapers, Inc.
Austin Daily Herald
1511 West Oakland Ave.
Austin, MN 55912
(507) 434-2220 Fax (507)-437-8644
e-mail: Crystal.Miller@austindailyherald.com

December 10, 2024

City of Austin
Office of the Administrator
City Clerk
500 4th Ave. NE
Austin, MN 55912

Dear Administrator,

Thank you for the opportunity to bid for the designation of Official Newspaper for 2025. If selected, the Austin Daily Herald will hold rates for 2025. City legal notices will be at a rate of \$5.64 per column inch for display ads and a rate of .32 per word for public notice line ads.

Public Notice Deadlines are:

Wednesday edition

Public Notice Deadline - Thursday at 4 p.m.

Saturday edition

Public Notice Deadline - Tuesday at 2 p.m.

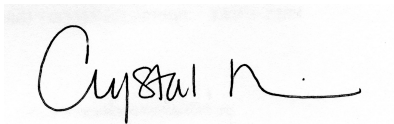
At the Austin, Daily Herald we appreciate your continued support and look forward to serving our City for the 2025 notices.

6 Column width = 9 picas and 4.5 points or 1.5625 inches
8 point type
1 point of space between lines
9 lines per vertical inch

abcdefghijklmnopqrstuvwxyz – lower case 8pt.

If you have any questions or concerns please feel free to contact me at 507-434-2220.

Sincerely,

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

Crystal Miller
President and Publisher

RESOLUTION NO.

GRANTING LICENSES FOR SALE OF ON-SALE HARD LIQUOR,
SUNDAY HARD LIQUOR ON-SALE, SUNDAY WINE ON-SALE LICENSES, BREWER
TAPROOM WITH SUNDAY
AND 3.2 BEER ON AND OFF-SALE

WHEREAS, the persons hereinafter named have applied to the City Council at Austin, Minnesota, for licenses to sell Hard Liquor On-Sale, at the respective addresses herein mentioned at Austin, Minnesota; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Hard Liquor On-Sale have complied with all the provisions of the law relative thereto and are entitled to have licenses issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of Hard Liquor On-Sale to the following licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2025, and expire December 31, 2025:

F and F Investments of Austin, LLC	dba B & J Bar & Grill 114 4th Avenue NE and patio to east
Bobee Jo's, Inc.	dba Bobee Jo's 435 10th Street NE
Dusty's Bar & Lounge, LLC	dba Dusty's Bar & Lounge 422 North Main Street
Hoot & Ole's, LLC	dba Hoot & Ole's 105 11th Street SE & outdoor fenced patio area to the south
Apple Minnesota LLC	dba Applebee's Neighborhood Grill & Bar 1404 18th Avenue NW
Bicabut, Inc.	dba Bakery II Lounge/The Downtown Grill 113 2nd Avenue NE and patio to east
The Old Mill, Inc	dba The Old Mill 3504 11th Place NE and backyard patio to east and south
Austins LLC	dba Barley's 1207 North Main St
Bella Victoria Italian Cuisine, LLC	dba Bella Victoria Italian 1801 14 th Street NW, Suite 1
Hy-Vee, Inc.	dba Wahlburgers 1307 18th Avenue NW, Suite A & patio area to the east
El Mariachi, Inc.	dba El Mariachi Mexican Rest. 227 North Main Street

ATI Hotel LLC	dba DoubleTree Austin & Torges Live Pub and Grille 1701 4th Street NW & enclosed patio to the southeast
El Patron Mexican Grill of Austin, LLC	dba El Patron Mexican Grill 1906 8th Street NW, Suite F
Austin Bruins, LLC	dba Austin Bruins 501 2nd Ave NE - Riverside Arena
Austin Hotel Group, LLC	dba Cobblestone Hotel & Suites 1000 16 th Avenue NW
Cuatro Copas Bar & Lounge, LLC	dba Cuatro Copas Bar & Lounge 324 N. Main Street
El Parral Ballroom, Inc.	dba El Parral Ballroom 210 4 th Street NE

AND, WHEREAS, persons hereinafter named have applied to the City Council for licenses to sell Sunday Hard Liquor On-Sale at the respective places hereinafter mentioned; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Sunday Hard Liquor On-Sale have complied with all the provisions of the law relative thereto and are entitled to have a license issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Austin does hereby grant licenses for the sale of Sunday Hard Liquor On-Sale to the following named licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2025, and expire December 31, 2025:

Dusty's Bar & Lounge, LLC	dba Dusty's Bar & Lounge 422 North Main Street
Bobee Jo's, Inc.	dba Bobee Jo's 435 10th Street NE
VFW 1216	dba VFW Club 300 4th Avenue NE & parking lot
FOE Aerie Eagles	dba Austin Eagles Club 107 11th Street NE & patio on north
American Legion Post 91	809 12th Street SW & parking lot east of building
Apple Minnesota LLC	dba Applebee's Neighborhood Grill & Bar 1404 18th Avenue NW
ATI Hotel LLC	dba DoubleTree Austin & Torges Live Pub and Grille 1701 4th Street NW & enclosed patio to the southeast
Austin Country Club, Inc.	dba Austin Country Club

Bicabut, Inc.	1202 28th Street NE / Box 474 dba Bakery II Lounge/the Downtown Grill
Hy-Vee, Inc.	113 2nd Avenue NE and patio to east dba Wahlburgers
Hoot & Ole's, LLC	1307 18th Avenue NW, Suite A and patio area to the east dba Hoot & Ole's
F and F Investments of Austin, LLC	105 11th Street SE & outdoor fenced patio area to the south dba B & J Bar & Grill
El Mariachi, Inc.	114 4th Avenue NE and patio to east dba El Mariachi Mexican Rest.
The Old Mill, Inc	227 North Main Street dba The Old Mill
El Patron Mexican Grill of Austin, LLC	3504 11th Place NE and backyard patio to east and south dba El Patron Mexican Grill
Hormel Historic Home, Inc.	1906 8th Street NW, Suite F dba Hormel Historic Home
Austins LLC	208 4th Avenue NW & outdoor fenced patio and garden area dba Barley's
Austin Hotel Group, LLC	1207 North Main St dba Cobblestone Hotel & Suites
Bella Victoria Italian Cuisine, LLC	1000 16 th Avenue NW dba Bella Victoria Italian
Cuatro Copas Bar & Lounge, LLC	1801 14 th Street NW, Suite 1 dba Cuatro Copas Bar & Lounge
	324 N. Main Street

AND, WHEREAS, persons hereinafter named have applied to the City Council for licenses to sell Sunday Wine On-Sale at the respective places hereinafter mentioned; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Sunday Wine On-Sale have complied with all the provisions of the law relative thereto and are entitled to have a license issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of Sunday Wine On-Sale to the following named licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2025 and expire December 31, 2025:

Tienda Y Taqueria Guerrero, Inc.	dba Tienda Y Taqueria Guerrero
Steve's Pizza LLC	301-D 4th Avenue NE dba Steve's Pizza

George's Pizza LLC

Everbright, Inc.

421 North Main Street
dba George's Pizza
209 North Main Street
dba China Star
1908 8th Street NW, Suite G

WHEREAS, the persons hereinafter named have applied to the City Council at Austin, Minnesota, for licenses to sell Brewer Taproom with Sunday, at the respective addresses herein mentioned at Austin, Minnesota; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Hard Liquor On-Sale have complied with all the provisions of the law relative thereto and are entitled to have licenses issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of Brewer Taproom with Sunday to the following licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2025, and expire December 31, 2025:

K & J Holdings, LLC

Gravity Storm Brewery
Cooperative

dba Angry Hog Brewery & Taproom
500 23rd Avenue NW and fenced patio and
deck area
dba Gravity Storm Brewery Cooperative
309 North Main Street

AND, WHEREAS, persons hereinafter named have applied to the City Council for licenses to sell 3.2 Beer On-Sale at the respective places hereinafter mentioned; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of 3.2 Beer On-Sale have complied with all the provisions of the law relative thereto and are entitled to have a license issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of 3.2 Beer On-Sale to the following named licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2025, and expire December 31, 2025:

Piggy Blue's Bar-B-Que, Inc

Tienda y Taqueria Guerrero, Inc.

George's Pizza LLC

Steve's Pizza LLC

dba Piggy Blue's Bar-B-Que
323 North Main Street

dba Tienda y Taqueria Guerrero
301-D 4th Avenue NE

dba George's Pizza
209 North Main Street

dba Steve's Pizza

Everbright, Inc.

421 North Main Street
dba China Star
1908 8th Street NW, Suite G

AND, WHEREAS, persons hereinafter named have applied to the City Council for licenses to sell 3.2 Beer Off-Sale at the respective places hereinafter mentioned; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of 3.2 Beer Off-Sale have complied with all the provisions of the law relative thereto and are entitled to have a license issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of 3.2 Beer Off-Sale to the following named licensees at the following locations in Austin, Minnesota, which licenses shall commence January 1, 2025, and expire December 31, 2025:

Austin Country Club, Inc.	dba Austin Country Club 1202 28th Street NE
Hoot & Ole's, LLC	dba Hoot & Ole's 105 11th Street SE & outdoor fenced patio area to the south
Bobee Jo's, Inc.	dba Bobee Jo's 435 10th Street NE
Tienda y Taqueria Guerrero, Inc.	dba Tienda y Taqueria Guerrero 301-D 4th Avenue NE
ATI Hotel LLC	dba DoubleTree Austin & Torges Live Pub and Grille 1701 4th Street NW & enclosed patio to the southeast
VFW 1216	dba VFW Club 300 4th Avenue NE & parking lot

Passed by a vote of yeas and nays this 16th day of December, 2024

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
500 4th Avenue NE
Austin, MN 55912
507-437-9940
www.ci.austin.mn.us



Tricia Wiechmann
Human Resources Director
507-437-9942
twiechma@ci.austin.mn.us

MEMORANDUM

TO: Mayor and City Council

FROM: Tricia Wiechmann
Human Resources Director

RE: 2025 Seasonal, Temporary and Part-time Wage Rates

DATE: December 5, 2024

Annually we review the wage rates for our seasonal, temporary and part-time employees and adjust them as necessary based on positions, duties and in some cases, the ability to fill open seasonal positions and to be competitive within the job market.

The attached resolution has been updated based on department head input and the State of Minnesota's minimum wage increase to \$11.13, effective January 1, 2025. Any wage rate adjustments will also be incorporated into their department's budgets as appropriate.

If you have any questions, please feel free to contact me.

RESOLUTION NO.

Resolution Setting Positions and Policy for the Administration of Wage Rates of Seasonal, Temporary and Part-time Positions Not Covered by a Labor Agreement

WHEREAS, the City of Austin employs individuals in seasonal, temporary and part-time positions up to 40 hours per week; and

WHEREAS, the City of Austin employs individuals on a regular part-time basis; and

WHEREAS, the City of Austin wishes to designate the positions and set wage rates for the designated functions; and

WHEREAS, the employment of individuals in seasonal, temporary and part-time positions not covered by a labor agreement shall comply with Council-adopted authorization and policy; and

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

1. The following positions are authorized and approved, provided the positions have been funded by the annual budget of the city, by the Council, for each filled position in an amount sufficient for the allocated hours at the wage within each category.

Category I – \$11.15 – \$14.00/hr.

Office Assistant	Concession Stand Attendant	Street Maintenance
Recreation Instructor	Arena Worker/Maintenance	Library Page
Ski Rental Attendant	Outside Ice Rink Attendant	

Category II – \$13.00 – \$16.00/hr.

Swim Instructor	General Park Maintenance	Flower Maintenance
Nature Center Custodian	Library Clerk I (top \$15.00/hr.)	Arena Supervisor/Ice Resurfacers
Weed Inspector	Arena Building Custodian (lead)	Crossing Guard (top \$14.50/hr.)
Concession Stand Supervisor (top \$15.00/hr.)		

Category III – Varied Positions and Wage Ranges

Election Judge – \$12.00/hr.; Head Election Judge – \$15.00/hr.

Cable TV Programmer/Recorder – \$13.00 – \$16.00/hr.

Lifeguard and Substitute Lifeguard – \$13.50 – \$16.00/hr.

Library Clerk II – \$14.00 – \$16.00/hr.

Park & Recreation Assistant – \$14.00 – \$16.00/hr.

Nature Center Intern & Seasonal Naturalist – \$14.00 – \$17.00/hr.

Engineering Technician – \$14.00 – \$17.00/hr.

Pool Manager – \$15.00 – \$17.00/hr.

Recreation Officials – \$25.00/hr.

Paid On-Call Firefighter, Initial training period – \$11.15/hr.

Paid On-Call Firefighter, After initial training – \$20.60/hr.

Part-time Substitute Librarian – \$22.00/hr.

Board of Review – \$25.00/hr.

2. Supervisors can start seasonal, temporary or part-time employees at a wage rate that is less than the base (minimum) wage listed above in each of the categories; however, the starting wage will not be less than the State of Minnesota minimum wage, which for 2025 is \$11.13.
3. Seasonal, temporary or part-time employees, covered under this resolution, who change positions, at any time during their employment, will receive the corresponding wage, for the position that they are actively working at the time, according to the guidelines identified in this resolution, which may be different than the position they are changing from.
4. Employee wage increase policy – seasonal, temporary or part-time employees, covered under this resolution, may receive up to a .50¢ an hour increase after working a complete year (2,080) and/or season of service, whichever is applicable, with the city, until reaching the maximum wage rate allowed per corresponding category, or as provided for within the department budget.
5. Positions not specifically listed, will be placed at the wage scale of the position with duties that best represents the position not identified.
6. Individuals with relevant experience, may advance to a higher wage rate within the appropriate category, with prior review, determination, and approval by both the department head and Human Resources Director collectively.
7. All individuals employed in these positions shall be placed on the city’s payroll system in accordance with the requirements of the Human Resources and Finance Departments.
8. If departments are not able to find the necessary number of employees to fill specific positions, the department head will bring this forward and review it with the City Administrator and Human Resources Director for possible deviation from the identified pay scale guidelines. The need and the requests will be reviewed on a case-by-case basis.
9. The minimum wage identified in Category I, will not be less than \$11.13, to be in compliance with the 2025 State of Minnesota minimum wage.
10. These positions and wage ranges shall be in effect from January 1, 2025 until changed by the City Council.

Passed by a vote of Yeas and Nays this 16th of December 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.
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: December 2, 2024
Subject: WWTP Expansion & Phosphorus Reduction Project
Change Order 006

As we progress through the project, changes to the overall project scope and construction plans will come up from time to time. Many of these items are addressed without issue, but some result in a change to the project cost. These project cost changes can be both project savings and project expenses. In order to keep progress moving along on the project, these cost changes are addressed in a Work Change Directive (WCD). These are first reviewed by SEH as part of their construction inspection and administrative duties. Then the WCD is reviewed by both myself and Hormel for approval. I have simplified the process as I have described it above, but there is a great deal of back-and-forth communication and problem solving involved before a WCD is approved. Finally, once a few WCD have been developed a Change Order is drafted. The change order will be present to Council for official approval, the overall project budget is adjusted and the items are eligible for payment.

Attached for your review is a summary of Change Order 005.

- WCD 077, \$ 23,786 Str 32_33 Sloped Weir Overflow
- WCD 078, (\$ 15,038) Str 90 SAF Hopper Plate Thickness Price Mod
- WCD 079, \$663,516 Str 82_87_90 Industrial Generator
- WCD 080, \$ 1,847 Str 10 Window Modification
- WCD 081, (\$ 1,279) Str 31 Sludge Pump & Macerator Testing Deletion
- WCD 082, (\$ 18,446) Str 90 Bridge Crane Modifications
- WCD 083, \$ 19,266 Str 31_82_90 Electrical Modifications
- WCD 084, \$ 11,018 Str 90 Sump Pump Electrical Modifications

I would request approval of Change Order 006 in the amount of \$684,630, which includes 8 WCD's valuing a \$6,431.28 cost increase to the Domestic budget and a \$678,198.72 cost increase to the Industrial budget.

	Work Change Directive (WCD)	Domestic	Industrial	Total
Original Project Bid		\$ 47,518,974.00	\$ 52,489,026.00	\$ 100,008,000.00
Change Order #1 (9)	SubTotal	\$ 31,154.14	\$ (273,541.14)	\$ (242,387.00)
Change Order #2 (25)	SubTotal	\$ 361,462.13	\$ 113,175.87	\$ 474,638.00
Change Order #3 (23)	SubTotal	\$ 426,436.28	\$ 426,348.72	\$ 852,785.00
Change Order #4 (9)	SubTotal	\$ 407,886.86	\$ 345,951.14	\$ 753,838.00
Change Order #5 (12)	SubTotal	\$ 249,293.99	\$ 242,404.01	\$ 491,698.00
Change Order #6 (DRAFT)	SubTotal	\$ 6,431.28	\$ 678,198.72	\$ 684,630.00
	Total WCD's	\$ 1,482,664.67	\$ 1,532,537.33	\$ 3,015,202.00
Current Project Amount		\$ 49,001,638.67	\$ 54,021,563.33	\$ 103,023,202.00
Cost Increase		3.12%	2.92%	3.01%

	Work Change Directive (WCD)	100% Domestic	Combined		100% Industrial
			54.2% Domestic	45.8% Industrial	
Change Order #6 (DRAFT)	WCD-077		\$ 12,892.01	\$ 10,893.99	
	WCD-078				\$ (15,038.00)
	WCD-079				\$ 663,516.00
	WCD-080	\$ 1,847.00			
	WCD-081	\$ (1,279.00)			
	WCD-082		\$ (9,997.73)	\$ (8,448.27)	
	WCD-083	\$ 2,969.00			\$ 16,257.00
	WCD-084				\$ 11,018.00
	SubTotal	\$ 6,431.28	\$ 6,431.28	\$ 678,198.72	
Total Combined		\$ 1,482,664.67	\$ 1,482,664.67	\$ 1,532,537.33	

Change Order

No. 06

Date of
Issuance: _____

<u>Project:</u>	<u>Owner:</u>	<u>Owner's Contract No.:</u>
WWTF Expansion and Phosphorus Reduction Project	City of Austin	N/A
<u>Contract:</u>	<u>Date of Contract:</u>	
WWTF Expansion and Phosphorus Reduction Project	August 1, 2022	
<u>Contractor:</u>	<u>Engineer's Project No.:</u>	
Rice Lake Construction Group	AUSTN 169135	

The following change(s) will be made to the Contract Documents:

Item No.	D/C/I*	Description, Reason, Contract Price and Time Change
1	C	<u>WCD-077 Description:</u> Structures 32 & 33 Sloped Top of Wall Modification – Provide labor, materials, and equipment to construct a sloped top on the clarifier walls. <u>Reason:</u> The Contract Documents show 20-inch wide clarifier walls that are flat. This change provides a 2H:1V slope, 14-inches wide on the trough side of the top of wall to improve drainage of water to the effluent trough, improve conditions to reduce algae growth, and reduce maintenance. <u>Price Change (Combined):</u> \$23,786.00 <u>Time Change:</u> 0 days
2	I	<u>WCD-078 Description:</u> Structure 90 SAF Common Hopper Modifications – Provide labor, materials, and equipment to modify the SAF common hopper wall plate thickness and supports. <u>Reason:</u> This change is needed to meet structural stability and integrity requirements, as determined by SEH. This hopper procurement was previously modified by WCD-003. <u>Price Change (Industrial):</u> (\$15,038.00) <u>Time Change:</u> 0 days
3	I	<u>WCD-079 Description:</u> Industrial Generator Addition – Furnish and install a 750kw back-up power diesel generator for Structures #82/87/90 (Industrial Generator), per RFP-047. <u>Reason:</u> The temporary back-up power plans in the Contract were reviewed, and the time required to procure and connect a temporary generator was determined to be too long to be effective, risking plant infrastructure damage (flooding), successful plant operation, and permit violations. This change adds a permanent back-up generator for the Industrial facilities (#82/87/90) which mitigates infrastructure flooding, operational (loss of power), and permit violation risks. It also reduces operational interruption risks for Hormel. <u>Price Change (Industrial):</u> \$663,516.00 <u>Time Change:</u> 0 days

4	D	<p><u>WCD-080 Description:</u> Structure 10 Window Replacement Modification – In lieu of providing a 1-inch thick metal composite insulating panel, furnish and install a new aluminum window frame assembly consisting of fixed glazing, 1-inch thick type GL-1. Provide credit to Owner for metal composite insulating panel.</p> <p><u>Reason:</u> This Owner requested change provides natural light in the NE corner of the main level of the lift station, which improves visibility for operation and maintenance.</p> <p><u>Price Change (Domestic):</u> \$1,847.00</p> <p><u>Time Change:</u> 0 days</p>
5	D	<p><u>WCD-081 Description:</u> Structure 31 Primary Sludge Pump and Macerator Testing Credit – Provided pump and macerator equipment testing credit per COP-100.</p> <p><u>Reason:</u> The Primary Sludge Pump and Macerator equipment supplier did not perform Contract required factory testing on this equipment prior to shipping it to the project site, and offered a credit to the Owner in lieu of returning the equipment to the factory for testing. The supplier provided assembly check lists for the pumps, stating they are within acceptable tolerances and expect performance per representative pump curves. The Contractor stated that they and their supplier are still responsible for and will address any issues at start-up. This was acceptable to the Owner.</p> <p><u>Price Change (Domestic):</u> (\$1,279.00)</p> <p><u>Time Change:</u> 0 days</p>
	C	<p><u>WCD-082 Description:</u> Structure 69 Bridge Crane and Radiant Heater Modifications – Furnish and install modifications to the bridge crane and radiant heater system per RFP-041. Modifications include decreasing the bridge crane size from 7.5 to 1.5 tons, modifying the bridge crane travel area and height, relocating gas radiant heaters and gas piping, and adding four (4) bollards.</p> <p><u>Reason:</u> These changes modify the bridge crane and gas radiant heater layouts to accommodate the screw press equipment layout changes. The bridge crane capacity was decreased to lift the heaviest screw press component (one screw), not the entire unit.</p> <p><u>Price Change (Combined):</u> (\$18,446.00)</p> <p><u>Time Change:</u> 0 days</p>
7	D, I	<p><u>WCD-083 Description:</u> Structures 31-82-90 Electrical Mods FO-045 – Furnish and install modifications to electrical systems per COP-089 Rev 2.</p> <p><u>Reason:</u> RFP-025 identified electrical changes (motor sizes, etc.) due to Contractor proposed changes in shop drawing submittals. Most of these changes were incorporated into the project via WCD-045 Rev1 (COP-054 Rev1). Subsequently, FO-045 was issued with drawings updated per RFP-025. The Contractor identified additional work and costs that were not included in COP-054 Rev1. The Engineer reviewed the additional work and costs in COP-089 Rev2 and concurred with the proposed cost changes.</p> <p><u>Price Change (Domestic):</u> \$ 2,969.00</p> <p><u>Price Change (Industrial):</u> \$16,257.00</p> <p><u>Time Change:</u> 0 days</p>

8	I	WCD-084 Description: Structure 90 Sump Pump Electrical Modifications - Furnish and install modifications to relocate the sump pump control panel per RFP-035. Reason: The sump pump package includes the control panel for the pumps but the control panel is not rated for the room hazard classification (Class 1, Div 2). It was determined to be less expensive to relocate the existing panel outside the building than to replace it with a hazard classified panel. Price Change (Industrial): \$11,018.00 Time Change: 0 days
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* D = Domestic, C=Combined, I=Industrial

Attachments (list documents supporting change):

WCD-077
WCD-078
WCD-079
WCD-080
WCD-081
WCD-082
WCD-083
WCD-084

Contract Price Change – Domestic and Industrial Split

Work Change Directive (WCD)	100% Domestic	Combined		100% Industrial
		54.2% Domestic	45.8% Industrial	
WCD 077		\$12,892.01	\$10,893.99	
WCD 078				\$(15,038.00)
WCD 079				\$663,516.00
WCD 080	\$1,847.00			
WCD 081	\$(1,279.00)			
WCD 082		\$(9,997.73)	\$(8,448.27)	
WCD 082	\$2,969.00			\$16,257.00
WCD 084				\$11,018.00
Totals		\$6,431.28		\$678,198.72

Contract Status:

Original Contract Price	\$100,008,000.00
Previous Contract Price Revisions	\$2,330,572.00
(Through Change Order: 05)	
Current Contract Price	\$102,338,572.00
Price Change (this Change Order)	\$684,630.00
Revised Contract Price	\$103,025,369.00
Original Contract Times (days)	
Substantial Completion	1,120
Final Completion	1,370
Previous Contract Time Revisions (days)	
Substantial Completion	0
Final Completion	0
Current Contract Times (days)	
Substantial Completion	1,120
Final Completion	1,370
Time Changes (this Change Order, days)	
Substantial Completion	0
Final Completion	0
Revised Contract Times (days)	
Substantial Completion	1,120
Final Completion	1,370

<u>Recommended for Approval by Engineer:</u> Name: John Glatzmaier, Project Manager Signature:	Date:
<u>Approved for Owner (City of Austin, MN) by:</u> Name: Signature:	Date:
<u>Approved for Hormel Foods Corp. (if applicable) by:</u> Name: Signature:	Date:
<u>Approved for Contractor by:</u> Name: Signature:	Date:

RESOLUTION NO.

RESOLUTION APPROVING CHANGE ORDER NO. 6 WITH RICE LAKE CONSTRUCTION GROUP FOR THE WASTE WATER TREATMENT PLAN CONTRACT

WHEREAS, the City of Austin, Minnesota entered into a contract with Rice Lake Construction group for the construction of a new waste water treatment plant via ordinance no. 706 on August 1, 2022; and

	Work Change Directive (WCD)	Domestic	Industrial	Total
Original Project Bid		\$ 47,518,974.00	\$ 52,489,026.00	\$ 100,008,000.00
Change Order #1 (9)	SubTotal	\$ 31,154.14	\$ (273,541.14)	\$ (242,387.00)
Change Order #2 (25)	SubTotal	\$ 361,462.13	\$ 113,175.87	\$ 474,638.00
Change Order #3 (23)	SubTotal	\$ 426,436.28	\$ 426,348.72	\$ 852,785.00
Change Order #4 (9)	SubTotal	\$ 407,886.86	\$ 345,951.14	\$ 753,838.00
Change Order #5 (12)	SubTotal	\$ 249,293.99	\$ 242,404.01	\$ 491,698.00
Change Order #6 (DRAFT)	SubTotal	\$ 6,431.28	\$ 678,198.72	\$ 684,630.00
	Total WCD's	\$ 1,482,664.67	\$ 1,532,537.33	\$ 3,015,202.00
Current Project Amount		\$ 49,001,638.67	\$ 54,021,563.33	\$ 103,023,202.00
Cost Increase		3.12%	2.92%	3.01%

	Work Change Directive (WCD)	100% Domestic	Combined		100% Industrial
			54.2% Domestic	45.8% Industrial	
Change Order #6 (DRAFT)	WCD-077		\$ 12,892.01	\$ 10,893.99	
	WCD-078				\$ (15,038.00)
	WCD-079				\$ 663,516.00
	WCD-080	\$ 1,847.00			
	WCD-081	\$ (1,279.00)			
	WCD-082		\$ (9,997.73)	\$ (8,448.27)	
	WCD-083	\$ 2,969.00			\$ 16,257.00
	WCD-084				\$ 11,018.00
	SubTotal	\$ 6,431.28	\$ 6,431.28	\$ 678,198.72	
Total Combined		\$ 1,482,664.67	\$ 1,482,664.67	\$ 1,532,537.33	

WHEREAS, changes to the overall scope and construction plans will come up from time to time; and

WHEREAS, the contractor requested a change order for the additional work; and

WHEREAS, the following change orders have been requested:

WHEREAS, said contract, among other things, requires that change orders to the contract be approved by the City of Austin; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Austin, Minnesota approves change order number 6 to the waste water treatment plant construction project.

BE IT FURTHER RESOLVED, that the Mayor and City Recorder are authorized to execute said change order.

Passed by a vote of yeas and nays this 16th day of December, 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.
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: November 23, 2024
Subject: WWTP EQ/Digester No. 1 Cover Replacement
Change Order 001

Wapasha Construction was hired to replacement the floating cover on the Industrial EQ/Digester No. 1. Work on the cover replacement began in May and is schedule to be returned to service the first week of December. Final punchlist items and roof insulation will be completed in the spring of 2025. The attached change order addresses material coating and surface repair substitutions. In addition, it quantifies repair areas for as bid unit price items. The original contract price for this project was \$2,764,000. The additions and deductions have an increase to the overall project cost of \$4,324.12, resulting in a revised total project cost of \$2,768,324.12

I would request Council approval of Change Order 001 for inclusion in the next contractor pay application. This project is funded 100% with the Industrial budget. Please contact me if you have any questions.

Change Order

No. 01

Date of Issuance: November 22, 2024

<u>Project:</u> WWTF EQ Primary Digester No. 1 Cover Replacement	<u>Owner:</u> City of Austin	<u>Owner's Contract No.:</u>
<u>Contract:</u> WWTF EQ Primary Digester No. 1 Cover Replacement	<u>Date of Contract:</u> December 20, 2023	
<u>Contractor:</u> Wapasha Construction Co., Inc.	<u>Engineer's Project No.:</u> AUSTN 176661	

The following change(s) will be made to the Contract Documents:

Item No.	Description, Reason, Contract Price and Time Change	Attachment
1	\$2,000 DEDUCT for accepting a lined valve in lieu of specified stainless steel valve (WCD 01)	1
2	\$25,000 DEDUCT for accepting SW Polycoat 125 in lieu of specified Tnemec coating (WCD 02)	2
3	\$23,979.38 ADD for MSM repair material in lieu of Duraplate 2300 for surface mortar	3
4	\$42,544.74 ADD Agreed-upon unit cost for crack repair of \$42.63/LF @ 998 LF	3
5	\$33,000 DEDUCT for Bid Item #2, Contractual unit price for structural repair mortar of 600 sf @ \$55.00/sf. This was not required with the use of MSM (item 3 above).	4
6	\$2,200 DEDUCT for Bid Item #3, Contractual unit price for rebar repair of 200 LF @\$20.00/LF. Only 90 LF of rebar repair was required.	4
7	ADD 168 days to the contract times for Final Completion	5

Attachments (list documents supporting change):

(1) WCD 01 and supporting documents
(2) WCD 02 and supporting documents
(3) Proposal Request 1 and supporting documents
(4) Letter from Wapasha with final unit price quantities
(5) Letter from Wapasha requesting time extension

Contract Status:

Original Contract Price	\$2,764,000.00
Previous Contract Price Revisions (Through Change Order: NA)	\$0.00
Current Contract Price	\$2,764,000.00
Price Change (this Change Order)	\$4,324.12
Revised Contract Price	\$2,768,324.12
Original Contract Times (days)	
Substantial Completion	300
Final Completion	330
Previous Contract Time Revisions (days)	
Substantial Completion	0
Final Completion	0
Current Contract Times (days)	
Substantial Completion	300
Final Completion	330
Time Changes (this Change Order, days)	
Substantial Completion	0
Final Completion	168
Revised Contract Times (days)	
Substantial Completion	300 (November 14, 2024)
Final Completion	498 (May 31, 2025)

<u>Recommended for Approval by Engineer:</u> Name: Susan Danzl Signature:	Date: 11/22/2024
<u>Approved for Owner (City of Austin, MN) by:</u> Name: Signature:	Date:
<u>Approved for Hormel Foods Corp.(if applicable) by:</u> Name: Signature:	Date:
<u>Approved for Contractor by:</u> Name: Signature:	Date:

RESOLUTION NO.

RESOLUTION APPROVING CHANGE ORDER NO. WITH WAPASHA CONSTRUCTION GROUP FOR THE EQ PRIMARY DIGESTER COVER REPLACEMENT CONTRACT

WHEREAS, the City of Austin, Minnesota entered into a contract with Wapasha Construction group for the replacement of the Cover for EQ Primary Digester No. 1 on December 20, 2023; and

WHEREAS, changes to the overall scope and construction plans will come up from time to time; and

Item No.	Description, Reason, Contract Price and Time Change
1	\$2,000 DEDUCT for accepting a lined valve in lieu of specified stainless steel valve (WCD 01)
2	\$25,000 DEDUCT for accepting SW Polycoat 125 in lieu of specified Tnemec coating (WCD 02)
3	\$23,979.38 ADD for MSM repair material in lieu of Duraplate 2300 for surface mortar
4	\$42,544.74 ADD Agreed-upon unit cost for crack repair of \$42.63/LF @ 998 LF
5	\$33,000 DEDUCT for Bid Item #2, Contractual unit price for structural repair mortar of 600 sf @ \$55.00/sf. This was not required with the use of MSM (item 3 above).
6	\$2,200 DEDUCT for Bid Item #3, Contractual unit price for rebar repair of 200 LF @\$20.00/LF. Only 90 LF of rebar repair was required.
7	ADD 168 days to the contract times for Final Completion

Original Contract Price	\$2,764,000.00
Previous Contract Price Revisions (Through Change Order: NA)	\$0.00
Current Contract Price	\$2,764,000.00
Price Change (this Change Order)	\$4,324.12
Revised Contract Price	\$2,768,324.12

WHEREAS, the contractor requested a change order for the additional work; and

WHEREAS, the following change orders have been requested:

WHEREAS, said contract, among other things, requires that change orders to the contract be approved by the City of Austin; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Austin, Minnesota approves change order number 1 for the replacement of the Cover for EQ Primary Digester No. 1 construction project.

BE IT FURTHER RESOLVED, that the Mayor and City Recorder are authorized to execute said change order.

Passed by a vote of yeas and nays this 16th day of December, 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

Memorandum

To: Mayor and City Council

Cc: Daniel & Joy Rouse
1207 10th St NW
Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structures located at 2400 4th Dr SW Austin MN 55912

Date: December 11th, 2024

May I ask the City Council to review and approve this resolution classifying the property located at 2400 4th Dr SW Austin, Minnesota, as hazardous pursuant to Minnesota Statutes 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!

City of Austin
Building Department



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

October 11th, 2024

Daniel & Joy Rouse
1207 10th St NW
Austin, MN 55912

RE: Violations at 2400 4th Dr SW, Austin, MN 55912

Dear Daniel & Joy:

The City of Austin Planning and Zoning Department has observed a violation of City Code on October 10th, 2024 on your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. **Repair/Replace or Remove large machinery shed. Large machinery shed is unsafe and in dangerous condition- structural members, exterior walls and roofing.**
2. **Repair/Replace broken windows**

The violation of International Property Maintenance Code Sections 108 and 304 were found. These Property Maintenance Code Sections read as follows:

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

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

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

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

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load

effects;

3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exception:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

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

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drain- age shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

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

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

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

Sincerely,

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

Brent Johnson
Zoning Inspector

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDINGS
(LARGE MACHINERY SHED)
LOCATED AT 2400 4TH DR SW AUSTIN, MINNESOTA 55912
OWNED BY DANIEL & JOY ROUSE**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 2400 4th Dr SW to be a hazardous building for the following reasons:

- 1. Repair/Replace or Remove large machinery shed. Large machinery shed is unsafe and in dangerous condition- structural members, exterior walls and roofing.**
- 2. Repair/Replace broken windows**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on October 11th, 2024 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 to 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
 - 1. Repair/Replace or Remove large machinery shed.**
 - 2. Repair/Replace broken windows**
2. The repairs listed above must be made within 30 days after the order is served upon the record owner and in compliance with applicable codes, regulations and permits.
3. The City Council further orders that unless such corrective action is taken, the building(s) is/are ordered to be razed, the foundation(s) filled and the property left free of debris in compliance with all applicable codes, regulations and permits. The structures must be removed within 20 days after the initial 30 day repair period has expired.
4. If corrective action is not taken and an answer is not served within 20 days as specified in Minn. Stat. Section 463.18, a motion for summary enforcement of this order will be made to the District Court of Mower County.
5. In accordance with Minn. Stat. Section 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 14 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.

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

Passed by a vote of Yeas and Nays this _____ day of _____, 2024

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor





TIME STAMP



December 11, 2024
10:37 AM



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



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

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Recommendation for Variance Requested by:
Scott Soderberg, 2408 16th Ave SW

Date: March 13, 2024

At the December 10, 2024, meeting of the Austin Planning Commission, the Commission reviewed a request from Scott Soderberg for a variance from City Code Section 11.031, which limits properties under one acre to two (2) detached accessory structures in residential districts.

The petitioner has five (5), unpermitted, detached structures. He is requesting a variance of from City Code Section 11.031, which allows a maximum of two (2) detached structures with an aggregate square footage of 1200 sq. ft. for a parcel under one acre, in an "R-1" Single-Family Residential District.

The property in question is approximately 0.54 acres, the total aggregate square footage of the structures is 892 sq. ft.

After review, the Planning Commission, with seven members present, recommended approving the variance by the following vote, contingent upon securing a neighbor agreement regarding a reduced side yard setback:

Ayes – 7 Nays – 0

The Planning Commission made the following findings regarding this request:

1. The variance is in harmony with the general purposes and intent of the zoning ordinance.
2. The variance is consistent with the comprehensive plan.
3. The proposal puts the property to use in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. The variance, if granted, will not alter the essential character of the locality in which the property is situated.

PETITIONER: Scott Soderberg
240816th Ave SW
Austin, MN 55912

**LEGAL
DESCRIPTION:**

**CURRENT LAND
USE AND ZONING**

CLASSIFICATION: "R-1" Single-Family Residence District
Single-Family Residence

**SURROUNDING
ZONING:**

North	-	Residential	-	"R-1" District
South	-	Residential	-	"R-1" District (and county/city limits)
East	-	Residential	-	"R-1" District
West	-	Residential	-	"R-1" District

**REQUESTED
ACTION:**

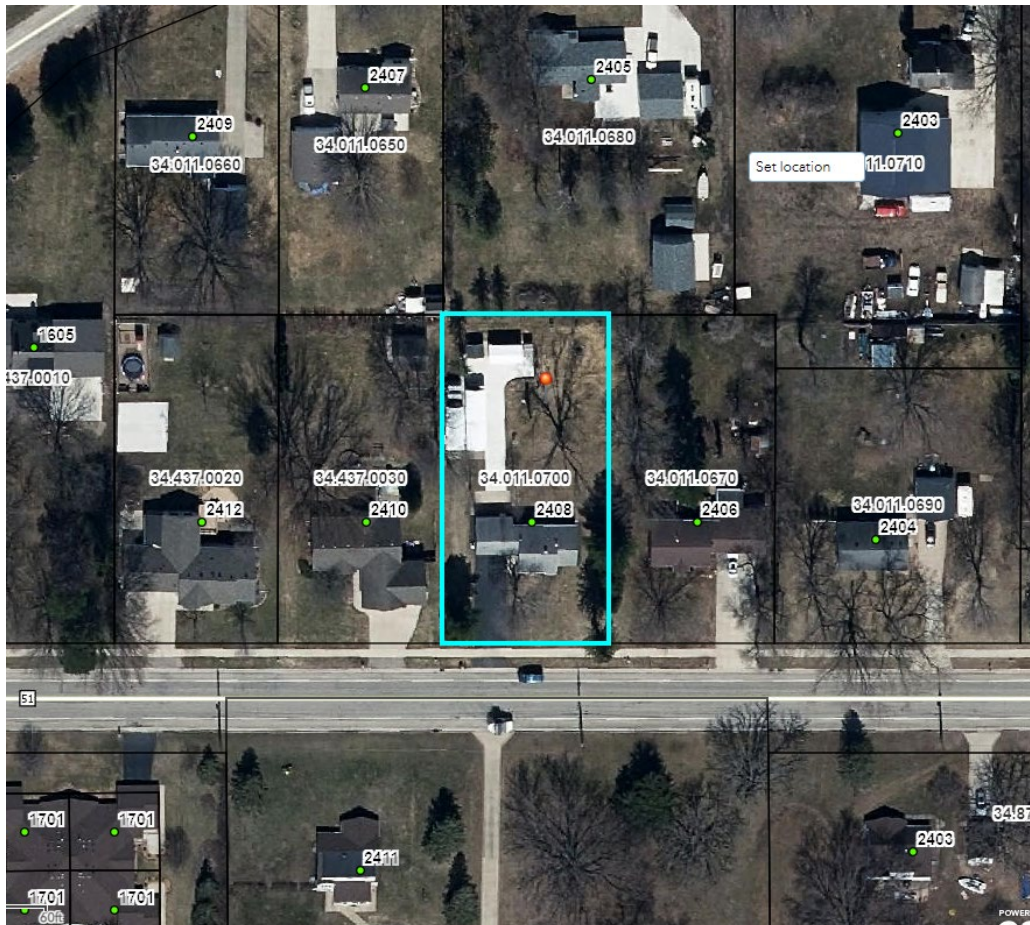
The petitioner has five (5) detached structures. He is requesting a variance of from City Code Section 11.031, which allows a maximum of two (2) detached structures with an aggregate square footage of 1200 sq. ft. for a parcel under one acre, in an "R-1" Single-Family Residential District.

The property in question is approximately 0.54 acres, the total aggregate square footage of the structures is 892 sq. ft.

The Planning Commission and City Council must decide if the request meets the statutory requirements for granting a variance:

1. The variance is in harmony with the general purposes and intent of the zoning ordinance.
2. The variance is consistent with the comprehensive plan.
3. The proposal puts the property to use in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. The variance, if granted, will not alter the essential character of the locality in which the property is situated.

STAFF REPORT: This is a recommendation to council.





OFFICE USE ONLY	
Amount Due \$	<u>300.00</u>
Type of Variance	
Receipt No.	<u>813416</u>
Date:	<u>10-7-2024</u>

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

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

Applications are due by the 20th day of the prior month

CITY OF AUSTIN

Street Location of Property: 2408 16th AVE. S.W.
Legal Description of Property: 34011 005 W101.123 FT LOT 2.47 AC
Owner: Name SCOTT D. SODERBERG Phone 507-440-6602
Address 2408 16th AVE. S.W.
City AUSTIN State MN. Zip 55912

Type of Request: ☒ Variance ☐ CUP ☐ IUP ☐ Rezone ☐ Other

Applicable to Section 11.03 USE STANDARDS of the Austin City Zoning Ordinance, as amended

Description of Request WANTING TO HAVE MORE THAN THE
ALLOWED TWO DETACHED STRUCTURES ON MY LOT.
THE STRUCTURES TOTAL 892 SQ. FT LESS THAN THE 1200 ALLOWED.

Reason for Request TO CONTAIN YARD EQUIPMENT AND TOOLS.
ALSO I HAVE A SOUND PRODUCTION EQUIPMENT THAT
I NEED TO STORE WHEN NOT IN USE, STAGE SOUND LIGHTING.
TRAILOR

Present Zoning Classification R-1

Existing Use of the Property MY HOME

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

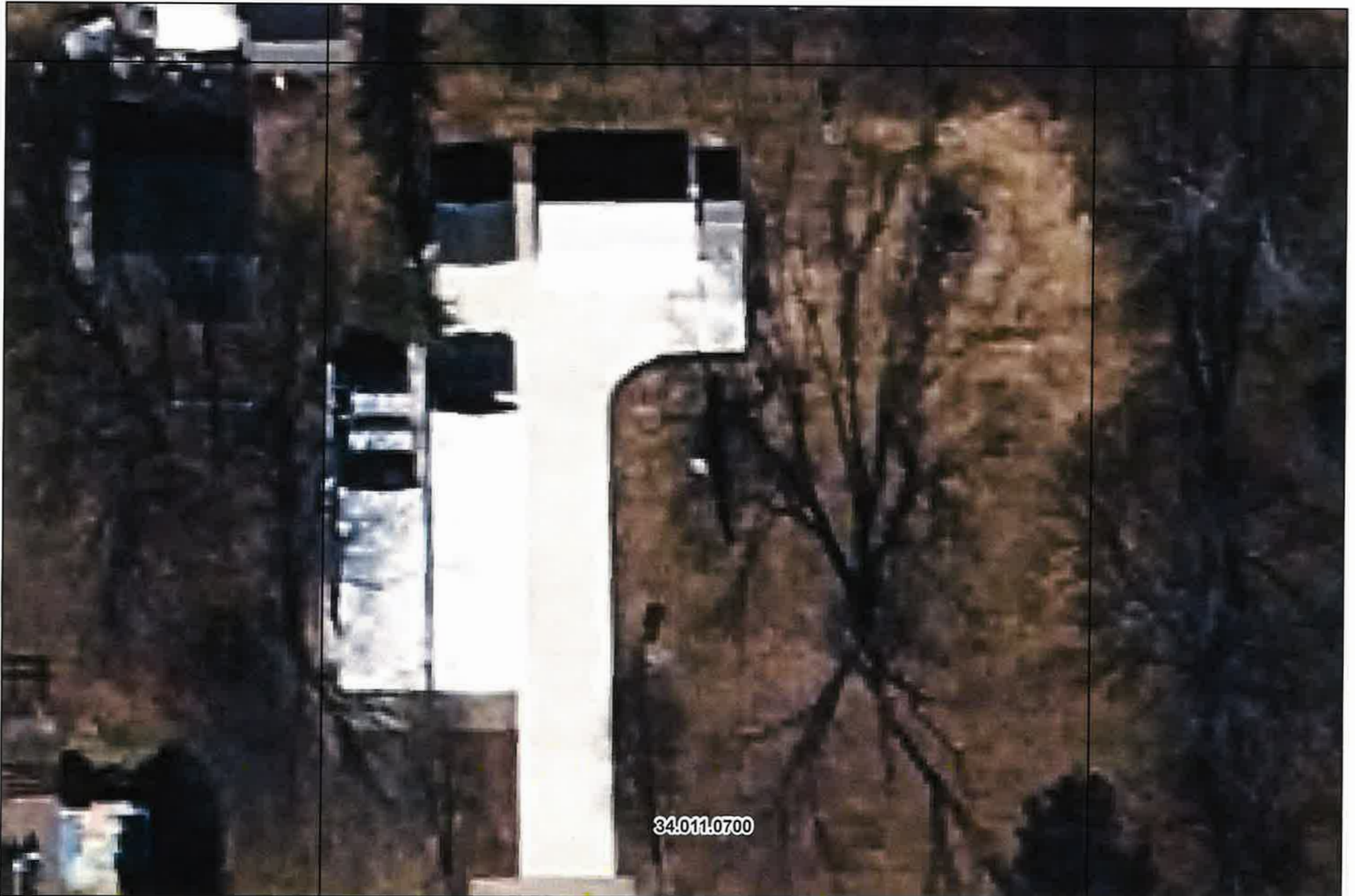
Scott D. Soderberg
Signature of Applicant

10-7-24
Date

Approved _____ Denied _____ by the Planning Commission on _____ (date)

Approved _____ Denied _____ by the Common Council

Comments _____



34.011.0700

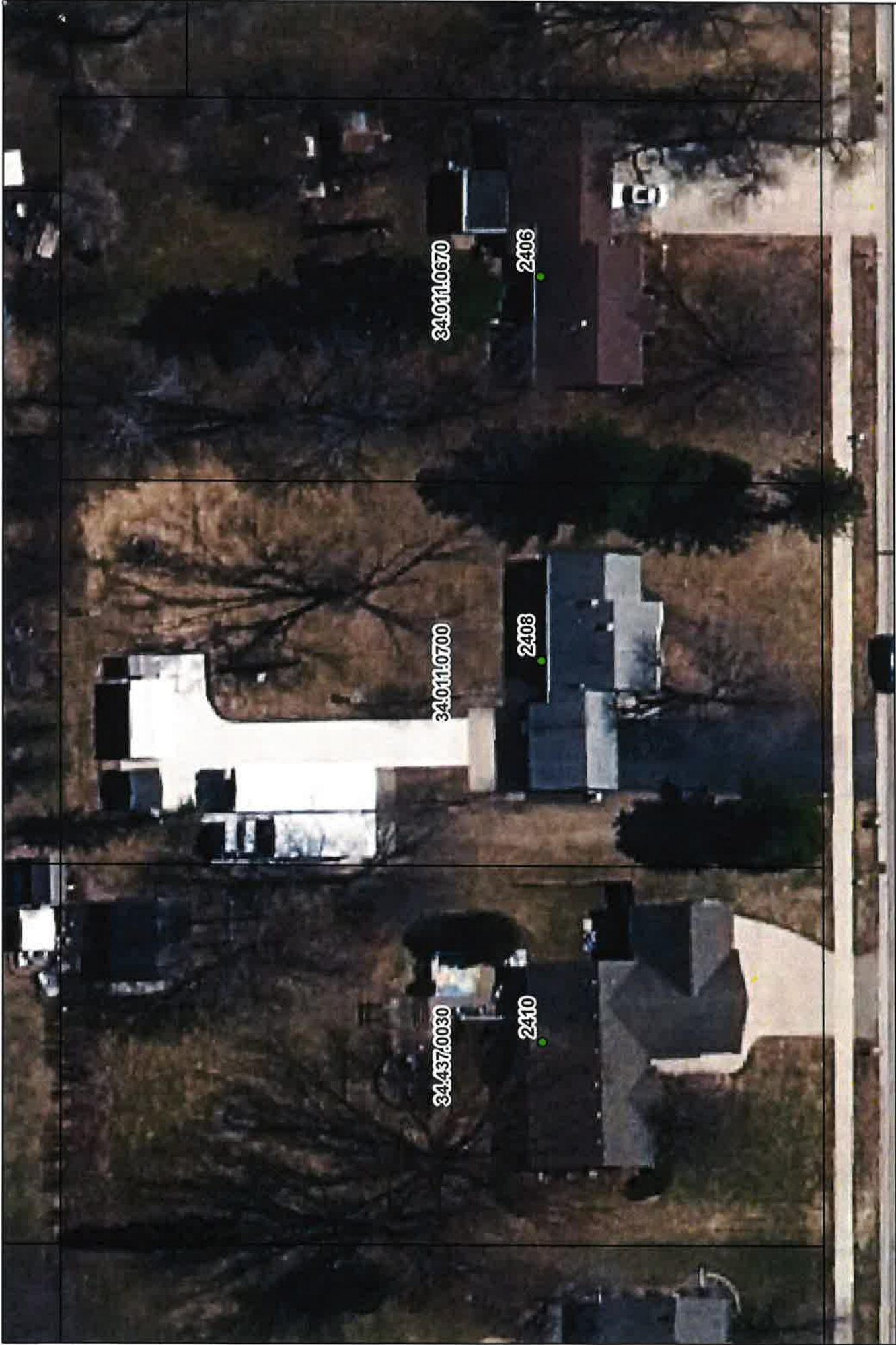


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Mower County Public GIS

Date/Time: 10/7/2024 9:49 AM



Mower County Public GIS

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**NOTICE OF PUBLIC HEARING
FOR A VARIANCE FROM THE
AUSTIN CITY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the City of Austin has received an application from Scott Soderberg at 2408 16th Ave SW for a variance from City Code 11.031 two accessory structures on a parcel one acre or less.

Said petition will be heard at a regular meeting of the Austin City Planning Commission on **Tuesday, November 12th**, at 5:30 pm in the Council Chambers of the Austin Municipal Building located at 500 4th Avenue NE at which time you may appear, if you desire, either in person, or by agent or attorney, in opposition to or in support of the petition.



BY ORDER OF THE AUSTIN
CITY PLANNING COMMISSION
/s/
Holly Wallace
Planning and Zoning Administrator

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

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

On October 29, 2024, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:


Soderberg Variance
See attached list


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



Lauren K Bakken

Subscribed and sworn to before me
This 29th of October 2024.



Notary Public


Variance

Mailing List

34.011.0660 2409 15th Ave SW Lawrence Eikmeier
34.011.0650 2407 15th Ave SW Say Wah
34.011.0680 2405 15th Ave SW Michael & Judith Ferguson
34.011.0710 2403 15th Ave SW Perry Byam
34.011.0760 2401 15th Ave SW Michael Mcfarland
34.437.0010 1605 24th St SW Samantha Bekaert
34.437.0020 2412 16th Ave SW Jeremy & Emily Mason
34.437.0030 2410 16th Ave SW Corey Cambern
34.011.0670 2406 16th Ave SW Leo Sheedy
34.011.0690 2404 16th Ave SW Joshua & Vanessa Wieseler
34.011.0770 2402 16th Ave SW Donald Schocker
34.879.0080 2403 16th Ave SW Douglas Rysavy
02.006.0040 2411 16th Ave SW Joseph & Martha Ott
34.688.0010 1701A Carriage Homes Dr Austin MN 55912 Janeth Alm
34.688.0040 1701D Carriage Homes Dr Austin MN 55912 Mary Boyenga
34.688.0030 1701C Carriage Homes Dr Austin MN 55912 Graig Lerum
34.688.0020 1701B Carriage Homes Dr Austin MN 55912 Julie Parr

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received the following gifts:

<u>Gift</u>	<u>Donor</u>	<u>For</u>
\$ 5,000	SEMAC	Austin Community Band
\$10,000	SEMAC	Culture and Arts Commission-Electrical Box Project

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 16th day of December, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor