

A G E N D A
CITY COUNCIL MEETING
TUESDAY, JANUARY 6, 2025
5:30 P.M.
COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Oath of Office: Steve King, Rebecca Waller, Mike Postma, Paul Fischer

Roll Call.

(mot) 1. Adoption of Agenda.

(mot) 2. Approving minutes from December 16, 2024

3. Recognitions and Awards.

(mot) 4. *Consent Agenda

Licenses:

Temporary Gambling (raffle): NWFT Cedar River Longbeards Chapter on January 24th, 2024

Massage Establishment: Green Touch Doula Care LLC, Austin, MN

Massage Therapist: Chrissy Stiehm, Austin, MN

Massage Therapist: Mu Kue Kue, Albert Lea, MN

Tree Service: New Growth Forestry LLC, Kasson, MN

Tree Service: Travis's Tree Service, Albert Lea, MN

Tree Service: Adam B. Meyer Construction Co. LLC, Austin, MN

Edible Cannabinoid: Everest Apollo Gas LLC, Austin, MN

Edible Cannabinoid: Everest Apollo Gas & Liquor LLC, (901 W. Oakland) Austin, MN

Edible Cannabinoid: Everest Apollo Gas & Liquor LLC, (903 W. Oakland) Austin, MN

Edible Cannabinoid: Radhe Shyam Corp., Austin MN

Edible Cannabinoid: BAPA Lifestyle LLC, Austin, MN

Edible Cannabinoid: RAS Enterprise LLC, Austin, MN

Edible Cannabinoid: Superior Cannabis Company LLC, Austin, MN

Mobile Business: Dream Big Hospitality LLC, Rochester, MN

Mobile Business: Classis Kitchen, Austin, MN

Sign Installer: Atwood Electric, Inc., Sigourney, IA

Right of Way: MTC Services, LLC, Medford, MN

Right of Way: Husemoller Excavating, Inc., Austin, MN

Appointments to Boards and Commissions:

Timothy Rietz to the Library Board – term expiring December 31, 2027

Claims:

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

BID OPENING AND AWARD:

- (res) 5. Receiving bids for Ash Tree & Stump Removal
a. Awarding bid

PETITIONS AND REQUESTS:

- (res) 6. Designating depositories for checking and investment of public funds for 2025
- (res) 7. Approving a budget adjustment to the general fund for 2025
- (res) 8. Setting the mileage reimbursement rate for 2025
9. Requesting Approval of the Cannabis Ordinance.
(mot) a. For preparation of the ordinance
(ord) b. For adoption of the ordinance
(res) c. For summary publication of the ordinance
- (res) 10. Receiving feasibility report and calling for a public hearing for February 18th for street improvements on 6th Street NE (30th Avenue to 36th Avenue NE), Project 19106
- (res) 11. Receiving feasibility report and calling for a public hearing for February 18th for street improvements on 21st Avenue SW (4th Drive to 12th Street SW), Project 25102
- (res) 12. Receiving feasibility report and calling for a public hearing for April 7th for street improvements on Oakland Avenue (1st Street NE to 12th Street NW) 1st Avenue SW (South Main Street to 12th Street SW), Project 25103
- (res) 13. Receiving feasibility report and calling for a public hearing for February 18th for street improvements on 6th Avenue NE (18th Drive to 19th Street NE) and 18th Drive NE (5th Avenue to 6th Avenue NE), Project 25106
- (res) 14. Receiving feasibility report and calling for a public hearing for February 18th for street improvements on 25th Street SW (Oakland Avenue West to 7th/8th Avenue SW), Project 25107

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Tuesday, January 21, 2025** at 5:30 pm in the Council Chambers.

All items listed with an asterisk () are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member or citizen so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

M I N U T E S
CITY COUNCIL MEETING
December 16, 2024
5:30 PM
Council Chambers

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

MEMBERS ABSENT: Council Member Geoff Baker and Council Member-at-Large Jeff Austin

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, Human Resources Director Tricia Wiechmann, Library Director Julie Clinefelter, and City Clerk Brianne Wolf

APPEARING IN PERSON:

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

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

Moved by Council Member Fischer, seconded by Council Member Postma, approving Council minutes from December 2, 2024 and the minutes from the Truth in Taxation Hearing on December 4, 2024. Carried.

RECOGNITIONS AND AWARDS

CONSENT AGENDA

Moved by Council Member Helle seconded by Council Member Baskin approving the consent agenda as follows:

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
- d. Settlement and Release Agreement

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

Carried.

PUBLIC HEARINGS

A public hearing was held for the adoption of the five-year capital improvement plan. Director of Administrative Services Tom Dankert stated the plan sets forth \$142,185,310 of purchases over the next five years. Adoption of the plan gives staff direct authorization to purchase the items specified for 2025.

There were no additional public comments.

Council Member Baskin thanked the department heads and staff for all of their planning when putting this together.

Moved by Council Member Postma, seconded by Council Member Helle, adopting a resolution authorizing the 2025-2029 Capital Improvement Plan. Carried 5-0.

AWARDING BIDS

Director of Public Works Steven Lang stated City Hall has floor tiles that need to be removed due to asbestos. They received bids for asbestos removal from three companies. Mavo Systems, Inc. came in with the lowest bid at \$54,700. This will be for the removal of asbestos in three areas of City Hall. The City has a budget for this project of \$100,000. Mr. Lang stated with the remaining budget dollars they will replace the flooring in these areas with carpet or new tile.

Council Member Postma asked if this would remove all of the asbestos in the building and Mr. Lang stated yes this should remove all asbestos.

Mayor King asked if this will be done during office hours. Mr. Lang stated yes and also over the weekend. He stated these areas will be sealed off so staff will not be able to access them.

Moved by Council Member Fischer, seconded by Council Member Poshusta, approving a bid for the removal of asbestos at City Hall. Carried 5-0.

PETITIONS AND REQUESTS

Director of Administrative Services Tom Dankert requested the Council approve the 2025 tax levy in the amount of \$9,800,000.

Moved by Council Member Postma, seconded by Council Member Helle, adopting a resolution approving the tax levy for 2025. Carried 4-1 (Baskin-Nay).

Director of Administrative Services Tom Dankert requested the Council approve the 2025 budget in the amount of \$49,800,227.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution adopting the budget for 2025. Carried 5-0.

Director of Administrative Services Tom Dankert requested the Council cancel certain ad valorem tax levies for 2025 because there is sufficient fund balance to cover the payments on the bonds.

Moved by Council Member Postma, seconded by Council Member Baskin, adopting a resolution authorizing the cancellation of certain ad valorem tax levies. Carried 5-0.

Mr. Dankert thanked all the department heads for their work on the budget this last year.

Director of Administrative Services Tom Dankert requested the Council designate the official newspaper for 2025. He stated the rate for 2025 is still \$5.64 per column inch.

Moved by Council Member Fischer, seconded by Council Member Postma, designating the Austin Daily Herald as the official newspaper for 2025. Carried.

Moved by Council Member Poshusta, seconded by Council Member Postma, adopting a resolution 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. Carried 5-0.

Human Resources Director Trish Wiechmann requested the Council adopt a resolution setting the 2025 seasonal, temporary and part-time wage rates.

Council Member Helle would like to increase the wage for a returning seasonal employee from \$0.50 to \$1.00. She believes this would be an additional tool as long as it fits within the budget.

Human Resources Director Trish Wiechmann stated all department heads have reviewed this document and they were in agreeance with it. She stated with the way the resolution is written they do have flexibility and can review hiring situations on a case by case basis as needed.

Council Member Fischer asked Park and Recreation Director Jason Sehon if this was an issue in the past with the pool staff returning at the \$0.50 per hour.

Mr. Sehon stated they did have issues with being competitive with other areas that hire but in his talks with human resources they do have the authority to address these issues as they come up per the resolution. He stated they moved the lifeguard position into a different category so they were in a different wage class for 2025.

Human Resources Director Trish Wiechmann stated the lifeguard position is a position they have had a lack of applicants. They have made adjustments for this position.

Council Member Fischer stated \$13.50 seemed low for any position. Council Member Fischer stated the lifeguard position needed to be raised due to the conditions and certifications this position has to endure and obtain.

City Administrator Craig Clark stated this was shared with the front-line workers and they stated this is doable within the budgeted parameters that we have. He suggests we defer to their judgement on this subject.

Mayor King stated the City is at the forefront at trying to retain employees and stay competitive.

Council Member Baskin stated he agrees, if the department heads agree with the resolution presented and they have the flexibility they need, he is in support of this.

Council Member Fischer wanted to know if we need to make adjustments in the future are we able to do that.

City Administrator Craig Clark stated number eight in the resolution gives administration and human resources the authority to make necessary adjustments as needed.

Moved by Council Member Baskin, seconded by Council Member Postma, adopting a resolution approving the 2025 seasonal and part time wage resolution. Carried 5-0.

Director of Public Works Steven Lang stated Council discussed the eight work change directives at the last work session. He is requesting an approval of \$684,630. This would include a \$6,431.28 cost increase to the Domestic budget and a \$678,198.72 cost increase to the Industrial budget.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution approving change order number 6 for the waste water treatment plant project. Carried 5-0.

Director of Public Works Steven Lang stated Wapasha Construction was hired to replace the floating cover on the Industrial EQ/Digester No. 1. There were recommended changes to this project in the amount of \$4,324.12. The original project was \$2,764,000. The revised total project cost is \$2,768,324.12.

Moved by Council Member Helle, seconded by Council Member Postma, adopting a resolution approving change order number 1 with Wapasha Construction Group on the waste water treatment plant EQ/Digester Cover Replacement project. Carried 5-0.

Moved by Council Member Baskin, seconded by Council Member Postma, adopting a resolution declaring the property at 2400 4th Dr SW a hazardous structure. Carried 5-0.

Planning and Zoning Administrator Holly Wallace stated petitioner Scott Soderberg lives at 2408 16th Ave SW and is requesting 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 unpermitted, detached structures.

Ms. Wallace stated the property in question is approximately 0.54 acres, the total aggregate square footage of the structures is 892 sq. ft. The planning commission recommends approving the variance.

Moved by Council Member Baskin, seconded by Council Member Helle, approving a variance request from Scott Soderberg. Carried.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution accepting donations to the City of Austin. Carried 5-0.

HONORARY COUNCIL MEMBER REPORT

Honorary Council Member Cindy Stahl had questions about the last Council meeting. It was pertaining to the TIF project for Mill on Main and tax abatements. She wanted more explanation about these programs. Director of Administrative Services Tom Dankert discussed how tax abatements affect tax levies and funding.

COUNCIL REPORTS

Council Member Fischer thanked the City Employees for their hard work and thanked the Fire and Police Department for taking care of the garage fire in his neighborhood. He watched the Fire and Police Department work together to put the blaze out and he thanked them for their hard work.

Council Member Baskin thanked Council Member Baker for his service to the community and Council. He stated he recently worked with the Lions Club and a group of students from Pacelli and they asked great questions of the City and economic development. He acknowledged we have students who are very interested in our community.

Council Member Postma stated there are so many community events in the upcoming weeks to celebrate the holidays. He also thanked Council Member Baker for his service on the Council.

Council Member Helle congratulated the Culture and Arts commission on their grant from SEMAC. She stated there have been 100 utility boxes that have been tagged so they are looking to identify which boxes to wrap with local youths art work. She also stated the City cannot continue this type of increase to the tax level. The City also cannot cut the pay to our employees. Hopefully in 2025 Council can start wrestling with these ideas.

Mayor King thanked the department heads that participated in the Leadership Austin discussions at City Hall.

Moved by Council Member Postma, seconded by Council Member Baskin, adjourning the meeting to January 6, 2025. Carried.

Adjourned: 6:05 p.m.

Approved: January 6, 2025

Mayor: _____

City Recorder: _____


City of Austin
 Jason Sehon, Director
 Parks, Recreation & Forestry
 507-433-1881
jsehon@ci.austin.mn.us



500 Fourth Avenue NE
 Austin, Minnesota 55912-3773
 Phone: 507-437-9940
www.ci.austin.mn.us

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Jason Sehon, Director of Parks, Recreation & Forestry 

DATE: January 6, 2025

SUBJECT: Bid Award for Ash Tree and Stump Removal Project (325 trees)

At the June 3, 2024 meeting, staff requested authorization from City Council to begin the bid process to contract for the removal of ash trees located on City properties, boulevards and right of ways. Council agreed to this request and staff began working on finalizing tree inventory and developing bid documents for a first round of bidding. The plan was to go out to bid with the bid opening and bid award taking place after the 2025 budget was approved by City Council.

The City of Austin held a bid opening on Friday, December 20, 2024 for bids received for the 2025 Ash Tree and Stump Removal Project. We received fifteen (15) bids for this project, which includes ash tree removal, stump grinding and ground restoration for (325) trees. Work is planned to be complete by December 31, 2025, but may be completed ahead of schedule. The bids received are summarized below:

Bid #:	Company Name:	Address:	Bid Amount:
1	Adam Meyer Construction	Austin MN	\$284,212.00
2	Albert Lea Tree Service	Hollandale MN	\$266,888.00
3	Olson Timber Company	Sioux Center IA	\$231,375.00
4	Rock Creek Tree & Stump Removal	Austin MN	\$206,311.00

5	Johannes Tree Services & More	Osage IA	\$455,000.00
6	New Growth Forestry LLC	Kassen MN	\$289,000.00
7	Olson Tree Services Inc	Grand Meadow MN	\$427,500.00
8	Morem Tree Service	Austin MN	\$422,500.00
9	Tree Story Inc	Dassen MN	\$443,000.00
10	Castle Rock Contractors & Tree Service	Castle Rock MN	\$526,713.00
11	Pat's Tree Service LLC	Lyle MN	\$260,000.00
12	Carr's Tree Service, Inc	P.O. Box 250 Ottertail MN 56571	\$183,428.14
13	P Squared	Austin MN	\$568,750.00
14	Ted Janning Tree Service	Blooming Prairie MN	\$284,000.00
15	Johnson Construction Service	Austin MN	\$236,200.00

The project will be funded using a matching Hormel Foundation Grant and Capital Improvement Revolving Fund.

Project Budget:

Hormel Foundation Grant:	\$91,714.07
Capital Improvement Revolving Fund:	<u>\$91,714.07</u>
Total Bid Amount:	\$183,428.14

Staff Recommendation:

Staff recommends Council award the bid to Carr's Tree Service, Inc. in the amount of \$183,428.14

Now that the budget is finalized and Council has encumbered funds for ash tree removal in the 2025 budget, staff is working on inventory and bid documents for the next round of bids, which should go out by the end of January 2025. This next bid process should include (500-600) ash trees for contract removal, and may be bid as two (2) separate bids.

The City's Tree Crews continue to remove ash trees in-house as part of the City's overall plan for ash tree removal as a result of the Emerald Ash Borer (EAB).

Spring 2024 demonstrated how fast the EAB infestation has spread in Austin. Our inspections after leaf out showed far more severely infested trees as well as more dead standing ash trees than originally thought.

Because ash trees deteriorate and become unstable in such a short period of time, our Forestry Team has updated our ash tree removal plan to remove as many ash trees by the end of 2025 as possible.

Please let me know if you have any questions.

RESOLUTION NO.

AWARDING BID FOR TREE AND STUMP REMOVAL

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

2025 Ash Tree and Stump Removal Project

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

Company	Bid Amount
Adam Meyer Construction, Austin, MN	\$284,212.00
Albert Lea Tree Service, Hollandale, MN	\$266,888.00
Olson Timber Company, Sioux Center, IA	\$231,375.00
Rock Creek Tree & Stump Removal, Austin, MN	\$206,311.00
Johannes Tree Service & More, Osage, IA	\$455,000.00
New Growth Forestry LLC, Kasson, MN	\$289,000.00
Olson Tree Services Inc, Grand Meadow, MN	\$427,500.00
Morem Tree Service, Austin, MN	\$422,500.00
Tree Story Inc, Dassel, MN	\$443,000.00
Castle Rock Contractors & Tree Service, Castle Rock, MN	\$526,713.00
Pat's Tree Service LLC, Lyle, MN	\$260,000.00
Carr's Tree Service Inc, Ottertail, MN	\$183,428.14
P Squared, Austin, MN	\$568,750.00
Ted Janning Tree Service, Blooming Prairie, MN	\$284,000.00
Johnson Construction Service	\$236,200.00

AND, WHEREAS, it appears Carr's Tree Service, 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 Carr's Tree Service, Inc is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Carr's Tree Service, Inc in the name of the City of Austin for the following:

2025 Ash Tree and Stump Removal Project

Passed by a vote of yeas and nays this 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO. XXXXX**RESOLUTION DESIGNATING DEPOSITORIES FOR
CHECKING AND INVESTMENTS OF PUBLIC FUNDS FOR 2025**

WHEREAS, the depositories for public funds are designated annually for the City of Austin, Minnesota.

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

1. Checking accounts for the City of Austin shall be as follows:

The legal depository for the City of Austin General Account shall be Wells Fargo of Austin, Minnesota for 2025. The City Recorder/Treasurer is hereby authorized to deposit all receipts of the City of Austin in Wells Fargo of Austin, Minnesota. All payroll transfers shall be deposited to Wells Fargo of Austin, Austin, Minnesota. The Direct Deposit of Retiree Benefits or Employee Payroll shall be processed through First Farmer's & Merchants Bank. All receipts of the Library, Police Department and Park and Recreation operations shall be deposited in the General Account.

BE IT FURTHER RESOLVED,

2. Investment of city funds shall be made with:

Wells Fargo, US Bank, Home Federal Savings Bank/Allerus, Bremer Bank/Old National Bank, First Farmers & Merchants State Bank, Sterling State Bank and Farmers & Merchants State Bank, all of Austin, Minnesota, are hereby declared to be legal depositories for the City of Austin's savings, money market savings, savings certificates and certificates of deposit. The market value of collateral filed by these institutions shall at all times exceed by 10% the City of Austin's deposits in these institutions. Wells Fargo Investment Services, Inc., US Bank Investment Services, RBC Dain Rauscher, UBS PaineWebber, Inc., Northland Securities, Wells Fargo Investment Advisors, Accentra Credit Union and the League of Minnesota Cities-sponsored 4M Fund are hereby declared to be firms with whom the City of Austin may do business for the purpose of purchasing and selling investments and for safekeeping such investments.

3. BE IT FURTHER RESOLVED, that all depositories, firms, agents and external managers acting as such for the City of Austin shall at all times comply with all provisions of Minnesota State Statutes applicable to the deposits and investments of public funds, and to the City of Austin's adopted investment policy and sound financial management practices.

Passed by a vote of yeas and nays this 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

TO: Mayor King and City Council Members

FROM: Tom Dankert *TD*

DATE: January 6, 2025

RE: **Budget Adjustment #1 – 2025 Budget Adjustment**
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I would request the approval of some changes within our budget for 2025 as part of Budget Adjustment #1 related to Hormel Foundation grants that were not originally included as part of the 2025 proposed budget (or were not fully funded by Hormel Foundation grants), as follows:

General Fund (11000):

- Police Chaplaincy Program, **\$15,600** (not budgeted for).
- Police Drones, **\$18,185** (not budgeted for).
- Todd Park playground equipment, **\$80,000** (not budgeted for).
- Hormel Nature Center Educational programs, \$45,000 (budgeted \$50,000, so a **\$5,000** reduction is needed).
- ADA Walkways, **\$20,000** (not budgeted for).

	<u>Debit</u>	<u>Credit</u>
49011.5138 Contributions		\$ 133,785
45300.5136 Nature Center Donations	\$ 5,000	
45300.5141 Contributions – Private Sources		\$5,000
49011.6540 Capital Outlay	\$133,785	
Total General Fund	\$ 138,785	\$ 138,785

Capital Improvements Revolving Fund (49000):

- Emerald Ash borer removal and planting, \$250,000 (not budgeted for).

	<u>Debit</u>	<u>Credit</u>
48255.6530 Improve. Other Than Bldg.	\$ 250,000	
49000.5135 Private Contributions		\$ 250,000
Total Capital Improve. Revolving Fund	\$ 250,000	\$ 250,000

Additionally, the City internally set aside \$1,000,000 of fund balance over the years to help cover the expected expense related to emerald ash borer. As noted above, we have a \$250,000 grant from The Hormel Foundation for such activities (that requires a match), so at this time we would propose to transfer the full \$1,000,000 from the General Fund to the CIP Revolving Fund to track such activities, as follows:

	Debit	Credit
49911.7749 Transfers to CIP Revolving	\$ 1,000,000	
11000.1010.01 Cash		\$1,000,000
49000.1010.01 Cash	\$ 1,000,000	
49000.5401 Transfers from General Fund		\$ 1,000,000
48255.6530 Improve. Other Than Bldg.	\$ 1,000,000	
49000.5490 Use of Fund Balance		\$ 1,000,000
Total General Fund & CIP Revolving Fund	\$ 3,000,000	\$ 3,000,000

By passing a Resolution, council will have then officially amended the budget for the 2025 year to account for The Hormel Foundation grants. There are other grants that were approved by The Hormel Foundation for 2025, but those grants were already accounted for in the 2025 budget.

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

RESOLUTION NO.

BUDGET ADJUSTMENT #1

RESOLUTION AMENDING THE 2025 OPERATING BUDGET OF FUND 11 - GENERAL FUND AND FUND 49 - CAPITAL IMPROVEMENTS REVOLVING FUND

WHEREAS, the City Council of the City of Austin adopted Resolution No. 17099 on December 16, 2024 approving the 2025 operating budgets for the various city operations; and

WHEREAS, the following items have been approved for funding and require an amendment to the 2025 budget:

General Fund (11000):

1. Police Chaplaincy Program, **\$15,600** (not budgeted for).
2. Police Drones, **\$18,185** (not budgeted for).
3. Todd Park playground equipment, **\$80,000** (not budgeted for).
4. Hormel Nature Center Educational programs, \$45,000 (budgeted \$50,000, so a **\$5,000** reduction is needed).
5. ADA Walkways, **\$20,000** (not budgeted for).

	<u>Debit</u>	<u>Credit</u>
49011.5138 Contributions		\$ 133,785
45300.5136 Nature Center Donations	\$ 5,000	
45300.5141 Contributions – Private Sources		\$5,000
49011.6540 Capital Outlay	\$133,785	
Total General Fund	\$ 138,785	\$ 138,785

Capital Improvements Revolving Fund (49000):

1. Emerald Ash borer removal and planting, \$250,000 (not budgeted for).

	<u>Debit</u>	<u>Credit</u>
48255.6530 Improve. Other Than Bldg.	\$ 250,000	
49000.5135 Private Contributions		\$ 250,000
Total Capital Improve. Revolving Fund	\$ 250,000	\$ 250,000

And;

WHEREAS, the City internally set aside \$1,000,000 of fund balance over the years to help cover the expected expense related to emerald ash borer and at this time it is appropriate to transfer the full \$1,000,000 from the General Fund to the CIP Revolving Fund to track such activities:

	Debit	Credit
49911.7749 Transfers to CIP Revolving	\$ 1,000,000	
11000.1010.01 Cash		\$1,000,000
49000.1010.01 Cash	\$ 1,000,000	
49000.5401 Transfers from General Fund		\$ 1,000,000
48255.6530 Improve. Other Than Bldg.	\$ 1,000,000	
49000.5490 Use of Fund Balance		\$ 1,000,000
Total General Fund & CIP Revolving Fund	\$ 3,000,000	\$ 3,000,000

And;

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

NOW THEREFORE, BE IT RESOLVED that the City Recorder shall record these authorized budget amendments upon the City's 2025 financial records.

Passed by a vote of yeas and nays this 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



Phone: 507-437-9940

www.ci.austin.mn.us

TO: Mayor and City Council

FROM: Tom Dankert *TD*

DATE: January 6, 2025

SUBJECT: Mileage Reimbursement Rate – January 1, 2025
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Effective January 1, 2025 the federal mileage reimbursement rate is increasing from the current rate of 67.0 cents per mile to a new rate of **70.0** cents per mile (increasing 3 pennies per mile).

The City of Austin has followed the federal rate for our reimbursement policy, and as such a resolution setting the mileage reimbursement rate should be set by Council. Please see the attached for the announcement from the IRS.

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

SECTION 3. STANDARD MILEAGE RATES

The standard mileage rate for transportation or travel expenses for 2025 is **70** cents per mile for all miles of business use (business standard mileage rate). See

- 3 -

section 4 of Rev. Proc. 2019-46. However, § 11045 of Public Law 115-97, 131. Stat.

RESOLUTION NO.

RESOLUTION SETTING THE MILEAGE REIMBURSEMENT RATE

WHEREAS, effective January 1, 2025, the federal mileage reimbursement rate will increase to 70¢ cents per mile; and

WHEREAS, the City of Austin has followed the federal rate for its reimbursement policy; and

NOW THEREFORE, BE IT RESOLVED THAT:

The mileage reimbursement rate for official business use of private vehicles will be 70¢ per mile effective January 1, 2025.

Passed by a vote of yeas and nays this 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

ORDINANCE NO. _____
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUSTIN
TO REGULATE CANNABIS BUSINESSES

THE CITY OF AUSTIN HEREBY ORDAINS:

SECTION 1. Austin Code **Chapter 5A “CANNABIS AND CANNABIS MANAGEMENT”** is hereby adopted as follows:

Section 5A.01. Administration:

5A.01.1 Findings and Purpose: The City of Austin makes the following legislative findings:

- A. The purpose of this ordinance is to implement the provisions of Minnesota Statutes, chapter 342, which authorizes the City of Austin to protect the public health, safety, welfare of the City of Austin residents by regulating cannabis businesses within the legal boundaries of the City of Austin.
- B. The City of Austin finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the City of Austin, that the proposed amendments will promote the community’s interest in reasonable stability in zoning for now and in the future, and that the proposed provisions are in the public interest and for the public good.

5A.01.2 Authority & Jurisdiction: The City of Austin has the authority to adopt this ordinance pursuant to:

- A. Minn. Stat. 342.13(c), regarding the authority of a local unit of government to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business provided that such restrictions do not prohibit the establishment or operation of cannabis businesses.
- B. Minn. Stat. 342.22, regarding the local registration and enforcement requirements of state-licensed cannabis retail businesses and lower-potency hemp edible retail businesses.
- C. Minn. Stat. 152.0263, Subd. 5, regarding the use of cannabis in public places.
- D. Minn. Stat. 462.357, regarding the authority of a local authority to adopt zoning ordinances.

This Ordinance shall be applicable to the legal boundaries of the City of Austin.

5A.01.3 Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

5A.01.4 Enforcement:

The City Clerk is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements constitutes a misdemeanor and is punishable as defined by law. Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in this ordinance.

5A.01.5 Definitions:

- A. Unless otherwise noted in this Chapter 5A, words and phrases contained in Minn. Stat. 342.01 and the rules promulgated pursuant to any of these acts, shall have the same meanings in this ordinance.
- B. **Cannabis Cultivation:** A cannabis business licensed to grow cannabis plants within the approved amount of space from seed or immature plant to mature plant, harvest cannabis flower from mature plant, package and label immature plants and seedlings and cannabis flower for sale to other cannabis businesses, transport cannabis flower to a cannabis manufacturer located on the same premises, and perform other actions approved by the office.
- C. **Cannabis Retail Businesses:** A retail location and the retail location(s) of a mezzobusinesses with a retail operations endorsement, microbusinesses with a retail operations endorsement, medical combination businesses operating a retail location, (and/excluding) lower-potency hemp edible retailers.
- D. **Cannabis Retailer:** Any person, partnership, firm, corporation, or association, foreign or domestic, selling cannabis product to a consumer and not for the purpose of resale in any form.
- E. **Lower-potency Hemp Edible:** As defined under Minn. Stat. 342.01 subd. 50.
- F. **Office of Cannabis Management:** Minnesota Office of Cannabis Management, referred to as “OCM” in this ordinance.
- G. **Place of Public Accommodation:** A business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.
- H. **Preliminary License Approval:** OCM pre-approval for a cannabis business license for applicants who qualify under Minn. Stat. 342.17.
- I. **Public Place:** A public park or trail, public street or sidewalk; any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; hospitals; nursing homes; auditoriums; arenas; gyms; meeting rooms; common areas of rental apartment buildings, and other places of public accommodation.
- J. **Retail Registration:** An approved registration issued by the City of Austin to a state-licensed cannabis retail business.
- K. **State License:** An approved license issued by the State of Minnesota’s Office of Cannabis Management to a cannabis retail business.

Section 5A.02. Registration of Cannabis Businesses:

5A.02.1 Consent to registering of Cannabis Businesses: No individual or entity may operate a state-licensed cannabis retail business within the City of Austin without first registering with the City of Austin.

Any state-licensed cannabis retail business that sells to a customer or patient without valid retail registration shall incur a civil penalty of up to \$2,000 for each violation (see the City of Austin Fee Schedule).

5A.02.2 Compliance Checks Prior to Retail Registration: Prior to issuance of a cannabis retail business registration, the City of Austin shall conduct a preliminary compliance check to ensure compliance with local ordinances.

Pursuant to Minn. Stat. 342, within 30 days of receiving a copy of a state license application from OCM, the City of Austin shall certify on a form provided by OCM whether a proposed cannabis retail business complies with local zoning ordinances and, if applicable, whether the proposed business complies with the state fire code and building code.

5A.02.3 Registration & Application Procedure:

5A.02.3.1 Fees.

- A. The City of Austin shall not charge an application fee.
- B. A registration fee, as established in the City of Austin's fee schedule, shall be charged to applicants depending on the type of retail business license applied for. An initial retail registration fee shall not exceed \$500 or half the amount of an initial state license fee under Minn. Stat. 342.11, whichever is less. The initial registration fee shall include the initial retail registration fee and the first annual renewal fee. Any renewal retail registration fee imposed by the City of Austin shall be charged at the time of the second renewal and each subsequent renewal thereafter. A renewal retail registration fee shall not exceed \$1,000 or half the amount of a renewal state license fee under Minn. Stat. 342.11, whichever is less. A medical combination business operating an adult-use retail location may only be charged a single registration fee, not to exceed the lesser of a single retail registration fee, defined under this Chapter 5A, of the adult-use retail business.

5A.02.3.2 Application Submittal.

The City of Austin shall issue a retail registration to a state-licensed cannabis retail business that adheres to the requirements of Minn. Stat. 342.22.

- A. An applicant for a retail registration shall fill out an application form, as provided by the City of Austin. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. The address and parcel ID for the property which the retail registration is sought;

iv. Certification that the applicant complies with the requirements of local ordinances established pursuant to Minn. Stat. 342.13.

B. The applicant shall include with the form:

i. the registration fee as required in Section 5A.02.3.1;

ii. a copy of a valid state license or written notice of OCM license preapproval;

iii. Certification of Compliance for Minnesota Workers' Compensation under Minn. Stat. Section 176.182.

C. Once an application is considered complete, the City Clerk shall inform the applicant as such, process the registration fees, and forward the application to the City Council for approval or denial.

D. The registration fee shall be non-refundable once processed.

5A.02.3.3 Application Approval:

A. A state-licensed cannabis retail business application shall not be approved if the cannabis retail business would exceed the maximum number of registered cannabis retail businesses permitted under Section 5A.02.6.

B. A state-licensed cannabis retail business application shall not be approved or renewed if the applicant is unable to meet the requirements of this ordinance.

C. A state-licensed cannabis retail business application that meets the requirements of this ordinance shall be approved.

5A.02.3.4 Annual Compliance Checks: The City of Austin shall complete at minimum one compliance check per calendar year of every cannabis business to assess if the business meets age verification requirements, as required under Minn. Stat. 342.22 Subd. 4 and this Ordinance.

The City of Austin shall conduct at minimum one unannounced age verification compliance check at least once per calendar year.

Age verification compliance checks shall involve persons at least 17 years of age but under the age of 21 who, with the prior written consent of a parent or guardian if the person is under the age of 18, attempt to purchase adult-use cannabis flower, adult-use cannabis products, lower-potency hemp edibles, or hemp-derived consumer products under the direct supervision of a law enforcement officer or an employee of the local unit of government.

Any failures under this Chapter 5A must be reported to the Office of Cannabis Management.

5A.02.3.5 Location Change: A state-licensed cannabis retail business shall be required to submit a new application for registration under Section 5A.02.3.2 if it seeks to move to a new location still within the legal boundaries of the City of Austin.

5A.02.4 Renewal of Registration: The City of Austin shall renew an annual registration of a state-licensed cannabis retail business at the same time OCM renews the cannabis retail business' license. A state-licensed cannabis retail business shall apply to renew registration on a form established by the City of Austin. A cannabis retail registration issued under this ordinance shall not be transferred.

5A.02.4.1 Renewal Fees: The City of Austin may charge a renewal fee for the registration starting at the second renewal, as established in the City of Austin's fee schedule.

5A.02.4.2 Renewal Application: The application for renewal of a retail registration shall include, but is not limited to:

- A. Items required under Section 5A.02.3.2 of this Ordinance.
- B. A certification of the registrant's violation history covering the previous five-year period (violations related to cannabis related offenses, or violations of the Minnesota regulations governing the State License).

5A.02.5 Suspension of Registration

5A.02.5.1 When Suspension is Warranted: The City of Austin may suspend a cannabis retail business's registration if it violates the ordinance of the City of Austin or poses an immediate threat to the health or safety of the public. The City of Austin shall immediately notify the cannabis retail business in writing the grounds for the suspension.

5A.02.5.2 Notification to OCM: The City of Austin shall immediately notify the OCM in writing the grounds for the suspension. OCM will provide the City of Austin and cannabis business retailer a response to the complaint within seven calendar days and perform any necessary inspections within 30 calendar days.

5A.02.5.3 Length of Suspension. The suspension of a cannabis retail business registration may be for up to 30 calendar days, unless OCM suspends the license for a longer period. The business may not make sales to customers if their registration is suspended. The City of Austin may reinstate a registration if it determines that the violations have been resolved. The City of Austin shall reinstate a registration if OCM determines that the violation(s) have been resolved.

5A.02.5.4 Civil Penalties: Subject to Minn. Stat. 342.22, subd. 5(e) the City of Austin may impose a civil penalty, as specified in the City of Austin's Fee Schedule, for registration violations, not to exceed \$2,000.

5A.02.6 Limiting of Registrations: The City of Austin shall limit the number of cannabis retail businesses to no fewer than one registration for every 12,500 residents within the City of Austin. If Mower County has one active cannabis retail businesses registration for every 12,500 residents, the City of Austin shall not be required to register additional state-licensed cannabis retail businesses.

Section 5A.03. Requirements for Cannabis Businesses:

5A.03.1 Zoning and Land Use:

5A.03.1.1. Cannabis Cultivation. Cannabis businesses licensed or endorsed for cultivation are permitted as a Conditional Use in the following zoning districts:

- A. **Cultivation to occur outdoors:** No zoning districts.
- B. **Cultivation to occur indoors:** Industrial Districts.

5A.03.1.2. Cannabis Manufacturer: Cannabis businesses licensed or endorsed for cannabis manufacturer are permitted as a Conditional Use in the following zoning districts:

- A. I-2 and I-3 Districts, with all processing, handling, and storage indoors.

5A.03.1.3. Hemp Manufacturer: Businesses licensed or endorsed for lower-potency hemp edible manufacturers permitted as a Conditional Use in the following zoning districts:

- A. I-2 and I-3 Districts, with all processing, handling, and storage indoors.

5A.03.1.4. Wholesale: Cannabis businesses licensed or endorsed for wholesale are permitted as a Conditional Use in the following zoning districts:

- A. Industrial Districts, with all storage indoors.

5A.03.1.5. Cannabis Retail Business: Cannabis businesses licensed or endorsed for cannabis retail are permitted as a Conditional Use in the following zoning districts:

- A. B-2 and B-3 Districts.

5A.03.1.6. Cannabis Transportation: Cannabis businesses licensed or endorsed for transportation are permitted as a Conditional Use in the following zoning districts:

- A. Industrial Districts.

5A.03.1.7. Cannabis Delivery: Cannabis businesses licensed or endorsed for delivery are permitted as a Conditional Use in the following zoning districts:

- A. B-2 and B-3 Districts.

5A.03.2. Hours of Operation – On-Sale Consumption: No sale of cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products by a holder of a state issued Retail Registration/License under which on-site consumption of such products is authorized may be made between the hours of 1:00 a.m. and 8:00 a.m.

5A.03.3 Hours of Operation – Off-Sale Consumption: No sale of cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products by a holder of a state issued Retail Registration/License under which on-site consumption of such products is prohibited may be made between the hours:

- A. Before 8:00 a.m. or after 10:00 p.m.;

- B. On Thanksgiving Day;
- C. On Christmas Day, December 25; or
- D. After 8:00 p.m. on Christmas Eve, December 24.

Section 5A.04. Temporary Cannabis Events: Any individual or business seeking to obtain a cannabis event license must provide OCM information about the time, location, layout, number of business participants, and hours of operation. A cannabis event organizer must receive local approval, including obtaining any necessary permits or licenses issued by a local unit of government before holding a cannabis event. No such events will be permitted in any city owned park, recreation area or facility, or in or on any City owned property.

5A.04.1 License or Permit Required for Temporary Cannabis Events

5A.04.1.1 License Required.

A cannabis event organizer license entitles the license holder to organize a temporary cannabis event lasting no more than four days. A jurisdiction should determine what type of approval is consistent with their existing ordinances for events.

A license or permit is required to be issued and approved by the City of Austin prior to holding a Temporary Cannabis Event.

5A.04.1.2 Registration & Application Procedure: A registration fee, as established in the City of Austin's fee schedule, shall be charged to applicants for Temporary Cannabis Events.

5A.04.1.3 Application Submittal & Review. The City of Austin shall require an application for Temporary Cannabis Events.

- (A) An applicant for a Temporary Cannabis Event registration shall fill out an application form, as provided by the City of Austin. Said form shall include, but is not limited to:
 - i. Full name of the property owner and applicant;
 - ii. Address, email address, and telephone number of the applicant;
 - iii. Location of the event.
 - iv. Dates and times of the Event including setup and tear down.
 - v. Description of the Event sufficient for review of the security, traffic, sanitation, and sanitary needs of the event.
 - vi. Whether food is to be served, by whom, and whether other vendors or providers are intended sufficient to ensure proper licensure of those vendors or providers and sufficient utility services, sanitation, and traffic controls are available.

- vii. Whether the event will include any amplification of sounds, voices, or music.
- viii. Whether the event is to be advertised and if so the scope of advertising, with information sufficient to allow planning for crowd control and security.
- ix. A detailed map of the event layout.
- x. The application fee as required in Section 5A.04.1.2;
- xi. A copy of the OCM cannabis event license application, submitted pursuant to Minn. Stat. § 342.39 subd. 2.

The application shall be submitted to the City Clerk, or other designee for review. If the designee determines that a submitted application is incomplete, they shall return the application to the applicant with the notice of deficiencies.

(B) Once an application is considered complete, the designee shall inform the applicant as such, process the application fees, and forward the application to the City Clerk for approval or denial.

(C) The application fee shall be non-refundable once processed.

(D) The application for a license for a Temporary Cannabis Event shall meet the following standards:

i. The application will be reviewed by the Austin Police Department, Austin Public Works Department, and any other local department or agencies whose jurisdiction is reasonably related to the Temporary Cannabis Event.

ii. The application will be reviewed for conformance with local ordinances, health safety, wellness, welfare concerns related to but not limited to traffic flow and congestion, provision of sufficient sanitation and sanitary services and supplies, crowd control and security, and impacts on neighboring properties or the public in general.

(E) A request for a Temporary Cannabis Event that meets the requirements of this Section 5A.04 shall be approved.

(F) A request for a Temporary Cannabis Event that does not meet the requirements of this Section 5A.04 shall be denied. The City Clerk shall notify the applicant of the standards not met and basis for denial.

(G) Temporary cannabis events shall only be held between the hours of 8:00 a.m. and 10:00 p.m.

Section 5A.05. Use in Public Places: No person shall use cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place or a place of public accommodation unless the premises is an establishment or an event licensed to permit on-site consumption of adult-use. See also Austin Code Section 6.60.

SECTION 2. Austin Code Section 11.030 “USE TABLE” is amended to include uses licensed under Austin Code Chapter 5A consistent with the provisions of Austin Code Section 5A.03.

Passed by the City Council of the City of Austin this _____ day of January, 2025.

YEAS _____

NAYS _____

APPROVED:

Stephen M. King, Mayor

ATTEST:

Tom Dankert, Recorder

This ordinance was introduced on January _____, 2025; approved on January _____, 2025; was published in the Austin Daily Herald on January _____, 2025, and becomes effective January _____, 2025.

SUMMARY OF ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUSTIN
TO REGULATE CANNABIS BUSINESSES**

The Austin City Council adopted an ordinance governing the zoning and registration of Cannabis Businesses that are licensed by the State of Minnesota Office of Cannabis Management.

SUMMARY: Minnesota Statutes empower the City of Austin to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business, cannabis events, and use or consumption of cannabis. This ordinance contains these restrictions, including zoning, registration, and application processes and fees. This ordinance also governs enforcement, inspections, and both renewal and suspension of local cannabis business registrations. This ordinance also limits the number of cannabis retail licenses allowed within the City of Austin to one registration for every 12,500 residents of the City, and allows the City to reject a cannabis retail license of Mower County has already approved one active cannabis retail registration for every 12,500 residents of Mower County.

COPIES OF ORDINANCE: The above is only a summary of the essential elements of the ordinance. A printed copy of the full ordinance is available for inspection by any person during regular office hours at the Clerk's Office located at 500 4th Avenue NE, Austin, Minnesota 55912, or at the Austin Public Library located at 323 4th Avenue NE, Austin, Minnesota 55912.

Passed by the Austin City Council this _____ day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

Tom Dankert, City Recorder

Stephen M. King, Mayor

This ordinance was introduced on January ____, 2025; approved on January ____, 2025; was published in the Austin Daily Herald on January ____, 2025; and becomes effective January ____, 2025.

RESOLUTION NO.

RESOLUTION APPROVING PUBLICATION OF ORDINANCE NO.

AN ORDINANCE GOVERNING THE ZONING AND REGISTRATION OF CANNABIS BUSINESSES THAT ARE LICENSED BY THE STATE OF MINNESOTA OFFICE OF CANNABIS MANAGEMENT

WHEREAS, the City Council of the City of Austin adopted Ordinance XXX governing the zoning and registration of Cannabis Businesses that are licensed by the state of Minnesota Office of Cannabis Management; and

WHEREAS, Minnesota Statutes, Section 412.191, Subd. 4 allows publication by title and summary in the case of lengthy ordinances; and

WHEREAS, the City Council finds that the following summary would clearly inform the public of the intent and effect of the Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, by the Council of the City of Austin that the City Clerk shall cause the following summary of Ordinance No. XXX to be published in the official newspaper in lieu of the entire ordinance:

Minnesota Statutes empower the City of Austin to adopt reasonable restrictions of the time, place, and manner of the operation of a cannabis business, cannabis events, and use or consumption of cannabis. This ordinance contains these restrictions, including zoning, registration, and application processes and fees. This ordinance also governs enforcement, inspections, and both renewal and suspension of local cannabis business registrations. This ordinance also limits the number of cannabis retail licenses allowed within the City of Austin to one registration for every 12,500 residents of the City, and allows the City to reject a cannabis retail license of Mower County has already approved one active cannabis retail registration for every 12,500 residents of Mower County.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of Ordinance No. XXX shall be kept in the City Clerk's office at City Hall for public inspection and a full copy of the ordinance be posted in the lobby of City Hall for 30 days after adoption.

Passed by the Austin City Council this 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

Tom Dankert, City Recorder

Stephen M. King, Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven Lang, PE
Date: December 31, 2024
Subject: 2025 Construction Projects Feasibility Reports

In preparation for 2025 construction projects, we have prepared the following feasibility reports:

Project	Project #
1) 6th Street NE	19106
• 6 th Street NE – 30 th Avenue to 1800ft North	
2) 21st Avenue SW	25102
• 21 st Avenue SW – 4 th Drive to 12 th Street	
3) Oakland Avenue & 1st Avenue SW	25103
• Oakland Avenue – 1 st Street NE to 12 th Street NW	
• 1 st Avenue SW – South Main Street to 12 th Street SW	
4) 8th Street SE	25104
• 8th Street SE – 8th Avenue to 15th Avenue	
5) 13th Street NW & 11th Avenue NW	25105
• 13th Street NW – 8th Avenue to 11th Avenue	
• 11th Avenue NW – 11th Street to Apartments (14th St)	
6) 6th Avenue NE & 18th Drive NE	25106
• 6 th Avenue NE – 18 th Drive to 19 th Street	
• 18 th Drive NE – 5 th Avenue to 6 th Avenue	
7) 25th Street SW	25107
• Oakland Avenue to 7 th /8 th Avenue	

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

DATE: December 30, 2024
PROJECT NO: 19106

REPORT ON FEASIBILITY OF PROPOSED LOCAL IMPROVEMENTS

Honorable Mayor & Members of the City Council
City of Austin, Minnesota

A resolution requesting a feasibility study for the reconstruction of 6th Street NE (30th Ave NE to 36th Ave NE) was referred to this office on December 2nd, 2024 for the Engineer's Preliminary Report.

We report that the improvements are feasible.

6th Street NE is made of asphalt pavement on the north half and is a gravel roadway on the south half. The street is 22' wide in the paved portion and 17' wide in the gravel portion. The road was originally constructed as part of the North Meadows housing development. The proposed project will consist of the following:

6th Street NE (30th Ave NE to 36th Ave NE)

- 1) Regrade the south half with aggregate base to widen the roadway to 22 ft.
- 2) Full depth reclamation of the north half to incorporate the asphalt into aggregate base.
- 3) Paving 4" of asphalt pavement at a width of 22 ft on the entire length.
- 4) Repair storm sewer drainage tiles.

The total estimated costs would be funded as follows:

Funding Source	Amount
Assessment Bonds	\$140,000
SWUD Fund 67	\$20,000
Total for 6th Street NE	\$160,000

Abutting property owners would be **assessed 100%** of the project costs.

Steven Lang Digitally signed by Steven Lang
Date: 2024.12.31 11:16:05 -06'00'
City Engineer

The Council has considered the above project and recommends that a public hearing be scheduled for February 18th, 2025, to consider the proposed project.



CP19106 - 6th Street NE



Path: S:\GIS\Public_Works\Basemaps\Data\MS4_Stormwater.aprx



0 300 600 FT

Date: 12/30/2024

DATE: December 30, 2024
PROJECT NO: 25102

REPORT ON FEASIBILITY OF PROPOSED LOCAL IMPROVEMENTS

Honorable Mayor & Members of the City Council
City of Austin, Minnesota

A resolution requesting a feasibility study for the reconstruction of 21st Street SW (4th Drive to 12th Street) was referred to this office on December 2nd, 2024 for the Engineer's Preliminary Report.

We report that the improvements are feasible.

21st Avenue SW is existing asphalt pavement with curb and gutter at a width of 36 feet. Parking is allowed on both sides of each street. There is currently sidewalk on the south side of 21st Avenue from 10th Street to 12th Street and on the north side at 1200 21st Avenue. This roadway was originally constructed in the 1950's as part of the Bustad Development. The proposed project will consist of the following:

21st Avenue SW (4th Drive to 12th Street)

- 1) Removal of the existing asphalt pavement.
- 2) Removal of ash trees, unhealthy trees and trees impacted by construction activities.
- 3) Curb and gutter will be removed and replaced on the south side of 21st Ave from 10th St. to 12th St. The curb and gutter will remain in other areas with spot repairs where necessary.
- 4) Replacement of pavement with 4.5" of asphalt pavement and 6" aggregate base.
- 5) Construct ADA pedestrian ramps and replace deficient sidewalk panels on 21st Ave. Propose to construct new sidewalk on the south side of 21st Ave from 4th Dr. to 10th St. and at 2107 12th St.
- 6) Storm sewer on 21st Ave will be replaced and extended to improve intersection drainage.
- 7) Sanitary sewer manholes will be replaced and mains will be spot repaired, as needed.
- 8) Installation of drain tile and sump pump service stub outs.
- 9) Austin Utilities will complete water main replacement.

The total estimated costs would be funded as follows:

Funding Source	Amount
Assessment Bonds	\$670,000
WWTP Fund 61	\$120,000
SWUD Fund 67	\$160,000
Total for 21st Avenue SW	\$950,000

Abutting property owners would be assessed based on the City's assessment policy.

Steven Lang Digitally signed by Steven Lang
Date: 2024.12.31 11:15:34 -06'00'

City Engineer

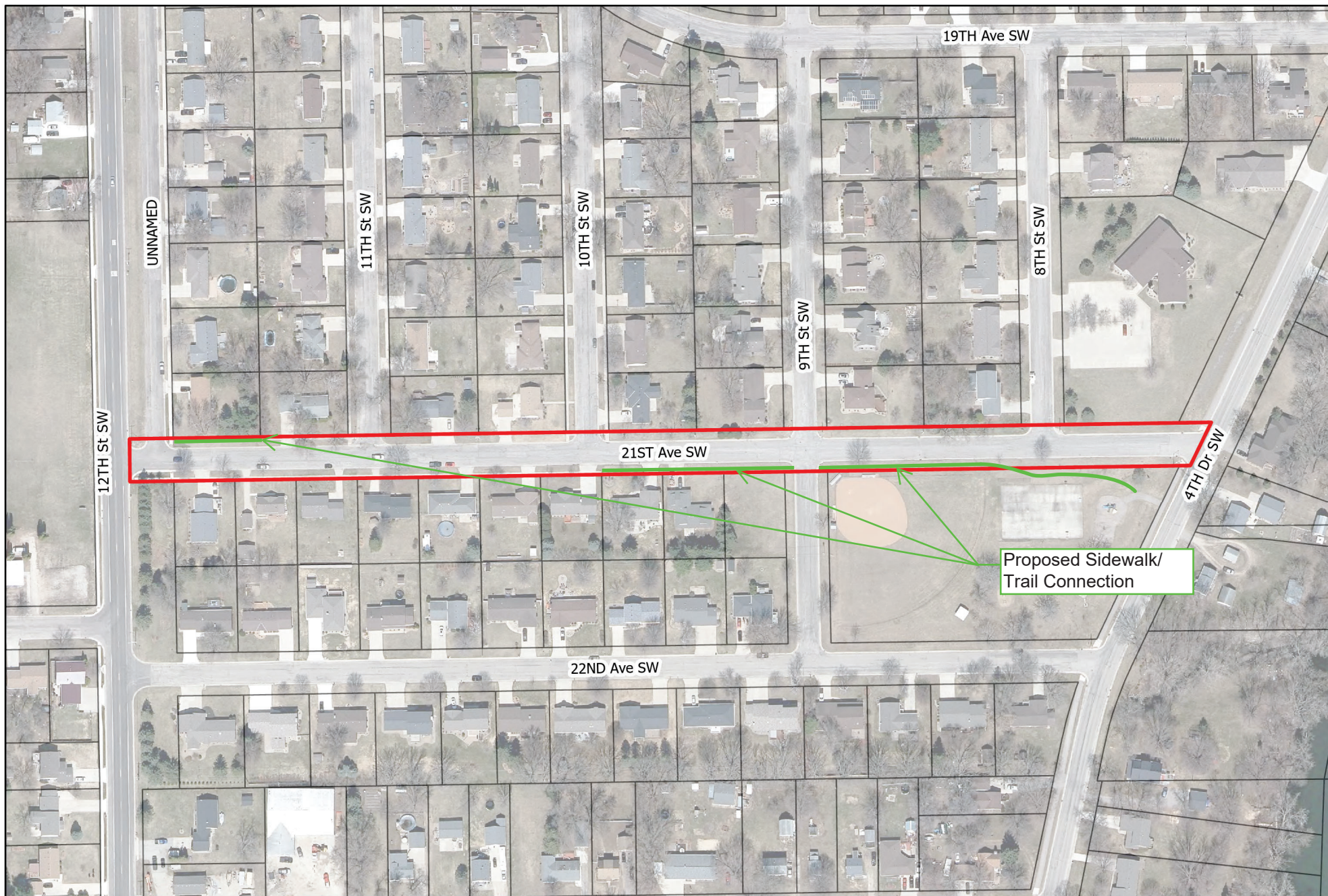
The Council has considered the above project and recommends that a public hearing be scheduled for February 18th, 2025, to consider the proposed project.



CP 25102 - 21st Avenue SW



Path: S:\GIS\Public Works\Basemaps\Data\MS4_Stormwater.aprx



0 200 400 FT

Date: 12/30/2024

DATE: December 30, 2024
PROJECT NO: 25103

REPORT ON FEASIBILITY OF PROPOSED LOCAL IMPROVEMENTS

Honorable Mayor & Members of the City Council
City of Austin, Minnesota

A resolution requesting a feasibility study for the reconstruction of Oakland Avenue (1st Street NE to 12th Street NW) and 1st Avenue SW (South Main Street to 12th Street SW) was referred to this office on December 2nd, 2024 for the Engineer's Preliminary Report.

We report that the improvements are feasible.

Oakland Avenue and 1st Avenue SW are existing concrete pavement with curb and gutter at a width of 44 feet. Parking is allowed on both sides of each street. There is currently sidewalk on both sides of the street. Oakland Avenue and 1st Avenue SW were last constructed in 1979 and 1953 respectively. The proposed project will consist of the following:

Oakland Avenue (1st Street NE to 12th Street NW) 1st Avenue SW (South Main Street to 12th Street SW)

- 1) Removal of the existing concrete pavement, curb & gutter, sidewalks, and driveways.
- 2) Removal of ash trees, unhealthy trees and trees impacted by construction activities.
- 3) Signal lights will be eliminated at the Oakland Avenue 1st Street NE and 1st Street NW intersections.
- 4) Oakland Avenue East from Main Street to 1st Street will be converted from the existing two-way traffic to a one-way for westbound traffic.
- 5) Construct new pavement with 8" of concrete, 6" of aggregate base, 12" of granular borrow and curb & gutter at a width of 41 feet. This roadway width will accommodate (2) 9.5 ft parking lanes and (2) 11 ft driving lanes.
- 6) The sidewalk will be replaced at a width of 5ft on the left and 8ft on the right, with ADA pedestrian ramps. Bump-outs will be constructed at Main Street, 4th Street and 8th Street intersections to improve traffic calming, pedestrian visibility, and shortening crossing distance.
- 7) Storm sewer will be replaced and upsized to improve drainage.
- 8) Sanitary sewer main, services and manholes will be replaced within the right-of-way.
- 9) Installation of drain tile and sump pump service stub outs.
- 10) Decorative street lights will be constructed, with 3 lights per block.
- 11) Signal lights will be upgraded to meet ADA requirements with push buttons and audible messages.
- 12) Boulevard landscaping improvements will be constructed at Oakland Avenue & Main Street, 1st Avenue SW & 12th Street SW Island, and at bump-outs, with a total budget allocation of \$200,000.
- 13) Boulevard trees will be installed in locations where there are no impacts to visibility, underground utilities, and overhead obstructions.
- 14) Austin Utilities will complete water main and gas main replacement, along with relocation of electrical service lines and power poles.

The total estimated costs would be funded as follows:

Funding Source	Amount
Assessment Bonds & Grants ⁽¹⁾	\$10,950,000
WWTP Fund 61	\$1,750,000
SWUD Fund 67	\$2,300,000
Total for Oakland Ave & 1st Ave	\$15,000,000

⁽¹⁾ \$7,680,000 in grants have been secured for the project

The project will be broken into 3-phases, spread out over 3-years.

- 2025-Phase, Oakland Avenue from 1st Street NE to mid-block between 7th/8th Street NW
- 2026-Phase, Oakland Avenue from mid-block between 7th/8th Street NW to 12th Street NW
1st Avenue SW from South Main Street to just east of 4th Street SW
- 2027-Phase, 1st Avenue SW from just east of 4th Street SW to 12th Street SW

Abutting property owners would be assessed based on the City's assessment policy. Assessment amounts will be determined based on 2025 assessment rates and will be due for payment in the Fall of each associated project year or levied against their taxes the year following each associated project year.

Steven Lang Digitally signed by Steven Lang
Date: 2024.12.31 12:05:11 -06'00'

City Engineer

The Council has considered the above project and recommends that a public hearing be scheduled for **April 7th, 2025**, to consider the proposed project.

DATE: December 30, 2024
PROJECT NO: 25106

REPORT ON FEASIBILITY OF PROPOSED LOCAL IMPROVEMENTS

Honorable Mayor & Members of the City Council
City of Austin, Minnesota

A resolution requesting a feasibility study for the reconstruction of 6th Avenue NE (18th Drive to 19th Street) and 18th Drive NE (5th Avenue to 6th Avenue) was referred to this office on December 2nd, 2024 for the Engineer's Preliminary Report.

We report that the improvements are feasible.

6th Avenue is existing asphalt pavement with curb and gutter at a width of 36 feet. Parking is allowed on both sides of each street. There is currently sidewalk on the north side of 6th Avenue from 19th Street to 19th Drive and on the south side from 19th Street to 1912 6th Avenue.

18th Drive is existing asphalt pavement, 26 feet wide with no curb. Parking is limited due to the narrow width, but not restricted. There is currently no sidewalk on 18th Drive.

These roadways were originally constructed in the 1950's. The proposed project will consist of the following:

**6th Avenue NE (18th Drive to 19th Street)
18th Drive NE (5th Avenue to 6th Avenue)**

- 1) Removal of the existing asphalt pavement and curb and gutter.
- 2) Removal of ash trees, unhealthy trees and trees impacted by construction activities.
- 3) Construct new curb & gutter at a width of 36ft on 6th Avenue and 26ft on 18th Drive.
- 4) Replacement of pavement with 4.5" of asphalt pavement and 6" aggregate base.
- 5) Construct ADA pedestrian ramps and replace deficient sidewalk panels on 6th Ave. Propose to construct new sidewalk on the south side of 6th Ave from 1912 6th Ave to 18th Dr.
- 6) Storm sewer on 6th Ave will be replaced to improve drainage.
- 7) Sanitary sewer main and manholes will be replaced. (eliminate shared wyes)
- 8) Installation of drain tile and sump pump service stub outs.
- 9) Austin Utilities will complete water main replacement.

The total estimated costs would be funded as follows:

Funding Source	Amount
Assessment Bonds	\$520,000
WWTP Fund 61	\$250,000
SWUD Fund 67	\$130,000
Total for 6th Ave & 18th Dr NE	\$900,000

Abutting property owners would be assessed based on the City's assessment policy.

Steven Lang Digitally signed by Steven Lang
Date: 2024.12.31 12:12:23 -06'00'
City Engineer

The Council has considered the above project and recommends that a public hearing be scheduled for February 18th, 2025, to consider the proposed project.



CP 25106 - 6th Ave NE & 18th Dr NE



0 150 300 FT

Date: 12/30/2024

DATE: December 30, 2024
PROJECT NO: 25107

REPORT ON FEASIBILITY OF PROPOSED LOCAL IMPROVEMENTS

Honorable Mayor & Members of the City Council
City of Austin, Minnesota

A resolution requesting a feasibility study for the reconstruction of 25th Street SW (Oakland Avenue West to 7th/8th Street SW) was referred to this office on December 2nd, 2024 for the Engineer's Preliminary Report.

We report that the improvements are feasible.

25th Street SW is an asphalt street that was originally constructed in the late 1980's. The top surface of the road is deteriorating and in need of repair. The proposed project will consist of the following:

25th Street SW (Oakland Avenue West to 7th/8th Avenue SW)

- 1) Full depth asphalt patches where necessary.
- 2) Milling off top 1.5" of asphalt pavement.
- 3) Paving 1.5" of new asphalt wearing course.
- 4) Sanitary sewer main replacement, 300 block 25th Street SW
- 5) Austin Utilities has watermain replacement on 24th Street SW from 5th Avenue to 7th Avenue and they are reviewing watermain replacement needs on 25th Street SW.

The total estimated costs would be funded as follows:

Funding Source	Amount
Assessment Bonds	\$150,000
WWTP Fund 61	\$50,000
Total for 21st Avenue SW	\$200,000

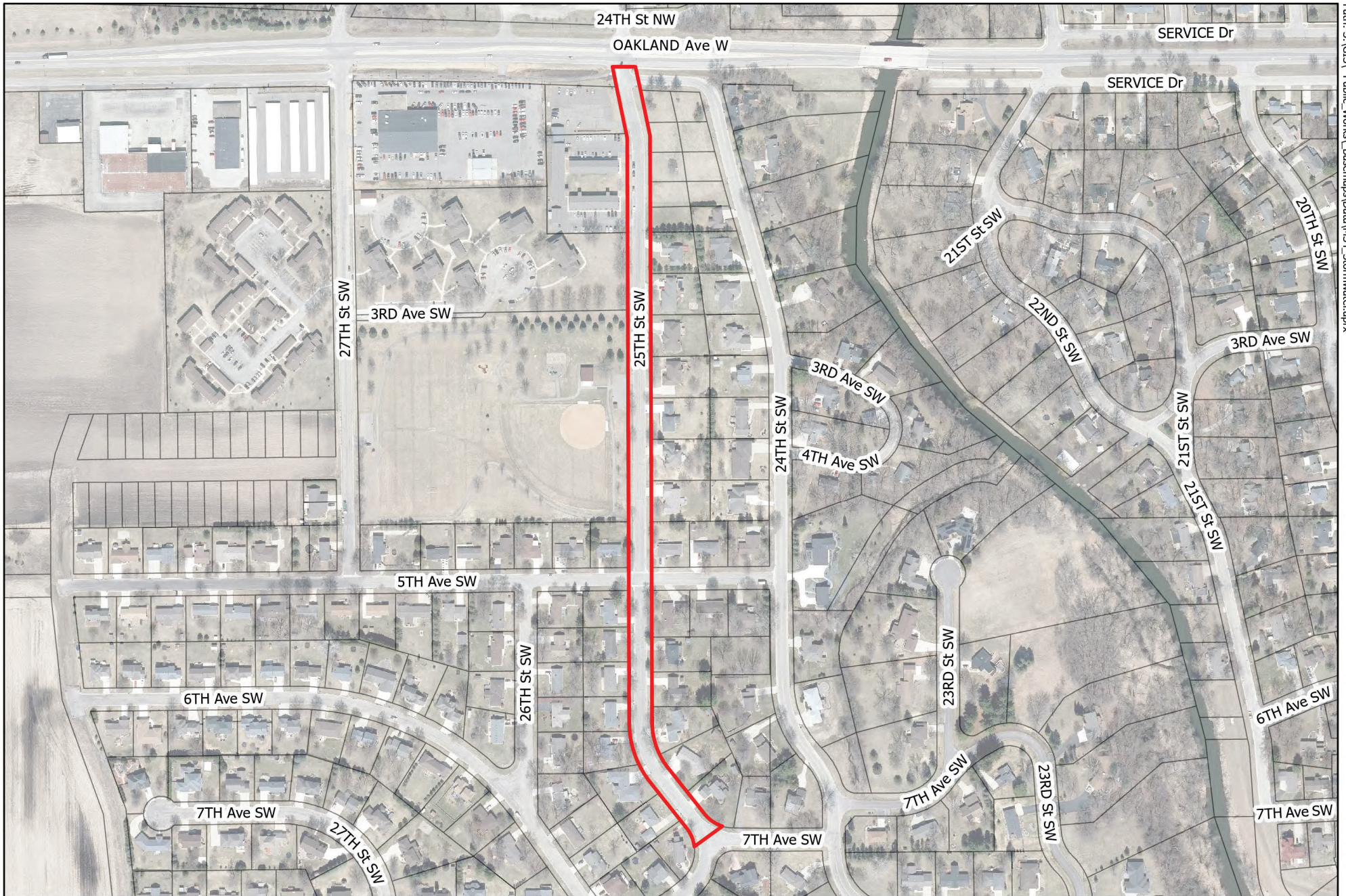
Abutting property owners would be assessed based on the City's assessment policy.

Steven Lang Digitally signed by Steven Lang
Date: 2024.12.31 12:15:03
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City Engineer

The Council has considered the above project and recommends that a public hearing be scheduled for February 18th, 2025, to consider the proposed project.



CP 25107 - 25th Street SW



0 375 750 FT

Date: 12/30/2024

RESOLUTION NO.

**RESOLUTION CALLING
HEARING ON IMPROVEMENT**

WHEREAS, a report has been prepared by the City Engineer, with reference to the following improvement:

6th Street NE (30th Avenue to 36th Avenue NE) Project 19106

and said report was received by the City Council on January 6th, 2025.

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

- A. The Council will consider the improvement on the following street improvement project in accordance with the reports and assessments of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Section 429.011 and 429.111 as amended, at an estimated total cost of the improvements as follows:

\$160,000

- B. A public hearing shall be held on such proposed improvement on the 18th day of February, 2025 in the Council Chambers of City Hall at 5:30 p.m., and the City Clerk shall give mailed and published notice of such hearing on improvement as required by law.

Passed by the Austin City Council on the 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

**RESOLUTION CALLING
HEARING ON IMPROVEMENT**

WHEREAS, a report has been prepared by the City Engineer, with reference to the following improvement:

21st Avenue SW (4th Drive to 12th Street SW) Project 25102

and said report was received by the City Council on January 6th, 2025.

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

- A. The Council will consider the improvement on the following street improvement project in accordance with the reports and assessments of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Section 429.011 and 429.111 as amended, at an estimated total cost of the improvements as follows:

\$950,000

- B. A public hearing shall be held on such proposed improvement on the 18th day of February, 2025 in the Council Chambers of City Hall at 5:30 p.m., and the City Clerk shall give mailed and published notice of such hearing on improvement as required by law.

Passed by the Austin City Council on the 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

**RESOLUTION CALLING
HEARING ON IMPROVEMENT**

WHEREAS, a report has been prepared by the City Engineer, with reference to the following improvement:

Oakland Avenue (1st Street NE to 12th Street NW)
1st Avenue SW (South Main Street to 12th Street SW) Project 25103

and said report was received by the City Council on January 6th, 2025.

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

- A. The Council will consider the improvement on the following street improvement project in accordance with the reports and assessments of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Section 429.011 and 429.111 as amended, at an estimated total cost of the improvements as follows:

\$15,000,000

- B. A public hearing shall be held on such proposed improvement on the 7th day of April, 2025 in the Council Chambers of City Hall at 5:30 p.m., and the City Clerk shall give mailed and published notice of such hearing on improvement as required by law.

Passed by the Austin City Council on the 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

**RESOLUTION CALLING
HEARING ON IMPROVEMENT**

WHEREAS, a report has been prepared by the City Engineer, with reference to the following improvement:

6th Avenue NE (18th Drive to 19th Street NE) and
18th Drive NE (5th Avenue to 6th Avenue NE) Project 25106

and said report was received by the City Council on January 6th, 2025.

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

- A. The Council will consider the improvement on the following street improvement project in accordance with the reports and assessments of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Section 429.011 and 429.111 as amended, at an estimated total cost of the improvements as follows:

\$900,000

- B. A public hearing shall be held on such proposed improvement on the 18th day of February, 2025 in the Council Chambers of City Hall at 5:30 p.m., and the City Clerk shall give mailed and published notice of such hearing on improvement as required by law.

Passed by the Austin City Council on the 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

**RESOLUTION CALLING
HEARING ON IMPROVEMENT**

WHEREAS, a report has been prepared by the City Engineer, with reference to the following improvement:

25th Street SW (Oakland Avenue West to 7th/8th Avenue SW) Project 25107

and said report was received by the City Council on January 6th, 2025.

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

- A. The Council will consider the improvement on the following street improvement project in accordance with the reports and assessments of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes Section 429.011 and 429.111 as amended, at an estimated total cost of the improvements as follows:

\$200,000

- B. A public hearing shall be held on such proposed improvement on the 18th day of February, 2025 in the Council Chambers of City Hall at 5:30 p.m., and the City Clerk shall give mailed and published notice of such hearing on improvement as required by law.

Passed by the Austin City Council on the 6th day of January, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor