

A G E N D A
CITY COUNCIL MEETING
MONDAY, AUGUST 18, 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 August 4, 2025

3. Awards and Recognitions

(mot) 4. *Consent Agenda

Licenses:

Tree Service: S&J Tree Care, Sacramento, CA

Lodging Establishment: Alicia Harrison, 1311 8th Avenue NW, Ausitn, MN

Mobile: The Snack Box, Delano, MN

Mobile: Cousins Maine Lobster, Minneapolis, MN

Mobile: Carpenter Coffee Company, Alden, MN

Claims:

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

Events:

Austin ArtWorks Festival, August 22 to 24, 2025

Ribfest 2025 on August 30, 2025

AWARDING BID:

(res) 5. Receiving bids for miscellaneous sanitary sewer structure project
a. Awarding bid

PETITIONS AND REQUESTS:

(mot) 6. Reviewing a variance for a rezoning request

(mot) 7. Requesting approval of an ordinance to amend City Code Chapter 11
(ord) a. For preparation of the ordinance
b. For adoption of the ordinance

(mot) 8. Approving the Hormel Foundation grant request rankings

(mot) 9. Reviewing a fencing request for Riverland Community College

- (mot) 10. Reviewing a variance for a detached accessory structure request
- 11. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at the following locations:
 - (mot) a. 801 18th Street SW, Voogd Property

CITIZENS ADDRESSING THE COUNCIL

REPORTS AND RECOMMENDATIONS

City Administrator
City Council

- (mot) Adjourn to **Tuesday, September 2, 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
August 4, 2025
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

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

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

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

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

Moved by Council Member Fischer, seconded by Council Member Waller, approving Council minutes from July 21, 2025. Carried.

Mayor King recognized Jim Halsey from the Fire Department on his recent retirement. Mayor King thanked him for all his years of service.

Fire Chief McCoy recognized Jim Halsey for all his years of service, thanked him, and stated he will be missed. He introduced the new firefighter Ian Caruso to Council. Chief McCoy is excited to have him onboard.

Mayor King welcomed new firefighter Ian Caruso to the department.

Mayor King introduced the new Salvation Army Lieutenants Juan Hernandez & Omayra Cervantes to Council.

Lieutenant Hernandez thanked the Council for the welcome into the community. Their mission for the community is to serve, and they hope to stay in the community for a few years to assist with community needs.

CONSENT AGENDA

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

Licenses:

Mobile: On the Hook Fish & Chips, Laramie, WY
Mobile: Divine Swine Catering, Inc., Lakeville, MN
Lodging: Sonya Matter, Matter Cave, Austin, MN
Temporary Liquor: Paramount Theater on September 11 & 14, 2025

Claims:

a. Pre-list of Bills

Events:

Porchfest on August 29, 2025
Minnesota Cycling Association High School Bike Race on August 23, 2025

Carried.

BIDS AND AWARDS

Public Works Director Steven Lang received bids for the sanitary sewer cured in-place pipe (CIPP) lining in the Wildwood and Sterling neighborhoods. The work will consist of pre- and post-lining televising, sewer cleaning, root cutting, several in-line spot repairs, lining the sewer main and routing open the services. Mr. Lang stated the low bid came in at \$651,441.95 and the low bidder was Municipal Pipe Tool Company. The engineering estimate was \$792,467.00. He would recommend awarding the bid to Municipal Pipe Tool Company.

Moved by Council Member Postma, seconded by Council Member Waller, awarding the bid for the sanitary sewer cured in-place pipe (CIPP) lining to Municipal Pipe Tool Company in the amount of \$651,441.95. Carried 7-0.

PETITIONS AND REQUESTS

Mayor King stated Council and citizens all want what is best for the City of Austin. They are looking to pause the point of sale ordinance until March 1, 2026.

Moved by Council Member Postma, seconded by Council Member Helle, for preparation of the ordinance. Carried.

Moved by Council Member Helle, seconded by Council Member Waller, for the adoption of the point of sale ordinance. Carried 7-0.

Council Member Helle asked how citizens can be part of a committee to help shape this ordinance moving forward.

Public Works Director Steven Lang stated they can contact him if they are interested in being part of this working group.

Council Member Baskin thanked everyone for all their input over these last couple of weeks.

City Clerk Brienne Wolf requested Council approve a new fee for the temporary cannabis event permit registration. She stated as of August 1, 2025, the State will start to issue these permits and she would like to have fee in place if such an event were to be hosted within the City. The Clerk's office has mirrored the fee to match the Community Festival fee at \$100 per day. The fee helps to offset administrative and enforcement costs.

Moved by Council Member Fischer, seconded by Council Member Oballa, approving a fee for temporary cannabis event permit registrations. Carried. 7-0.

City Clerk Brienne Wolf stated in April of this year, the City Council evaluated allowing the Paramount Theatre to obtain a theater liquor license. This license would allow the theater to serve alcohol during events and movie showings. The Clerk's office has received the certified documents needed to process the license and recommends approval to proceed and submit to the State.

Moved by Council Member Baskin, seconded by Council Member-at-Large Austin, approving a theater liquor license for the Paramount Theatre. Carried. 7-0.

Human Resources Director Trish Wiechmann stated the State of Minnesota will require all employers to participate in a paid family medical leave (PFML) benefit insurance program for their employees under Minnesota Paid Leave Law (Minn. Stat. ch. 268B). Employers may meet this requirement by enrolling in the State-administered plan or by offering a substitute private plan that provides the same or greater level of PFML benefits.

The State plan establishes a PFML insurance premium payment of 0.88% of an employee's taxable wages that may be paid equally by the employer and employee. The city intends to follow this cost-sharing model as outlined by the State with its private plan premium. The City of Austin, through Integrity Employee Benefits LLC, conducted a formal bid process to explore private plan options for PFML. Multiple carriers submitted bids.

MetLife submitted a 0.79% premium rate which is lower than the State Plan at 0.88%. Based on its competitive rate and two-year rate guarantee, it is recommended that the City Council approve MetLife as the provider for the City's PFML benefits under a private plan.

Council Member Postma stated this will be beneficial for the City to go with a private company as they will already be established in administering this fee and plan.

Council Member Helle would like to know the annual cost to the City for administering this plan.

Mr. Dankert stated it would cost approximately \$65,000 to \$75,000 per year if the City pays half of the cost.

Moved by Council Member Oballa, seconded by Council Member Helle, approving the PFML insurance premium rate with MetLife. Carried. 7-0.

Moved by Council Member Fischer, seconded by Council Member Baskin, declaring the property at 700 10th Street NE as Hazardous. Carried. 7-0.

Every two years the City enters into an agreement with MnDOT to do light maintenance on Trunk Highway 105. This new agreement includes a 3.5% rate increase.

Moved by Council Member Postma, seconded by Council Member Oballa, approving an agreement with MnDOT for maintenance along trunk highway 105. Carried. 7-0.

REPORTS AND RECOMMENDATIONS

Public Works Director Steven Lang stated the Oakland Avenue project is beginning. He understands this is not the optimum time to start a road construction project but they need to complete the 4th Street NW intersection to make the transition into next year's project smoother.

Council Member Oballa congratulated Jim Halsey on his retirement and welcome to the new firefighter.

Council Member Baskin wished everyone a happy fair week!

Council Member Postma stated he appreciates the citizens that have reached out to him about the high-pitched noise that is coming from the Wastewater Treatment Plant. They are looking into it and trying to solve it.

Council Member Helle stated the Artworks Festival is fast approaching and they are looking for volunteers. She appreciates the discussions they had last week with the Library and the Fire department on their budgets and thanked the board members who attended. It was nice being able to give the department heads time to speak to Council.

Mayor King attended the Benin Independence Day yesterday and it was a great celebration. He appreciated the invitation to the celebration. He relayed Wednesday is the employee appreciation event at the Fairgrounds and encouraged staff to attend. He read the August employee anniversaries.

Moved by Council Member-at-Large Austin, seconded by Council Member Oballa, adjourning the meeting to August 18, 2025. Carried.

Adjourned: 6:01 p.m.

Approved: August 18, 2025

Mayor: _____

City Recorder: _____

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: Andrew Sorenson, PE
Date: August 18th, 2025
Subject: Bids – 2025 Miscellaneous Sanitary Sewer Structure Project

The City of Austin received bids for miscellaneous sanitary sewer structure project on Tuesday, July 29th, 2025. Work will consist of the construction of two new sanitary manholes, three replacement manholes and an additional sewer repair at various locations across town.

Project included in this bid is:

- CP 25204 – Miscellaneous Sanitary Sewer Structure Project

The bids are summarized below:

Contractor	Bid Amount
Alcon Construction, Inc.	\$ 124,945.05
JJD Companies LLC	\$ 196,835.00
Engineer's Estimate	\$ 123,650.00

The project will be funded using Local Fund 61. The City of Austin would recommend accepting the bid from Alcon Construction of Rochester, MN and awarding this project to them. If you have any questions, please contact me.

Fund 61 – WWTP Fund

\$ 124,945.05

RESOLUTION NO.

AWARDING BID FOR 2025 MISCELLANEOUS SANITARY SEWER STRUCTURE PROJECT

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

Miscellaneous Sanitary Sewer Structure Project

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

<u>Contractor</u>	<u>Bid Amount</u>
Alcon Construction, Inc.	\$ 124,945.05
JJD Companies LLC	\$ 196,835.00
Engineer's Estimate	\$ 123,650.00

AND, WHEREAS, it appears Alcon Construction, 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 Alcon Construction, Inc. is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Alcon Construction, Inc. in the name of the City of Austin for the following:

Miscellaneous Sanitary Sewer Structure Project

Passed by a vote of yeas and nays this 18th day of August, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



Holly Wallace
Planning & Zoning Administrator
507-437-9952 / Fax 507-437-7101
Cellular 1-507-438-2380
Email: hollyw@ci.austin.mn.us

Memorandum

To: Mayor & City Council
From: Austin Planning Commission
Subject: Recommendation for Rezoning Request Petitioned by: Nileshkumar “Sunny” Mehta
Date: August 14, 2025

During the July 12, 2025, meeting of the Austin Planning Commission, the commission reviewed a request to rezone property located at 900 5th Ave NE.

The petitioner is requesting to rezone this property from an “R-1” Single Family District to an “B-2” Community Business District and to amend the Future Land Use plan to commercial/retail. The petitioner proposes to use the site for a food truck and seating area, but also wishes to further develop the space in the future.

I received a call with questions by one neighbor outside the notice area, but there were no objections.

The petitioner included a plan showing the current proposal for a food truck space. The property is adjacent to 8th Street NE and a block from 4th Ave NE, which have higher traffic volumes.

The Planning Commission with 6 members present recommends the approval of the rezoning request by the following vote:

6 Ayes 0 Nays

Listed below are findings of fact from this public hearing that relate to this recommendation:

- The use is compatible with the surrounding uses and zoning.
- No significant impacts are anticipated with regard to the existing infrastructure and surrounding environment.

This rezoning action is taken by ordinance, for approval of this request the vote must be a unanimous approval for the first reading of the ordinance. If this fails, to obtain an approval the second reading of the ordinance shall be by 2/3rd's vote in accordance to MN Statute 462.357, Subd.2

Petitioner: Nileshkumar “Sunny” Mehta

Location of Property: 900 5th Ave NE, Austin MN 55912

Legal Description: See attached application

Requested Action: The petitioner is requesting to rezone this property, consisting of one parcel, currently zoned “R-1” single family. The Petitioner wishes to rezone the property to “B-2” Community Business. The future land use plan is proposed to be amended from residential low density to commercial/retail.

Present Land Use: Vacant, along 8th St NE, directly North of Reed’s 4th Avenue (alleyway).

Surrounding Land Use: West and East (“R-1” Single Family Residential), South (“B-2” Commercial), North (“R-2” Multi-family Residential).

Reason for Request: The petitioner wishes to locate his food truck in the space, which would include a seating area. Retail under 1500 sq. ft. is allowed in R-1, however, the petitioner would like to further develop the property in the future. The petitioner hopes to be part of a reinvestment in the NE by making improvements in the area.

Applicable Zoning Ordinance:

Use Table: https://codelibrary.amlegal.com/codes/austinmn/latest/austin_mn/0-0-0-25694

District Regulations: https://codelibrary.amlegal.com/codes/austinmn/latest/austin_mn/0-0-0-25690

Staff Report:

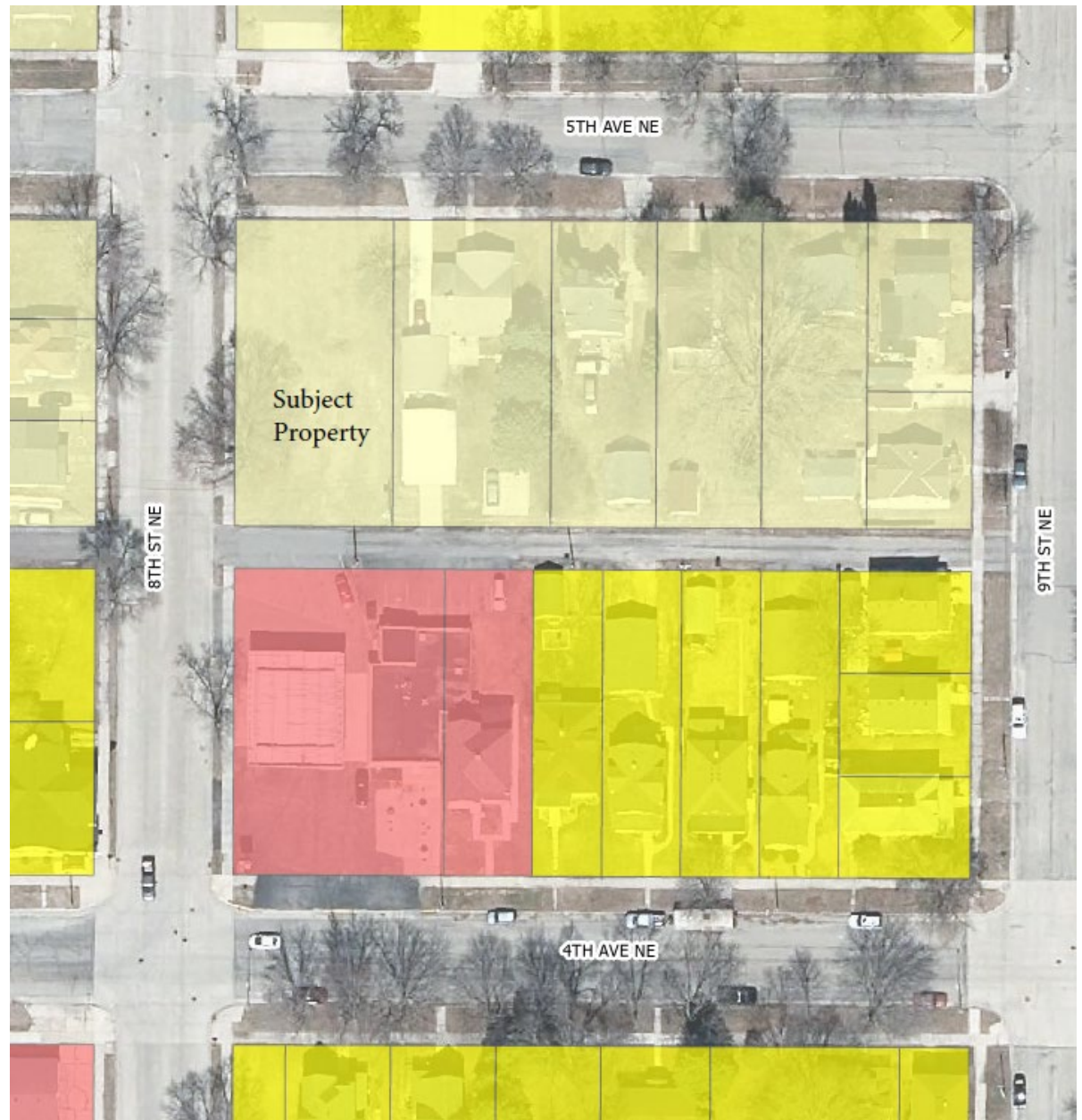
Considerations:

1. Consistency of the proposed zoning with the goals, policies and Future Land Use Map of the Comprehensive Plan.
2. The compatibility of the site with the uses permitted in the proposed zoning district.
3. The compatibility of the potential uses allowed (feasible) in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
4. The capacity of existing infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the “health, safety and welfare” of the residents.
5. Whether the uses permitted in the proposed zoning district will cause detrimental environmental impacts, including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.

6. The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the proposed zoning district.
7. The ability of the applicant to satisfy any requirement (e.g., site plan, etc.) applicable to the specific use imposed pursuant to zoning and land use regulation.
8. Comprehensive Plan: [ComprehensivePlan.pdf](#)
9. Zoning map [zone.pdf](#)

Attachments:

Current proposal with food truck specifications.



APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)

CITY OF AUSTIN

Street Location of Property: 900 5th AVE N.E AUSTIN MN-55912

Legal Description of Property: RAILROAD ADDITION BLOCK 018
LOT 1 & 1/2 LOT 2

Owner: Name NILESHKUMAR N. MEHTA (Sunny) Phone (507) 219-1093

Address 1013 - 5th AVE N.E

City AUSTIN State MN Zip 55912

Type of Request: ☐ Variance ☐ CUP ☐ IUP ☒ Rezone ☐ Other

Applicable to Section _____ of the Austin City Zoning Ordinance, as amended

Description of Request CHANGE THE ZONE SO I CAN MAKE MY
NEIGHBOURHOOD LOOKS BETTER AND PROVIDE A BETTER SERVICE

TO MY COMMUNITY. I WOULD LIKE TO PUT THE FOOD TRUCKS IN MY

Reason for Request LOT SO COMMUNITY CAN HAVE NICE OUTDOOR
ENTERTAINMENT AREA WITH THE KIDS AND FAMILY'S. AND MAIN REASON IS

I WANT TO SERVE AND PROVIDE BETTER SERVICE TO MY COMMUNITY AND MAKE MY
COMMUNITY LOOKS
BETTER.

Present Zoning Classification R1

Existing Use of the Property VACANT

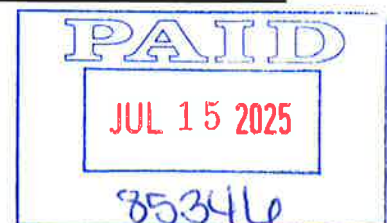
Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been
previously sought? NO When? _____

Signature of Applicant [Signature] Date 07/15/25

Approved _____ Denied _____ by the Planning Commission on _____ (date)

Approved _____ Denied _____ by the Common Council

Comments _____



ZONING ANALYSIS

ADDRESS: 900 5th Ave NE
Austin, MN 55912

LEGAL DESCRIPTION: RAILROAD ADDITION 34600
018 Lot 1 & W1/2 Lot 2
34.600.1920

PARCEL NO.: --
PLAT NO.: --
SUBDIVISION: RAILROAD ADDITION
LOT: 34600
BLOCK: 18
TAX ID: --
ZONE: R-1

LOT AREA: 10,875 FT²
MAX LOT COVERAGE: 40% (4,350 FT²)
ALLOWABLE LOT OCCUPANCY: --
EXISTING LOT OCCUPANCY: 0%
PROPOSED LOT OCCUPANCY: 17.6% (1,935 FT²)

REQUIRED FRONT SETBACK: 25 FT
PROPOSED FRONT SETBACK: (NO CHANGE)

REQUIRED SIDE SETBACK
R-1 5 FT EACH / 10 FT SUM
B-2 20 FT IF ABUTTING AN R DISTRICT

REQUIRED SIDE SETBACK FOR CORNER LOTS
R-1 12.5 FT
B-2 --

PROPOSED SIDE SETBACK: (NO CHANGE)

REQUIRED REAR SETBACK: 20 FT
PROPOSED REAR SETBACK: (NO CHANGE)

AUSTIN, MN CODE OF ORDINANCES

11.030 USE TABLE COMMERCIAL RETAIL UP TO 1500 SF - PERMITTED UNDER RESIDENTIAL R-1 LOTS

SITE PLAN LEGEND

- STRING LIGHTS
- TABLES
- LIGHT POLE SUPPORT/ GARDEN BOX
- NEW PAVING

PROJECT DESCRIPTION

THE PROJECT WILL CREATE A DESIGNATED AREA FOR THE OWNER'S FOOD TRUCK BUSINESS. NEW PAVING AND OUTDOOR FURNISHINGS WILL CREATE A COMMUNITY-CENTERED SPACE IN THE NORTHEAST NEIGHBORHOOD OF AUSTIN, MN.

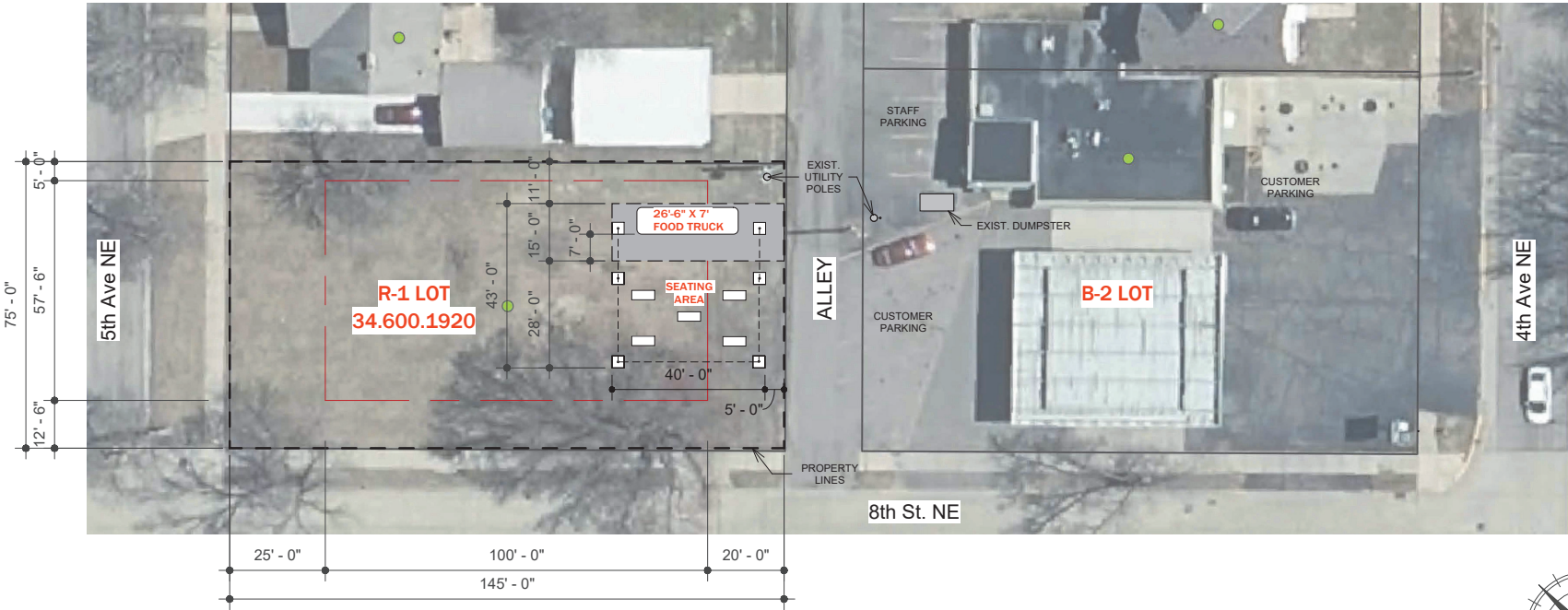
THIS PROJECT CONSISTS OF LOCATING A FOOD TRUCK ON AN R-1 ZONED LOT ADJACENT TO A B-2 LOT, BOTH OWNED BY THE CLIENT. NEW PAVING OR HARD SURFACE WILL BE PROVIDED TO SUPPORT THE FOOD TRUCK ON THE R-1 LOT. TRASH WILL BE DISPOSED OF IN THE EXISTING DUMPSTER ON THE ADJACENT B-2 LOT. FURNISHINGS MAY INCLUDE PICNIC TABLES AND GARDEN BOXES WITH POLES FOR STRING LIGHTS WHICH HELP DESIGNATE THE SEATING AREA ON THE LOT FOR CUSTOMER USE.

MO/EN

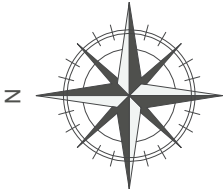
1009 9th St. NW
Austin, MN 55912

507.459.3925
mirandamoenaar@gmail.com
moendesignpractice.com

NOT FOR
CONSTRUCTION



1 SITE PLAN
1" = 30'-0"



MEHTA FOOD TRUCK CONCEPT
PROJECT: PROJECT NO. 250301
FOR: NILESHKUMAR "SUNNY" MEHTA
PROJECT ADDRESS: 900 5th Ave NE Austin, MN 55912
DATE: 5/30/2025

ZONING + SITE PLAN

SCALE: As indicated

Z001

DRAWN BY: MM

5/29/2025 5:37:38 PM
©2025



RENDERING LOOKING NORTHEAST



RENDERING, VIEW FROM 8TH ST. NE



1 CONTEXTUAL MAP
1" = 80'-0"



RENDERING LOOKING NORTH FROM ALLEY

MO/EN

1009 9th St. NW
Austin, MN 55912
507.459.3925
mirandamoenarch@gmail.com
moendesignpractice.com

NOT FOR
CONSTRUCTION

PROJECT:	MEHTA FOOD TRUCK CONCEPT			
	PROJECT NO.	250301		
FOR:	NILESHKUMAR "SUNNY" MEHTA			
PROJECT ADDRESS:	900 5th Ave NE Austin, MN 55912			
DATE:	5/30/2025			

RENDERINGS

SCALE: 1" = 80'-0"

Z002

DRAWN BY: MM

5/29/2025 5:37:41 PM
©2025

AFFIDAVIT OF MAILING
PUBLIC HEARING REZONE NOTICE
STATE OF MINNESOTA
COUNTY OF MOWER

Lauren K Bakken, being first duly sworn, disposes and says: "I am a United states citizen, over 21 years of age, and the engineering clerk of the City of Austin, MN."

On Tuesday July 29, 2025, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

Nileshkumar Mehta Rezone
See attached list

There is delivery service by United States mail between the place of mailing and the places so addressed.

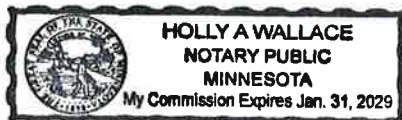


Lauren K Bakken

Subscribed and sworn to before me
This 29th Day of July.



Notary Public



**NOTICE OF HEARING ON REZONING
AUSTIN CITY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the City of Austin has received an application for rezoning of the property located at 900 5th Ave NE presented by Nileschkumar Mehta. This requested action is to rezone the parcel from “R-1” Single Family Residential to a “B-2 Community Business District”

Said petition of the requested rezoning will be heard at a regular meeting of the Austin City Planning Commission on **Tuesday, August 12th**, at 5:30 pm in Council Chambers of the Austin Municipal Building, 500 4th Avenue N.E., Austin, Minnesota, at which time and place all interested persons will be heard.

BY ORDER OF THE AUSTIN
CITY PLANNING COMMISSION



Holly Wallace
Planning and Zoning Administrator

Rezone Mailing List

34.600.1351- Lincoln Apartments LLC 911 5th Ave NE

34.600.1340- Lincoln Apartments LLC 915 5th Ave NE

Mailing Address 911 5th Ave NE Austin MN 55912

34.600.1350- Lincoln Apartments LLC

34.600.1330- Lincoln Apartments LLC 602 8th St NE

34.600.1211- Becky Erath 603 8th St NE

Mailing Address 601 8th St NE Austin MN 55912

34.600.1200- Todd Yabandith 809 5th Ave NE

Mailing Address 1302 18th Dr NE Austin MN 55912

34.600.1210- Prae Reh & Su Meh 811 5th Ave NE

34.600.1230- Becky Erath 601 8th St NE

34.600.1750- Jose Luis Torres 804 5th Ave NE

Mailing Address 1803 4th Ave SW Austin MN 55912

34.600.1760- Warrington Properties LLC 806 5th Ave NE

Mailing Address 1613 W Richway Dr Albert Lea MN 56007

34.600.1770- Dustin Dirksen 808 5th Ave NE

Mailing Address 10529 NW 75th Pl Grimes IA 50111

34.600.1800- Allen Meyerhofer 511 8th St NE

34.600.1790- Chandee Chantorn 509 8th St NE

34.600.1780- Dawn Dennison 507 8th St NE

34.600.1860- Jackie Wilson 811 4th Ave NE

34.600.1870- West Wing Management 813 4th Ave NE

Mailing Address 2404 13th St SW Austin MN 55912

34.600.1880- Vickie Severtson 819 4th Ave NE

34.600.1890- Shards of Glass LLC 823 4th Ave NE

Mailing Address 508 W Oakland Ave Austin MN 55912

34.600.1910- Ministerios Nuevo Pacto Inc Inc 827 4th Ave NE

34.600.2410- Mark Owens 810 4th Ave NE

Mailing Address 1104 3rd St NW Austin MN 55912

34.600.2470- City of Austin

34.600.2480- Paul & Marlyce Reed 904 4th Ave NE

Mailing Address- 2305 14th St SW Austin MN 55912

34.600.2490- Ulwelling Properties III LLC 908 4th Ave NE

Mailing Address 32825 690th Ave Dexter MN 55926

34.600.2500- Myron & Kimberly Grage 910 4th Ave NE

Mailing Address 916 4th Ave NE Austin MN 55912

34.600.2520- Myron & Kimberly Grage 916 4th Ave NE

34.600.1990- Richard & Cheryl Webber 901 4th Ave NE

34.600.2000- Webber Rentals LLC 907 4th Ave NE

Mailing Address 901 4th Ave NE Austin MN 55912

34.600.2010- Da Meh & Say Reh 913 4th Ave NE

34.600.2020- Webber Rentals LLC 917 4th Ave NE

Mailing Address 901 4th Ave NE Austin MN 55912

34.600.2030- Richard Slezak 919 4th Ave NE

34.600.2040- James Mulbauer 921 4th Ave NE

34.600.2070- Francis Ubaldo 925 4th Ave NE

34.600.2050- Rosie Catalan 503 9th St NE

Mailing Address 911 2nd Ave NE Austin MN 55912

34.600.2060- Teofilo Gomez Velazquez 505 9th St NE

34.600.1930- Webber Rentals LLC 904 5th Ave NE

Mailing Address 901 4th Ave NE Austin MN 55912

34.600.1940- F&D Rental Properties LLC 906 5th Ave NE

Mailing Address 5052 Cannon Lake Trail Faribault MN 55021

34.600.1950- Luis Ortiz & Patricia Forestal 908 5th Ave NE

Mailing Address 1911 Stillwater Ave St Paul MN 55119

34.600.1960- Arte Urmah & Aisha Mahammed 910 5th Ave NE

Mailing Address PO BOX 7203 Rochester MN 55903

34.600.1970- Jesus & Maria Gutierrez 509 9th St NE Austin MN 55912

34.600.1980- Deborah & Thomas Smith 912 5th Ave NE

Mailing Address 406 12th Pl NW Austin MN 55912

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA
AMENDING CITY CODE CHAPTER 11 ENTITLED "LAND
USE REGULATION (ZONING)" BY CHANGING A LAND
USE DISTRICT; AND BY ADOPTING BY REFERENCE,
CITY CODE CHAPTER 1 AND SECTION 11.99 WHICH, AMONG
OTHER THINGS, CONTAIN PENALTY PROVISIONS.**

THE CITY COUNCIL OF THE CITY OF AUSTIN ORDAINS as follows:

Section 1. City Code Chapter 11 is hereby amended by changing the Use District as follows:

The Use District of the hereinafter described premises shall be changed from an R-1 (Single Family) to a B-2 (Community Business). The Future Land Use map shall be changed from Low Density Residential to Commercial/Retail.

Lot 1 and the West half of Lot 2, Block 18, Railroad Addition.

Section 2. The foregoing change shall be noted on the Zoning Map in accordance with City Code Section 11.090.

Section 3. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Passed by a vote of Yeas and Nays this 18th Day of August, 2025.

YEAS

NAYS

ATTEST:

APPROVED:

Tom Dankert, City Recorder

Stephen M. King, Mayor

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

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



Phone: 507-437-9940

www.ci.austin.mn.us

TO: Mayor and City Council

FROM: Tom Dankert ^{TD}

DATE: August 6, 2025

SUBJECT: Hormel Foundation Grant Requests for 2026

U:\HORMEL FOUNDATION\Hormel Foundation - 2025\Hormel Foundation 2026 Grant Requests to

CC.doc

The listing below is the final listing of the 13 projects as decided by the Mayor and City Council at the August 4, 2025 work session. These are now listed in order of priority, as follows:

1. Pickleball Courts - \$250,000
2. New Municipal Swimming Pool - \$20,000,000
3. Police Chaplaincy Program - \$16,500
4. HRA Housing Forward Trust - \$100,000
5. 4th of July Fireworks - \$25,000
6. Nature Center Trail Repair - \$25,000
7. Playground Equipment - \$50,000
8. Veterans Pavilion/Izaak Walton Cabin – \$50,000
9. Jay C. Hormel Nature Center Education Programs - \$50,000
10. HRA WoodCHIP Program - \$100,000
11. Ice Resurfacer - \$185,000
12. Fire Prevention and Education - \$5,000
13. Delivering the Data: Hotspot Data Plans 2025 - \$60,000

Not included in the rankings is one project that is being requested to be funneled through the City of Austin, but is not our specific request and as such is not ranked:

- Quality of Life - \$76,931 (Austin Artworks Center for operations support, rent and property tax reimbursement).

We would request Council approval of the above rankings for submittal to The Hormel Foundation. Please call if you have any questions.

		SK	JA	PF	JB	RW	LH	MP	OO	Total	RANK
Fire Prevention and Education	\$ 5,000	4	2	3	10	10		2	1	32	12
Police Chaplaincy Program	\$ 16,500	11	12	2	11	11		10	2	59	3
Playground Replacement	\$ 50,000	10	3	10	2	13		6	3	47	7
Pickleball Courts	\$ 250,000	12	11	11	12	12		13	10	81	1
Veterans Pavilion/Izaak Walton Cabin	\$ 50,000	9	5	9	6	9		4	4	46	8
Delivering the Data: Hot Spot Data Plans	\$ 60,000	3	1	4	1	7		1	6	23	13
4th of July Fireworks	\$ 25,000	6	9	1	9	4		12	13	54	5
Nature Center Educational Programs	\$ 50,000	8	4	6	4	6		3	12	43	9
Nature Center Trail Repair	\$ 25,000	7	7	5	7	5		8	11	50	6
HRA WoodCHIP Program	\$ 100,000	2	8	8	8	2		5	9	42	10
HRA Housing Forward Trust	\$ 100,000	5	13	7	5	8		9	8	55	4
Ice Resurfacer	\$ 185,000	1	10	12	3	1		7	7	41	11
New Municipal Swimming Pool	\$ 20,000,000	13	6	13	13	3		11	5	64	2
		91	91	91	91	91	0	91	91		91

Note: Council Member Helle did not vote as she might be accessing the Housing Trust grant if approved, and wanted to avoid a potential conflict of interest.

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



Planning & Zoning Department
507-437-9950
Fax 507-437-7101

Memorandum

To: Mayor and City Council

From: Holly Wallace, Planning & Zoning Administrator

Date: August 13, 2025

Re: Reviewing a request for an 8 foot fence by Riverland Community College

Riverland Community College wishes to install 1,608.74 ft of 8-foot fence as part of the establishment of RiverLandlab, an outdoor classroom for local and urban agriculture, community food systems, and entrepreneurship. See attached document from Riverland for more project details.

City Code 4.70, subd. 5, D requires that: *Fences constructed within lot areas and located so as to comply with the setback requirements, as set forth in [Chapter 11](#), may be constructed to a height not higher than six feet. Construction of a fence higher than six feet in height, that is setback within minimum building setbacks, requires Council approval and a building permit.*

The proposed fence is located in the interior of the property, versus the boundary, will be mostly surrounded by trees, and does not appear to create any hazards. The fencing is open in design.

Requested action: Approve or deny the fence limit increase from 6 foot to 8 foot for the proposed project.



RiverLandlab

An Outdoor Classroom for Local and Urban Agriculture,
Community Food Systems, and Entrepreneurship

RiverLandlab

- ▶ RiverlandLab is a new 2.5 acre teaching and demonstration farm at Riverland College West focused on small scale local and urban agriculture
- ▶ Curriculum in Local & Urban Agriculture will begin as customized training and expand into certificate and degree programs
- ▶ Ground was broken for the farm in June 2025

- ▶ KEY FUNCTIONS
- ▶ Campus Farm
 - ▶ Hands-on learning for Riverland and K-12 students, intersecting with horticulture, perennial fruit, food forestry, and food science / food processing
 - ▶ Engaging agricultural sciences, business and entrepreneurship, food science
- ▶ Agri-Entrepreneurship
 - ▶ Student-centered enterprise that produces, processes, and markets agricultural products
- ▶ Community Food Systems Incubator
 - ▶ On-site and in-community projects driven by partnerships and collaborations to advance shared community goals



Farm Courses and Community Events

Student events



Farmers Market



**Learning from
faculty and
area farmers**





Teacher Training Workshops



Milkweed Seed Finder



**Pollinator Conservation Resource
Center**



Bumble Bee Conservation



Monarch Conservation

Tool & Equipment List for RiverlandLab (RLL)*

Equipment

- ▶ **Primary tractor – ca. 45 HP; with tiller, power harrow, front-end loader and pallet forks****
- ▶ **Cultivating tractor**
- ▶ **Pickup truck*****
- ▶ **BCS walking tractor (Model 749 or larger) with tiller, rotary plow, flail mower**
- ▶ **Tilther**
- ▶ **Subsoiler**
- ▶ **Compost spreader**
- ▶ **Wheelbarrow; garden cart; and hand cart/truck**
- ▶ **Bedroller**

Tools

- ▶ **Shovels (grain) and Spades (curved and flat)**
- ▶ **Forks (pitch; garden; broad)**
- ▶ **Hoes (draw; ridging; swan; hula; wheel)**
- ▶ **Rakes: (garden, tine)**
- ▶ **Post hole digger**
- ▶ **Post Driver**
- ▶ **Post Remover**
- ▶ **Hand Transplanter**
- ▶ **Pruners and Loppers**
- ▶ **Garden Trowels set (multiple)**
- ▶ **Seeders: Jang and Earthway**
- ▶ **Thermometers (compost and soil)**
- ▶ **Sprayer**
- ▶ **Flame Weeder**
- ▶ **Harvest bins**
- ▶ **Harvest knives and clippers**
- ▶ **Pails**

Other

- ▶ **Perennial plants as desired for fruit and vegetable production and hedge rows**
- ▶ **Tool Storage Shed**
- ▶ **Wash station with sinks, tables, brushes, etc.**
- ▶ **Pack Shed**
- ▶ **Cooling Shed/Area**
- ▶ **High Tunnel (30 x 90)**
- ▶ **Greenhouse (heated late Feb - May for seedling Production with tables, benches, grow lights, etc.)**
- ▶ **Row covers and field tarps**
- ▶ **Dewalt combo-tool set**
- ▶ **Set of t-posts**
- ▶ **Fence**
- ▶ **Hoses, sprinklers and drip irrigation set-up**
- ▶ **Planning tools and software**
- ▶ **Annual needs: seeds; repairs and Maintenance; pots, trays, potting mix; fertilizers; organic pesticides, compost, etc.**

*ASSUMES NEEDS FOR RLL SITE AND MAINTENANCE OF NEARBY COMMUNITY/MARKET GARDEN SITES

**DO THE GROUNDS HAVE A TRACTOR TO USE ON OCCASION; OR SHOULD RIVERLAND RENT ONE ANNUALLY (INSTITUTIONS OF HIGHER ED CAN GET THEM FOR CHEAP)and Community College

***(DOES RIVERLAND HAVE ONE THAT CAN BE BORROWED ON OCCASION?)

Fencing approximation:

upper 2/3 is production field; both 1/3 is perennial fruit and event space



Main Entrance from parking lot



Looking northward from
entrance area





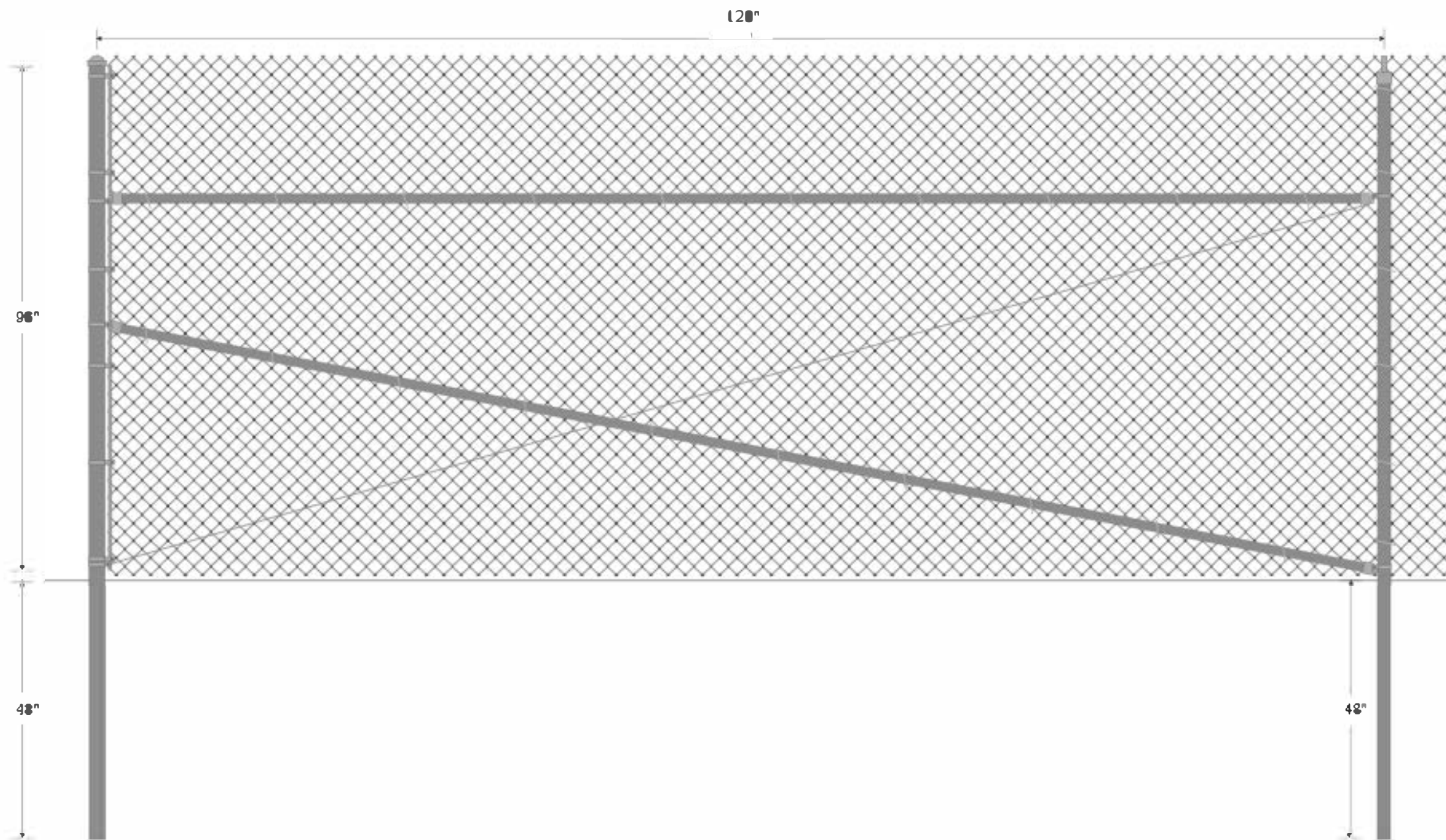
Looking northward after initial tillage, 6-7-25



16' Gate

20' DD Gate

1,608.74 ft



Fabric:

96" 2096-12 deer fence

Terminal Post:

3" X 12' LG-40 PIPE CUT POST

Terminal Post Depth: 48 in.

Line Post:

2 1/2" X 12 LG-40 PIPE CUT POST

Line Post Depth: 48 in.

Top Rail:

1 5/8" SWEDGE END LG-20 PIPE 21'

Line Post Spacing: 240 in.

Tie Wire Spacing: 24 in.

Truss Rod:

15' 3/8" PS THREADED TRUSS ROD

Diagonal Brace:

1 5/8" SWEDGE END LG-20 PIPE 21'

Horizontal Brace:

1 5/8" SWEDGE END LG-20 PIPE 21'

Fence Cloud Estimate

RiverLand Community College 8' Deer Fence



Rolling Green Fencing, Inc.
2408 4th St NW
Austin, MN 55912
507-433-4845

RiverLand Community College
Ben Nelson
1900 8th Ave NW
Austin, MN 55912

Line of Fence 96" H

Drawn By: Nick Wangen
Date: 08/12/25

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



Planning & Zoning Department
507-437-9950
Fax 507-437-7101

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Recommendation for Variance Requested by:
Greg and Amy Roberts
1306 7th Ave NW
Austin, MN 55912

Date: August 14, 2025

At the August 12, 2025, meeting of the Austin Planning Commission, the Commission reviewed a request from petitioners for a variance from City Code Section 11.031 Subd.1(b), which limits the total aggregate area of all “accessory structures” to 1,200 square feet for properties less than one acre, located within an “R-1” Single-Family Residential District.

The petitioner has requested a 256 square foot variance for a 26’ x 36’ addition to their existing 440 sq. ft. garage. With this proposed addition, the total lot coverage with structures would be approximately 30% (40% lot coverage is the maximum allowed).

After review, the Planning Commission, with six members present, recommended approving the variance by the following vote:

Ayes – 6 Nays – 0

The Planning Commission made the following findings regarding this request:

1. The requested variance is in harmony with the general purposes and intent of the zoning ordinance.
2. The variance, if granted, would not alter the essential character of the locality in which the property is situated.
3. There are circumstances unique to the property not created by the landowner.
4. The landowner intends to use the land in a reasonable manner not permitted by the ordinance.

PETITIONER: Greg and Amy Roberts
1306 7th Ave NW
Austin, MN 55912

LEGAL DESCRIPTION: See application.

CURRENT LAND USE AND ZONING CLASSIFICATION: "R-1" Single-Family Residential District
Single-Family Residence

SURROUNDING ZONING: All single family residential

REQUESTED ACTION: The petitioner has a 440 sq. ft. detached garage and proposes to add a 26' x 36' addition to the rear of the garage. This would require building in the 5' rear and side setback areas, therefore the petitioner would have to get permission from their surrounding neighbors to build within 1 foot of the property line. The petitioner is also requesting a variance of 256 sq. ft. (total detached 1456 sq. ft.) from City Code Section 11.031, which limits properties under one acre to 1200 sq. ft. total detached accessory structures in Residential Districts.

The property in question is approximately 0.19 acres. With this proposed addition, the total lot coverage with structures would be approximately 30% (40% lot coverage is the maximum allowed).

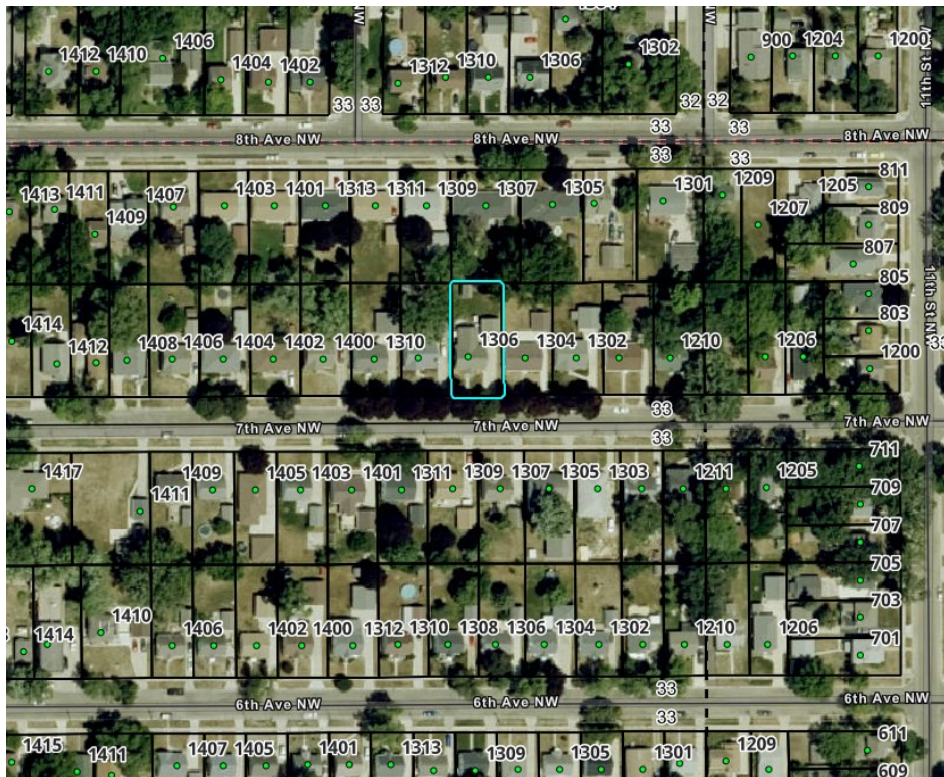
Structures on property being reviewed:

Dwelling	=	1040 sq. ft.
Existing detached garage	=	440 sq. ft.
Proposed Garage Addition 26' x 36'	=	936 sq. ft.
Shed	=	80 sq. ft.
Total	=	2496 sq. ft.

The Planning Commission and City Council must decide if the request meets the statutory requirements for granting a variance:

1. The variance is in harmony with the general purposes and intent of the zoning ordinance.
2. The variance is consistent with the comprehensive plan.
3. The proposal puts the property to use in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. The variance, if granted, will not alter the essential character of the locality in which the property is situated.

STAFF REPORT: This is a recommendation to council to approve, approve with conditions or deny the request. It is recommended that if the addition cannot meet the 5 foot side and rear yard setbacks, the variance be conditioned upon obtaining required permissions from neighbors to allow the building within 1 foot of the property line.



APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

PAID

(This form should be filled out in duplicate by typing or printing in ink)
Applications are due by the 20th day of the prior Month
i.e an application for a June meeting is due by May 20th

JUL 18 2025

85388

CITY OF AUSTIN

Street Location of Property: 1306 7th AVE NW
Legal Description of Property: WESTLAWN 3RD Lot 018 Subdivision Cd
34780

Owner: Name Gregory & Amy Roberts Phone 507-438-1637
Address 1306 7th AVE NW
City AUSTIN State MN Zip 55912

Type of Request: ☒ Variance ☐ CUP ☐ IUP ☐ Rezone ☐ Other

Fee Total \$ 300

Applicable to Section _____ of the Austin City Zoning Ordinance, as amended

Description of Request garage addition

Reason for Request need more garage space

Present Zoning Classification _____

Existing Use of the Property our Residence

Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? NO When? _____

Signature of Applicant Gug Roberts Amy Roberts Date 7/18/25

Approved _____ Denied _____ by the Planning Commission on _____ (date)

Approved _____ Denied _____ by the Common Council

Comments _____



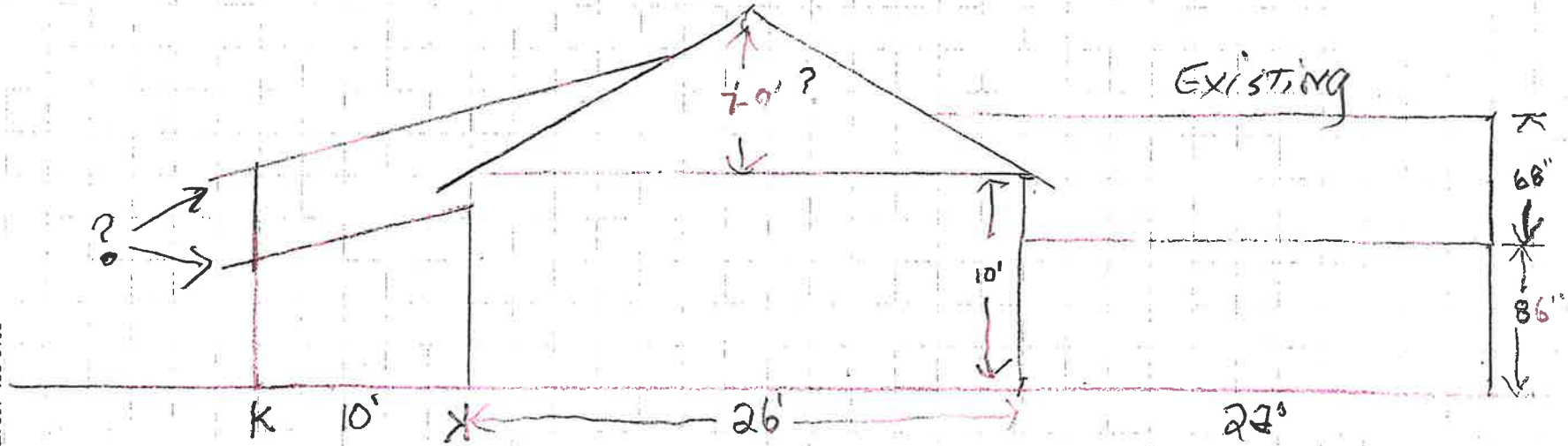
WERNER Electric Supply

Minnesota

1000 24th Ave. NW • Owatonna, MN 55060

Telephone 507-455-1670 • 1-800-769-3707

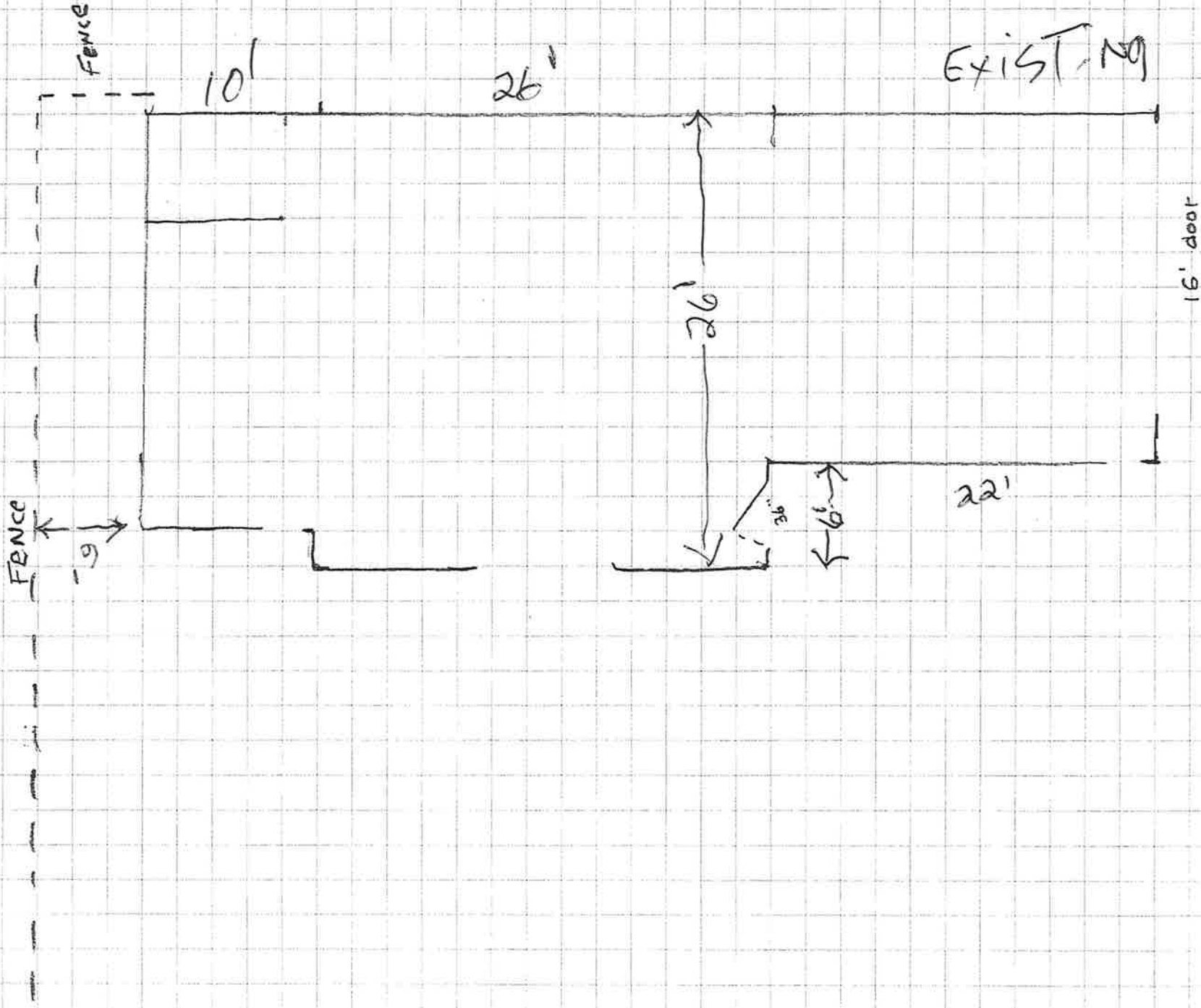
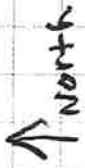
Fax 507-455-0103

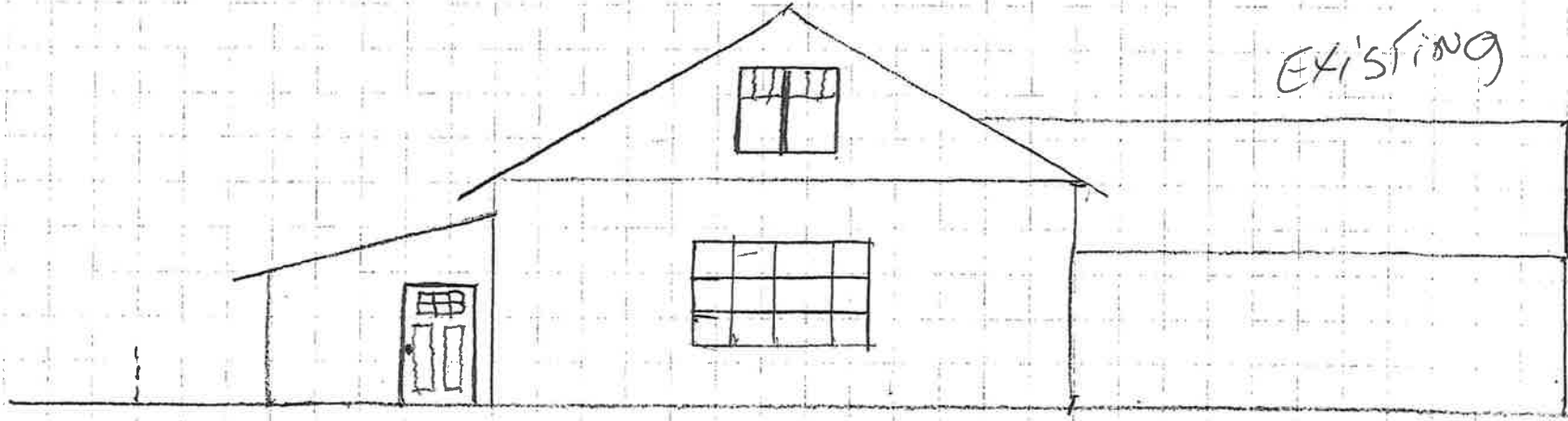




WERNER Electric Supply

1000 24th Ave. NW • Owatonna, MN 55060
Telephone 507-455-1670 • 1-800-769-3707
Fax 507-455-0103





**AGREEMENT TO BUILD
FOR
RESIDENTIAL DETACHED ACCESSORY STRUCTURES**

Property Owner Gaining Permission

Name

Gregory & Amy Robert

Address

1306 7th Ave NW

**Legal
Description**

WESTLAWN 3RD Lot
018 Subdivision Cd 34780

Adjoining Property Owner

Name

Address

1304 7th Ave NW
Garage

**Legal
Description**

WESTLAWN 3RD Lot
019 Subdivision Cd 34780

Type of Structure

Dimensions of Proposed Structure

Height

18'

Width

26'

Length

36'

Square Feet

936

Distance from Property Line

feet 12 inches

(May not be closer than one foot to property line)

James W. Potter
Adjoining Property Owner

Katherine A. Potter
Adjoining Property Owner

Subscribed and sworn to before me this 17th
day of July, 2025.

[Signature]
Notary Public

My Commission Expires 1-31-2027



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[illegible]

DESIGN REVIEW
NOT FOR
CONSTRUCTION

ROBERTS ADDITION
GREG & AMY ROBERTS
1306 7TH AVE NW
AUSTIN
MN

PRODUCT #	2511A
DESIGN #	8711
CHECKED BY	AJT
PREPARED DATE	04-04-2025
BUDGET DATE	
TOTAL DATE	
BY VENDOR	
PRINTED	5-4-2025

MAIN LEVEL
FLOOR PLAN

A3.1









AFFIDAVIT OF MAILING
PUBLIC HEARING VARIANCE NOTICE
STATE OF MINNESOTA
COUNTY OF MOWER

Lauren K Bakken, being first duly sworn, disposes and says: "I am a United states citizen, over 21 years of age, and the engineering clerk of the City of Austin, MN."

On Tuesday July 29, 2025, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

Roberts Variance
See attached list

There is delivery service by United States mail between the place of mailing and the places so addressed.



Lauren K Bakken

Subscribed and sworn to before me
This 29th Day of July.



Notary Public



**NOTICE OF PUBLIC HEARING
FOR A VARIANCE FROM THE
AUSTIN CITY PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the City of Austin has received an application from Gregory & Amy Roberts at 1306 7th Ave NW for a variance from the square footage restrictions to allow a 26x36 garage addition.

Said petition will be heard at a regular meeting of the Austin City Planning Commission on **Tuesday, August 12th**, at 5:30 pm in the Council Chambers of the Austin Municipal Building located at 500 4th Avenue NE at which time you may appear, if you desire, either in person, or by agent or attorney, in opposition to or in support of the petition.



BY ORDER OF THE AUSTIN
CITY PLANNING COMMISSION
/s/
Holly Wallace
Planning and Zoning Administrator

Roberts Variance Mailing List

34.470.0400- Nereyda Zuniga 1302 8th Ave NW

34.470.0390- Dennis Bulger 1306 8th Ave NW

34.470.0380- Dennis Bulger 1304 8th Ave NW

Mailing Address 1306 8th Ave NW Austin MN 55912

34.470.0370- Eldean & Margaret Erickson 1308 8th Ave NW

34.470.0360- Michelle & Connie Charnecki 1310 8th Ave NW

Mailing Address 1001 13th Ave SW Austin MN 55912

34.470.0350- Larry & Jody Maricle 1312 8th Ave NW

34.470.0270- Gildas Noel Attikassou 1400 8th Ave NW

34.105.0790- Angel Flynn 1207 8th Ave NW

Mailing Address 1209 8th Ave NW Austin MN 55912

34.105.0810- Heather & Angelique Flynn 1209 8th Ave NW

34.780.0010- John & Agnes Heichel 1301 8th Ave NW

34.780.0020- James Freitag 1303 8th Ave NW

34.780.0030- Zacharias & Rebekah Bathon 1305 8th Ave NW

34.780.0040- Barbara Ruzek 1307 8th Ave NW

34.780.0050- Jerome & Vicky Hansen 1309 8th Ave NW

34.780.0060- Lucio Sanchez Flores 1311 8th Ave NW

34.780.0070- Jesus Grana Zepeda 1313 8th Ave NW

34.780.0080- Gale Switzer 1401 8th Ave NW

34.780.0090- Casey Crumb 1403 8th Ave NW

34.780.0110- Reh Mi & Pray Meh 1406 7th Ave NW

34.780.0120- Meh Oo 1404 7th Ave NW

34.780.0130- Diana Ramirez Avalos 1402 7th Ave NW

34.780.0140- Wells Fargo Bank 1400 7th Ave NW

Mailing Address 3476 Stateview Blvd MAC 7801-013 Fort Mill SC 29715

34.780.0150- Warren & Virginia Lund 1310 7th Ave NW

34.780.0160- Jeffrey & Lynda Langan 1308 7th Ave NW

34.780.0170- Greg & Amy Roberts 1306 7th Ave NW

34.780.0180- James & Katherine Potter 1304 7th Ave NW

Mailing Address N13954 250th St Prairie Farm WI 54762

34.780.0190- Mabel & Jerry Shatek 1302 7th Ave NW

34.780.0200- Eva Charlene Young 1300 7th Ave NW

34.780.0210- John & Mary Morrison 1210 7th Ave NW

34.105.0820- Austin Utilities

Mailing Address 1908 14th St NE Austin MN 55912

34.105.0830- Robert Hoy 1206 7th Ave NW

34.105.0910- Richard Everson 1207 7th Ave NW

34.775.0010- Haley Helland 1211 7th Ave NW

34.775.0020- Virgil Ball 1301 7th Ave NW

34.775.0030- Laura Schied 1303 7th Ave NW

34.775.0040- Moo Ler 1305 7th Ave NW

34.775.0050- Ricardo & Vanessa Ruiz Nava 1307 7th Ave NW

34.775.0060- Leonda Lerud 1309 7th Ave NW

34.775.0070- Hylle Barbara 1311 7th Ave NW

Mailing Address 6601 11th Ave S #201 Richfield MN 55423

34.775.0080- Joseph Deblon & Carlene Sanvick 1401 7th Ave NW

34.775.0090- Darlene Koch 1403 7th Ave NW

34.775.0100- Abella Okwan & Ariet Chan 1405 7th Ave NW

34.775.0110- Finley Properties LLC 1407 7th Ave NW

Mailing Address 25201 880th Ave Austin MN 55912

34.770.0090- Dinorah Gonzalez 1400 6th Ave NW

34.770.0080- Dennis Bahl & Denise Dvorak 1312 6th Ave NW

34.770.0070- Mayra Maldonado Hernandez 1310 6th Ave NW

34.770.0060- Shirley Hansen 1308 6th Ave NW

34.770.0050- John Bauer 1306 6th Ave NW

Mailing Address PO BOX 253 Austin MN 55912

34.770.0040- Javier & Patricia Magana 1304 6th Ave NW Austin MN 55912

34.770.0030- Omar Velazquez 1302 6th Ave NW

Mailing Address 71920 200th St Albert Lea MN 56007

34.770.0020- Robert Anderson 1300 6th Ave 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: Scott Voogd, 801 18th St SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Material
Removal of Animal Feces
At 801 18th St SW, Voogd Property

Date: August 15, 2025

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of material and animal feces at 801 18th St SW. The property owner has been notified of this violation to the City Code Sections 10.10 Subd. 19, 10.14 Subd.1(B), and 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

July 23rd, 2025

Scott Voogd
801 18th St SW
Austin, MN 55912

RE: Zoning Violations at 801 18th St SW Austin, MN 55912

Dear Scott:

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 July 18th, 2025 at this site and the following issues need to be resolved:

Remove all accumulation of material from property- brush pile behind garage

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

**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**

July 18th, 2025

Scott Voogd
801 18th St SW
Austin, MN 55912

RE: Zoning Violations at 801 18th St SW Austin, MN 55912

Dear Scott:

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 July 18th, 2025 at this site and the following issues need to be resolved:

- 1. Remove manure and maintain a clean and sanitary condition by removing the animal manure with sufficient frequency**

The violation of Austin City Code Sections 10.14 and 10.10 were found. These City Code sections read as follows:

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.

10.10 ANIMAL LICENSING AND REGULATION.

Subd. 19. *Maintenance of dog houses, kennels and pens.*

A. It is unlawful for any person to keep any dog, cat or other animal in the city in an unsanitary place or condition or in a manner resulting in offensive, disagreeable or objectionable odors or in a way as to constitute a nuisance by disturbance by reason of barking, howling, fighting or otherwise or in a way as to permit the animal to annoy, injure or endanger any person or property.

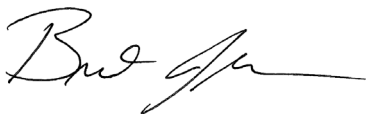
B. Every structure, dog house, kennel, yard or pen in which the animals are kept shall be maintained in a clean and sanitary condition and free of all rodents, vermin and objectionable odors. All structures, dog houses, kennels where animals are kept shall be so constructed as to be easily cleaned and kept in good repair.

C. Manure shall be removed with sufficient frequency to avoid nuisance from the odors or from breeding flies.

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



August 13, 2025
11:18 AM

801 18th St SW



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