

A G E N D A
CITY COUNCIL MEETING
MONDAY, FEBRUARY 3, 2025
5:30 P.M.
COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Roll Call.

- (mot) 1. Adoption of Agenda.
- (mot) 2. Approving minutes from January 21, 2025
- 3. Recognitions and Awards.
- (mot) 4. *Consent Agenda

Licenses:

Massage Therapist: Rebecca Arndt, Austin, MN
Cab Driver: Vincent King, Brownsdale, MN
Mobile Business: Solem Concessions, Inc., Austin, MN
Cigarette: RTH at Austin, Inc, Austin, MN
Edible Cannabinoid: RTH at Austin, Inc, Austin, MN

Claims:

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

Event Applications:

National Night Out on August 5, 2025

PUBLIC HEARINGS:

AWARDING BIDS:

PETITIONS AND REQUESTS:

- 5. Requesting approval of the Temporary Liquor Ordinance
 - (mot) a. For preparation of the ordinance
 - (ord) b. For adoption of the ordinance
 - (res) c. For summary publication of the ordinance
- (mot) 6. Requesting sale of equipment
- (res) 7. Approving Cook Farm land rental lease agreement
- (res) 8. Approving request for City Hall flooring

- (res) 9. Receiving feasibility report and calling for public hearing on March 3rd for street improvements for Nature Ridge Fourth Addition
- (res) 10. Approving HCSP change for MNPEA
- (mot) 11. Approving sick leave donation request
- (res) 12. Accepting donations
- (res) 13. Accepting 2025 flower donations
- 14. Granting the Planning and Zoning Department the Power to Contract for the Removal of Junk and/or Illegally Stored Vehicles at the Following Locations:
 - (mot) a. 304 2nd Avenue SW, Dieser Property

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Tuesday, February 18, 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
January 21, 2025
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

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

APPEARING IN PERSON: Austin Daily Herald, SEH Representative Mark Nolan, Detective Dustin Hicks, Officer Josh Bradley, Officer Ryan Hansen, Officer Aaron Juenger

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

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

Moved by Council Member Fischer, seconded by Council Member Postma, approving Council minutes from January 6, 2025. Carried.

CONSENT AGENDA

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

Licenses:

Temporary Liquor: Mower County Fair on March 8, 2025
Temporary Liquor: Mower County Fair on August 5 to August 11, 2025
Temporary Gambling (raffle): Austin Area Chamber of Commerce on March 7, 2025
Temporary Gambling (raffle): Mower County Fair on April 8, 2025
Temporary Gambling (raffle): Austin Area Chamber of Commerce on April 24, 2025
Right of Way: South East Septic LLC, Dexter, MN

Right of Way: Michels Utility Services, Inc., Brownsville, WI

Right of Way: Michels Pipeline, Inc., Brownsville, WI

Right of Way: Metro Fibernet, LLC, Evansville, IN

Tree Service: Carr's Tree Service, Inc., Ottertail, MN

Mobile Business: Neveria Azteca LLC, Austin, MN

Cigarette: Austin Tobacco & Vape, Austin, MN

Appointments to Boards and Commissions:

Mary Lingren to the Austin Mower – County Homeownership Fund Board
expiring December, 31 2027

Claims:

- a. Pre-list of Bills
- b. Financial Report
- c. Investment Report
- d. Credit Card Report

Carried.

PETITIONS AND REQUESTS

Moved by Council Member Fischer, seconded by Council Member Baskin, approving 2025 Council boards and commissions appointments. Carried.

Director of Administrative Services Tom Dankert requested the Council approve an audit engagement letter with CliftonLarsonAllen. The proposed audit fee is \$54,117, which is a 6.7% increase over the previous year.

Council Member Baskin asked why there was an increase.

Mr. Danker stated it was due to staffing costs.

Moved by Council Member Baskin, seconded by Council Member Helle, approving an audit quote from CLA, LLP. Carried 7-0.

Public Works Director Steven Lang gave a recap of the summer averaging program. He stated this will be a six month on six months off program that monitors usage of water going into the sanitary sewer. This usage would be billed on the actual consumption.

Moved by Council Member Fischer, seconded by Council Member Poshusta, approved the updated sanitary sewer summer averaging program. Carried 7-0.

Public Works Director Steven Lang stated the City's goal is to assess approximately 40% of street assessment costs to the property owners. He would recommend increasing street assessment fees approximately 7%.

Moved by Council Member Postma, seconded by Council Member Fischer, adopting a resolution setting 2025 street assessment rates. Carried 7-0.

SEH gave a presentation on the Comprehensive Plan to Council. Mark Nolan, Senior Planner with SEH gave an update on scheduling for the project.

Director of Administrative Services Tom Dankert stated as part of the five-year capital improvement plan the City Council had set aside a fund balance of \$400,000 for a purchase of a Bearcat armored vehicle for the Police Department. He would like to do a budget adjustment to the general fund to pay for this.

Police Chief David McKichan stated this is an investment in the City's officers and the officers to come. The current Humvee the Police Department has was received over a decade ago and was already a hand me down from the military and will need to go back to the military.

Chief McKichan stated currently they have some delamination of the windows to where it is not going to be usable and they can't get replacements from the Federal government. He stated this is an opportunity to make that investment in a replacement unit.

Mayor thanked the officers in attendance and thanked them for what they do for us.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution approving budget adjustment number 2. Carried 7-0.

Mayor King requested a motion for the approval of the Cannabis Ordinance.

Moved by Council Member Fischer, seconded by Council Member Postma, for preparation of the Cannabis ordinance. Carried 6-1 (Council Member-at-Large Austin-Nay)

Moved by Council Member Postma, seconded by Council Member Fischer, for the adoption of the Cannabis ordinance. Carried 6-1. (Council Member-at-Large Austin-Nay) As this is the second reading of the ordinance, it passes with a simple majority in favor.

Moved by Council Member Fischer, seconded by Council Member Postma, approving a resolution for summary publication of the ordinance. Carried 7-0.

Director of Administrative Services Tom Dankert relayed information on budget adjustment number 3. Mr. Dankert stated there were two requests in the budget adjustment. One from Parks and Recreation and another from Public Works.

Mr. Dankert stated Parks and Recreation will need to purchase a new field groomer. The cost of the new field groomer would be \$35,000. Parks and Recreation would forgo purchasing a new gator this year and they would purchase a loader at a lower cost to be able to come up with the fund balance to pay for the \$35,000 field groomer.

Mr. Dankert stated the Public Works department looks to share ownership of a chip spreader with Mower County through cost share and will need to authorize \$115,000 from fund balance to the central garage fund.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution approving budget adjustment number 3. Carried 7-0.

Planning and Zoning Director Holly Wallace discussed a preliminary plat approval. Ms. Wallace stated the application was brought to the Planning Commission on January 14, 2025 by Nature Ridge Properties. The plat is 12.5 acres and the proposed subdivision would contain thirty lots. After review, with five Planning Commission members present, the commission voted unanimously, 5 ayes and 0 nays, to approve the preliminary plat as proposed with the following conditions:

1. Final approval by the city engineer and Austin Utilities.
2. That a development agreement and civil drawings detailing all facets of the construction and any remaining minimum subdivision standards required for the pending project, be submitted along with the final plat.
3. The final plat shall be submitted and approved within six months of approval of the preliminary plat.
4. All applicable provisions of the subdivision code and permitting agencies shall be met.
5. Any issues regarding the strip of land not subdivided at the North end of the property shall be resolved.

Public Works Director Steven Lang stated with this project the City is going to look at constructing the project with the city format for street reconstruction, where the city will get involved. The process will involve publicly bidding the project and assessing the project cost back to these thirty lots. Essentially, the City is becoming the funding entity for this project. This will allow for the City to be more involved with the infrastructure construction to ensure that the work is getting completed according to City standards. It also helps to ensure that timelines are being met, as it will be under the City's control and oversight.

Mr. Lang stated this helps the developer in that the City is becoming the lending agency and those costs are assessed back to these properties. Mr. Lang is working with the City attorney to develop the necessary agreements right now. He stated the final assessment hearing would be conducted this fall and the costs would show up on those empty lots in the spring of 2026.

Council Member Helle asked what the risk would be to the community if the houses don't get built?

Mr. Lang stated this is always a possibility. The intent with this is these assessments would be spread out on the property taxes over 15 years. He stated there's always risk to the City when someone could walk away from those assessments. They felt this was a good way to promote

development and gave a developer other options for funding sources with the City playing that role. He stated in weighing those different risks, they felt this was a good option to keep projects moving forward.

City Administrator Craig Clark stated the project would be secured by the land. If the project developer defaulted then the City would secure the land. This would turn the City into being a developer, which they are not interested in doing but they could turn around and sell the land to another developer.

Council Member Baskins commended them on their creativity. He stated by making it less risky for a developer it makes a difference to make housing financially feasible. He feels we are going at this with the right approach.

City Administrator Craig Clark stated the hardest thing is for the developer to come up with the capital for the infrastructure and he agreed there are risks but stated the City can take a patient attitude with it and help developers along.

Moved by Council Member Postma, seconded by Council Member Waller, approving a preliminary plat for Natures Ridge Fourth Subdivision. Carried.

Public Works Director Lang stated in the CIP they have identified the replacement of a sweeper. He stated selling this at auction will give the department the best return and is requesting Council authorization to sell it.

Moved by Council Member Fischer, seconded by Council Member Helle, approving a request for sale of equipment. Carried.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution approving a gambling permit for Hayward Fire Relief Association. Carried 7-0.

REPORTS AND RECOMMENDATIONS

City Administrator Craig Clark stated the Coalition for Greater Minnesota Cities Legislative Action Day is on February 12th if any Council Members would like to attend.

Council Member Baskin stated today was the celebration of life for Bob Brinkman and wanted to recognize him. He stated he was a wonderful member of the community and thanked him for all his contributions.

Council Member Poshusta stated the Human Rights Commission put on a dinner in honor of Martin Luther King, Jr. and thanked all that made it possible.

Council Member Fischer thanked the officers in attendance. He thanked them for all the work they do every day.

Mayor King also mentioned the Martin Luther King, Jr. dinner and thanked all who attended. He read off the January anniversaries.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, adjourning the meeting to February 3, 2025. Carried.

Adjourned: 6:21 p.m.

Approved: February 3, 2025

Mayor: _____

City Recorder: _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF AUSTIN,
MINNESOTA AMENDING CHAPTER 5 OF THE CITY CODE
CLARIFYING AND UPDATING TEMPORARY LICENSES AND
ADDING MICRODISTILLERY LICENSES**

The Council of the City of Austin does ordain:

Section 1. Austin City Code Chapter 5, Section 5.22 is hereby repealed.

Section 2. A new Section 5.02 Subd. 9 is hereby enacted and should read as follows:

§ 5.02 SUBD. 9.

Subd. 9. Temporary Licenses.

A. **Applicant.** The following applicants shall qualify for a temporary license:

1. A club or charitable, religious, or non-profit organization, duly incorporated as a non-profit or religious corporation under the laws of the state, having its registered office and principal place of activity within the city, and having existed for at least three years prior to the application;
2. A political committee registered under Minnesota Statutes § 10A.14,
3. a state university,
4. A licensed brewer, who manufactures fewer than 3,500 barrels of malt liquor in a year, seeking a temporary license in connection with a social event within the municipality sponsored by the brewer, or
5. A licensed microdistillery seeking a temporary license in connection with a social event within the municipality sponsored by the brewer or microdistillery.

B. **Location.** The licensed premises for a temporary license must be compact and contiguous, clearly defined and stated, and be either owned by the applicant, a privately owned location for which the applicant has express written permission for the event, or publicly owned land for which the public entity owning the land has given permission. For any public owned land, the public owner may provide such restrictions, qualifications, or conditions as it sees fit and the applicant shall be bound by such restrictions, qualifications, or conditions. If approved for any City owned land, the approval is conditioned upon the applicant providing, prior to the date of the license, a certificate of liability insurance coverage in at least the sum of \$300,000 to any one person and \$1,000,000 for injury to more than one person, naming the city as an insured during the license period.

C. **Conditions.**

1. Temporary on-sale liquor licenses must comply with the provisions of Minnesota Statutes § 340A.404, subd. 10 and/or § 340A.410, subd. 10.
2. Temporary on-sale 3.2% Malt Liquor Licenses must comply with the provisions of Minnesota Statutes § 340A.403.
3. Temporary consumption and display permits must comply with the provisions of Minnesota Statutes § 340A.414, subd. 9.

D. Application Process. All applications for temporary licenses shall be submitted and reviewed as required for an event permit under Austin Code § 5.66, subd. 2. All such applications shall state the exact dates and the specific premises to be licensed.

E. Conduct of Event. Holders of a temporary license shall comply with all provisions of the statutes, ordinances, and rules governing the retail sale of alcoholic beverages.

Section 3. Austin Code § 5.31 is amended with the insertion and inclusion of the following subdivisions:

Subdivision 12. The annual microdistillery on-sale “Cocktail Room” license is \$2,250.

Subdivision 13. The annual microdistillery off-sale license is \$560.

Subdivision 14. The annual special Sunday “Cocktail Room” on-sale liquor license is \$200.

Section 4. A new Section 5.85 is hereby enacted and should read as follows:

§ 5.85 Microdistillery On-Sale and Off-Sale Licenses. Microdistillery on-sale liquor licenses may be issued as “Cocktail Room Licenses” in accordance with M.S. 340A.22, subds. 1 and 2. Microdistillery off-sale licenses may be issued in accordance with M.S. 340A.22, Subd. 4. Any licensed Microdistillery may be issued a temporary license for the on-sale of intoxicating liquor in connection with a social event. Such temporary license shall be issued pursuant to Austin Code 5.02, subd. 9(A)(5) and consistent with Minnesota Statute § 340A.404, Subd. 10(c). For purposes of this Section 5.85, “Microdistillery” is a business or establishment meeting the definition of “Microdistillery” under M.S. 340A.101, subd. 17a, that is properly licensed by the State of Minnesota as a microdistillery under M.S. 340A.22.

Passed by a vote of yeas and nays this _____ day of February _____, 2025.

YEAS

NAYS

APPROVED:

Stephen M. King, Mayor

ATTEST:

Tom Dankert, City Recorder

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

SUMMARY OF ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF AUSTIN,
MINNESOTA AMENDING CHAPTER 5 OF THE CITY CODE
CLARIFYING AND UPDATING TEMPORARY LICENSES AND
ADDING MICRODISTILLERY LICENSES**

The Austin City Council adopted revisions, clarifications, and updates to Chapter 5 of the Austin City Code addressing temporary liquor licensing. This action occurred at the City Council's February 3, 2025, City Council meeting.

SUMMARY: A repeal of former Section 5.22 (former temporary licensing of 3.2% events held by clubs, charities, and non-profits) in order to move those provisions to a new Section 5.02, subd. 9 where all forms of Temporary Liquor Licensing will now be found, and adopting a new Section 5.02, subd. 9, governing all forms of Temporary Liquor Licensing under Minnesota Statutes §§ 340A.403, 340A.404, 340A.410, and 340A.414. This new section establishes a uniform application and approval process, limits applicants to those authorized by state statute, defines the temporarily licensed premises, and sets minimum insurance requirements for such events on public land and standards for events on private land. Further, Austin Code Section 5.85 is added to create Microdistillery on-sale and Microdistillery off-sale licenses consistent with Minnesota Statutes §§ 340A.22 and 340A.1010. Finally, Austin Code Section 5.31 is amended to add the annual license fees for Microdistillery on-sale and Microdistillery off-sale licenses.

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 February, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

Tom Dankert, City Recorder

Stephen M. King, Mayor

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

RESOLUTION NO.

RESOLUTION APPROVING PUBLICATION OF ORDINANCE NO. XX

**AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE
CLARIFYING AND UPDATING TEMPORARY LICENSES AND
ADDING MICRODISTILLERY LICENSES**

WHEREAS, the City Council of the City of Austin adopted Ordinance XXX governing temporary licenses and microdistillery licenses; 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:

A repeal of former Section 5.22 (former temporary licensing of 3.2% events held by clubs, charities, and non-profits) in order to move those provisions to a new Section 5.02, subd. 9 where all forms of Temporary Liquor Licensing will now be found, and adopting a new Section 5.02, subd. 9, governing all forms of Temporary Liquor Licensing under Minnesota Statutes §§ 340A.403, 340A.404, 340A.410, and 340A.414. This new section establishes a uniform application and approval process, limits applicants to those authorized by state statute, defines the temporarily licensed premises, and sets minimum insurance requirements for such events on public land and standards for events on private land. Further, Austin Code Section 5.85 is added to create Microdistillery on-sale and Microdistillery off-sale licenses consistent with Minnesota Statutes §§ 340A.22 and 340A.1010. Finally, Austin Code Section 5.31 is amended to add the annual license fees for Microdistillery on-sale and Microdistillery off-sale licenses.

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 3rd day of February, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

Tom Dankert, City Recorder

Stephen M. King, Mayor

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 *JS*

DATE: February 3, 2025

SUBJECT: Sale of Surplus Equipment

The Parks Central Garage has budgeted for the replacement of a 1996 Massey Ferguson 660 Tractor in the 2025 CIP Budget. The new replacement tractor has been ordered. Staff believes that our best value will be to sell the tractor at the upcoming auction at Hamilton Auction Co. in Dexter, MN in March.

We request approval from Council for the sale of the following equipment at the upcoming Hamilton auction:

- 1996 Massey Ferguson 660 Tractor w/ 4176 hours.



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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: January 22, 2025
Subject: Cook Farm Land Rental

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

Cook Farm	Productive	Non-Productive	Total
2012/13/14	133 @ \$320/acre		\$42,560/year
2015/16	133 @ \$250/acre		\$33,250/year
2017/18	116 @ \$225/acre	18.5 @ \$50/acre	\$27,025/year
2019/20	116 @ \$225/acre	18.5 @ \$50/acre	\$27,025/year
2021/22	⁽¹⁾ 108 @ \$240/acre	15.6 @ \$50/acre	\$26,700/year
2023	⁽²⁾ 98 @ \$240/acre	15.6 @ \$50/acre	\$24,300
2024	⁽³⁾ 39 @ \$200/acre	31.5 @ \$50/acre	\$9,375
2025	⁽⁴⁾ 39 @ \$200/acre		\$7,800

- City has the right to modify the acres if property develops
- City shall pay the property taxes

⁽¹⁾ Productive area reduced by 8.0 acres due to sale of property to NuTek

⁽²⁾ Productive area reduced by 10.0 acres due to sale of property to Patrick Harty

⁽³⁾ Productive area reduced due to the construction of 9th St., 26th Ave. & 27th Ave.

⁽⁴⁾ *Lessor agrees to waive rent for 2025 "Non-Productive (12ac) and Productive Alfalfa (45ac)" to offset input costs incurred by Lessee to establish crop stand.*

The construction of the 9th Street, 26th Avenue and 27th Avenue NW roadway has left approximately 45 acres of land disturbed. This will require the farmer to till, fertilize, and seed these acres to a grass/alfalfa mix, with oats cover crop. The grass/alfalfa will then establish and become a harvestable crop in 2026 and beyond. Input costs in 2025 for these 45 acres are expected to equal any revenue generated in year 1, so I would recommend waiving land rental fees for Non-productive grass/alfalfa areas in 2025. I would recommend extending only a one-year lease for 2025 to Kevin Finley for the property described.

FARM LEASE

THIS AGREEMENT is made this ____ day of _____, 2025, by and between the City of Austin, a Minnesota municipal corporation, herein called LESSOR, and Kevin Finley, herein called LESSEE.

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

Map available in City Engineer's Office.

(herein called the "Farm").

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

Section 3. Length of Lease. This lease is for a term of one year beginning on March 14, 2025, and ending on December 31, 2025, unless otherwise terminated as hereinafter set forth.

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

2025 rate

Non – Productive (12 acres)	\$0/acre	=	\$ 0.00 ⁽¹⁾
Productive Row Crop (39 acres)	\$200/acre	=	\$ 7,800
Productive Alfalfa (45 acres)	\$0/acre	=	<u>\$ 0.00⁽¹⁾</u>
TOTAL			\$ 7,800

⁽¹⁾ Lessor agrees to waive rent for 2025 "Non-Productive (12ac) and Productive Alfalfa (45ac)" to offset input costs incurred by Lessee to establish the crop stand.

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

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

II. TECHNICAL SPECIFICATIONS

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

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

IN TESTIMONY WHEREOF, both parties have signed this lease this _____ day of _____, 2025.

ATTEST:

BY: _____
City Recorder

BY: _____
Mayor

BY: Kevin Finley
Kevin Finley

U.S. HIGHWAY NO. 218

N. 212.544

080440048
080430090
AUSTIN IND.
SERVICE CENTER
2ND ADD
Railroad

I & M RAIL LINK
(FORMERLY SOO LINE RR)

COOKFARM ADD

C.S.A.H. NO. 45

G. Rd. 45

RAMBLER ADD

35± Acres

Private
Property

4± Acres

4± Acres

2± Acres

Private
Property

13± Acres

8.5± Acres

10± Acres

6± Acres

14± Acres

MURPHY CREEK
ASBESTOS WASTE SITE
MURPHY CREEK

MURPHY CREEK
ASBESTOS WASTE SITE
MURPHY CREEK

C.S.A.H. NO. 45

RESOLUTION NO.

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

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

NOW THEREFORE, BE IT RESOLVED that the Austin City Council approves the farming lease extension agreement with Kevin Finley for the year 2025. A copy of the lease is attached hereto.

Passed by a vote of yeas and nays this 3rd day of February, 2025.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

**City of Austin
Brianne Wolf,
City Clerk**



**500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9944
briannew@ci.austin.mn.us
www.ci.austin.mn.us**

MEMO

To: Mayor and City Council Members

From: Brianne D. Wolf, City Clerk

Date: January 30, 2025

Subject: City Hall Flooring

Director Tom Dankert and I have been obtaining bids from local flooring companies to complete the flooring at City Hall. After the asbestos removal was complete, bare concrete was left in the hallways on the lower level and at the entrance of the elevators.

We were able to contact Huffman Flooring. We also reached out to Slowinski Flooring but received no response.

Huffman Flooring provided us with an estimate for carpeting Conference Room A, an office space, and vinyl flooring in the hallway and in front of the elevator entrances.

The estimated cost for all of the flooring and labor is \$11,664.96. We request the Council's approval to proceed with the flooring installation, which will be funded from the building fund.

Brianne Wolf

From: Tom Dankert
Sent: Monday, January 27, 2025 8:39 AM
To: Craig Clark; Mayor King
Cc: Brianne Wolf; Steven Lang
Subject: City Hall asbestos removal program

Craig/Mayor King:

I wanted to give you an update as to what the next steps will be for putting city hall back together after the asbestos abatement:

1. Three vaults (one on main floor, two in basement):

- a. The price for flooring in these areas was higher than we wanted to spend, so we have ordered rubber floor tiles and will install them in these three vaults. These should arrive Wednesday January 29. The Street Department will assist with installation.
- b. Once the flooring arrives and is installed in the main floor area, the Street Department will move the file cabinets and shelving back in (we were able to salvage all of the shelving).
- c. We received some shelving from Amazon on Friday, and this will be installed in the two lower-level vaults once the flooring is installed. The existing shelving had to be cut out in order to access the asbestos tiles that were removed. No room painting is needed.

2. Downstairs Hallway:

- a. We are waiting for a quote from Huffman Flooring for large vinyl tiling to be installed in the hallway (grey color), and in front of both elevators (main floor and lower level). We will bring this to Council at the February 3 meeting if we get the quote back in time. Funding from Building Fund.
- b. We are trying to get a quote from the other local carpet business, but Slowinski Flooring isn't answering the phone, the office is locked up dark, and his answering machine is full and won't accept additional messages. Probably will only have the one quote.
- c. In front of the lower-level elevator, the tiling will be brought out all the way to where the old floor tiles were because of what appears to be some patched up concrete. Cleaner Bob believes he can polish the terrazzo tile in front of the upstairs elevator to match the existing hallway.
- d. Huffman Flooring said the tile might be out **2-4 weeks** before we can get it.
- e. Bri is working with Paul Kirtz to have some staff from the Street Department peel the wallpaper off the lower-level hallway, do some patching and then repaint. This could be done before the flooring is in if the Street Department has some staff availability.
- f. We will need to have some baseboard PVC moulding attached once the flooring is in, and repainted. We are hopeful Brian Mason and the Street Department can do that for us.

3. Lower-Level Conference Room A:

- a. We are waiting for a quote from Huffman flooring for carpet in this area. Will be added to the Council agenda on February 3.
- b. We are proposing to have the Street Department peel off the wallpaper in this room, and repaint as well.
- c. Brian Mason is going to fix the cabinet that was ripped up during asbestos removal.

4. Mayor's former office (and maybe new office??):

- a. We are waiting for a quote from Huffman flooring for carpet in this area. Will be added to the Council agenda on February 3.
- b. We are proposing to have the Street Department peel off the wallpaper in this room, and repaint as well.

5. Old Engineering area:

- a. The asbestos removal company will be working up there in the next week or so to remove the carpet and the tiling. Once this is done, we can assess the area and see what next steps we would like to do.

Bottom line is that the public areas in the downstairs hallway may look like war zone until March.

Big thanks to Brianne Wolf, Wanda Hatfield, Paul Kirtz and the Street Department, Steven Lang, Brent Johnson, and Brian Mason for their help with this entire asbestos abatement project!

Please ensure Council understands the status of things!!!



Tom Dankert, CPA
Director of Administrative Services
City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
507-437-9959 / Fax 507-433-1693

Huffman Flooring Design Center

101 11th St SE

Austin, MN 55912 US

+15074336440

joe@huffmanflooringdesigncenter.com

Estimate**ADDRESS**

City of Austin
 500 4th Ave NE
 City Hall
 Austin, MN 55912
 507-437-9944

ESTIMATE #	DATE	
2194	01/23/2025	

DATE	DESCRIPTION	RATE	AMOUNT
	New Carpet Tile for Conference Room, Office Trends in Carpet Style- Intuition Color- TBD Adhesive Freight/Shipping Carpet Installation. Floor Prep	3,140.88	3,140.88
	New Commercial Glue Down Luxury Vinyl Tile for Hallways/closets, Elevator areas, hallway off elevator Style/Color- TBD Adhesive. Floor Primer over existing cement. Transitions when meeting other floorings. LVP Installation. Floor Prep	8,524.08	8,524.08
	If Chemicals were used during abatement a specialized cleaning system and/or primer will need to be done prior to any new flooring installed	0.00	0.00
This is an estimate, not a contract. This estimate is for completing the job described above. Quality and prices may differ once a physical measurement is taken. It does not include unforeseen price increases or additional labor and materials which may be required if problems arise. This estimate is valid for 30 days from the date on the estimate.		SUBTOTAL	11,664.96
		TAX	0.00
		TOTAL	\$11,664.96

Accepted By

Accepted Date

RESOLUTION NO.

AWARDING BID FOR INSTALLATION OF CITY HALL FLOORING

WHEREAS, Huffman Flooring will install carpet and vinyl flooring in the lower level of City Hall and repair the flooring around the elevator at the north end of City Hall.

WHEREAS, The estimated project costs will be \$11,664.96. The funds for this project will come from the building fund.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota hereby accept and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Huffman Flooring in the name of the City of Austin for the following:

Installation of carpet and vinyl flooring at City Hall

Passed by a vote of yeas and nays this 3rd day of February, 2025.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

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



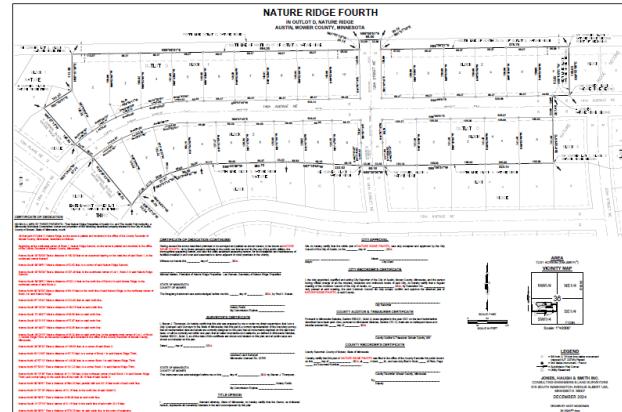
Steven J. Lang, P.E.
City Engineer/P.W. Director
507-437-9950
Fax 507-437-7101
slang@ci.austin.mn.us

Memorandum

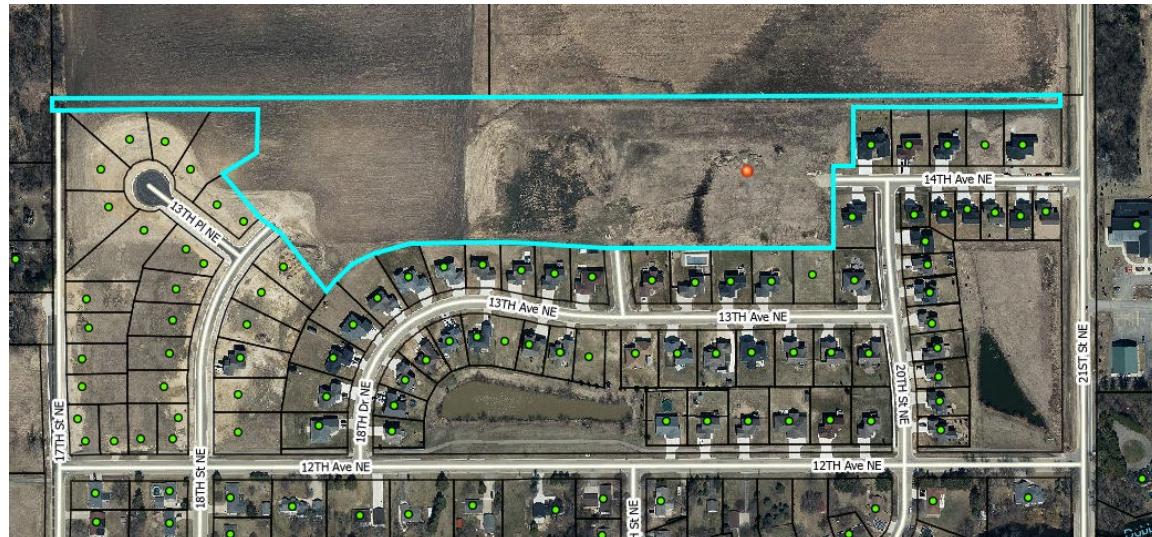
To: Mayor & Council
From: Steven Lang, PE
Date: January 28, 2025
Subject: Nature Ridge Fourth, Public Hearing on Improvements

The City is currently in discussions with the Developer for platting of Nature Ridge Fourth Addition. As part of the Development Agreement, it is proposed that the City build the project and assess 100% of the project costs to the developed/benefitting parcels. The total estimated cost of the project is \$1,635,000 and would be assessed equally across 30 lots.

Rates		2025
Estimated Total Project Cost		\$1,420,000.00
Estimated City Expenses		\$50,000.00
AU Water/Gas/Electric		\$165,000.00
TOTAL Estimated Costs		\$1,635,000.00
Number of Lots		30
Cost per Lot		\$54,500.00



We would request council set a public hearing for March 3rd, 2025 to consider the proposed project. If you have any questions, please feel free to contact me.



RESOLUTION NO.

RESOLUTION CALLING HEARING ON IMPROVEMENT

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

Nature Ridge Fourth
14th Street NE & 19th Avenue NE, Project 25303

and said report was received by the City Council on February 3rd, 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:

\$1,635,000

B. A public hearing shall be held on such proposed improvement on the 3rd day of March, 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 3rd day of February, 2025.

ATTEST:

APPROVED:

City Recorder

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: MNPEA, Healthcare Savings Plan (HCSP) change

DATE: January 29, 2025

From time to time, we have approved resolutions modifying the terms and conditions of employee participation in the HCSP, a Post-Employment Savings Plan administered by the Minnesota State Retirement System (MSRS).

The attached addendum and resolution establish participation guidelines for employees covered under the Minnesota Public Employees Association (MNPEA) labor agreement, which includes lieutenants, sergeants, and detectives in the police department.

This addendum adjusts contribution requirements upon retirement for members retiring before and after December 31, 2025. The change, requested by MNPEA members, to accommodate an upcoming retirement, has already received the necessary state approval.

There is no cost to the city associated with this adjustment. I recommend approval of the labor agreement addendum.

Please feel free to contact me with any questions.

ADDENDUM

HEALTH CARE SAVINGS PLAN

This Addendum, entered into this 3rd day of February 2025, between the City of Austin, hereinafter referred to as the City or Employer, and the Minnesota Public Employees Association, hereinafter referred to as the "Union". Its purpose is to establish a Post Employment Health Care Savings Plan through Minnesota State Retirement System for all employees in the bargaining unit.

All employees of the Austin Police Department covered by Minnesota Public Employees Association are eligible for participation.

All employees will participate in a Post Employment Health Care Savings Plan through the Minnesota State Retirement System (MSRS). Per Minn. Stat. §352.98, the Employer will setup and administer the program as defined and determined by MSRS.

Eligible Employees will contribute two percent (2%) of their salary to the Post Employment Health Care Savings Plan.

Eligible employees who retire prior to December 31, 2025, shall make no contribution upon retirement into a Post Employment Health Care Savings Plan with the Minnesota State Retirement System.

Eligible employees who retire after December 31, 2025, shall deposit 100% of accrued unused sick leave, as accrued and accumulated per Article 9 of the Minnesota Public Employees Association labor agreement, upon retirement into a Post Employment Health Care Savings Plan with the Minnesota State Retirement System.

If any eligible employee is involuntarily laid off or terminated, no accrued sick leave shall be deposited into a Post Employment Health Care Savings Plan with the Minnesota State Retirement System. If death should occur before retirement, no contributions shall be deposited into a Post Employment Health Care Savings Plan, as outlined above and the accrued unused sick leave will be made payable per the terms as outlined in Article 9 of the labor agreement and not as outlined above.

The terms and conditions of the addendum to the contract, shall remain in effect for a minimum of two years and from year-to-year thereafter unless thirty (30) days written notice is given by either party of their intention to terminate the Addendum.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum to the contract on this 3rd day of February, 2025.

SIGNATURE OF UNION
REPRESENTATIVES
MINNESOTA PUBLIC EMPLOYEES
ASSOCIATION

SIGNATURE OF CITY
REPRESENTATIVES
CITY OF AUSTIN, MINNESOTA

Mayor

ATTEST:

City Recorder

RESOLUTION NO.

RESOLUTION APPROVING TERMS AND CONDITIONS FOR EMPLOYEES WITHIN MINNESOTA PUBLIC
EMPLOYEES ASSOCIATION'S PARTICIPATION IN THE MINNESOTA STATE RETIREMENT SYSTEM
HEALTH CARE SAVINGS PLAN AND AUTHORIZING THE MAYOR TO SIGN A CONTRACT ADDENDUM

WHEREAS, the City of Austin and the Austin Police Department Employees represented by Minnesota Public Employees Association (MNPEA) have entered into a contract by Resolution #16669 dated November 21, 2022; and

WHEREAS, MNPEA desires to enter into an addendum to amend the participation in the Minnesota State Retirement Health Care Savings Plan.

BE IT RESOLVED THAT, the terms and conditions for the addendum to the contract and participation in the Post Employment Health Care Savings Plan administered by the Minnesota State Retirement System by employees represented by MNPEA are as follows:

All employees are eligible for participation. Eligible Employees will contribute two percent (2%) of their salary to the Post Employment Health Care Savings Plan.

Eligible employees who retire prior to December 31, 2025, shall make no contribution upon retirement into a Post Employment Health Care Savings Plan with the Minnesota State Retirement System.

Eligible employees who retire after December 31, 2025, shall deposit 100% of accrued unused sick leave, as accrued and accumulated per Article 9 of the Minnesota Public Employees Association labor agreement, upon retirement into a Post Employment Health Care Savings Plan with the Minnesota State Retirement System.

If any eligible employee is involuntarily laid off or terminated, no accrued sick leave shall be deposited into a Post Employment Health Care Savings Plan with the Minnesota State Retirement System. If death should occur before retirement, no contributions shall be deposited into a Post Employment Health Care Savings Plan, as outlined above and the accrued unused sick leave will be made payable per the terms as outlined in Article 9 of the labor agreement and not as outlined above.

The terms and conditions of the addendum to the contract, shall remain in effect for a minimum of two years and from year-to-year thereafter unless thirty (30) days written notice is given by either party of their intention to terminate the Addendum.

Approved by the Austin City Council this 3rd day of February 2025

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 & City Council

FROM: Tricia Wiechmann
Human Resources Director

RE: Sick Leave Donation Request

DATE: January 29, 2025

Steve Turner, an employee in the Park, Recreation, and Forestry Department, will need to take time off in the coming months to support his wife as she begins recovery from a major surgery and starts treatment following a recent cancer diagnosis.

While the exact duration and schedule of his time off are uncertain, it will include frequent trips to Rochester and assisting with home care needs.

Per the City's sick leave donation policy (Attachment A), Steve will first use his accrued paid time off. However, due to recent personal health challenges, his available leave is limited. He is requesting the City's approval to participate in the sick leave donation program in anticipation of the time when his own leave is exhausted.

Upon approval, employees will have the opportunity to donate up to 16 hours of their accrued sick leave to support Steve. These donated hours will be utilized only as needed, and in accordance with the established process.

Please let me know if you have any questions before Monday's Council meeting. Thank you for your consideration.

DONATED SICK LEAVE

With approval of the City Council, City employees having accrued sick leave will be allowed to donate a portion of such accrued sick leave to fellow employees experiencing a major life-threatening disease or condition suffered by the employee, their spouse or minor children. The donation shall be on an hour for hour basis. A major life-threatening disease or condition shall include, but not necessarily be limited to, heart attack, stroke, organ transplant, cancer or life-threatening illness or condition as defined by a physician's diagnosis.

The donation of sick leave from one employee to another shall be subject to the following terms and conditions:

1. An employee is only eligible to receive donated sick leave for time lost from work due to a major life-threatening disease or condition as described above, equal to the number of hours of time which the employee would lose from his or her job due to the major life-threatening disease or condition.
2. An employee will be eligible to receive donated sick leave only after the employee's accrued sick leave, compensatory time and vacation have been used by the employee.
3. No employee will be allowed to receive more than 160 hours of donated sick leave for any single major life-threatening disease or condition without additional express approval by the City Council.
4. An employee may donate no more than sixteen (16) hours per calendar year to a single fellow employee out of current year's bank. This shall not be construed to prohibit donating sixteen (16) hours each per year to additional fellow employees.
5. A written request to donate sick leave must be made to the Human Resources Director or City Administrator. The City Council will consider each request and authorize such a request when it's apparent the employee will be returning to work following the illness.
6. The City Council shall have the right to deny use of donated sick leave or limit its use as shall be determined necessary to the best interests of the City.

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>
\$ 2,500	Cornerstone Church	LEC Fitness Room
\$ 3,000	Fraternal Order of the Eagles	4 th of July Fireworks
\$ 2,500	Fraternal Order of the Eagles	Riverside Arena Audio/Visual Improvements

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 3rd day of February, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

ACCEPTING DONATIONS FOR 2025 FLOWERS

BE IT RESOLVED that the Austin City Council accepts the gifts to the 2025 Flower Program in the amount of \$31,405.00 as listed in the attachment.

Passed by a vote of yeas and nays this 3rd day of February, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

First	Last	Company	Address	City	Date	Amount
Larry	Andreessen		317 14th Street NW	Austin, MN 55912	12/5/2024	\$ 125.00
Mike and Patty	Ankeny		102 22nd Street NW	Austin, MN 55912	1/5/1900	\$ 200.00
Geoff and Diane	Baker		1400 6th Street NW	Austin, MN 55912	12/20/2024	\$ 250.00
Jeff and Kris	Baldus		2015 6th Avenue SE	Austin, MN 55912	11/26/2024	\$ 125.00
Greg and Amy	Baskin		400 19th Street SW	Austin, MN 55912	12/5/2024	\$ 100.00
Jason and Katie	Baskin		2902 7th Avenue SW	Austin, MN 55912	12/23/2024	\$ 50.00
Nancy	Beck		202 24th Street NW	Austin, MN 55912	12/2/2024	\$ 50.00
Peggy	Benzkofer		104 21st Street NW	Austin, MN 55912	12/2/2024	\$ 50.00
Judy and Dick	Bergen		1505 26th Street SW	Austin, MN 55912	12/2/2024	\$ 100.00
Judith and Lee	Bjorndal		2002 11th Avenue NE	Austin, MN 55912	12/11/2024	\$ 100.00
Fred and Carolyn	Bogott		406 21st Street NW	Austin, MN 55912	12/2/2024	\$ 100.00
Cheryl	Boughton		2205 SW 10th Avenue	Austin, MN 55912	12/13/2024	\$ 100.00
Patrick	Bradley	Grove Street LLC	4018 W. 65th Street	Edina, MN 55435	11/26/2024	\$ 200.00
James and Milly	Burroughs		1405 16th Avenue SW	Austin, MN 55912	12/2/2024	\$ 50.00
Richard and Laura	Carlson		1204 18th Street SW	Austin, MN 55912	12/16/2024	\$ 250.00
Ron	Wieseler	Center Court Apartments	200 25th Street SW	Austin, MN 55912	11/25/2024	\$ 100.00
Collette	Chaffee		311 5th Street SW	Austin, MN 55912	11/27/2024	\$ 125.00
Cheryl	Christopherson		2118 4th Avenue SE	Austin, MN 55912	12/6/2024	\$ 50.00
	CliftonLarsonAllen		109 Main Street N	Austin, MN 55912	12/20/2024	\$ 200.00
Kathryn	Coyle		203 17th Street NW	Austin, MN 55912	12/2/2024	\$ 100.00
Mr. and Mrs. Joseph	Davison		811 14th Avenue SE	Austin, MN 55912	12/19/2024	\$ 75.00
Robert	Divine		700 1st Drive NW, Apt. # 360	Austin, MN 55912	12/16/2024	\$ 50.00
Joan	Eidem		1914 6th Ave. SE	Austin, MN 55912	12/13/2024	\$ 500.00
LeeAnn and Jeffrey	Ettinger		309 5th Avenue SW	Austin, MN 55912	12/23/2024	\$ 2,500.00
Quentin and Marlene	Fiala		2516 Golf Lake Cir.	Bonita Springs, FL 34135	12/2/2024	\$ 25.00
Lowell	Foster		2102 9th Street SW	Austin, MN 55912	12/3/2024	\$ 100.00
Jeffrey and Maria	Frank		2834 12th Avenue NW	Austin, MN 55912	12/11/2024	\$ 250.00
Phyllis	Freund		1500 5th Avenue NW, Unit D	Austin, MN 55912	11/27/2024	\$ 50.00
J C and P T	Frid		1301 26th Street SW	Austin, MN 55912	12/2/2024	\$ 30.00
Harold and Priscilla	Golly		1502 17th Avenue SW	Austin, MN 55912	12/13/2024	\$ 25.00
John	Gray		1600 22nd Avenue SW	Austin, MN 55912	12/26/2024	\$ 100.00
Susan	Grove		2301 15th Ave. SW	Austin, MN 55912	12/30/2024	\$ 125.00
Gordon and Donna	Handeland		500 21st Street NW	Austin, MN 55912	12/2/2024	\$ 50.00
Veronica	Hansen		1707 A Carriage Drive SW	Austin, MN 55912	12/2/2024	\$ 25.00
Laura	Helle	and Matt Stobaugh	1009 8th Street NW	Austin, MN 55912	1/8/2025	\$ 100.00
Janet	Hokanson		1903 14th Street SW	Austin, MN 55912	11/25/2024	\$ 100.00
Katie Clark	Hormel Foods Corp.		1 Hormel Place	Austin, MN 55912	1/2/2025	\$ 15,500.00
Grant and Mary E.	Johnson		2001C Burr Oak Drive	Austin, MN 55912	12/4/2023	\$ 100.00
Phyllis M.	Jorgenson		700 1st Drive NW, Apt. #505	Austin, MN 55912	12/2/2024	\$ 200.00
Steve and Shelley	King		1803 9th Street SW	Austin, MN 55912	12/20/2024	\$ 100.00
Randy and Wendy	Kramer		205 24th Street NW	Austin, MN 55912	11/27/2024	\$ 250.00
Dorothy and Steve	Krob		2203 Oakland Avenue W.	Austin, MN 55912	12/11/2024	\$ 25.00
Thomas	Landherr		PO Box 698	Byron, MN 55920-0698	12/9/2024	\$ 125.00
Sonia	Larson		2206 NW 5th Avenue	Austin, MN 55912	12/30/2024	\$ 30.00

(1)

Margaret	List	310 2nd Avenue NE	Austin, MN 55912	12/2/2024	\$ 25.00
Ron and Mary Ann	Lueders	2309 4th Drive SW	Austin, MN 55912	12/4/2024	\$ 40.00
Jay	Lutz	1209 20th Street NE	Austin, MN 55912	12/6/2024	\$ 50.00
Thomas and Donna	Maas	310 2nd Avenue NE, Apt. #213	Austin, MN 55912	12/2/2024	\$ 50.00
Pat	MacLean	700 NW 22nd Street	Austin, MN 55912	12/9/2024	\$ 30.00
John	Madson	2301 10th Street NW, Apt. #122	Austin, MN 55912	12/9/2024	\$ 100.00
Steven and Shari	Mason	2401 7th Avenue SW	Austin, MN 55912	12/2/2024	\$ 100.00
Mark and Holli	Mayer	1107 27th Street SW	Austin, MN 55912	12/26/2024	\$ 50.00
Jerry and Suzanne	McCarthy	306 13th Street NE	Austin, MN 55912	12/9/2024	\$ 100.00
Taggart	Medgaarden	McGough Construction Company, 12737 Fairview Avenue N	St. Paul, MN 55113	12/11/2024	\$ 1,500.00
Darryl and Deb	Mickelsen	Austin HRA	Austin, MN 55912	12/30/2024	\$ 185.00
Phil and Gail	Minerich		Austin, MN 55912	12/2/2024	\$ 100.00
Bill	Momsen		Austin, MN 55912	12/4/2024	\$ 100.00
Michael	Monson		Austin, MN 55912	1/23/2025	\$ 100.00
Stephen	Neiswanger		Austin, MN 55912	12/4/2024	\$ 50.00
Ralph and Helen	Nelson		Austin, MN 55912	12/6/2024	\$ 200.00
Colleen	Horn	Mower County Horticulture Society	Austin, MN 55912	12/2/2024	\$ 25.00
Betty	Olson	1404 24th Avenue SW	Austin, MN 55912	1/3/2025	\$ 300.00
Richard	Poshusta	1601 17th Avenue SW	Austin, MN 55912	12/2/2024	\$ 100.00
Joyce	Poshusta	The Eleven	Austin, MN 55912	12/9/2024	\$ 100.00
Mike and Stephanie	Postma	1508 6th Avenue NE	Austin, MN 55912	12/3/2024	\$ 50.00
Steve and Lynn	Price	201 17th Avenue NE	Austin, MN 55912	12/4/2024	\$ 100.00
Gretchen and Mark	Ramlo	1405 27th Street SW	Austin, MN 55912	12/11/2024	\$ 100.00
Scott and Catherine	Richardson	4420 78th Avenue North	Brooklyn Park, MN 55443	12/11/2024	\$ 100.00
Bonnie and Tim	Rietz	1908 Oak Tree Lane, Unit A	Austin, MN 55912	12/16/2024	\$ 50.00
Barbara	Schaefer	100 24th St. NW	Austin, MN 55912	12/4/2024	\$ 100.00
Belita	Schindler	701 NW 22nd Street	Austin, MN 55912	12/16/2024	\$ 1,000.00
Dean and Leanna	Seeck	1820 6th Ave. NE.	Austin, MN 55912	12/2/2024	\$ 50.00
Paige and John	Scholl	703 22nd St. NW	Austin, MN 55912	12/4/2024	\$ 100.00
Ellen	Stark	1406 9th Street NW	Austin, MN 55912	12/9/2024	\$ 50.00
Maureen	Steenblock	2201C 7th Street NW	Austin, MN 55912	12/2/2024	\$ 100.00
David	Sylte	1809 25th Street SW	Austin, MN 55912	12/23/2024	\$ 100.00
Peter and Bonnie	Tangren	2001A Burr Oak Drive	Austin, MN 55912	1/8/2025	\$ 300.00
Bill	Taufic	1804 18th Street SW	Austin, MN 55912	12/2/2024	\$ 100.00
Daphne	Wagner	2700 4th Avenue NW	Austin, MN 55912	12/2/2024	\$ 100.00
Cathy	Wegner	41 Hickory Lane	Bedford, NY 10506	12/16/2024	\$ 250.00
Colleen	Weimer	1604 1st Avenue SE	Austin, MN 55912	12/3/2024	\$ 15.00
James and Sharlene	Westrick	2201 D. 7th Street NW	Austin, MN 55912	12/4/2024	\$ 25.00
Dale	Wicks	61981 205th Street	Rose Creek, MN 55970	1/27/2025	\$ 100.00
Jerry and Mary Anne	Wolesky	24167 540th Avenue	Austin, MN 55912	12/23/2024	\$ 50.00
Gary and Marjorie	Zimmerman	711 Hormel Century Parkway	Austin, MN 55912	12/31/2024	\$ 500.00
Nan	Hanegraaf	602 20th Street SW	Austin, MN 55912	12/16/2024	\$ 100.00
		2200 6th Avenue NW	Austin, MN 55912	12/11/2024	\$ 500.00
		Baudler, Maus, Forman & King, LLI	Austin, MN 55912	12/5/2024	\$ 100.00
		108 N Main St	Austin, MN 55912	1/15/2025	\$ 100.00
		Bremer Bank	Austin, MN 55912	12/30/2024	\$ 100.00
		Golden Tress Inc.	Austin, MN 55912		

Sally	Baker	Piggy Blues Bar-B-Que, Inc.	323 N. Main Street	Austin, MN 55912	12/23/2024	\$ 200.00
		Potach & Mitchell Dental Clinic	607 1st Drive NW, Box 1064	Austin, MN 55912	11/26/2024	\$ 200.00
		Austin Eagles Club Charitable Gar	107 11th Street NE	Austin, MN 55912	12/30/2024	\$ 500.00
		Ladies Floral Club	502 24th Street SW	Austin, MN 55912	11/12/2024	\$ 200.00
						<u><u>\$ 31,405.00</u></u>

**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: Michael & Jaslyn Dieser, 304 2nd Ave SW Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 304 2nd Ave SW, Dieser Property

Date: January 31, 2025

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 304 2nd Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You



January 7th, 2025

Michael & Jaslyn Dieser
304 2nd Ave SW
Austin, MN 55912

RE: Zoning Violations at 304 2nd Ave SW Austin, MN 55912

Dear Michael & Jaslyn:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on January 7th, 2025 at this site and the following issues need to be resolved:

Remove all junk from property

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

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

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

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

B. Public nuisances affecting health

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

D. Public nuisances affecting peace and safety.

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

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

NOTICE AND ABATEMENT.

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

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

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

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

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

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

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

Sincerely,



Brent Johnson
Zoning Inspector



January 29, 2025
11:00 AM

304 2nd Avenue



January 29, 2025
11:00 AM

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