

A G E N D A
CITY COUNCIL MEETING
MONDAY, MAY 5, 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 April 21, 2025
- 3. Recognitions and Awards:
Senior Center Proclamation
- (mot) 4. *Consent Agenda
Licenses:
Tobacco: Austin Highway Liquor LLC, Austin, MN
Mobile: The Candy Shop, Albert Lea, MN
Mobile: Preh Soe Leh Food Truck LLC, St. Paul, MN
Sign Installer: Vector Sign Solutions, Woodbury, MN
Temporary Liquor: VFW Post 1216 on August 16, 2025

Claims:

- a. Pre-list of Bills

Events:

- Taste of Nations on May 17, 2025
- River Rats Car Show on August 17, 2025

BID OPENINGS AND AWARD:

- 5. Receiving bids for Wastewater Treatment Plant Levee
- (res) a. Awarding bid

PETITIONS AND REQUESTS:

- (res) 6. Approving funding request for the Wright Here Right Now Podcast
- (res) 7. Approving an off-sale liquor license application to Austin Highway Liquor LLC dba Austin Highway Liquor
- (res) 8. Approving an off-site gambling application for the American Legion Post 91
- (res) 9. Affirming participation in the Office of the state Auditor's Voluntary 2025 Performance Measurements Program

(res) 10. Accepting donations

11. 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. 503 8th Avenue SE, Wakefield Property

12. Summary of closed meeting held on April 21, 2025

CITIZENS ADDRESSING THE COUNCIL

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

(mot) Adjourn to **Monday, May 19, 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
April 21, 2025
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King, Council Members Paul Fischer, Rebecca Waller, Laura Helle, Michael Postma, Jason Baskin, Joyce Poshusta 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, Fire Chief Jim McCoy, Public Works Director Steven Lang, City Attorney Craig Byram, Park and Rec Director Jason Sehon, Library Director Julie Clinefelter, Human Resources Director Trish Wiechmann and City Clerk Brianne Wolf

APPEARING IN PERSON: Austin Daily Herald, City of Austin Police Officers, Minnesota Law Enforcement Liaison Scott McConkey, Paramount Theater Director Tom Robbins, Community Members

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

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

Moved by Council Member Fischer, seconded by Council Member Waller, approving Council minutes from April 7, 2025. Carried.

Police Chief McKichan recognized Officer Josh Bradley and Officer Ryan McCormack for receiving an award from the State of Minnesota for their extra work on DUI arrests. He stated these Officers have gone above and beyond the call of duty.

Minnesota Law Enforcement Liaison Scott McConkey recognized the Officers as DWI Enforcer All-Stars for all their efforts towards enforcing impaired driving laws. They were presented with awards in front of Council and attendees.

Mayor King thanked them for their outstanding work and he appreciates all that they do for the community.

Mayor King read a proclamation recognizing May 10, 2025 as the City of Austin Arbor Day and the Month of May as Arbor Month.

CONSENT AGENDA

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

Licenses:

Right of Way: Volt Electric, Austin, MN
Mobile: La Borinqua, Albert Lea, MN
Mobile: Mimi's Cone, Austin, MN
Mobile: Cousins Maine Lobster, Astoria, NY

Claims:

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

Events:

Farmers Market (Downtown) June 2, 2025 – October 27, 2025
4th Avenue Fest on June 4, 2025

Carried.

PETITIONS AND REQUESTS

Director of Public Works Steven Lang stated the resolution presented to the Council is usually adopted in December, but the Public Works Department is looking to add the Fats, Oils, Grease, and Sewer Fees now that the ordinance related to these fees has passed and will go into effect.

Moved by Council Member Helle, seconded by Council Member Waller, adopting a resolution establishing miscellaneous administration license fees for 2025. Carried 7-0.

Director of Public Works Steven Lang stated the City has a contract with Oyer Trucking to haul liquid sludge. Instead of readvertising for this contract, they would like to extend the current contract with Oyer Trucking. They would like to extend this contract for two more years at the same rates the City is paying now.

Mr. Lang stated once the Waste Water Treatment Plant renovations are completed, they will no longer need to haul this product as the liquid will go away. He would recommend extending this contract with Oyer Trucking.

Moved by Council Member Fischer, seconded by Council Member Postma, approving a contract with Oyer Trucking for 2025 and 2026. Carried 7-0.

City Administrator Craig Clark presented an updated policy on employee engagement to Council. Mr. Clark stated the policy had new additions that focused on employee years of service for recognition. He stated the policy had been before the employee engagement team, and they endorsed it. The policy was also discussed at the previous work session. He is looking for Council approval.

Moved by Council Member Postma, seconded by Council Member Waller, establishing an Employee Recognition Policy. Carried 7-0.

City Administrator Craig Clark stated the Paramount Theater is requesting the City cover \$46,500 of the \$93,000 project for the proposed ADA modifications to the Paramount front entry. This would include construction work on the front entry and rework and bump out of the curb.

Council Member Postma stated he reached out to the Paramount Theater and he and Council Member Baskin were able to tour the theater to better understand the project. He is happy to support this project.

Tom Robbins, Director of the Austin Area Arts, addressed the Council and thanked them for taking the time to better understand this project. He also appreciated Council's time and effort in reviewing this request for funding.

Moved by Council Member Postma, seconded by Council Member Baskin, approving funding for the Paramount Theater ADA entrance in the amount of \$46,500 out of contingency. Carried 7-0.

Public Works Director Steven Lang discussed the intersections of Main Street and 2nd Avenue NW and Main Street and 4th Avenue NW. He is proposing installing temporary bump outs and stop signs instead of the flashing lights that are currently positioned at these intersections. Mr. Lang stated this would involve a four-way stop at Main Street and 4th Avenue NW, and a two-way stop at Main Street and 2nd Avenue NW.

Moved by Council Member Austin, seconded by Council Member Poshusta, approving the placement of temporary bump outs on Main Street. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution accepting donations to the City of Austin. Carried 7-0.

Moved by Council Member Fisher, seconded by Council Member Waller, to grant the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 506 6th Avenue SW, Toscano Property. Carried.

Moved by Council Member Fisher, seconded by Council Member Baskin, to grant the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 408 2nd Street SE, Neri Property. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Postma, to grant the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 406 2nd Street SE, Raygor Property. Carried.

REPORTS AND RECOMMENDATIONS

Council Member Poshusta thanked her colleagues, the citizens of Austin and the City staff. She stated it has been a pleasure working with everyone.

Mayor King thanked Joyce for her service to the City of Austin.

Council Member Helle congratulated Council Member Poshusta on her new endeavors and thanked her for her service to the City of Austin. She stated Council Member Poshusta was a great voice for the employees of the City and did a good job bringing their concerns forward. Council Member Helle stated Fourth Avenue Fest is coming up on Wednesday, June 4th.

Council Member-at-Large Austin stated the library will be closed on April 28th. Library staff will begin implementing the new system changes and will continue to work through this on April 29th through May 1st. Communication is being shared with the public with what they can and can't do during the transition. He also thanked Council Member Poshusta for her service. He stated Council Member Poshusta has been an outstanding and excellent voice representing the people of the 3rd Ward as well as all citizens of Austin and he wishes her well in her endeavors.

Council Member Postma stated there are a lot of activities happening this weekend in Austin. There is the citywide cleanup and there are still volunteer opportunities available for this activity in the morning. He stated Beer, Bacon and Beignets is happening in the afternoon, and they're looking for people to attend and or volunteer for this event. He expressed his thanks to Council Member Poshusta for all the work that she's done for the City of Austin.

Council Member Baskin enjoyed his conversation with the School Board and the County commissioners last week at the meeting Council attended with these boards. He expressed his appreciation and support for their work. He stated this is not easy work, but he believes that people have the community's best interests in mind. He appreciates everybody's time, energy, and work to ensure we represent Austin in the best possible way, most positively and proactively. He thanked Council Member Poshusta for her service. He wished her the best of luck on her next chapter.

Council Member Waller wished Council Member Poshusta the best of luck in her future.

Mayor King thanked the sentenced to serve program. They went around Mill Pond and picked up 380lbs of trash and still have more to do. He thanked everyone who will be picking up trash in Austin this weekend and making the community look better. He thanked Council Member Poshusta for her service on the Council. He stated we are all aware this job isn't easy and comes with a certain level of stress and Council Member Poshusta has done an admirable job.

Council Member Postma stated the Third Ward Council seat will be open for applications on Wednesday, April 23rd to the public through May 13th and information will be available on the City website.

Moved by Council Member-at-Large Austin, seconded by Council Member Helle, adjourning the meeting to May 5, 2025. Carried.

Adjourned: 5:54 p.m.

Approved: May 5, 2025

Mayor: _____

City Recorder: _____

From the Office of the Mayor



500 Fourth Avenue NE
Austin, Minnesota 55912-3773
Phone: 507-437-9965
Fax: 507-434-7197
www.ci.austin.mn.us

Proclamation

WHEREAS: *The Mower County Senior Center is a community facility that serves Mower County by organizing and delivering a wide range of services; and*

WHEREAS: *The Senior Center's comprehensive programs and services are designed to maximize the integration of older adults into the community; and*

WHEREAS: *The Senior Center is steadfast in its mission to promote independence, enhance dignity, affirm self-worth, and provide opportunities for personal growth, enjoyment, and contributions to society; and*

WHEREAS: *The Senior Center initiates, develops, and coordinates programs and services that promote the social, psychological, physical, educational, nutritional, and economic well-being of older individuals; and*

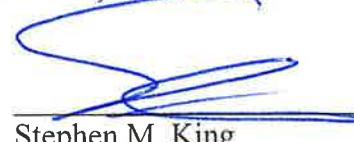
WHEREAS: *The goal is to serve all seniors, including those who are less fortunate, by providing companionship, entertainment, information, and opportunities for both physical and mental activities; and*

WHEREAS: *The Mower County Senior Center, a beacon of support, is proud to have served individuals for the last 50 years; and*

NOW, THEREFORE, I, Stephen M. King, Mayor of the City of Austin, Minnesota, do hereby proclaim, Friday, May 16, 2025, as



MOWER COUNTY SENIORS, INC. DAY



Stephen M. King
Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: May 1, 2025
Subject: WWTP Levee Project, Phase 1
 Bid Results

The City of Austin received bids for the WWTP Levee Project, Phase 1 on Thursday, April 30th at 2:00pm. The project involves construction of a levee system to protect the WWTP from flood events. The project includes the following:

- 150 ft Earthen levee
- 950 ft Sheet pile wall
- Sanitary sewer force main river crossing
- 48" sanitary sewer trunk main construction
- Outfall structure reconstruction and pump replacement

The bids are summarized below.

Contractor	Base Bid	Alternate 1	Alternate 2
Ulland Brothers Inc.	\$7,378,129.60	\$507,438.63	\$ 928,000.00
Minger Construction Co. Inc.	\$8,741,661.80	\$925,000.00	\$ 925,000.00
Geislinger & Sons	\$9,449,004.00	\$850,000.00	\$1,050,000.00

The project will be funded with State grants, Local Option Sales Tax and Sewer user fees. We would recommend awarding the **Total Base Bid and Alternate 1 in the amount of \$7,885,568.23** to Ulland Brothers, Inc. If you have any questions, please contact me.

Item	TOTAL	DNR Grant #3000129624	Local Option Sales Tax (LOST)	Industrial Sewer User Fund
SOURCES OF FUNDS				
DNR Grant, Original	\$ 547,521	\$ 547,521		
DNR Grant, Amendment #3	\$ 4,000,000	\$ 4,000,000		
Local Option Sales Tax	\$ 4,000,000		\$ 4,000,000	
Industrial Sewer User Fund	\$ 750,000			\$ 750,000
TOTAL SOURCES OF FUNDS	\$ 9,297,521	\$ 4,547,521	\$ 4,000,000	\$ 750,000
USES OF FUNDS				
Engineering Design & Bidding	\$ 526,670	\$ 263,335	\$ 263,335	\$ -
Engineering Design & Bidding, Addendum 1	\$ 159,500	\$ 79,750	\$ 79,750	
Construction Contract	\$ 7,885,568	\$ 3,942,784	\$ 3,211,282	\$ 731,502
Construction Admin & Inspection Services	\$ 400,000	\$ 200,000	\$ 200,000	\$ -
Material Testing	\$ 75,000	\$ 37,500	\$ 37,500	\$ -
TOTAL USES OF FUNDS	\$ 9,046,738	\$ 4,523,369	\$ 3,791,867	\$ 731,502



Building a Better World
for All of Us®

May 1, 2025

RE: Austin, MN
Austin WWTP Flood Mitigation - Phase 1
SEH No. AUSTN 154340

Steven Lang
City of Austin
1205 Main Street South
Austin, MN 55912

Dear Steven:

On 2:00 p.m., Wednesday, April 30, 2025, three bids were received for the above-referenced project. The bids ranged from a high of \$10,499,004.00 to a low of \$7,885,568.23. The low bid received was submitted by Ulland Brothers, Inc., of Albert Lea, MN, in the amount of \$7,885,568.23.

Contractor	Total Bid ¹	Base Bid	Alternate 1	Alternate 2
Ulland Brothers, Inc.	\$7,885,568.23	\$7,378,129.60	\$507,438.63	\$928,000.00
Minger Construction Co. Inc.	\$9,666,661.80	\$8,741,661.80	\$925,000.00	\$925,000.00
Geislanger & Sons, Inc.	\$10,299,004.00	\$9,449,004.00	\$850,000.00	\$1,050,000.00
Engineer's Estimate	(\$7,650,963.50) ²	\$6,890,963.50	\$760,000.00	\$675,000.00

Notes: 1) Total Bid represents the Base Bid plus the low alternate. 2) Total Bid for Engineer's Estimate represents the Base Bid plus Alternate 1.

This contractor has worked in Austin on projects of various sizes. SEH engineers can conclude that Ulland Brothers, Inc., has the experience and ability to complete a project of this size.

Accordingly, we recommend the project be awarded to Ulland Brothers, Inc., in the amount of \$7,885,568.23 for the Base Bid plus Alternate 1, which compares favorably with the engineer's estimate shown above.

Sincerely,

Jeremy Walgrave, PE
Project Manager

dmk
Attachment
c: Wayne Wambold, PE, Brad Woznak, PE

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Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-3507

651.490.2000 | 800.325.2055 | 888.908.8166 fax | sehinc.com

SEH is 100% employee-owned | Affirmative Action–Equal Opportunity Employer

RESOLUTION NO.

AWARDING BID FOR WASTEWATER TREATMENT PLANT LEVEE PROJECT

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

Wastewater Treatment Plant Levee Project

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

<u>Contractor</u>	<u>Base Bid</u>	<u>Alternate 1</u>	<u>Alternate 2</u>
Ulland Brothers Inc.	\$7,378,129.60	\$507,438.63	\$ 928,000.00
Minger Construction Co. Inc.	\$8,741,661.80	\$925,000.00	\$ 925,000.00
Geislanger & Sons	\$9,449,004.00	\$850,000.00	\$1,050,000.00

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

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

Wastewater Treatment Plant Levee Project

Passed by a vote of yeas and nays this 5th day of May, 2025.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

John Wright Schramek, Podcast Producer/Host

301 N. Main Street
Austin, MN 55912
(507) 460-2853
WrightHereRightNow7@gmail.com

17th March 2025

Steve King, Mayor

City of Austin
500 4th Avenue NE
Austin, MN 55912

Steve,,

After our brief visit about possibly having the Wright Here, Right Now podcast produce a weekly segment with the City of Austin, I thought I might try to make sure we are clear on a few aspects of the podcast.

First, the podcast segment would be the City's. I would serve as Producer/Host of each segment and the segment would be uploaded within the Wright Here, Right Now podcast.

Second, the content or subject of each segment would be at the discretion of the City. Whomever is the contact would send me the information for each week's guest.

Third, each segment would be recorded on location, possibly somewhere in City Hall. However, I can record just about anywhere.

Fourth, the weekly fee covers my time, travel, editing, uploading costs, and social media posting for each segment. Payment for the podcast segments is made directly to Discover Austin.

I am sure that there will be more questions and I will be happy to provide any more information that you might require.

I really do hope that this is a project that we can move forward with and add the City of Austin to the Wright Here, Right Now roster of partners.

Thank you for your time and consideration.

Sincerely,



John W. Schramek



Proposal

Date: March 17, 2025

301 N Main St, Suite 101
Austin, MN 55912
Phone: 507-437-4563
E-mail: WrightHereRightNow7@gmail.com

To:
City of Austin, MN

For:
Wright Here, Right Now Podcast

DESCRIPTION	AMOUNT
<p>The Wright Here, Right Now Podcast primarily focuses on topics within City of Austin, MN/Mower County. Each podcast features local groups, businesses and individuals talking about events/activities of interest to our listeners. Host John Wright brings over 20 years of experience bringing out the best highlights of people, places and gatherings within our region. A new opportunity has lead to the creation of the Wright Here, Right Now Podcast, produced in association with Discover Austin, MN.</p> <p>This outlet offers an opportunity to reach a very specific targeted audience whose desire is to learn more about all things in City of Austin, MN. Each podcast is available to download again and again.</p> <p>In the past City of Austin, MN has joined John to share important information and updates including meet the Mayor program.</p> <p>The Wright Here, Right Now Podcast would like to invite the City of Austin to continue participating as a weekly guest.</p> <p>City of Austin, MN Featured Segment on the Wright Here, Right Now Podcast</p> <ul style="list-style-type: none">• A weekly segment featuring City of Austin, MN- \$60/week x 26 weeks (with the option to extend for another 6 months at the same rate)• Content chats (about 10 minutes in length) would be created with a City of Austin, MN representative <p>We are excited about the possibility to promote upcoming programming with the City of Austin, MN. To reserve your segment or for any questions please contact WrightHereRightNow7@gmail.com or 507-437-4563.</p>	\$1560

THANK YOU FOR YOUR CONSIDERATION.

RESOLUTION NO.

**AUTHORIZING FUNDS FROM CONTINGENCY FOR
THE WRIGHT HERE RIGHT NOW PODCAST**

WHEREAS, the City of Austin has entered into an agreement with the Wright Here Right Now Podcast for services provided by John Wright Schramek, who will be responsible for producing weekly podcast segments for six months; and

WHEREAS the agreement calls for the City to pay John Wright Schramek \$1,560 for said services related to the podcast content.

NOW, THEREFORE, BE IT RESOLVED, that City Council of the City of Austin approves the agreement and shall provide funding from the contingency fund in the amount of \$1,560 to John Wright Schramek.

Passed by the Austin City Council this 5th day of May 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

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: May 1, 2025

Subject: Off-Sale License Application Request

The Clerk's Office has received an application for an Off-Sale Hard Liquor License from Austin Highway Liquor LLC dba Austin Highway Liquor, 3011 W. Oakland Avenue. This is a new license request. The City of Austin has a limit of ten off-sale liquor licenses, seven of which are currently issued.

The Clerk's office has received the certification documents that are required for this license and recommends approval.

Please let me know if you have any questions.

RESOLUTION NO.

APPROVING OFF-SALE LIQUOR LICENSE APPLICATION

WHEREAS, the corporation hereinafter named has applied to the City Council at Austin, Minnesota, for license to sell off-sale liquor at the respective address listed below; and

WHEREAS, after due investigation, it appears said applicants for said license for sale of off-sale liquor have complied with all the provisions of the law relative thereto and are entitled to have a license issued to them, subject to the approval of the Minnesota Liquor Control Board, for the address listed below the name.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Austin, Minnesota does hereby grant a license for the sale of off-sale liquor to the following named licensee at the following location in Austin, Minnesota, which license shall expire December 31, 2025.

Austin Highway Liquor LLC dba Austin Highway Liquor
3011 W. Oakland Avenue
Austin, MN 55912

Passed by a vote of Yeas and Nays this 5th day of May, 2025.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

RESOLUTION NO.

APPROVING AN OFF SITE GAMBLING LICENSE

WHEREAS, the American Legion Post 91 has applied for an off site gambling license; and

WHEREAS, the gambling license is for the Mower County Fair from August 5, 2025 to August 10, 2025;

NOW BE IT RESOLVED, that the City of Austin approves an off site bingo gambling license for American Legion Post 91 at the Mower County Fairgrounds from August 5, 2025 to August 10, 2025.

Passed by a vote of yeas and nays this 5th day of May, 2025.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

RESOLUTION NO.

AFFIRMING THE CITY OF AUSTIN'S PARTICIPATION IN THE OFFICE OF THE STATE AUDITOR'S VOLUNTARY 2025 PERFORMANCE MEASUREMENTS PROGRAM

WHEREAS, benefits to the City of Austin for participation in the Minnesota Council on Local Results and Innovation's comprehensive performance measurement program are outlined in MS 6.91 and include eligibility for a reimbursement as set by state statute; and

WHEREAS, any city or county participating in the comprehensive performance measurement program is also exempt from levy limits for taxes, if levy limits are in effect; and

WHEREAS, the City Council of Austin has adopted and implemented 10 of the performance measures, as developed by the Council on Local Results and Innovation, and a system to use this information to help plan, budget, manage and evaluate programs and processes for optimal future outcomes.

NOW THEREFORE, BE IT RESOLVED THAT that the City Council of the City of Austin, Minnesota will continue to report the results of the performance measures to its citizenry through the end of the year through posting on the city's website.

BE IT FURTHER RESOLVED The City Council of the City of Austin, Minnesota will submit to the Office of the State Auditor the actual results of the performance measures adopted by the county/city.

Passed by a vote of yeas and nays this 5th day of May, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received the following gifts:

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

Passed by a vote of yeas and nays this 5th day of May, 2025.

YEAS **NAYS**

ATTEST:

APPROVED:

City Recorder

**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: William & Deborah Wakefield
503 8th Ave SE, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 503 8th Ave SE, Wakefield Property

Date: May 2, 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 503 8th Ave SE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

**City of Austin
Zoning Department**



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

January 10th, 2024

William & Deborah Wakefield
503 8th Ave SE
Austin, MN 55912

RE: Zoning Violations at 503 8th Ave SE, Austin, MN 55912

Dear William & Deborah:

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 10th, 2024 at this site and the following issues need to be resolved:

- 1. Remove all junk/garbage from property**
- 2. All refuse must be in watertight containers and lawfully disposed of, at least once each week during the year.**

The violation of Austin City Code Sections 10.01 Subd 2, 3 & 4, 10.14 Subd.1(B) 4 and 10.14 Subd.4-6 were found. These City Code sections read as follows:

City Code Section 10.01 Subd. 2. *Disposal required.* Every person shall, in a sanitary manner, store and dispose of refuse that may accumulate upon property owned or occupied by him or her in accordance with the terms of this section. Garbage shall be collected or otherwise lawfully disposed of, at least once each week during the year.

City Code Section 10.01 Subd 3. Deposit of garbage or refuse. It is unlawful:

D. For any person to deposit anywhere within the city any refuse in a manner that it may be carried or deposited by the elements upon any public place or any other premises within the city;

City Code Section 10.01 Subd. 4 Containers

A. *General requirement.* Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections or other disposal. All normal accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of Subpar. B. Tree limbs under four inches in diameter in five-foot lengths and tied in bundles not to exceed 60 pounds, bundles of newspapers, cardboard or magazines tied securely not to exceed 60 pounds. Furniture, rugs and carpeting will be accepted by a licensed hauler if notified 24 hours in advance of regular pickup time. The following articles will not be accepted as refuse and must be deposited at a designated demolition site: stone, sod, earth, concrete, building materials unless placed in covered garbage cans, automobile parts,

except tune-up parts, inflammable liquids, tree trunk sections over four inches in diameter. Tires and white goods need not be accepted as refuse by licensed garbage haulers, but shall be disposed of at the depository as designated by the County Board.

B. Container requirements. Each container shall be watertight, shall be impervious to insects and rodents and shall not exceed 32 gallons in capacity, garbage containers when full shall not exceed 60 pounds in weight, when waste is collected by licensed haulers by mechanical lifting devices, the use of the container shall not exceed 90 gallons or limited, as defined by the hauler. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this section or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city. Notwithstanding the foregoing, grass clippings and leaves may be temporarily stored in bags provided by licensed garbage haulers for pick up by licensed garbage haulers or in plastic bags provided by the owner for ultimate disposal at a site designated by the Council.

C. Placement.

1. Garbage containers shall be placed in a driveway or open area outside of the garage or where public alley - garbage shall be placed adjacent to the alley, easily accessible for pickup to be made. Other refuse - properly bagged or bundled such as leaves, clippings or brush shall be placed by the curb of the street or by the alley for collection. Containers must be placed properly for pickup prior to 5:30 a.m. on the day of collection to insure service.

2. At the request of the garbage hauler, garbage containers may be placed on boulevard, curbside or other convenience place in front yard for collection, but the containers shall not be permitted to remain on curbside or in front yard for more than 24 consecutive hours.

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

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

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

B. *Public nuisances affecting health*

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

D. *Public nuisances affecting peace and safety.*

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

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

NOTICE AND ABATEMENT.

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

F. The notice shall be served in person or by certified or registered mail. If the premises are not occupied and the owner is unknown, the notice may be served by posting it on the premises. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days, within which the nuisance is to be abated.

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

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

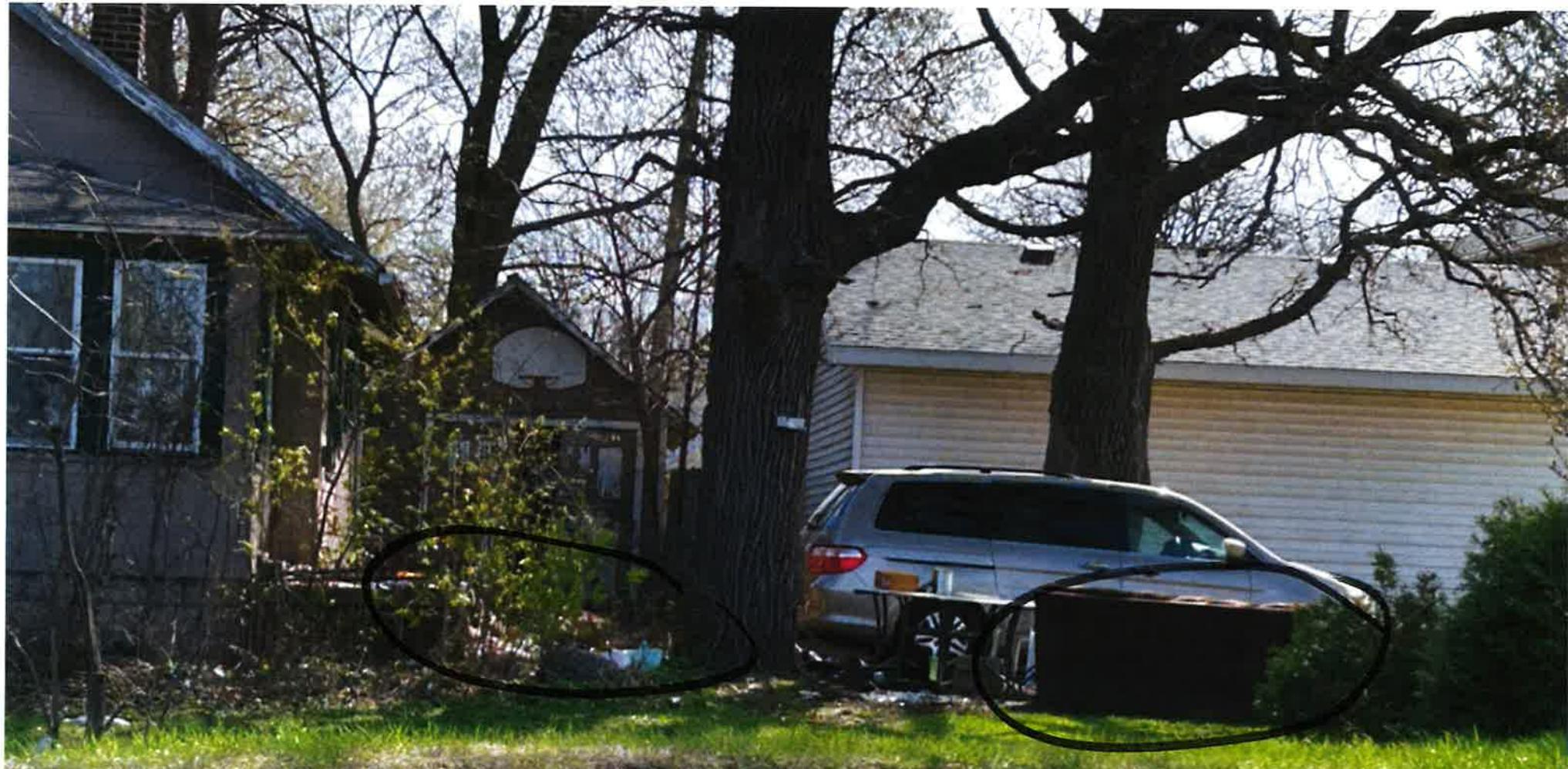
Please resolve the City Code violations within **10 days** of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a maximum of \$2,000, the amount varies depending 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



April 30, 2025
10:21 AM

503 8th Ave SE



April 30, 2025
10:21 AM

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