

A G E N D A
CITY COUNCIL MEETING
MONDAY, JULY 7, 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 June 16, 2025
- 3. Awards and Recognitions:
 - Austin Utilities Proclamation
 - Parks & Recreation Proclamation
- (mot) 4. *Consent Agenda
 - Licenses:
 - Lodging Establishment (transfer): Days Inn Austin, Austin, MN
 - Mobile: Marty Party BBQ, Austin, MN
 - Mobile: Maui Wowi, Fairbault, MN
 - Exempt Gambling (bingo): United Way of Mower County on August 15, 2025

Claims:

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

Events:

- Good Trouble Lives On – 5th Anniversary of the death of Congressman John Lewis on July 16, 2025
- Family Funfair on September 6, 2025

BID AND AWARDS:

- (res) 5. Receiving bids for Oakland Ave/1st Avenue SW Project
 - a. awarding bid

PETITIONS AND REQUESTS:

- 6. Discussion on the Point-of-Sale Ordinance
- (res) 7. Approving an agreement with WHKS for construction administration for the 2025 Oakland Avenue project
- (res) 8. Approving a Hormel ICM agreement
- (res) 9. Approving an easement release with Austin Utilities

- (mot) 10. Requesting sale of equipment
- (res) 11. Approving an off-site gambling application for the Fraternal Order of the Eagles
- (res) 12. Accepting donations to the City of Austin
- (res) 13. Declaring the structure at 703 5th Street NW as hazardous
- 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. 1110 2nd Avenue SW, Bennett Property
 - b. 605 5th Street NW, Brooks-Greenback Property
 - c. 1005 8th Street NW, Fink Property

CITIZENS ADDRESSING THE COUNCIL

REPORTS AND RECOMMENDATIONS

City Administrator
City Council

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

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

M I N U T E S
CITY COUNCIL MEETING
June 16, 2025
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Laura Helle, Jason Baskin, Oballa Oballa and Council Member-at-Large Jeff Austin

MEMBERS ABSENT: Council Member Michael Postma

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

APPEARING IN PERSON: Austin Daily Herald

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

Moved by Council Member Baskin, seconded by Council Member-at-Large Austin, approving the agenda as amended removing item number 6: Receiving bids for Oakland Ave/1st Ave SW project and removing item number 9: Approving an agreement with WHKS for construction administration for the 2025 Oakland Avenue project. Carried.

Moved by Council Member Fischer, seconded by Council Member Oballa, approving Council minutes from June 2, 2025. Carried.

The new Human Resource Generalist Terri Derouin was introduced to Council.

CONSENT AGENDA

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

Licenses:

Tree Service: Johanns Tree Service & More, Osage, IA

Claims:

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

Events:

Cruising for Christ on July 11, 2025

Carried.

PUBLIC HEARING

A public hearing was held for a tax abatement requested by the Austin, Minnesota Housing & Redevelopment Authority. They are proposing to build a single-family home on a vacant lot located along 25th Street SW, parcel number 34.786.0010, valued at approximately \$350,000.00. City Administrator Craig Clark stated the application is in conformance with the City's policy for tax abatement.

There were no comments from the public.

Moved by Council Member Baskin, seconded by Council Member Oballa, approving the tax abatement. Carried. 6-0.

BID AND AWARDS

Public Works Director Steven Lang stated the City of Austin received two bids for the connection of concession stands and restrooms in the North ball fields and the restrooms near the pavilion. Work will consist of excavating, sanitary sewer and service construction, and turf restoration. The lowest bidder was JJD Companies, LLC. He would recommend awarding the bid to this company.

Moved by Council Member Fischer, seconded by Council Member Waller, awarding the bid to JJD Companies, LLC. Carried. 6-0.

PETITIONS AND REQUESTS

Public Works Director Steven Lang requested approval of work change order 8. Mr. Lang stated the directive is in the amount of \$79,704, which includes five work change directives valuing a \$51,930.88 cost increase to the Domestic budget and a \$27,773.12 cost increase to the Industrial budget.

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, approving work change order number eight. Carried 6-0.

Public Works Director Steven Lang request approval for a contract with SEH for the engineering, planning and design related to the WWTP Levee project. They are now moving into the construction phases of work planned for 2025-2027 and have received a proposal from SEH for engineering construction services. The SEH proposal is an hourly rate with a total estimated fee of \$420,700.

Moved by Council Member Fischer, seconded by Council Member Baskin, approving a contract with SEH for engineering services. Carried 6-0.

Public Works Director Steven Lang stated MetroNet has requested an easement across City property for the installation of underground wire, conduit and junction boxes. The easement would be five feet in width and traverse along the west property line of the library and the south property line of the pool parkland. The goal of the easement is to get MetroNet service to the backside of the Paramount Theater. Staff has reviewed the easement documents, and they are consistent with standard agreements.

Moved by Council Member Oballa, seconded by Council Member Fischer, approving an easement with MetroNet on a parcel behind the library. Carried 6-0.

Moved by Council Member Fischer, seconded by Council Member Oballa, approving an easement with MetroNet on a parcel behind the Municipal Pool. Carried 6-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, approving funding for a HRA housing project. Carried 5-0. (Council Member Helle Abstaining)

Public Works Director Steven Lang stated the Planning Commission recently reviewed a request for a fence appeal. The request was for an eight-foot fence located at 2011 4th Avenue SE. The Planning Commission recommended denying the request. The request is now being brought to Council.

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, denying the fence appeal. Carried.

Public Works Director Steven Lang stated the Planning Commission recently reviewed a variance request for a green space appeal from Astrup Pharmacy. The request is to reduce the green space from 20% to 11%. This would allow the business to increase their parking. The Planning Commission recommended approving the request. The request is now being brought to Council.

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

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, accepting donations to the City of Austin. Carried 6-0.

REPORTS AND RECOMMENDATIONS

Council Member Oballa stated his thoughts are with the families of the State Representatives who were affected in the shooting this past weekend. He thanked the police officers who assisted and the work they did.

Council Member Helle thanked all the partners who assisted with Fourth Avenue Fest. She thanked the Parks & Recreation Department for all the work they are doing during this time of year to keep the parks maintained, given the amount of rain the City is receiving. She expressed her sympathies to the families affected by the shooting this past weekend.

Council Member Baskin expressed his sympathies to all impacted by the recent events in Minnesota this weekend. He condemned all political violence. He thanked all law enforcement locally and statewide for all their efforts.

Mayor King stated there is a potluck for employees on June 24th and this is a great time for employees to come together.

Representative Patricia Mueller gave a brief update on the legislative session and thanked the Council for all their concerns and comments they had extended to her. If they have any additional questions or would like to discuss other topics, they are welcome to reach out to her.

Public Works Director Steven Lang stated he may need to request a Special Council meeting once he receives an update on the Oakland Avenue/1st Avenue SW project to obtain approval for the bids. He will keep Council updated.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, adjourning the meeting to July 7, 2025. Carried.

Adjourned: 5:59 p.m.

Approved: July 7, 2025

Mayor: _____

City Recorder: _____

Proclamation

WHEREAS: *in the year 1900, the City of Austin, Minnesota, established a public utility to serve its residents and businesses, laying the groundwork for the modern Austin Utilities; and*

WHEREAS: *for 125 years, Austin Utilities has exemplified a tradition of public ownership, local accountability, and dedicated service—ensuring that utility services are delivered reliably, safely, and affordably to all; and*

WHEREAS: *the mission of Austin Utilities—offer utility products and services in a safe, reliable, and responsible manner to enhance the quality of life in our community—has endured through change, growth, and innovation; and*

WHEREAS: *employees of Austin Utilities, past and present, have exemplified professionalism, integrity, and a steadfast commitment to public service, playing an essential role in the development and sustainability of Austin’s infrastructure and economy; and*

WHEREAS: *Austin Utilities has consistently led in energy efficiency, environmental stewardship, and customer engagement—earning the trust and respect of the community it serves; and*

WHEREAS: *the year 2025 marks a significant milestone—the 125th Anniversary of Austin Utilities—presenting a moment to celebrate its rich history, honor its achievements, and look ahead to a future of continued service and innovation; and*

NOW, THEREFORE, *I, Stephen M. King, Mayor of the City of Austin, Minnesota, do hereby recognize and celebrate the 125th Anniversary of Austin Utilities. I commend the organization, its leadership, and its employees for their ongoing dedication to the well-being and prosperity of the City of Austin.*

Stephen M. King
Mayor

Proclamation

- WHEREAS:** *parks and recreation is an integral part of communities throughout this country, including Austin MN; and*
- WHEREAS:** *parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and*
- WHEREAS:** *parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and*
- WHEREAS:** *parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and*
- WHEREAS:** *park and recreation programming, such as youth sports and environmental education, are critical to childhood development; and*
- WHEREAS:** *parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and*
- WHEREAS:** *parks and recreation is fundamental to the environmental well-being of our community; and*
- WHEREAS:** *parks and recreation is essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters and climate change; and*
- WHEREAS:** *our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and*

WHEREAS: *the U.S. House of Representatives has designated July as Parks and Recreation Month; and*

WHEREAS: *The City of Austin and the Parks, Recreation, & Forestry Department recognizes the benefits derived from parks and recreation resources.*

NOW, THEREFORE, *I, Stephen M. King, Mayor of the City of Austin, Minnesota, do hereby recognize the Month of July as Park and Recreation month in the community of Austin.*

This designation highlights the importance of our community's green spaces, recreational facilities, and the valuable programs Parks and Recreation offers. We encourage all residents to take advantage of the numerous outdoor activities, events, and resources available this month, fostering a deeper connection to nature and promoting a healthy, active lifestyle for individuals and families alike.

Stephen M. King
Mayor

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



Steven J. Lang, P.E.
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Memorandum

To: Mayor & Council
From: Steven Lang, PE
Date: June 30, 2025
Subject: Bid Award, Oakland Avenue and 1st Avenue SW
CP 25103, SP 104-139-013 and 104-140-006
Minn Proj No STBG-PRO 2025(256)

The City of Austin received bids for the reconstruction of Oakland Avenue from 1st St. NE to 12th St. NW and 1st Avenue SW from Main St. to 12th St. on May 29th, 2025. This will be a 3-year project with work occurring in 2025, 26, and 27. The project will include complete removal and replacement of all concrete pavement, sidewalks, driveways, and underground utilities including; sanitary sewer, storm sewer, water main, and drainage tile. There will be modifications to the existing signal lights and new decorative street lighting. The bids for the project are summarized below:

Contractor	Base Bid	Alternate #1
Ulland Brothers, Inc.	\$ 15,083,845.68	\$ 497,392.75
BCM Construction, Inc.	\$ 16,088,597.00	\$ 194,902.00
ICON, LLC	\$ 17,137,963.95	\$ 787,295.00
Heselton Construction, LLC	\$ 17,750,293.20	\$ 453,602.00
Engineers Estimate	\$ 15,634,678.50	\$ 581,255.00

* Alternate #1 is related to work funded by Austin Utilities to remove existing infrastructure and excavate for the installation of new water main. Austin Utilities has elected not to move forward with Alternate #1.

The project includes funding from multiple sources as shown on the attached Sources and Uses diagram. The federal funding requires the contractors to meet 10.8% Disadvantaged Business Enterprise (DBE Goal), On-the-Job Training (OJT Goal) of 3-persons and 1,200 hours and Prevailing Wages. Ulland's bid documents have been submitted to the State Office of Civil Rights and the City has received authorization to award.

We would recommend awarding the Base Bid to Ulland Brothers, Inc, in the total amount of \$15,083,845.68. Please let me know if you have any questions.

Revised: 06/09/2025

CITY OF AUSTIN Oakland Ave W (1st St NE to 12th St NW) SP 104-139-013 1st Avenue SW (S Main St to 12th St SW) SP 104-140-006						
Item	2024	2025	2026	2027	2028	TOTALS
FUNDING SOURCES						
State & Federal Grant Funds						
2025 Federal STIP Funds ⁽¹⁾		\$ 2,060,000.00				\$ 2,060,000.00
2027 Federal STIP Funds ⁽¹⁾				\$ 1,820,000.00		\$ 1,820,000.00
2028 Federal STIP Funds ⁽¹⁾					\$ 1,000,000.00	\$ 1,000,000.00
2024/25 Federal PROTECT Program (Storm Sewer) ⁽¹⁾		\$ 500,000.00	\$ 500,000.00			\$ 1,000,000.00
2023 State LRIP Grant ⁽²⁾		\$ 131,000.00	\$ 1,369,000.00			\$ 1,500,000.00
2023 State AT Grant (ADA Curb Ramps) ⁽³⁾		\$ 300,000.00				\$ 300,000.00
SUBTOTAL	\$ -	\$ 2,991,000.00	\$ 1,869,000.00	\$ 1,820,000.00	\$ 1,000,000.00	
TOTAL GRANT FUNDS	\$				7,680,000.00	\$ 7,680,000.00
LOCAL FUNDS						
Municipal State Aid Fund		\$ -	\$ 2,728,000.00	\$ 2,777,000.00	\$ (1,000,000.00)	\$ 4,505,000.00
Sanitary Sewer Fund 61	\$ -	\$ 500,000.00	\$ 700,000.00	\$ 700,000.00		\$ 1,900,000.00
Assessments		\$ 204,000.00	\$ 408,000.00	\$ 408,000.00		\$ 1,020,000.00
SUBTOTAL	\$ -	\$ 704,000.00	\$ 3,836,000.00	\$ 3,885,000.00	\$ (1,000,000.00)	
TOTAL LOCAL FUNDS	\$				7,425,000.00	\$ 7,425,000.00
						\$ -
YEARLY SUBTOTALS	\$ -	\$ 3,695,000.00	\$ 5,705,000.00	\$ 5,705,000.00		
TOTAL FUNDING SOURCES	\$				15,105,000.00	\$ 15,105,000.00
USES OF FUNDS						
Construction						
Street		\$ 2,940,000.00	\$ 4,500,000.00	\$ 4,500,000.00		\$ 11,940,000.00
Storm Sewer		\$ 500,000.00	\$ 700,000.00	\$ 700,000.00		\$ 1,900,000.00
Sanitary Sewer		\$ 250,000.00	\$ 500,000.00	\$ 500,000.00		\$ 1,250,000.00
SUBTOTAL	\$ -	\$ 3,690,000.00	\$ 5,700,000.00	\$ 5,700,000.00		
TOTAL CONSTRUCTION	\$				15,090,000.00	\$ 15,090,000.00

USES OF FUNDS						
ENGINEERING SERVICES						
Engineering Design Services	\$ 744,820.00	\$ -	\$ -	\$ -	\$ -	\$ 744,820.00
Surveying & Geotech Services	\$ 25,825.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ -	\$ 65,825.00
Construction Admin Services	\$ -	\$ 70,000.00	\$ 75,000.00	\$ 80,000.00	\$ -	\$ 225,000.00
SUBTOTAL	\$ 770,645.00	\$ 80,000.00	\$ 90,000.00	\$ 95,000.00	\$ -	
TOTAL ENGINEERING SERVICES	\$				1,035,645.00	\$ 1,035,645.00

⁽¹⁾ STIP - Mn State Transportation Improvement Program

⁽²⁾ LRIP - Local Road Improvement Program

⁽³⁾ AT - Active Transportation Infrastructure Grant

RESOLUTION NO.

AWARDING BID FOR STREET RECONSTRUCTION PROJECTS

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

Oakland Avenue & 1st Avenue SW Street Reconstruction Project
For 2025, 2026, & 2027

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>
Ulland Brothers, Inc.	\$15,083,845.68	\$497,392.75
BCM Construction, Inc	\$16,088,597.00	\$194,902.00
ICON, LLC	\$17,137,963.95	\$787,295.00
Heselton Construction, LLC	\$17,750,293.20	\$453,602.00
Engineer's Estimate	\$15,634,678.50	\$581,255.00

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:

Oakland Avenue & 1st Avenue SW Street Reconstruction Project
For 2025, 2026, & 2027

Passed by a vote of yeas and nays this 7th day of July, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: July 1, 2025
Subject: Point of Sale Ordinance Update
Realtor/Title Company/Plumber Meeting

On Monday June 23rd at 5:30pm we held an informational meeting for realtors, title companies, and plumbers to discuss the new Point of Sale Ordinance requirements. Over 100 letters were sent out and there were about 35 representatives in attendance. The attached PowerPoint presentation was reviewed with the group and then questions were fielded from the audience. The meeting lasted a little over 90 minutes.

The intent of the new ordinance is to be a tool to facilitate the following:

- Maintain the city's investment in the sump pump inspection program.
- Initiate a sewer service inspection program to identify and reduce I&I and service deficiencies.
- City would be involved to review sewer service televising videos to provide feedback on the necessary sewer repairs and to maintain records for property compliance.
- The sump and service inspections are intended to be similar to a home inspection, whereas, the buyer/seller, with assistance from their real estate agents, would coordinate the inspection and any necessary repairs resulting from the inspection. Depending upon timing, the repairs could be completed prior to closing or escrow dollars could be set aside at closing to complete the repairs soon thereafter.

Feedback from those in attendance included the following:

- The city did not adequately notify all impacted parties of this ordinance change.
- The city should have taken more input from those impacted before passing.
- Who is responsible for closings that have occurred since the ordinance passed on April 19th.
- The city should provide forms that need to be recorded at the time of the closing.
- What is the definition of "point of sale."
- What happens for a Deed transfer for a Trust or upon death.

- The city should mail letters to every property owner to notify them of the ordinance change.
- This should be tailored more like the County septic system requirements.
- Many homeowners do not have enough equity in their home to afford this cost.
- Who is going to provide them with a loan to repair their sewer service.
- The city should look at other funding options like service line insurance and/or utility fee to cover the cost.

Options for Council to consider:

- 1) Proceed with implementation and compliance with the ordinance as adopted on April 19th, 2025.
- 2) Amend the ordinance to include an effective date, sometime in the near future to allow staff to develop a FAQ's flowchart and to allow realtors and closing agents time to develop procedures.
- 3) Modify the adopted ordinance in some manner based on questions and concerns posed at the informational meeting.

Attachments:

Mower County Septic System Property Transfer FAQ's flowchart
Point of Sale Presentation

What Buyers and Sellers Need to Know about Septic Systems at time of Property Transfer

(or Grantors/Grantees when transfer of property is not a sales transaction)

Ordinance adopted: January 12, 2021

Effective Date: April 1, 2021

When is a septic system compliance inspection required?

A landowner is to have a valid Certificate of Compliance (COC) on file with Mower County Public Works Office **before** transferring property to another.

What do I do? I didn't have a compliance inspection done and I can't get one done now?

You can establish an escrow account. The County Board annually sets the amount of escrow required for such situations. (That number is determined by taking the average cost of prior year loan requests multiplied by 1.5 to cover any cost overages and increases.) For year 2025 that amount was set at \$35,000. This amount will cover costs associated with:

- A compliance inspection
- Septic design, permitting, installation & abandonment

Proof of an Escrow Account must be provided to the Public Works Department at or before presenting a deed to the County Recorder.

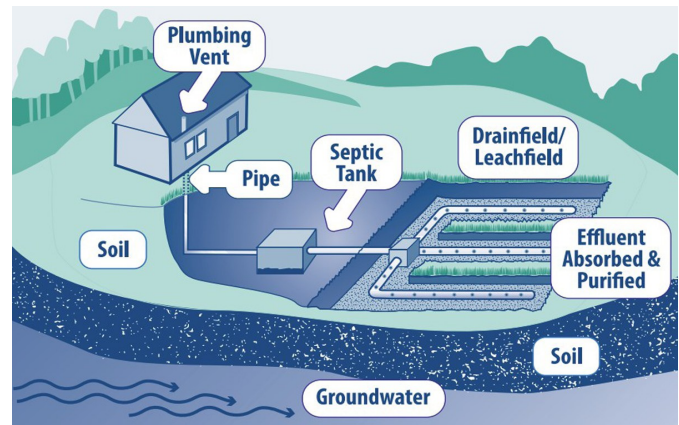
What if I know my septic system will not pass a compliance inspection?

If you know your septic system will not pass a compliance inspection you can either 1) replace the septic system before the transfer of property so you will have a COC in-hand at the time of transfer or 2) you can sign a waiver form, *(saves the cost of inspection)*, and then establish an escrow account.

Note: Replacement of the septic will be required within 10-months of the signed waiver.

I don't have money to put into escrow can the buyer/grantee put up the money?

Yes. By ordinance the Grantor (Seller) is responsible to make sure there is either a COC on file at the time of property transfer or an escrow account is set aside. The Grantee (Buyer) may fund the account. Funding of the account is decided, and/or shared, by the parties involved.



DISCLAIMER: State Laws, Rules and County Ordinances can change at any time. These are the current standards for when a septic system compliance inspection is required in Mower County as of the effective date of the above adopted ordinance until it is amended, repealed and/or replaced.

My septic failed a compliance inspection. I have a written estimate for replacement but the septic installer cannot put the system in before our closing date. What can we do?

An **Escrow Account** must be established. The bid amount is multiplied by 1.25 to determine the amount to be escrowed. This will keep the transfer moving forward. This amount will be used to cover costs associated with:

- Septic design, permitting, installation & abandonment.

Proof of the escrow account and the written estimate must be provided to the Public Works Department at or before presenting the deed to the County Recorder.

Working Septic vs Compliant System What's the difference?

Homeowners often tell us their septic is working fine. Generally this means is when they flush or put water down a drain it goes away.

A compliant (or non-compliant) system is determined by a licensed septic inspector. They examine the tank after it has been pumped to make sure it is water tight and is not leaking sewage into the ground.

The septic inspector will also do a review of the drain field area to determine if the system meets the correct separation distance between the bottom of the drain field media and the periodic water table and to make sure the system is not seeping untreated or undertreated sewage into the ground, backing up or surfacing. They are looking for proper and adequate "treatment" of the septage.

A septic system is a mini-sewage treatment plant in your yard.

Inspectors will also make sure the tank lid is secured, water tight, and make sure there are no electrical hazards.



Mower County Public Works
Environmental Services Division
1105 8th Avenue NE
Austin MN 55912
Phone: 507-437-7718
Fax: 507-437-7609
E-mail: zoning@co.mower.mn.us

Does Mower County require all new septic's to be a mound systems? What do they cost?

No. The County does not determine the type of system.

Soil type and the depth of the periodic water table at the site determines what type of system, (mound or trench), is needed. State Rules require 36 inches of separation between the periodic water table and the bottom of drain field media for all newly installed septic systems.

In 2024, Mower County staff observed new septic system costs running from anywhere between \$17,000-\$35,000 depending on the type of system, the quantity and costs of products needed; the number of bedrooms the system was designed for (the more bedrooms, the larger the system); any challenging site issues needing resolve; & contractor chosen; any of these affect the cost of the system.

OTHER NOTEWORTHY INFORMATION:

How long is a Certificate of Compliance (COC) good for?

- A COC for a newly installed septic system is valid for 5 years from the date the COC was issued by the County.
- A COC for an existing system is valid for 3 years from the date the COC was issued by a licensed septic inspector.
- The County keeps a database of COCs issued and scans the COC documents for digital retrieval and safekeeping.

What happens if I receive a Notice of Non-compliance as a result of an inspection?

- ♦ A Notice of Non-compliance for reason of an Imminent Public Health Threat requires replacement of the septic system within 10 months according to State Statute 115.55.
- ♦ A Notice of Non-compliance for "Failure to protect groundwater" requires replacement of the septic system within 18 months, by county ordinance. *The previous ordinance required upgrade within 12-months—so the timeframe has been extended slightly.*

Are there funding sources to help me to replace my failing septic system? Yes*

**Be thinking about replacement in advance of transferring property because loans must be paid off at the time of transfer.*

- Mower County has a low interest loan program available to help homeowners pay for replacement septic systems.
- When funding's available, Mower County provides low-income grants on a first-come first-serve basis to qualifying landowners.
- Depending on availability of funding sources, we may have low-income grants available to defer partial costs of system replacements.
- Homeowners can contact the Public Works Office for current and available financing options.

Highlighted Terms for the Loans and Grants Include:

- * The County must have available funds for disbursement.
- * Funds are awarded first-come-first-serve until exhausted. Loan interest rates are at 3% of the principal balance. Loans must be paid back within 10 years.
- * Payments are due at the time of property taxes. Grants are exempt from repayment.
- * Qualifying projects include septic replacement for single-family dwellings. Loan funds cannot include payment for expansion to the sizing of the existing system. Loan proceeds are used to correct existing water quality issues.
- * For the loan: Qualifying landowners may borrow up to 90% of the cost of a qualifying project.
- * For the loan: Qualifying landowners must be up-to-date and current on property taxes and cannot have been delinquent on their property taxes for the past 3 years preceding or have filed bankruptcy within the past 5 years.
- * Loans or grants must be approved prior to installation. Mower County cannot provide loan or grant funds for reimbursement costs of a septic system already installed or in process of being installed.
- * Installation of the septic system must be completed within 6 months of loan approval.
- * Proceeds are released to the contractor. Loan and grant checks are made out to the contractor and landowners.
- * Grants are reportable income to the recipient—Federal W9 is required.

Point of Sale Ordinance Implementation



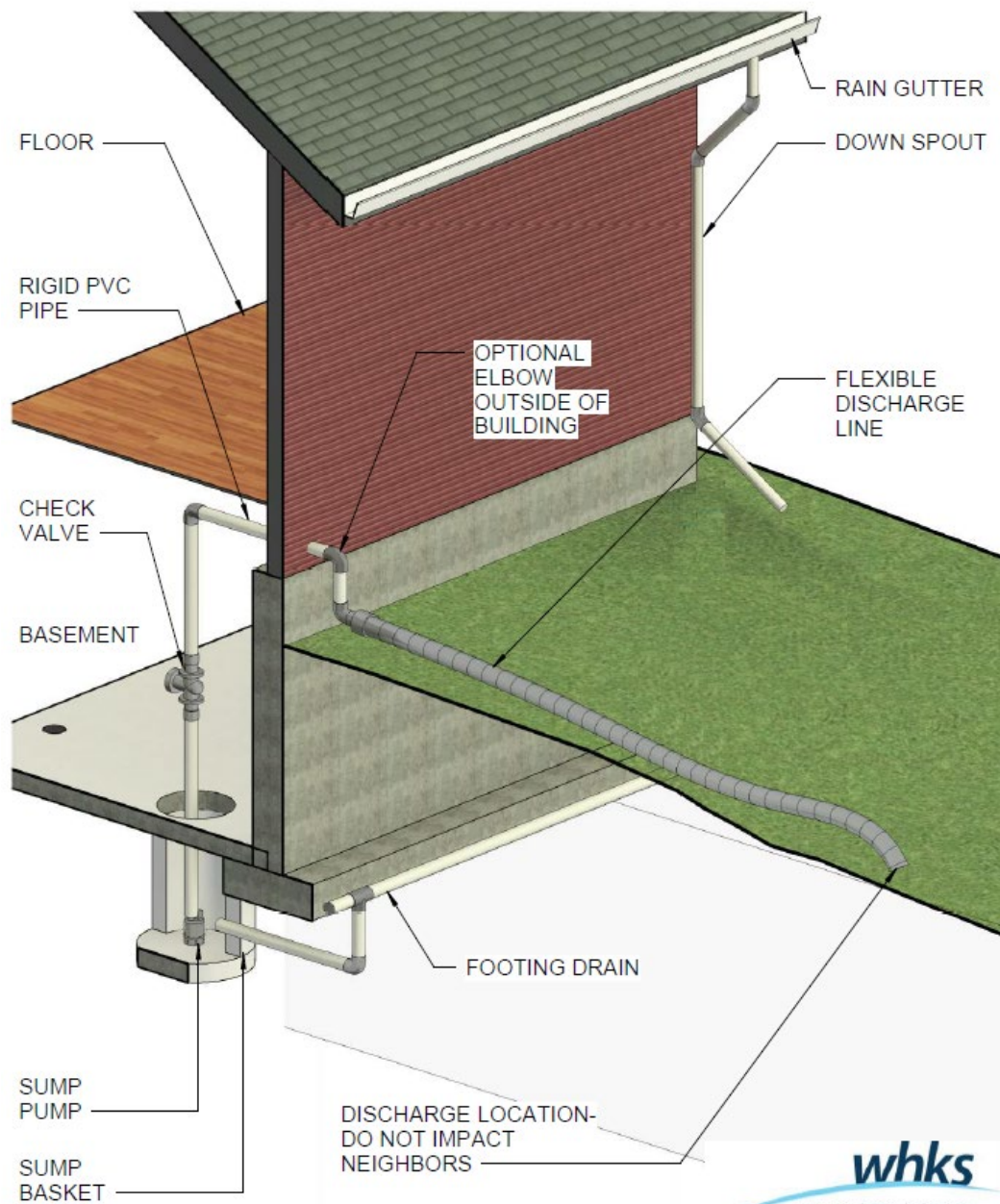
The City of Austin has adopted Ordinance No. 736 on April 19, 2025, requiring a compliance certificate for sump pumps and sanitary sewer services at the point of sale for all properties in Austin.

Sump Pump Inspection: To ensure clear water is being pumped outside, property owners will be required to have their sump pump inspected by a licensed plumber, complete a checklist, complete any necessary repairs, and provide the report to the City prior to the sale in order to confirm compliance with the sump pump ordinance.

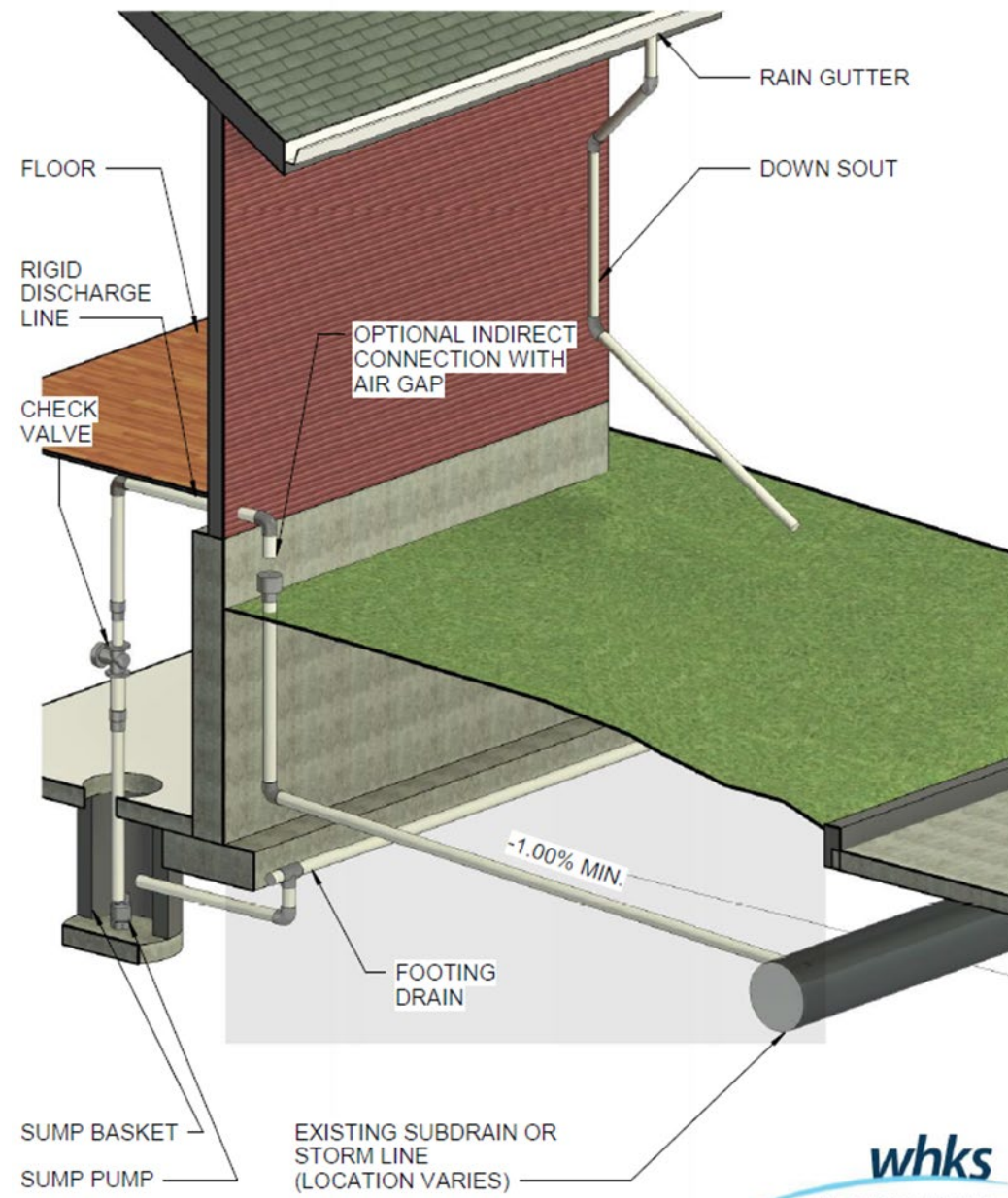
Why Now?

- The City of Austin has invested \$650,000 to inspect over 9,000 properties for sump pump compliance.
- 98 properties have not allowed inspection and pay \$100 per month
- POS inspections are a tool for ongoing compliance to ensure that clear water is pumped outside and not reconnected to the sanitary sewer.

CITY OF AUSTIN
PROPER SUMP PUMP CONNECTION



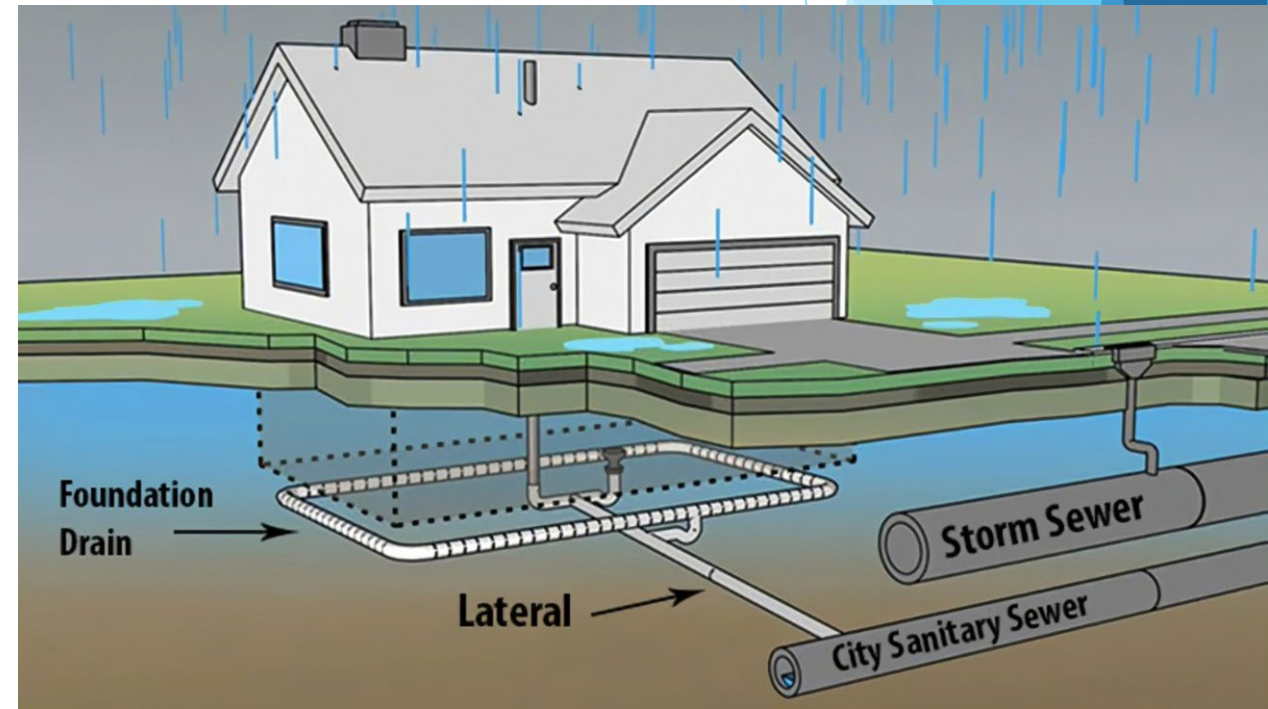
CITY OF AUSTIN
PROPER SUMP PUMP CONNECTION
(WHEN CITY SUBDRAIN / STORM SEWER AVAILABLE)



Sanitary Sewer Service Inspection: The property owner is responsible for their sanitary sewer service from the home to the connection to the main in the street. Property owners will be required to have their sanitary sewer service inspected and televised by a licensed plumber, complete a checklist and provide it electronically to the city prior to the sale. The city will review the checklists and televising report and provide direction for compliance with any necessary repairs. We will be looking for roots, broken or collapsed pipes, improper connections, and overall condition of the pipe.

Why Now?

- The City of Austin has invested \$2 million into I/I inspections to determine the condition of the sanitary sewer.
- 75% of all sewer services in Austin are over 50 years old.
- 50% of all sewer services in Austin are over 75 years old.
- Sewer services are a potential source of I/I through broken pipes, root infiltration and subsurface drain connections.



Inspection Results:

- ✓ Compliant, no repairs necessary
- ✓ Spot Repair
 - Spot liner or excavation
 - \$4,000 - \$6,000
- ✓ Complete Replacement
 - Complete lining or excavation
 - \$10,000 - \$12,000



AUSTIN
17TH AVENUE NE
FROM MH: 1-0335 TO MH 1-0338

16 AVENUE NE
FROM MH: 1-0341 TO MH 1-0342

▶ 38:23 / 56:34

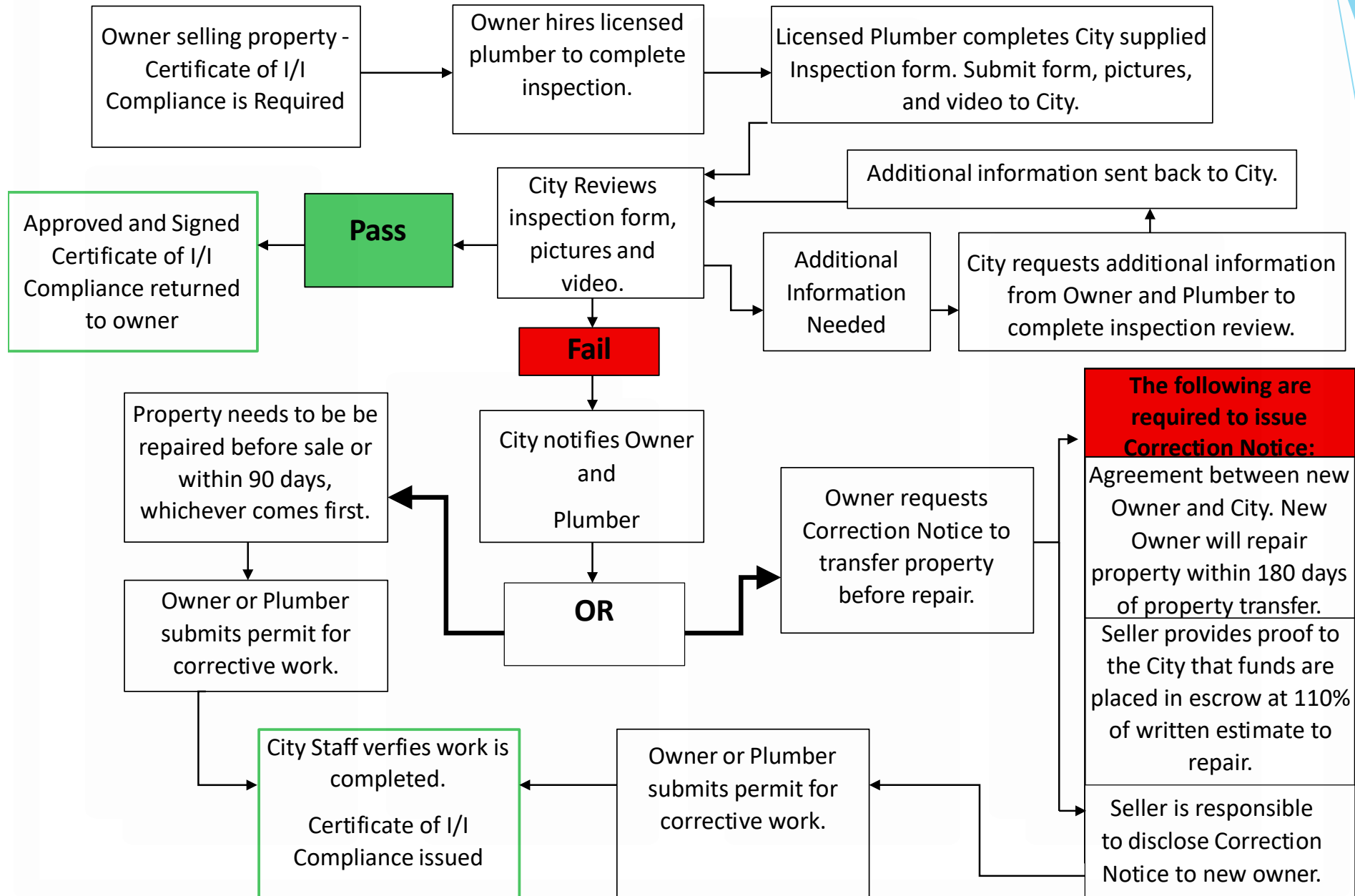
AUSTIN
16 AVENUE NE
FROM MH: 1-0341 TO MH 1-0342

CITY OF AUSTIN
14 AVE NE
Start MH 1-0350
End MH 1-0349
Direction: D

▶ 4:22 / 25:34

0009.0 ft

Sump Pump and Sanitary Service Inspection Flow Chart



**City of Austin
Point of Sale Inflow and Infiltration Compliance
Inspection Report**

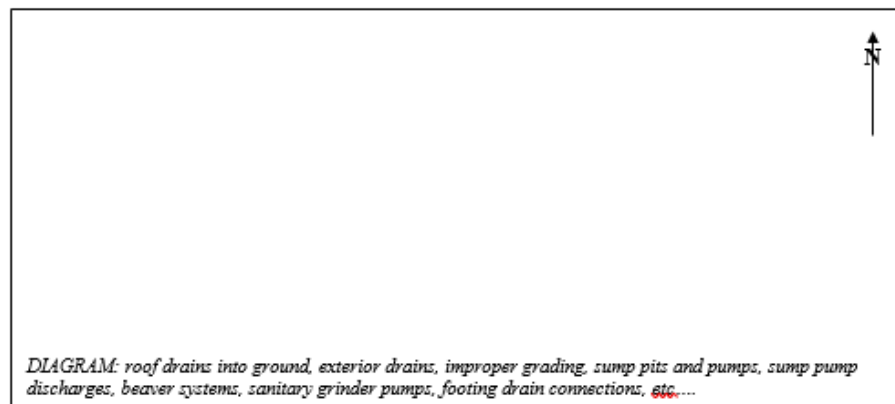
- A. Seller Information:
1. Name(s): _____
 2. Address: _____
 3. Phone number: _____
 4. Email address: _____
- B. Inspector Information:
1. Name: _____
 2. Company Name (if applicable): _____
 3. Phone number: _____
 4. Email address: _____
 5. License Number: _____
- C. Date of Inspection: _____
- D. Does building have:
1. ☐ Yes ☐ No Exterior grading sloping towards the building?
 2. ☐ Yes ☐ No Roof drains that go into the ground?
 3. ☐ Yes ☐ No Basement?
 4. ☐ Yes ☐ No Seepage collection (beaver) system?
 5. ☐ Yes ☐ No Sump pit?
- E. If building has a roof drain that goes into the ground, which of the following apply?
1. ☐ It is properly constructed to discharge to open air or storm system.
 2. ☐ It is improperly constructed to discharge into the sanitary sewer system.
 3. ☐ Discharge location not determined. Consult w/City Staff.
- F. If there is a seepage collection (beaver) system, which of the following apply?
1. ☐ It is properly constructed to discharge into a sump pit
 2. ☐ It is improperly constructed to discharge into the sanitary sewer system.
 3. ☐ Discharge location not determined. Consult w/City Staff.
- G. If there is a sump pit, which of the following apply?
1. ☐ Pump is properly plumbed to discharge outside the basement through rigid piping.
 2. ☐ Pump is improperly plumbed to discharge into the sanitary sewer system.
 3. ☐ Pump has the capability of discharging into the sanitary sewer system (ex. flex hose).
 4. ☐ There is a pit with no pump. Plumbing is checked as (1) (2) or (3) if present.
 5. ☐ Discharge location not determined. Consult w/City Staff.
- H. Building Sewer, Drain and Connection (Sanitary Sewer Service), fill in information below (all required)
1. General Information
 - a. Pipe Diameter (inches) _____
 - b. Pipe Material (VCP, PVC, DIP, RCP, CMP, CIP, Orangeburg, other) _____
 - c. CCTV Start Location (i.e. Sewer main, Toilet, Sewer stack, etc) _____
 - d. CCTV Start Distance from Foundation Wall _____
(i.e. Along the alignment of the pipe, how far is the foundation from point of insertion? ft)
 2. Observations (Note footage (ft) of each instance)
 - a. Roots _____
 - b. Mineral/Unknown Deposits _____
 - c. Chipped/Cracked Pipes _____
 - d. Offset Joints _____
 - e. Sags/Deflections _____
 - f. Suspect Foundation Drains _____
- I. Other comments (exterior drains, uncapped cleanouts, inactive sump pit, etc):

J. Photos submitted of Interior Sumps and Collection System, and Building Exterior including sump discharge location? (required) ☐ Yes ☐ No

K. Building Sewer Video Submitted on USB-drive (required)? ☐ Yes ☐ No

Video is required to show the point of insertion into the sanitary sewer to connection to city collection system. Address only needs to be displayed at the beginning of the video. Footage needs to be displayed on the screen at all times. Failure to comply with these requirements or provide a clear video for City review will void the inspection.

File name: _____



The inspection is not considered completed until reviewed by the City of Austin. The City will review the submitted documentation to verify requirements are met.

I hereby verify that the building stated above has been inspected for the above-described sump pump, building sewer, drain and/or connection and the information set forth above is true and correct to the best of my knowledge.

Occupant/Owner - _____

Date _____

I hereby verify that the building stated above has been inspected for the above-described sump pump, building sewer, drain and/or connection and the information set forth above is true and correct to the best of my knowledge.

Inspector _____

Date _____

City Use Only (below) – Certificate of I/I Compliance (if marked PASS)

PASS _____ FAIL _____ Additional Information Needed _____

Failure Reason or Additional Information Needed _____

Violation repair by date (90 days after failure): _____

City Reviewer

Name _____

Title _____

Signature _____

Date _____

The city will begin reviewing checklists and televising reports/videos on July 1, 2025 for any closings scheduled for August 1, 2025 and thereafter.

The checklists and televising reports should be sent electronically to the Housing Resource & Code Enforcement Specialist, Joel Rachwitz at jrachwitz@ci.austin.mn.us.

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 Lang, PE
Date: June 30, 2025
Subject: Engineering Admin Services – Phase 1, 2025
Oakland Ave W & 1st Avenue SW

The City of Austin worked with WHKS for the engineering, planning and design related to the Oakland Ave & 1st Ave SW project. We are now moving into the construction phases of work planned for 2025-2027 and have received a proposal from WHKS for construction administration. The WHKS proposal is an hourly rate with a total estimated fee of \$70,000 and would include the following:

- 1) Develop contracts and bonds following Council award of the project
- 2) Shop drawing review and approval
- 3) Conduct preconstruction meeting with contractor, owner, and utility companies
- 4) Construction site visits and weekly construction progress meetings
- 5) Review of quantities and pay applications
- 6) Change order preparation
- 7) Complete necessary paperwork for compliance with Federal requirements, weekly reports, EEO, etc.
- 8) Final summary of construction costs

In addition to the WHKS work, city staff will also be involved with the construction administration items listed above, in addition, wage compliance review, material certification, construction surveying and construction inspections.

We would recommend approval of this agreement with WHKS for construction administration related to the 2025 phase of the Oakland Ave/1st Ave SW project. Attached is Amendment 4 for your reference. Please let me know if you have any questions.

<u>Project Budget</u>	<u>City of Austin</u>	<u>Austin Utilities</u>
Engineering Design Services, Amendments 1-3	\$ 764,320.00	\$ 50,880.00
Engineering Construction Services (2025)	\$ 70,000.00	
Construction Contract	\$ 15,083,845.68	\$
TOTAL	\$ 15,918,165.68	\$ 50,880.00



AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT

WHEREAS, **City of Austin** (Client) and WHKS & Co. (WHKS) executed a Professional Services Agreement dated **July 31, 2023** for certain engineering services for **Oakland Avenue West and 1st Street Southwest Reconstruction** (Project), and

WHEREAS, the Agreement described a scope of services and was based on completion of certain services, and

WHEREAS, the Client has requested **2025 Construction Administration** services for **Oakland Avenue and 1st Avenue Southwest** as described in more detail in attached Exhibit A, and

NOW THEREFORE, the Client and WHKS hereby agree the amended compensation for services shall be increased by the following:

Basis of Compensation

For the services described above, the Client shall remunerate WHKS as follows:

2025 Construction Season –

Task 12

Billed Hourly with an estimated fee of \$70,000 including expenses. External expenses include an administrative charge of 10 percent.

Fee is based on 12 hours of Project Manager and six hours of Design Engineer time per week for approximately 22 weeks.

2026 and 2027 Construction Season – TBD

Executed this _____ day of July 2025

City of Austin, Minnesota

By: _____
Printed Name: Stephen M. King
Title: Mayor

By: _____
Printed Name: Tom Dankert
Title: City Recorder

WHKS & CO.


By: 
Printed Name: William Angerman, P.E.
Title: Exec. Vice President, COO

Exhibit A to Amendment No. 4

A. Project Description

The Project consists of the reconstruction of Oakland Avenue West from 1st Street NE to 12th Street NW and 1st Avenue SW from South Main Street to 12th Street SW.

B. Scope of Services Provided Under This Agreement:

Note: Items 1-11 were previously defined in the AGREEMENT and Amendments 1-3.

12. Construction Administration

- a. Provide construction administration assistance during construction. Contract administration assistance activities conducted during project construction include coordinating completion of contracts and bonds once approved by council, clarification of design details, periodic visits to the construction site to observe the progress of work, review of shop drawings, review periodic payment estimates prepared by the City of Austin, and recommend payments for processing, prepare change orders when required, and prepare the final summary of construction costs.
- b. Attend weekly construction meeting as necessary.
- c. Conduct a preconstruction meeting with Client, Contractor and Utility Owners.
- d. Provide paperwork necessary for compliance with Federal requirements, weekly reports, EEO, etc.
- e. Provide construction updates to the Client.
- f. To be completed by the City of Austin: wage compliance, material certification, construction inspection and surveying.

RESOLUTION NO.

**APPROVING CONSTRUCTION ADMINISTRATION SERVICES
TO BE CONDUCTED BY WHKS FOR THE 2025 PHASE OF THE
OAKLAND AVE W & 1ST AVENUE SW PROJECT**

WHEREAS, the City has received a proposal from WHKS, for professional services related to engineering, planning, and design related to the Oakland Ave W & 1st Avenue SW project for the City of Austin; and

WHEREAS, the project involves developing contracts and bonds following Council award of the project, shop drawing and review, conducting preconstruction meetings with contractors, owners, and utility companies, construction site visits and weekly construction progress meetings, review of quantities and pay applications, change order preparation, completing necessary paperwork for compliance with Federal requirements, weekly reports, final summary of construction costs; and

WHEREAS, in addition, wage compliance review, material certification, construction surveying and construction inspections will be completed; and

WHEREAS, the proposal totals an estimated fee of \$70,000;

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin approves the services in the amount of \$70,000 with WHKS for the 2025 phase of the Oakland Avenue & 1st Avenue SW project.

Passed by a vote of yeas and nays this 7th day of July, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



Steven J. Lang, P.E.
City 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: July 1, 2025
Subject: Individual Control Mechanism
Hormel Foods Corporation

Hormel discharges sanitary sewer from their Austin Plant to the WWTP. The discharge from the facility is regulated by an Individual Control Mechanism (ICM). The ICM sets forth limitations, conditions and requirements for sanitary sewer discharges. Those items include:

- Flow (quantity of water discharged)
- CBOD (strength of the discharged water)
- TSS (suspended solids)
- TKN (nitrogen)
- pH

The WWTP is split into two facilities, a Domestic Plant and an Industrial Plant. Attached is an ICM, which regulates flow and strength to both the Domestic and Industrial Plants. We work very closely with management and staff at the Hormel Plant to monitor flow and strength daily. Flow and strength variability over that past year has required us to revise the previous ICM.

We would recommend approving this document with Hormel Foods Corporation, which regulates the flow and strength discharged to both the Domestic and Industrial plants. If you have any questions, please feel free to contact me.

INDIVIDUAL CONTROL MECHANISM BETWEEN THE CITY OF AUSTIN AND HORMEL FOODS CORPORATION

The City of Austin operates wastewater treatment facilities serving the City. The facilities that are operated by the city are the Industrial and Domestic plants. By agreement between the City of Austin and Hormel Foods Corporation, only wastewater from Hormel Foods can be treated at the Industrial Plant. The Domestic Plant accepts wastewater from all residents, businesses, and industries including Hormel Foods Corporation. Hormel Foods Corporation operates a facility which discharges approximately 2.1 million gallons per day on a monthly average. The purpose of this agreement is to allow the discharge of wastewater from Hormel Foods to the Industrial Wastewater Treatment facility operated by the City; to set forth limitations, conditions, and requirements for the discharge; and to specify the rights and obligations of the parties to this agreement. This agreement is made under the provisions of the City of Austin's Ordinance Sec. 3.30 RULES AND REGULATIONS RELATING TO SEWER USE AND SERVICE CHARGE.

Hormel Foods Corporation: Hormel Foods, a pork processor, has a pretreatment system located at their facility. The monitoring point for Hormel is the Hope Street lift station just south of Hormel's property. A composite sampler is located at the Hope Street lift station along with a flow meter which is monitored and maintained by the City of Austin. The diversion is measured at the wastewater treatment plant.

- 1) Under the authority of the City's ordinance and consistent with the conditions of the ordinance, the City agrees to accept and treat the wastewater discharged by Hormel Foods within the limits and in accordance with the conditions set forth in this ICM (individual control mechanism) at the Industrial WWTP.
- 2) Hormel Foods is allowed to discharge wastewater to the City's wastewater Industrial treatment facilities. Hormel Foods shall comply with all discharge prohibitions contained in the ordinance and shall limit its discharge within the following limits.

	Industrial ICM Daily Allocation	Domestic ICM Daily Allocation	Total Industrial + Domestic ICM Maximum Daily Limit	Total Industrial + Domestic ICM Maximum Weekly Limit ^{a,b}
Flow, MGD	2.1	0.6	2.7	17.2 MG
CBOD ₅ , lbs/d	14,000	6,000	20,000	112,000 lbs
TKN, lbs/d	2,600	1,000	3,600	20,000 lbs
TSS, lbs/d	4,000	2,000	6,000	34,000 lbs
pH			6.0-10.5	
Digester pH Minimum: 6.8 ^c				
a) Loadings are calculated on a 7-day basis. Sunday thru Saturday loading is calculated daily based on actual daily flow and concentrations. Saturday and Sunday CBOD ₅ concentration will be determined by completing COD testing and using a correlation factor between COD & CBOD ₅ to determine the CBOD ₅ concentration. Partial weeks will carry over to the next month.				
b) Weekly totals are based on Sunday thru Saturday in accordance with MPCA				
c) pH as measured in the Industrial Secondary Digester overflow				

- 3) The City shall monitor the wastewater discharge from Hormel Foods by representative sampling as follows:

Flow: Daily – Read flow meter total at wastewater treatment facilities

CBOD: Daily – 24-hour composite samples

TKN: Daily – 24-hour composite samples

TSS: Daily – 24-hour composite samples

pH: Once per day / grab sample

Analyses of all parameters shall be performed by the City of Austin or another laboratory mutually agreed to by Hormel Foods and the City.

- 4) Hormel Foods shall notify the City immediately by phone, and within seven (7) days in writing, of any spill or slug discharge which may result in a violation of the limits stated above. Hormel Foods shall notify the City of any changes in discharge which will require amendment of this agreement at least 180 days prior to the planned change. Until superseded, the limitations contained in this ICM shall be controlling.
- 5) This ICM is enforceable under the provisions of the ordinance. A violation of this ICM shall be a violation of the ordinance and subject to the enforcement provisions contained in the ordinance.
- 6) Hormel Foods shall pay all costs at the Industrial Section of the Wastewater Treatment Facilities. In the event Hormel Foods Industrial Wastewater is required to be diverted to the Domestic Section of the facility, Hormel Foods shall pay for the diverted quantity at the current recovery rate minus any related cost for the collection system. Diversion of wastewater shall be at the discretion of the Wastewater Treatment Superintendent.
- 7) For all reporting purposes and compliance conformance the City of Austin will combine the Industrial Control Mechanisms limits as identified in Section 2 of both the Industrial and Domestic WWTP agreements.
- 8) As provided for in Section 3.30 Subd. 7, of the ordinance, duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter the Hormel Foods facility for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to any public sewer or natural outlet in accordance with the provisions of the ordinance.
- 9) The City shall provide the opportunity for Hormel Foods to obtain a split of any samples of the wastewater the City collects. Hormel Foods shall be allowed to review the records maintained by the City regarding their discharge.
- 10) Any record or other information obtained by the City of Austin or furnished to by the owner or operator of one or more SIU's as it applies to wastewater, which are certified by said owner or operator, and said certification, as it applies to wastewater is approved in writing by the city to relate to (a) sales figures, (b) processes or methods of production unique to the owner or operator, or (c) information which would tend to affect adversely the competitive position of said owner operator, shall be only for the confidential use of the City of Austin in

discharging its statutory obligations, unless otherwise specifically authorized by said owner or operator. Provided, however that all such information may be used by the City of Austin in compiling or publishing analysis, reports, or summaries relating to the general condition of the wastewater and how it effects the city's Wastewater Treatment Facility so as long as such analyses or summaries do not identify any owner or operator who has so certified. Notwithstanding the foregoing, the City of Austin may disclose any information, whether or not otherwise considered confidential which it is obligated to disclose in order to comply with city state federal laws and regulations, to the extent and for the purpose of such governmentally required disclosure.

- 11) This ICM may be renewed or modified by mutual consent of the City and Hormel Foods. This ICM is not transferable except with the prior written permission of the City and prior agreement in writing to the transfer and all conditions in the agreement by the parties involved.
- 12) The City of Austin commenced a WWTP Expansion and Phosphorus Reduction project, which has the following schedule:
 - Notice to Proceed: August 31, 2022
 - Substantial Completion: October 31st, 2026
 - Final Completion: June 7th, 2027
- 13) This ICM shall become effective July 1st, 2025, and will expire on December 31st, 2026.

CITY OF AUSTIN, MINNESOTA

HORMEL FOODS CORPORATION

By: _____
Steve King
Mayor

By: _____
Ed Finnegan
Austin Plant Manager

Date: _____

Date: _____

By: _____
Tom Dankert
City Recorder

Date: _____

RESOLUTION NO.

**RESOLUTION AUTHORIZING INDIVIDUAL CONTROL MECHANISM AGREEMENT
BETWEEN THE CITY OF AUSTIN AND HORMEL FOODS CORPORATION**

WHEREAS, an agreement with Hormel Foods Corporation has been reached outlining the terms and conditions for their wastewater discharges as part of the city's National Pollution Discharge Elimination System (NPDES) Permit to operate the Wastewater Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Austin approves the attached agreement and that such agreement will be effective July 1, 2025 and will expire on December 31, 2026.

Passed by a vote of yeas and nays this 7th day of July, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor



To: Austin City Council

From: Alex Bumgardner, Utility Operations Director

Date: June 19, 2025

Subject: 2516 16th Ave SE – Release of Easement

Austin Utilities has received a request to release an electric utility easement at 2516 16th Ave SE in Austin. This residential property is located adjacent to the South end of the airport. The easement was originally obtained in 1948 and is not currently utilized for AU infrastructure.

AU staff has reviewed the request and easement location, and we do not feel there would ever be a need to locate AU infrastructure inside of the easement in question. For your reference and review within the packet is the Easement Release document as drafted by the Knight Barry Title company, along with maps to illustrate the site and easement being requested for release.

The Austin Utilities Board of Commissioners approved the Easement Release at their June 17, 2025 Board meeting. City Charter requires that all release of property rights be approved by both the AU Commission and City Council. The AU Commission and staff recommend the City Council approve the Release of Easement.

If you have any questions, please feel free to reach out at your convenience.

Thank You,

Alex Bumgardner

Easement Release

COMES NOW **Austin Utilities**, a body politic under the Charter of the City of Austin, Minnesota, and for valuable consideration received, releases the real property described below from the

15 Ft Easement recorded on July 14, 1948 in Vol. 5 of Plats, page 58 as Document No. 184130 further described on the attached Exhibit A.

IN WITNESS WHEREOF, Austin Utilities has hereunto set its signature this ____ day of _____, 2025.

Mark Nibaur, General Manager

STATE OF
MINNESOTA

COUNTY OF MOWER

____ day of _____, 2025, before me, a Notary Public within and for said County, personally appeared Mark Nibaur, to me personally known, who, being by me duly sworn, did say that he is the General Manager of Austin Utilities, a body politic and corporate under the Charter of the City of Austin, Minnesota, and that said instrument was executed on behalf of said corporation by authority of its Board of Directors and that said person acknowledged that he executed the same as the free act and deed of said company.

Notary Public

Drafted by:

Knight Barry Title

Jodi Bach






2660 Superior Dr. NW #102

Rochester, MN 55987

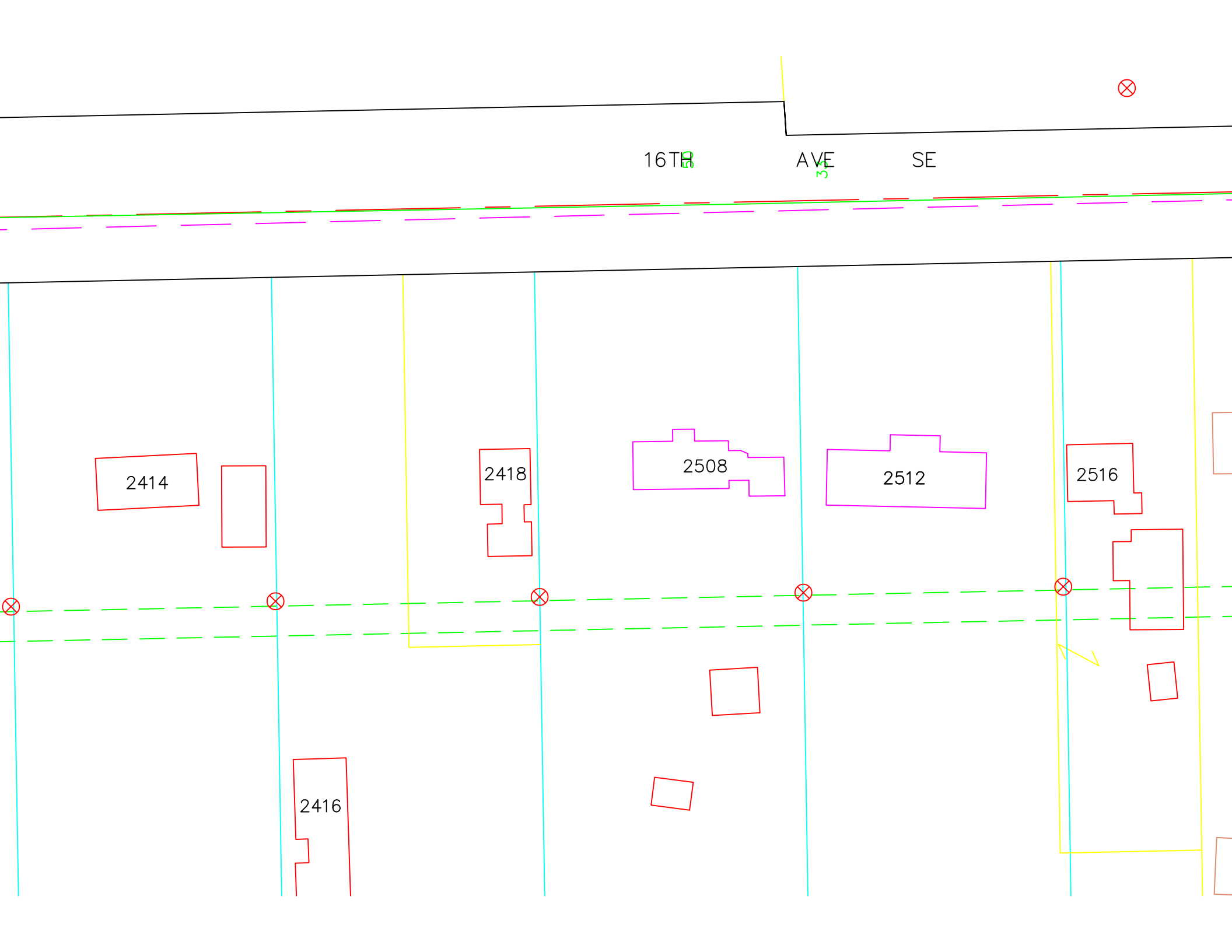
ArcGIS Web Map



1 in = 94 Ft

-  Pad Mounted Single Phase Transformer
-  Electric Medium Voltage Pole
-  Electric Low Voltage Pole
-  MV Overhead Single Phase Conductor
-  MV Underground Single Phase Conductor





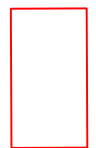
16TH

AVE SE

SE



2414

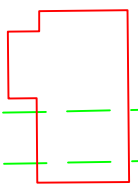


2418

2508

2512

2516



2416

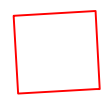


Exhibit A

LEGAL DESCRIPTION The North 300 feet of the West Half of Outlot 12, in the Plat of Burwood, a subdivision of the North Half of the North Half of the Southeast Quarter of Section 12, Township 102 North, Range 18 West, all in Mower County, Minnesota, subject to existing easements now of record, and subject to existing joint well agreement. AND ALSO Commencing at a point of intersection of the Northeast corner of Outlot 11 and the Northwest corner of Outlot 12 in the Plat of Burwood, a subdivision of the North Half of the North Half of the Southeast Quarter of Section 12, Township 102 North, Range 18 West, all in Mower County, Minnesota; thence South on the dividing line between said Outlots 11 and 12 for 330 feet, thence West parallel to the North line of Outlot 11 Five feet, thence North parallel to the dividing line between Outlot 11 and Outlot 12 for 330 feet to the North line of Outlot 11, thence East on the North line of Outlot 11 for Five feet to the point of beginning, subject to existing easements now of record, and the following tract of land: Commencing at a point 300 feet South of the point of intersection of the Northeast corner of Outlot 11 and the Northwest corner of Outlot 12 on the dividing line between Outlot 11 and Outlot 12 in the Plat of Burwood, a subdivision of the North Half of the North Half of the Southeast Quarter of Section 12, Township 102 North, Range 18 West, all in Mower County, Minnesota; thence South on the dividing line between said Outlots 11 and 12 for thirty feet, thence East parallel to the North line of Outlot 12 for 66.125 feet, thence North parallel to the West line of Outlot 12 for 30 feet, thence West parallel to the North line of Outlot 12 to the point of beginning.

RESOLUTION NO.

**APPROVING THE VACATING OF AN ELECTRICAL EASEMENT
FOR AUSTIN UTILITIES**

WHEREAS, Austin Utilities has requested to vacate an electrical easement located on a residential property; and

WHEREAS, the easement to be vacated is located at 2516 16th Avenue SE, Austin, MN 55912; and

WHEREAS, said easement release and legal description are attached.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Austin does vacate the easement on residential property located at 2516 16th Avenue SE.

Passed by a vote Yeas and Nays this 7th day of July, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: June 27, 2025
Subject: Sale of Equipment

We would request approval from the Council for the sale of the following equipment:

- 2007 Internation Plow Truck #68
 - Front plow, Wing, Belly plow, and Sander
 - Stainless steel live bottom box
 - 7,188 hours
 - Automatic Transmission

We plan to list this on the State of Minnesota Surplus Auctions with a \$15,000 reserve. If it does not sell, we will list it on Hamilton Auction.

This equipment has been replaced as part of our CIP equipment replacement schedule. If you have any questions, please contact me.



RESOLUTION NO.

APPROVING AN OFF SITE GAMBLING PERMIT

WHEREAS, the Fraternal Order of the Eagles has applied for an off site gambling permit; and

WHEREAS, the off site gambling permit is for the Mower County Fairgrounds from August 5, 2025 to August 10, 2025;

NOW BE IT RESOLVED, that the City of Austin approves an off site gambling permit for the Fraternal Order of the Eagles at the Mower County Fairgrounds, 700 12th Street SW, Austin, MN from August 5, 2025 to August 10, 2025.

Passed by a vote of yeas and nays this 7th day of July, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received the following gift:

Gift
\$ 2,500

Donor
Hormel Foods Charitable Trust

For
Bike Club

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

Passed by a vote of yeas and nays this 7th day of July, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: 703 5th St LLC
3501 Georgia Ave N
Minneapolis MN 55427

703 5th St LLC
3501 Georgia Ave N
Crystal, MN 55427

703 5th St LLC
9502 Teakwood Ln N
Maple Grove, MN 55369

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structures located at 703 5th St NW Austin MN 55912

Date: July 1, 2025

May I ask the City Council to review and approve this resolution classifying the property located at 703 5th St NW Austin, Minnesota, as hazardous pursuant to Minnesota Statutes 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!

**City of Austin
Building Department**



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

April 1st, 2025

703 5th St LLC
3501 Georgia Ave N
Minneapolis MN 55427

RE: Violations at 703 5th St NW Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on June 16th, 2023 and April 1st, 2025 on your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

- 1. Exterior walls on garage need to be maintained weatherproof and properly surfaced coated**
- 2. Protective treatment on all exterior trim on garage**
- 3. Roof on garage shall be sound, tight, and not have defects that admit rain**
- 4. Garage is in unsafe conditions due to the roof and roofing components**

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

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

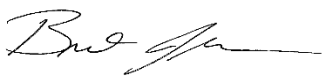
304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

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

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. You will be fined a minimum of \$800, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,



Brent Johnson
Zoning Inspector

**City of Austin
Building Department**



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

May 15th, 2025

703 5th St LLC
3501 Georgia Ave N
Crystal, MN 55427

RE: Violations at 703 5th St NW Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on June 16th, 2023 and April 1st, 2025 on your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

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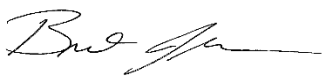
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Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. You will be fined a minimum of \$800, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,



Brent Johnson
Zoning Inspector

**City of Austin
Building Department**



**500 Fourth Avenue N.E.
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Fax: 507-437-7101
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May 15th, 2025

703 5th St LLC
9502 Teakwood Ln N
Maple Grove, MN 55369

RE: Violations at 703 5th St NW Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on June 16th, 2023 and April 1st, 2025 on your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

- 1. Exterior walls on garage need to be maintained weatherproof and properly surfaced coated**
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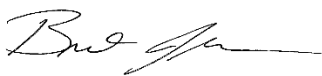
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Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. You will be fined a minimum of \$800, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,



Brent Johnson
Zoning Inspector

City of Austin
Building Department



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

June 16th, 2023

703 5th St LLC
3501 Georgia Ave N
Minneapolis MN 55427

RE: Violations at 703 5th St NW Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on June 16th, 2023 your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. **Exterior walls on garage need to be maintained weatherproof and properly surfaced coated**
2. **Protective treatment on all exterior trim on garage**

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

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Brent Johnson', written over a light blue horizontal line.

Brent Johnson
Zoning Inspector

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDINGS
(GARAGE ONLY)
LOCATED AT 703 5th ST NW AUSTIN, MINNESOTA
OWNED BY 703 5th ST LLC**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 703 5th St NW to be a hazardous building for the following reasons:

- 1. Exterior walls on garage need to be maintained weatherproof and properly surfaced coated**
- 2. Protective treatment on all exterior trim on garage**
- 3. Roof on garage shall be sound, tight, and not have defects that admit rain**
- 4. Garage is in unsafe conditions due to the roof and roofing components**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on June 16th, 2023, April 1st, 2025 & May 15th, 2025 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 to 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
 - 1. Exterior walls on garage need to be maintained weatherproof and properly surfaced coated**
 - 2. Protective treatment on all exterior trim on garage**
 - 3. Roof on garage shall be sound, tight, and not have defects that admit rain**
 - 4. Garage is in unsafe conditions due to the roof and roofing components**
 - 5. Or Demolish Building**
2. The repairs listed above must be made within 30 days after the order is served upon the record owner and in compliance with applicable codes, regulations and permits.
3. The City Council further orders that unless such corrective action is taken, the building(s) is/are ordered to be razed, the foundation(s) filled and the property left free of debris in compliance with all applicable codes, regulations and permits. The structures must be removed within 20 days after the initial 30 day repair period has expired.
4. If corrective action is not taken and an answer is not served within 20 days as specified in Minn. Stat. Section 463.18, a motion for summary enforcement of this order will be made to the District Court of Mower County.
5. In accordance with Minn. Stat. Section 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 14 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell

personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.

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

Passed by a vote of Yeas and Nays this _____ day of _____, 2025

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

TIME STAMP 

July 1, 2025
10:23 AM

TIME STAMP 

July 1, 2025
10:23 AM

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: Amber Bennett, 1110 2nd Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1110 2nd Ave SW, Bennett Property

Date: July 3, 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 1110 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

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

June 12th, 2025

Amber Bennett
1110 2nd Ave SW
Austin, MN 55912

RE: Zoning Violations at 1110 2nd Ave SW Austin, MN 55912

Dear Amber:

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 June 11th, 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.

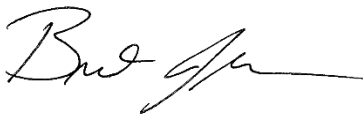
City Code Section 10.14, Subd. 6:

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,

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

Brent Johnson
Zoning Inspector



July 1, 2025
9:59 AM

1110 2nd Ave SW

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: Christina Brooks-Greenback, 605 5th St NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 605 5th St NW, Brooks-Greenback Property

Date: July 3, 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 605 5th St NW. 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
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Fax: 507-437-7101
www.ci.austin.mn.us

June 11th, 2025

Christina Brooks-Greenback
605 5th St NW
Austin, MN 55912

RE: Zoning Violations at 605 5th St NW Austin, MN 55912

Dear Christina:

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 June 11th, 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.

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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.

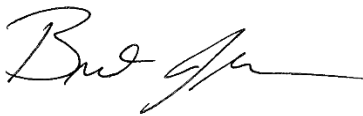
City Code Section 10.14, Subd. 6:

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,

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

Brent Johnson
Zoning Inspector



July 1, 2025
10:22 AM

605 5th St NW

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: Sarah Fink
1005 8th St NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1005 8th St NW, Fink Property

Date: July 3, 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 1005 8th St NW. 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

March 19th, 2024

Sarah Fink
1005 8th St NW
Austin, MN 55912

RE: Zoning Violations at 1005 8th St NW Austin, MN 55912

Dear Sarah:

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 March 19th, 2024 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.

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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.

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Sincerely,

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

Brent Johnson
Zoning Inspector



July 1, 2025
12:17 PM

1005 8th St NW