

A G E N D A
CITY COUNCIL MEETING
MONDAY, JULY 21, 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 July 7, 2025

3. Awards and Recognitions

(mot) 4. *Consent Agenda

Licenses:

Lodging Establishment: Charming Family Home, Austin, MN
Right of Way: Crown Underground LLC, Prior Lake, MN
Right of Way: Concrete Solutions Inc. West Salem, WI
Mobile: La Michoacana Purepecha 3 LLC, Rochester, MN

Claims:

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

Events:

Oaxaca Basketball Tournament on July 26, 2025
Eagles Benefit for Whiskers & Wags on August 16, 2025

Appointments:

Nancy Schnable as the City of Austin Film Liaison

PETITIONS AND REQUESTS:

(mot) 5. Requesting approval of the Point-of-Sale Ordinance
(ord) a. For preparation of the ordinance
b. For adoption of the ordinance

(res) 6. Approving a senior deferral application

(res) 7. Approving an agreement for the School Resource Officer

(res) 8. Approving a request for RFID tags for the Austin Public Library

(res) 9. Approving a Mighty Ducks grant application

10. 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. 816 11th Ave SW, Armstrong Property

CITIZENS ADDRESSING THE COUNCIL

REPORTS AND RECOMMENDATIONS

City Administrator
City Council

- (mot) Adjourn to **Monday, August 4, 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
July 7, 2025
5:30 PM
Council Chambers

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

MEMBERS ABSENT: Council Member Jason Baskin

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Fire Chief Jim McCoy, Public Works Director Steven Lang, Park and Rec Director Jason Schon, Library Director Julie Clinefelter, City Attorney Craig Byram and City Clerk Brianne Wolf

APPEARING IN PERSON: Austin Daily Herald, KAAL News 6 and Community Members

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

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

Moved by Council Member Fischer, seconded by Council Member Helle, approving Council minutes from June 16, 2025. Carried.

Mayor King read a proclamation recognizing and celebrating the Austin Utilities for 125 years of service to the community of Austin.

Mayor King read a proclamation recognizing July as Parks and Recreation Month in the City of Austin.

CONSENT AGENDA

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

Licenses:

Lodging Establishment (transfer): Days Inn Austin, Austin, MN

Massage Therapist: Minnie Wilkemeyer, 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

Exempt Gambling (raffle): Austin Morning Lions on October 24, 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

Carried.

BID AND AWARDS

Public Works Director Steven Lang stated they received bids for the Oakland Avenue/1st Avenue SW project. Mr. Lang stated this will be a three-year project and will include complete removal and replacement of all concrete pavement, sidewalks, driveways, and underground utilities. Ulland Brothers, Inc. came in with the lowest bid and met the federal funding requirements for this project. Mr. Lang would recommend awarding the bid to Ulland Brothers, Inc. in the total amount of \$15,083,845.68.

Council Member Postma asked about the alternate bid for this project and what the reason was that they would not be moving forward with it.

Mr. Lang stated Austin Utilities would be performing the work themselves instead of bidding out this project.

Moved by Council Member Postma, seconded by Council Member Helle, awarding the bid to Ulland Brothers, Inc. Carried. 6-0.

PETITIONS AND REQUESTS

Mayor King addressed the Council and Community Members and stated they would be discussing the topic of the new point of sale ordinance. He is in favor of the ordinance but believes the roll out of the ordinance was not executed properly. He requested Public Works Director Steven Lang start the conversation.

Public Work Director Steven Lang stated approximately two weeks ago they met with community members and presented information on the point of sale ordinance. Mr. Lang stated they invited approximately 100 people to that meeting and 35 were present. It lasted about 90 minutes. They presented information about the point of sale ordinance and discussed the sump pump inspection program and the need to maintain this program and the reasons why they were implementing this program.

Mr. Lang relayed concerns were brought to his attention from the group about the implementation and he is looking to gain feedback from the Council of how to proceed. He stated he has a few different options the City would be able to proceed with depending on which Council sees fit.

Option one would be to proceed with implementation and compliance with the ordinance as it was adopted on April 19th.

Option two would be to amend the ordinance to include a future effective date that was not included originally. This would allow staff to develop a frequently asked questions flow chart and allow realtors and closing agents time to develop policies and procedures on their end.

Option three would be to modify the ordinance in some manner based on feedback Council hears tonight or other feedback they have received throughout the last couple weeks.

Council Member-at-Large Austin stated he was present at the meeting and had listened to the comments, and he believes the ordinance should be rescinded and the matter revisited. He thinks they need to create a committee and discuss this further. He stated based on the feedback, they need to obtain more input.

Council Member Helle would like to know where the ordinance language came from.

Mr. Lang stated the consultant they work with created it. The consultants have worked with other communities and the City of Golden Valley has a similar ordinance.

Council Member Helle stated they need to take action to protect the City's investment in all the previous work they have done with the sewer systems. She stated if they are trying something new, the effective date should be in the future.

Council Member Oballa stated this is a learning opportunity for him as well. He has been talking with constituents and realtors. He understands that spreading the word on this was brief, and he would like to extend this process so that realtors can communicate it to buyers and sellers. He thinks there is no urgency to implement this as it will be around for a long time.

Council Member Fischer stated he is hearing the Council say they are in favor of option number 2, but would like to hear from community members in attendance as to why they think this is not a favorable option.

Council Member Waller stated she would like to push forward with the ordinance but would be in favor of moving the start date of the ordinance back. They need to work as a community and collaborate to develop this ordinance in a way that is favorable to both the City and its citizens.

Council Member Postma stated he understands the frustrations. He was at the meeting as well. He is in favor of a delay so they can get something more specific in place. He stated, at a minimum, they need to delay this so they have a process people can follow when selling a home.

Mayor King stated they have a consensus, and Council is saying they are in favor of a delay. He then took comments from the members of the community in attendance.

Kris Heichel, representative from Fairway Independent Mortgage, stated she would like to have a mandate for when the roads are torn up that the resident has to have the sewer inspected at that time. She would also like to see a fee or a tax on the utility billing to assist with the cost of inspections. She understands we have an aging sewer system in Austin but stated the City needs to do more to help homeowners and assist them financially.

Mayor King stated his property was part of a street project last year, and he was able to pay extra to have his sewer fixed while the road was torn up. He also stated he has never been offered a sewer inspection when purchasing a home, nor has it ever been discussed with him despite having purchased four houses, and two of them had sewer issues. He believes the City needs to protect the investment it is making in the new Wastewater Treatment Plant. He believes homeowners need to be protected in their investments, and he thinks realtors would also be in favor of that. He does agree that the idea of having the systems inspected while the roads are being reconstructed is beneficial.

Paul Ullwelling, a constituent, stated he spent over \$2000 trying to find the sewer on his property. He stated the sewer goes over to the neighbors property and then out to the street and there are no records of where his sewer is located. When the neighbor plugs up the drain it backs up into his house.

Mayor King asked Mr. Lang if there are some homes where the sewer system is tied together.

Mr. Lang stated yes, there are.

Matt Barthlomew, realtor from Nord/Haus Real Estate Group, from stated this ordinance will affect the lowest income demographic in Austin. He also believes when the streets are torn up, they should be inspecting the sewer lines and there should be some type of funding or pool of money to help these homeowners. He would like the ordinance to be pushed out as far as possible.

Wayne Bonnes, a constituent, asked what constitutes repairs to a sewer system to make it compliant.

Mr. Lang stated full replacement, spot repair, or a liner inside of it. It depends on the severity of the condition.

Jasmine Schmacher, paralegal from Adams Rizzi and Sween Law Office, stated they need more clarification; they need to know more about deed transfers. They would like to see this ordinance delayed and would like to have more criteria.

John Bramwell, a constituent, stated we are putting burdens on the citizens of Austin. He believes we will inflate the cost of housing.

Eric Brownlow, Southeast Minnesota Realtors Representative, stated he is opposed to this ordinance.

Council Member Oballa asked Mr. Lang if prior to creating this ordinance did the City apply for public funding to help support this ordinance.

Mr. Lang stated they would not be able to use public funding for private use.

Council Member Oballa asked if they have checked with other cities and what they have done.

Mr. Lang stated not specifically but they acknowledge there are many different options for funding. They can create utility fees or do an assessment against the property. In the community the policy position has been the service lines from the home to the connection at the main line have been the responsibility of the homeowner.

Council Member Oballa asked if a person were a selling home during the winter and they were to find an issue that was not able to be repaired until a later date, what would they do.

Mr. Lang stated they would place money into escrow.

Council Member Postma stated he only wants to push this back once if they are going to delay this.

Council Member Helle stated she would like to push this until July of 2026. She stated she would like to have January 1st, 2026 as a deadline to clarify and edit the ordinance and then have six months of education.

Council Member Helle asked Mr. Lang if January 1st, 2026 would work as a clarification date and July 1st, 2026 as an implementation date.

Mr. Lang stated he would be able to work with any dates Council designate.

Council Member-at-Large Austin recommended doing the inspections when the street projects are done instead of implementing this ordinance.

Council Member Helle stated street reconstruction projects are done every 50 years in a neighborhood and on average homes get sold every 10-14 years.

Council Member Postma understands the cost concerns. He stated a street project is done and assessed to a homeowner and then they are also being assessed for a sewer project that is another cost being tacked onto them.

Council Member-at-Large Austin stated it's a burden to homeowners when they sell their home as they don't have the money when they are selling it.

Council Member Postma stated they must have some equity in their home when they sell it.

Council Member Helle stated everyone paying a utility bill is paying for the infiltration that is happening. This isn't a zero-sum game where the City is solving a problem by taking from low-income households. Everyone is paying for the extra capacity, which is how this got started here.

Mayor King is in favor of this ordinance. This is great protection for homeowners and for the Wastewater Treatment Plant.

City Administrator Craig Clark stated this also brings awareness and education to people who are purchasing homes. People usually look at the roof and other items, but people don't look at the other items underground that are unseen.

Kris Heichel, representative from Fairway Independent Mortgage, stated this is going to affect Altair Global, a relocation service Hormel Foods uses for its employees. This company will not purchase homes that need repairs. She would like a pause on this.

Mayor King stated he does not know if they would like to create a carve out for a particular company or business.

Council Member Postma stated he has used Altair and although a sewer inspection is required at point of sale, it does not mean you need to get to the point of sale to complete the inspection. You could proactively scope the sewer system and be certified for ten years.

Matt Laack, Pro Plumbing and Heating representative, stated a scope of a sewer system can cost approximately \$85 to \$250 depending on the property.

Moved by Council Member Postma, Seconded by Council Member Helle, to delay the implementation of the Point of Sale ordinance to March 1, 2026. Carried. 5-1. (Nay Council Member-at-Large Austin) An amended ordinance will be placed on the July 21, 2025 Council agenda.

Public Works Director Steven Lang stated the City will be working with WHKS for the engineering, planning, and design related to the Oakland Avenue and 1st Avenue SW project. They have a proposal from WHKS for construction administration for an hourly rate with a total estimated fee of \$70,000. In addition to the work WHKS would be performing, City staff will also be involved. Mr. Lang would recommend approval of the agreement with WHKS for construction administration related to the 2025 phase of the Oakland Avenue/1st Avenue SW project.

Council Member Postma asked if this agreement was only good for one year.

Mr. Lang stated this was correct.

Council Member Postma stated this is half of an FTE of an employee and we are using it on an outside contractor.

Moved by Council Member Fischer, seconded by Council Member Helle, approving an agreement with WHKS for construction administration for the 2025 Oakland Avenue Project. Carried. 6-0.

Public Works Director Steven Lang stated Hormel Foods Corporation discharges sanitary sewer from their Austin plant to the Wastewater Treatment Plant. The discharge is regulated by an

Individual Control Mechanism (ICM). They work closely with Hormel to monitor the flow and strength daily.

Mr. Lang stated over the past year the flow and strength have required the City to revise the previous ICM agreement. They have worked with Hormel to come to a consensus on new limit numbers that will be in place for the next 18 months until they have the new plant complete and then there will be a new ICM agreement at that time. He recommends approval of the new ICM agreement.

Moved by Council Member Fischer, seconded by Council Member Austin, approving an ICM agreement with Hormel Foods Corporation. Carried. 5-0. (Council Member Oballa Abstaining)

Austin Utilities is requesting the release of a electric utility easement on a property located at 2516 16th Avenue SE. After review, they do not feel there would be a need for the easement in the future. 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 must be approved by both AU Commission and the City Council. The AU Commission and staff recommend the City Council approve the release of easement.

Moved by Council Member Fischer, seconded by Council Member Oballa, approving an easement release with Austin Utilities. Carried. 6-0.

Public Works Director Steven Lang stated he is requesting Council approval to sell a 2007 International plow truck at auction.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, approving a request for the sale of equipment. Carried.

Moved by Council Member Fischer, seconded by Council Member Helle, approving an off-site gambling application for the Fraternal Order of the Eagles. Carried. 6-0.

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

Moved by Council Member Fischer, seconded by Council Member Helle, declaring the structure at 703 5th Street NW as hazardous. Carried 6-0.

Moved by Council Member Postma, seconded by Council Member Waller, to grant the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1110 2nd Avenue SW, Bennett Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Oballa, to grant the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 605 5th Street NW, Brooks-Greenback Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Oballa, to grant the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1005 8th Street NW, Fink Property. Carried.

CITIZENS ADDRESSING THE COUNCIL

Brad Johnson, representative of the Austin Enhancement Group, thanked the City for their assistance at the Fourth of July event.

REPORTS AND RECOMMENDATIONS

Craig Clark stated Council got notification of budget meetings, City staff is working on the Hormel Foundation requests. SKB got a six-month notice of leachate removal. He thanked all that assisted with the July 4th celebrations. He sends his thoughts to those in Texas as they work through the flooding in the area.

Mr. Lang stated they sprayed for mosquitoes on July 1st and it was a success. They would spray again closer to the fair if warranted.

Council Member Postma thanked all involved in the Fourth of July celebration. He stated Discover Austin is working with the City on becoming a Film Friendly City.

Council Member-at-Large Austin thanked all the organizations for their work putting on the Fourth of July celebration. He stated he did not anticipate the new building inspector the City hired, spending a majority of his time inspecting sewer line videos. He would like Council to think about that as we move this ordinance forward.

Council Member Helle would like to get a performance review scheduled for Mr. Clark. She stated as budget time approaches, the City needs to pay it's people what they are worth and provide them with insurance. She would like to hear ideas on where the City is are over serving the community an where they can find savings on labor. She stated the Parks, Recreation, and Forestry Department has a program where you can adopt a boulevard tree. The homeowner would be responsible for watering the tree. She stated there will be new playground equipment installed at Todd Park and Decker Park. They had some savings on those projects and they will also be adding to the playground at Rotary Centennial Park. She also thanked all the groups that put on the events for the Fourth of July.

Council Member Oballa stated the Fourth of July was great. He thanked all the community members involved. He thanked Mayor King for attending the Anuak cultural event in Cottage Grove with him.

Council Member Fischer thanked all involved in the Fourth of July events. He also thanked the Fire Department for their work putting out a house fire in 90 degree weather. They did an amazing job coming together and he appreciates all their hard work.

Mayor King thanked all for their work on the Fourth of July event. There was a lot to be proud of in Austin that weekend. He was honored to be invited to the Anuak Celebration in Cottage Grove. He read the July employee anniversaries.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, adjourning the meeting to July 21, 2025. Carried.

Adjourned: 645 p.m.

Approved: July 21, 2025

Mayor: _____

City Recorder: _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA
AMENDING SECTION 3.30, SUBDIVISION 14
OF THE CITY CODE DELAYING THE EFFECTIVE DATE THEREOF**

WHEREAS, the City Council passed Ordinance No. 736 on April 7, 2025, and

WHEREAS, said ordinance created a new Section 3.30, Subd. 14, setting certain compliance requirements required at the point of sale of any developed real property with said requirements addressing deficiencies with the privately owned sanitary sewer system located on the property being sold; and

WHEREAS, the Council recognizes that establishment of new requirements governing the sale or real property can sometimes take time to develop widespread awareness and compliance, and

WHEREAS, the Council recognizes that in the initial stages of implementation of such new requirements there may be good faith failure of non-conformance for which the Council is concerned that strict enforcement might create unfair outcomes; and

WHEREAS, the Public Works department has been diligently working with real estate professionals, lenders, and other private parties to create awareness and build compliance; and

WHEREAS, the Council recognizes that those efforts remain in progress and strict compliance with Section 3.30, subd. 14 may still produce negative outcomes;

THE COUNCIL now deems it both necessary and prudent to establish a new effective date for compliance with Section 3.30, Subd. 14, consistent with the above concerns balanced against the purpose and intent of the establishment of the requirements found in Section 3.30, Subd. 14. On this basis and for these reasons:

The Council of the City of Austin does ordain:

A new Section 3.30, Subd. 14(F) is added, as follows:

F. _____ The provisions of this Section 3.30, Subd. 14, shall be effective March 1, 2026.

Passed by a vote of yeas and nays this _____ day of July ____, 2025

YEAS

NAYS

APPROVED:

Stephen M. King, Mayor

ATTEST:

Tom Dankert, City Recorder

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

RESOLUTION NO.

**RESOLUTION APPROVING DEFERMENT OF SPECIAL ASSESSMENTS FOR
JON P. HEINY**

WHEREAS, Chapter 2 of the City Code of the City of Austin provides for deferment of special assessments; and

WHEREAS, Jon P. Heiny, residing at 707 Oakland Avenue NW, described as Lot 4 Block 6 West Park Addition, Property Tax No. 34.785.0520, has made application for deferment under this section; and

WHEREAS, the City Council of the City of Austin has reviewed the application from Jon P. Heiny and found it has met all conditions set forth in Section 2.74, Subd. 2.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, that the special assessment for Jon P. Heiny, residing at 707 Oakland Avenue NW, described as Lot 4 Block 6 West Park Addition, Property Tax No. 34.785.0520, levied for annual collection in the amount of \$3,105.85 for the years 2025 to 2040, shall be deferred with interest at the annual rate of 5.75%, from November 1, 2025 until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Passed by a vote of Yeas and Nays this 21st day of July, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

Fund
Code:

Senior Deferral

Resolution No.
Interest at 5.75% starting November 1, 2025

<u>PIN</u>	<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
34.785.0520	Jon Peter Heiny	Lot 4	6	West Park \$	3,101.72

AUSTIN POLICE DEPARTMENT

LAW ENFORCEMENT CENTER

201 1ST STREET NE STE 2 AUSTIN MN 55912 (507) 437-9400 FAX: (507) 437-9546



7-11-25

Mayor and Council,

The Austin Police Department provides School Resource Officers (also referred to as Police Liaison Officers) to the Austin Public School District. These Officers are dedicated to the Schools and not our Patrol division for the normal school calendar year. One officer remains dedicated to the School District into the summer as well. This partnership has been ongoing for over 25 years. I believe it serves both parties to the contract well. Importantly it also greatly enhances the safety of our youth and the ability to serve their needs when law enforcement is required. I recommend the adoption of the contract for the upcoming school year.

Sincerely,

Chief David McKichan

LETTER OF AGREEMENT

THIS AGREEMENT ("Agreement") is made effective as of the 1st day July 2025, by, between and among Independent School District No. 492 (the "District") and the City of Austin.

WHEREAS, the District desires to utilize the services of two (2) police liaison officers pursuant to the terms of this Agreement;

NOW, THEREFORE, in consideration of mutual promises and covenants contained herein, it is agreed by, between and among the parties as follows:

1. Subject to the terms and conditions set forth in this Agreement, the District hereby agrees to utilize the services of two (2) police liaison officers for the purpose of student retention from August 20, 2025 through May 28, 2026. The police liaison officers shall service primarily Austin High School and Ellis Middle School and shall be shared with other District sites as needed. The City of Austin shall execute and deliver proper notice to the District that this Agreement constitutes a valid and binding obligation of the City of Austin for the time period stated.
2. In consideration of the full and complete performance of the agreed services in paragraph 1 hereof, District agrees to compensate the City of Austin amounts equal to the following: Eighty percent (80%) of the Ellis and Ninety percent (90%) Austin High School officer's salary and associated benefits. It is understood that all Federal, State and local taxes are included in the cost of said services.

The City of Austin shall invoice the District for the services performed bi- annually, and the District shall pay such invoice within thirty (30) days following receipt. The City of Austin invoices shall show for the City of Austin employee by name and title, and the time period included for the billing.

If circumstance the City of Austin is not able to provide the agreed services in full, the Chief of Police and Director of Human Resources will meet to discuss an adjustment to the terms of this contract.

3. The City of Austin agrees to provide police liaison services as described in Exhibit "A", which is attached hereto and made a part of this Agreement.
4. The District reserves the right to extend the contract term basis, subject to the City of Austin's concurrence.
5. Either District or City of Austin may terminate the Term of Services under this Agreement at any time and for any reason by providing the other party with thirty (30) days written notice.

Further, either District or City of Austin may terminate the Term of Services under this Agreement by providing the other party with five (5) days written notice in the event the other party commits a material breach of this Agreement or otherwise fails to comply with its material obligations under this Agreement.

6. The District and the City of Austin acknowledge and agree that the City of Austin's police liaison officers are not employees of the District, and that the City of Austin or its agents will have no authority to bind the District or otherwise incur liability on behalf of the District without express delegation of authority by the District. The District shall have no obligation to provide any employee benefits or privileges of any kind or nature to the City of Austin police liaison officers, including, without limitation, insurance benefits, pension benefits, or the like.
7. The police liaison officers are not entitled to access private or confidential data maintained by the School District, including, but not limited to, private personnel data and private student data, unless state or federal law allows such access. In the event that the officers learn private student data or private personnel data in connection with their assignment to the schools, such information cannot be shared with individuals other than School District employees who have a legitimate need to know such information, unless otherwise authorized by the law.
 - a. The District recognizes that the police liaison officers will be performing services that would otherwise be the responsibility of the District's employees, as delineated in Exhibit A to the Agreement. In the course and scope of these duties, the liaison officers may encounter and/or be required to review educational records, which would be available to District employees performing these same functions. In this limited capacity, the police liaison officers shall be treated as "school officials" who have a "legitimate educational interest" in reviewing these records, as the quoted terms are defined by the Family Educational Rights and Privacy Act (FERPA), the Minnesota Government Data Practices Act (MGDPA), and the regulations thereto.
 - b. The District and the City of Austin acknowledge that educational records reviewed by the police liaison officers in their capacity as school officials shall not be shared with the City of Austin or its Police Department, unless such disclosure meets one of the exceptions to consent specified in Section 99.31 of FERPA and Section 12.31 of the MGDPA.
 - c. From time to time, other school employees may disclose educational records to the police liaison officers in their capacity as "school officials." Such disclosures shall comply with FERPA and with the MGDPA. Such disclosure shall not alter the fact that these records are education records and that FERPA and the MGDPA prohibit the police liaison officers from re-disclosing these records or from using them for any purpose other than the purpose for which the disclosure was made, unless there is prior written consent for such re-disclosure.

- d. The City of Austin hereby acknowledges the restrictions placed on the police liaison officers' access to and use of student records, as outlined in this section and as required by state and federal law. The District shall direct and supervise the police liaison officers' use and maintenance of education records.
8. The School District's authorized representatives in matters relating to this Agreement are Dr. Joey Page and Todd Lechtenberg unless the City of Austin is notified in writing of an additional or substitute representative. Said Representative shall have final authority for acceptance of the City of Austin's services as satisfactory and shall certify acceptance on each invoice submitted by the City of Austin. The City of Austin shall not rely on the directives or interpretations of any other individual as representing the School District under this Agreement.
9. The City of Austin acknowledges and agrees that it and its employees and agents that are assigned to perform services under this Agreement shall comply with the policies set forth in Exhibit A-hereto and with any amendments to those policies that are made during the term of this Agreement.
10. The City of Austin and agrees that the police liaison officers have been trained regarding the proper use of force on school grounds, including but not limited to:
 - a. the prohibitions on choke holds and other restraints established in section 609.06, subdivision 3;
 - b. the prohibition on using force or the authority of the peace officer's office solely to enforce school rules or policies or participating in the enforcement of discipline for violations of school rules;
 - c. the use of de-escalation techniques and other alternatives to higher levels of force that are appropriate with juveniles and students in a school setting;
 - d. response tactics and strategies that minimize the use and duration of prone restraint, as defined in section 121A.58, and other physical holds of students;
 - e. the duty to render reasonably prompt care, consistent with the officer's training, to a person who an officer physically holds or restrains;
 - f. alternative procedures that can be used to de-escalate conflicts in schools and students and others in crisis;
11. The City of Austin hereby represents and warrants that it:
 - a. Is not subject to any restrictions whatsoever which would prevent it from entering into or carrying out the provisions of this Agreement;

- b. Possesses all licenses, permits, approvals and other certificates necessary and required for performing the services pursuant to this Agreement;
 - c. That the two police liaison officers possess the proper skill, training including but not limited to the training required by Minn. Stat. §626.8482 Subd. 3 and 4, experience and background so as to be able to perform this Agreement in a competent and professional manner; and
 - d. Has full authority to enter into this Agreement and consummate the transaction contemplated hereby.
12. Both parties shall, at its own expense, procure and maintain liability insurance against claims for bodily injury, death and property damage occurring on or about the facilities of the District in conjunction with any use of the District facilities named in paragraph hereto in amounts reasonably satisfactory to the District and the City of Austin.
13. This Agreement contains the entire agreement between the City of Austin and the School District with respect to the services. All prior agreements and understandings are superseded hereby.
14. No provision of this Agreement may be modified, waived, terminated or amended except by a written instrument executed by the parties hereto. No waiver of a breach of any provision of this Agreement shall constitute a waiver of any subsequent breach of the same or other provisions hereof.

15. Any notices or demands or other communications required or permitted hereunder shall be in writing and shall be deemed to have been given when delivered personally or three (3) days after deposit in a regularly maintained receptacle of the United States Postal Service, postage prepaid, return receipt requested and addressed as follows or as the parties may from time to time designate in writing:

TO School District:

U.S. Mail

Independent School Dist. 492
Attn: Dr. Joey Page

Non-Mail

401 3rd Ave. NW
Austin, MN 55912

TO City of Austin:

Tom Dankert
City of Austin
500 4th Ave NE
Austin, MN 55912

Tom Dankert
City of Austin
500 4th Ave NE
Austin, MN 55912

16. If any provision of this Agreement is prohibited by law or held to be invalid, illegal, or unenforceable, the remaining provisions hereof shall not be affected, and this Agreement shall continue in full force and effect as if such prohibited illegal or invalid provision had never constituted a part hereof, with this Agreement being enforced to the fullest extent possible.
17. This Agreement shall not be construed against the party preparing it, but shall be construed as if both parties jointly prepared it and any uncertainty or ambiguity shall not be interpreted against either party.

Executed as of the day and date first written above.

CITY OF AUSTIN

INDEPENDENT SCHOOL DISTRICT 492
AUSTIN PUBLIC SCHOOLS

BY: _____

BY: _____

TITLE: _____

TITLE: Ex Director of
Finance & Operations

BY: _____

TITLE: _____

Executed as of the day and date first written above.

Exhibit A Scope of Services

Provide a technically and professional qualified individuals deemed acceptable to the School District to assist the School District in its retention of students. Scope of work includes, but is not limited to the following:

- 1) Fostering a positive school climate through relationship building and open communication;
- 2) Protecting students, staff, and visitors to the school grounds from criminal activity;
- 3) Serving as a liaison from law enforcement to school officials;
- 4) Providing advice on safety drills;
- 5) Identifying vulnerabilities in school facilities and safety protocols;
- 6) Educating and advising students and staff on law enforcement topics; and
- 7) Enforcement of criminal laws.
- 8) Assist in weekly multi-disciplinary team meetings with District staff.
- 9) Ensure the confidentiality of all student information.
- 10) Assist in the development of appropriate individual student plans.
- 11) Assist in team building and healthy team functioning in all programs.
- 12) Provide consultation to district staff on student discipline issues.
- 13) Ensure that all services are with the scope and duties as appointed by the Court

The City of Austin will adhere to policies adopted by the Austin Public School board and accessible at Austin.k12.mn.us. See Policy 406 and policy 413 attached as a component of Exhibit A.

RESOLUTION NO.

**RESOLUTION AUTHORIZING EXECUTION OF A LETTER OF AGREEMENT
WITH INDEPENDENT SCHOOL DISTRICT #492**

BE IT RESOLVED THAT the City of Austin, Minnesota is authorized to enter into a letter of agreement with Independent School District No. 492 for police liaison officers from August 20, 2025 through May 28, 2026. A copy of said agreement is attached hereto.

Passed by a vote of yeas and nays this 21st day of July, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor



AUSTIN PUBLIC LIBRARY

323 4TH AVENUE NORTHEAST | AUSTIN MINNESOTA

TO: Mayor and Council
FROM: Julie Clinefelter, Austin Public Library
RE: Request for Use of City Contingency Funds for RFID Tagging
DATE: July 21, 2025

In June of 2025, SELCO - the regional library cooperative system of which the Austin Public Library is a member - will begin changing its process and mechanism for interlibrary loans (ILL) in the second half of 2025, to utilize an RFID-enabled automated handling system at their building in Rochester. The new system is intended to help them cut staff time sorting the approximately 190 tubs of books received, redistributed and sent back out daily to support ILL delivery. You can watch their five minute video here:

<https://drive.google.com/file/d/1211-1GYstP2irX7r6lhZxzDIIM7j2jQX/view>

This new sorting system comes with necessary changes for participating libraries. RFID (radio frequency identification) tagging is preferred for all materials. This allows libraries to keep their current barcode placement (as long as it is on the outside of the materials), and ensures the most efficient use of SELCO's new sorting system. For those who can not make the switch to RFID tags, barcodes on new materials need to be placed on the top front of all books (SELCO's new standard) by the end of July 2025. Our library barcodes are currently on the top back of all our materials, and while we would not be required to re-barcode our current materials, it would mean our materials going forward would have barcodes in two different locations. Non-standard placement and exceptions will require manual sorting by SELCO and "will be placed in an exception tub and handled as time allows."

To comply with the new SELCO standard, keep turn around times short for regional ILL, and avoid having materials barcoded in multiple places leading to confusion among our patrons when using our self-check machines, I would like to begin the process of RFID tagging our materials. This decision would give the library board and myself time to research further into future RFID capabilities and other potential time saving options moving forward with as little immediate impact on the public as possible.

SELCO has provided us with information on the cost of RFID tags, as well as the related software and devices necessary to comply with the new SELCO interlibrary loan process. Comparative costs are similar at a second company from whom we requested estimates. The cost of the tags for our current collection (approximately 90,000 materials) and new materials acquired is \$15,000, and the software and related devices to assign and register the tags would be an additional \$2,000. This \$17,000 will allow the library to purchase the RFID tags and related tools required to enter the inventory into the system with the necessary software. The only ongoing costs in the future, related to this part of the project, would be for additional tags for new materials.

On behalf of the Library Board, which approved the submission of this request on July 14, 2025, this request seeks approval from City Council for use of approximately **\$17,000** from the City's contingency funds to cover the cost of this project.

RESOLUTION NO.

**AUTHORIZING FUNDS FROM CONTINGENCY FOR
RFID TAGGING FOR THE LIBRARY**

WHEREAS, the Austin Public Library is fully committed to the enhancement of its services and would like to begin the process of RFID tagging its materials; and

WHEREAS, SELCO, a key partner, has provided the Library with information on the cost of RFID tags, as well as the related software and devices necessary to comply with the new SELCO interlibrary loan process; and

WHEREAS, the Austin Public Library, recognizing the potential long-term cost savings and operational efficiencies, is requesting \$17,000 from contingency to assist with the cost of this project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin approves \$17,000 from contingency to the Library to purchase RFID tags and related tools.

Passed by the Austin City Council this 21st 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 Lang, PE
Date: July 16, 2025
Subject: James Mitzen Mighty Ducks Grant Application

The existing ice resurfacer located at Packer Arena was purchased in 2004. It is powered by compressed natural gas and requires air monitoring equipment within the arena. The gas regulator equipment for the ice resurfacer is no longer manufactured and the air monitoring equipment needs replacement. The total cost of a new electric ice resurfacer is \$185,000 and is identified for replacement in 2026 CIP. This upgrade is eligible for an air quality Mighty Ducks grant in the amount of \$25,000.

We would request Council authorization for staff to complete and submit the grant application. Please let me know if you have any questions.



2025 JAMES METZEN MIGHTY DUCKS GRANT APPLICATION

Type of Application: (check one)

☐ Indirect R-22 Elimination ☐ Direct R-22 Elimination ☒ Indoor Air Quality Improvement

I have read and agree that this project satisfies the requirements set forth by the Capital Project Checklist set forth in the State of Minnesota Capital Grants Manual found at

<https://mn.gov/mmb/debt-management/capital-projects/capital-grants-manual/>

☒ Yes

☐ No

This project is financed by state general obligation bonds. Will the public entity (LGU) that will receive the grant possess a qualifying ownership interest in the capital project? (see definition of “qualifying ownership interest” in State of Minnesota Capital Grants Manual)

☒ Yes

☐ No

I have read and agree that this project meets the Nonstate Commitments to Capital Projects requirements set forth by MN Statute [16A.502](#)

☒ Yes

☐ No

I attest that no state funding will be used as a match for this project ☒ Yes ☐ No

Local Government Unit (LGU) City of Austin	
LGU Application Contact (Name, Title, Address, Email & Telephone) Steven Lang Public Works Director/City Engineer 500 4th Ave NE Austin, MN 55912	
Project Name and Physical Address City of Austin Ice Resurfacer Project 501 2nd Ave NE Austin, MN 55912	
Primary Contact (Name, Email & Telephone) Steven Lang Public Works Director/City Engineer 500 4th Ave NE Austin, MN 55912	
Minnesota Tax ID Number 8020303	Federal Employee ID Number 41-6004947

Minnesota House of Representatives District Number of Facility

With submission of this application, include the following documentation:

- LGU resolution
- Source and use worksheet
- Responses to required tasks and guidelines

EXECUTION:

IN WITNESS THEREOF, the applicant has caused this application to be executed on the _____ day of _____, 20__.

By: (Authorized Signer)

(Title)

Email this form and all supporting documents to: grants@mnsports.org

Optional: Hard copies may be sent to Minnesota Amateur Sports Commission at 1750 105th Avenue NE, Blaine MN 55449-4500 (please notify grants@mnsports.org when mailed).

SOURCE AND USE OF FUNDS FOR THE PROJECT

Source of Funds		Use of Funds	
<u>Identify Source of Funds</u>	<u>Amount</u>	<u>Identify Items</u>	<u>Amount</u>
State G.O. Funds		Ownership Acquisition and Other Items Paid for with G.O. Grant Funds	
G.O. Grant	\$ 25,000	Purchase of Ownership Interest	\$ _____
Other State Funds		Other Items of a Capital Nature:	
_____	\$ _____	Electric Ice Resurfacer	\$ 185,000
_____	\$ _____	_____	\$ _____
_____	\$ _____	Subtotal	\$ _____
Subtotal	\$ _____		
Matching Funds		Items Paid for with Non-G.O. Grant Funds	
_____	\$ _____	_____	\$ _____
_____	\$ _____	_____	\$ _____
Subtotal	\$ 160,000	_____	\$ _____
Other Public Entity Funds		Subtotal	\$ _____
_____	\$ _____		
_____	\$ _____		
Subtotal			
Loans			
_____	\$ _____		
Subtotal	\$ _____		
Other Funds			
_____	\$ _____		
Subtotal	\$ _____		
Prepaid Project Expenses			
_____	\$ _____		
Subtotal	\$ _____		
TOTAL FUNDS	\$ 185,000	TOTAL PROJECT COSTS	\$ 185,000

TASKS

Applicants are asked to complete the following tasks:

1. Description of Project. For Air-Quality Grants Describe the project and how it will improve indoor air quality, and by how much it will improve. If the project includes adding electronic control/monitoring systems, describe the anticipated energy savings in addition to the improvement to air quality.

The City currently owns a compressed natural gas ice resurfacer that was purchased in 2004. This requires the building to have air monitoring equipment and regular system checks. The goal of this purchase is to replace the existing ice resurfacer with an electric model in order to eliminate the air quality issues.

2. Describe Project Timeline.

a. Include estimated groundbreaking and completion dates.

Completion is expected by August 1, 2026.

3. Local Financial Commitment. The LGU is required to provide documentation of funds secured. All awards must be matched by non-state funds equal to or greater than the award amount.

Yes, please see the attached resolution.

4. Project Budget. Submit a complete budget for the project.

\$185,000, please see attached sources and uses worksheet.

5. Operating Budget. Describe the annual operating costs of the current refrigeration system and compare it to the annual operating cost for the new system.

The existing gas regulator filling system is no longer in production. Our system recently failed, and we were able to install a salvaged unit that a contractor had recently removed from another facility to get us by in the interim.

6. Describe Partnerships between and among local government units and/or private non-profit groups.

This request assists a wide variety of groups and organizations. The ice sheet is utilized by the following organizations: Austin Youth Hockey, Austin Figure Skating Club, Curling Club and community groups for open skating.

7. Describe Gained Efficiencies. Explain increases in operating efficiency, both monetary and environmental.

As noted above, the equipment for this 20+ year old ice resurfacer is no longer in production. In addition, the current air monitoring equipment needs replacement. This new electric ice resurfacer will allow us to eliminate this outdated air monitoring equipment and create better air quality within the arena space.

8. (Optional). Respondent may submit additional information and documentation if they enhance the goals of the project.

**Resolution No. ____ for Mighty Ducks Grant Program
(Minnesota Amateur Sports Commission)
Grant Funding Assistance for Ice Resurfacer**

BE IT RESOLVED that the City of Austin, hereinafter referred to as the “Applicant” act as legal sponsor for the Ice Resurfacer project or phase described in the Mighty Ducks Grant Program application submitted on July 21, 2025 and that Public Works Director Steven Lang is hereby authorized to apply for the Minnesota Amateur Sports Commission for funding of this project or phase on behalf of the Applicant.

BE IT FURTHER RESOLVED that the Applicant has the legal authority to apply for financial assistance, and the institutional, administrative, and managerial capability to ensure adequate acquisition, construction, maintenance and protection of the proposed project.

BE IT FURTHER RESOLVED Applicant has the financial capability to provide any required matching funds and that the source of Applicant’s matching funds shall be **\$25,000**, and will not include other State funding sources.

BE IT FURTHER RESOLVED that the Applicant hereby pledges to complete the project or phase if it exceeds the total funding provided by the Mighty Ducks grant.

BE IT FURTHER RESOLVED that the Applicant has not incurred any reimbursable expenses prior to the effective date of the agreement.

BE IT FURTHER RESOLVED that the Applicant has not violated any Federal, State, or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its application by the state, the Applicant may enter into an agreement with the State of Minnesota for the above- references project, and that the Applicant certifies that it will comply with all applicable laws and regulations as stated in the contract agreement.

NOW, THEREFORE BE IT RESOLVED that Steven Lang is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the City Council of the City of Austin on July 21, 2025.

SIGNED:

(Signature)

(Title)

(Date)

WITNESSED:

(Signature)

(Title)

(Date)

SIGNED:

(Signature)

(Title)

(Date)

WITNESSED:

(Signature)

(Title)

(Date)

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: Leonard Armstrong, 816 11th Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 816 11th Ave SW, Armstrong Property

Date: July 18, 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 816 11th 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 13th, 2025

Leonard Armstrong
816 11th Ave SW
AUSTIN MN 55912

RE: Zoning Violations at 816 11th Ave SW Austin, MN 55912

Dear Leonard:

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 13th, 2025 at this site and the following issues need to be resolved:

Remove all junk from property

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

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

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

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

B. *Public nuisances affecting health*

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

D. *Public nuisances affecting peace and safety.*

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

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

NOTICE AND ABATEMENT.

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

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

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

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

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

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

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

Sincerely,



Brent Johnson
Zoning Inspector



July 16, 2025
10:51 AM

816 11th Ave SW



July 16, 2025
10:55 AM

816