AGENDA
CITY COUNCIL MEETING
MONDAY, NOVEMBER 4, 2019
5:30 P.M.
COUNCIL CHAMBERS

Call to Order:

Pledge of Allegiance.

Roll Call.

(mot) 1. Adoption of Agenda.

(mot) 2. Approving minutes from October 21, 2019 and October 22, 2019.

3. Recognitions and Awards.
   Proclamation declaring November 2019 as Zonta Month

(mot) 4. *Consent Agenda
   Licenses:
   Cab Driver: Troy Marlow, 300 2nd Street SW
   Cigarette: Shwe Nyiko Market: 103 West Oakland Avenue
   Exempt Gambling (raffle): Dutchtown Jumpers on January 25, 2020
   Exempt Gambling (raffle): Whitetails Unlimited on January 4, 2020
   Temporary Liquor: Austin Area Commission for the Arts on November 9, 2019

Claims:
   a. Pre-list of bills
   c. Suzanne McCarthy, 306 13th Street NE. The matter was forwarded to the City
      Attorney to protect the City’s interest.

PUBLIC HEARINGS:

5. Public hearing for the renewal of a currency exchange license for Tienda Y. Taqueria Guerrero.
   (res).
   a. Approving currency exchange license renewal.

BID OPENINGS AND AWARDS:

6. Receiving bids for residential building demolition.
   (res)
   a. Awarding bid.

PETITIONS AND REQUESTS:

7. Reviewing a request for $5,000 in 2019 contingency funds for winter downtown planter
   decorations.
   (mot)
   a. Approve or deny the funding request.
8. Reviewing an ordinance to amend the future land use plan from mixed high density residential to commercial and rezone a property from “R-2” multi-family residential to “B-2” commercial for the property located at 1500 7th Avenue NW.

   (mot) a. Approve or deny the zoning request.
   (mot) b. For preparation of the ordinance (if approved).
   (ord) c. For adoption and publication of the ordinance (if approved).

9. Granting the Planning and Zoning Department the power to contract for the removal of junk, graffiti and/or illegally stored vehicles at the following locations:

   (mot) a. 700 10th Street NE, Hegna Property.
   (mot) b. 1804 Oakland Avenue E, Corscadden Property.
   (mot) c. 711 8th Street NE, Sandoval Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:
City Administrator
City Council

(mot) Adjourn to Monday, November 18, 2019 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.
MINUTES
CITY COUNCIL MEETING
October 21, 2019
5:30 PM
Council Chambers

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

MEMBERS ABSENT: Council Member Joyce Poshusta

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Public Works Director Steven Lang, Police Chief David McKichan, Park and Rec Director Kevin Nelson, Planning and Zoning Administrator Holly Wallace, City Attorney Craig Byram, Library Director Julie Clinefelter, Human Resources Director Trish Wiechmann and City Clerk Ann Kasel

OTHERS PRESENT: Honorary Council Member Austere Apolo, Mark Murphy, Austin Daily Herald, Public

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

Added to the Agenda:

   (res) a. Approving a lease/use agreement with KSMQ Public Service Media, Inc.
   (res) b. Approving a development and construction agreement with KSMQ Public Service Media, Inc.

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

Moved by Council Member Fischer, seconded by Council Member King, approving Council minutes from October 4, 2019. Carried.

AWARDS, RECOGNITIONS AND REPORTS

Police Chief David McKichan stated the new police officers were unable to attend the meeting due to needing to be outfitted for uniforms. He stated that five officers were sworn in earlier in the day.

CONSENT AGENDA
Moved by Council Member King, seconded by Council Member Helle, approving the consent agenda as follows:

Claims:
   a. Pre-list of bills
   b. Investment Report.

Event Applications:
   Downtown Trick or Treating on October 26, 2019
   Christmas in the City on November 29, 2019

Carried.

PETITIONS AND REQUESTS

Moved by Council Member King, seconded by Council Member Baskin, appointing Herve Idjidina as an honorary council member, November 2019-January 2020. Carried.

Planning and Zoning Administrator Holly Wallace reviewed an amendment to the nuisance ordinance requesting the Council update one sentence in the ordinance.

Moved by Council Member-at-Large Austin, seconded by Council Member King, for preparation of the ordinance. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member King, for adoption and publication of the ordinance. Carried 6-0.

Parks and Recreation Director Kevin Nelson requested the Council accept the donation of 11 acres of land located north of the Nature Center from the Friends of the Jay C. Hormel Nature Center.

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, adopting a resolution accepting a donation of property from the Friends of the Hormel Nature Center. Carried.

Human Resources Director Trish Wiechmann requested the Council approve the health insurance plans and qualification for the Minnesota Public Employees Insurance Program along with the City contribution for non-union employees.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution approving health insurance plans and qualifications. Carried 6-0.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution approving the City contribution for non-union employees. Carried 6-0.

Public Works Director Steven Lang requested the Council approve a bench rental agreement with United States Bench Corporation for 2 years at the rate of $36.00 per bench.
Moved by Council Member King, seconded by Council Member-at-Large Austin, adopting a resolution approving a bench rental agreement. Carried 6-0.

Public Works Director Steven Lang requested the Council approve an individual control mechanism agreement with LL Parks, LLC for their truck wash. The three-year agreement sets for the limitations, conditions and requirements for sanitary sewer discharges.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution approving an ICM agreement with LL Parks, LLC. Carried 6-0.

Administrative Services Director Tom Dankert requested the Council pass a motion stating the City does not waive the statutory tort limits of $500,000 for claims against the City. The insurance carrier for the City, the League of Minnesota Cities, requires cities to pass this motion.

Moved by Council Member-at-Large Austin, seconded by Council Member King, stating the City does not waive the statutory tort limits for liability. Carried.

Moved by Council Member King, seconded by Council Member Fischer, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 106 2nd Street SE, Fuller Property. Carried.

Moved by Council Member King, seconded by Council Member Helle, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 800 4th Avenue SW, Downey Property. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member King, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1017 9th Avenue SW, Integrity Real Estate Property. Carried.

Moved by Council Member King, seconded by Council Member-at-Large Austin, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 201 31st Street SW, MCB 4 Property. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 410 & 410 ½ South Main Street, Wisemore Property. Carried.

City Administrator Craig Clark reviewed the KSMQ project documents. He stated the City will own the newly constructed building and lease it to KSMQ for an initial term of ten years with three five year options after that time. Mr. Clark also requested the Council approve a development and construction agreement which sets forth the obligations and responsibilities for the construction of the building.

Moved by Council Member King, seconded by Council Member Waller, approving a lease/use agreement with KSMQ Public Service Media, Inc. Carried 6-0.
Moved by Council Member King, seconded by Council Member Fischer, approving a development and construction agreement with KSMQ Public Service Media, Inc. Carried 6-0.

REPORTS

Council Member Helle noted that there was recently a death of an Austin High School student and she sent her sympathies to all individuals impacted by the event. She stated that on Thursday, October 24th at noon at the Library there will be a presentation on arts and culture.

She also stated downtown trick or treating will be on Saturday, October 26th from 11-1 and there will be a ribbon cutting for the Shooting Star recreational trail on Monday, October 28th from 5:30 – 8:30 at the Hrmel Nature Center.

Council Member Baskin thanked the Austin community for coming together for the Governor’s Pheasant opener. He stated he will be traveling to Washington DC as part of a Welcoming Communities conference.

Public Works Director Steven Lang stated the demolition of the KSMQ property is completed and went well. He also stated there will be an I-90 project open house at the Library on Tuesday, October 22 from 4:30 – 6:00.

Moved by Council Member-at-Large Austin, seconded by Council Member Helle, adjourning the meeting to November 4, 2019. Carried.

Adjourned: _______ 5:52 p.m. _______

Approved: _______ November 4, 2019 ______

Mayor: ____________________________

City Recorder: ______________________
MINUTES
CITY COUNCIL MEETING
October 22, 2019
4:00 PM
Council Chambers

MEMBERS PRESENT: Mayor Stiehm. Council Members Laura Helle, Jason Baskin, Joyce Poshusta, Council Member-at-Large Jeff Austin

MEMBERS ABSENT: Council Member Steve King, Paul Fischer and Rebecca Waller

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, City Attorney Craig Byram, Police Officer Detective Hicks, Officer Joshua Bradley, City Clerk Ann Kasel

OTHERS PRESENT: Melissa Dunlop, Jonathon Landry, Public

Mayor Stiehm called the meeting to order at 4:00 p.m.

Moved by Council Member-at-Large, seconded by Council Member Helle, approving the agenda. Carried.

A public hearing was held for the designation of the dog “Lucy” as a dangerous dog. City Attorney Craig Byram stated law enforcement has determined that the dog is dangerous based on two incidents that happened in this City this year. Mr. Byram presented Austin Police Department incident reports from March 20, 2019 and October 5, 2019, a potentially dangerous dog designation notice dated March 21, 2019 and a notice of dangerous dog designation dated October 5, 2019. Mr. Byram stated the Council must look at the evidence and the testimony presented and determine if the dog’s actions classify it as a dangerous dog under City Ordinance Chapter 10.10 and Minnesota Statutes. If the Council makes that determination then they can order the dog to be euthanized or place conditions upon the animal.

Mr. Byram detailed the March 20th incident stating that Mary Winkels was walking a dog named “Dumpling” when a tan dog broke off a leash and attacked her dog. Amanda Rogers was the adult at the residence that day and acknowledged that Lucy broke the leash and she put Lucy back in the house. Mr. Byram stated that Community Service Officer Ernesto Cantu served a notice of potentially dangerous dog on the owner, Melissa Dunlop, and Ms. Dunlop did not appeal that designation.

Mr. Byram detailed the October 5th incident stating that Cynthia and Anthony Shepard were walking their dog when Lucy charged them. Cynthia picked up her dog and held it in her arms to prevent “Lucy” from attacking the dog. Ms. Shepard felt teeth on her hands as Lucy tried to jump in her arms to attack her dog. Luckily, Ms. Shepard was not significantly injured. Ms. Dunlop acknowledged Lucy was the dog in question in the incident.
Mr. Byram stated Detective Hicks stated went to Mary Winkels’ home on October 10, 2019 and verified that Lucy was the dog that attacked her dog and Ms. Dunlop was the person that reimbursed her for the $250 vet bill she incurred.

Mr. Byram reviewed the photos of Dumpling’s injuries and photos of Lucy while at the dog pound from the March incident. He also reviewed the photos from the October incident and photos of Cynthia Shepard’s hand and also photos of Lucy.

Mr. Byram noted on the dangerous dog designation form dated October 5, 2019 that the animal has engaged in any attack on any person under circumstances which would indicate danger to public safety and has exhibited unusually aggressive behavior, such as an attack on another animal. He stated the animal was ordered to be destroyed because the owner of the animal has demonstrated the inability or unwillingness to control the animal to prevent injury to persons or other animals.

Mr. Byram noted the owner of the dog was given a potentially dangerous dog notice on March 21, 2019 from an incident where the dog attacked another dog on private property. This potentially dangerous dog designation was not appealed.

Mr. Byram called Detective Dustin Hicks to testify. Detective Hicks stated he spoke with Mary Hicks and confirmed that Melissa Dunlop had previously apologized for the injuries to her dog. He stated there was no confusion that Lucy was the dog that attacked the dog.

Mr. Byram called Officer Joshua Bradley to testify in regards to the October incident. Officer Hicks stated he had been flagged down because Lucy had been involved in an attack. He observed Ms. Shepard’s hand and there did not appear to be any bite marks but he stated she did feel teeth on her hand and that she felt her dog’s safety and her safety was in jeopardy. Officer Bradley also spoke with Ms. Dunlop and she acknowledged that Lucy was her dog that got out of the gate and attacked Ms. Shepard.

Melissa Dunlop testified that Lucy is her dog and is a loving, non-aggressive animal. She stated she wasn’t aware of the appeal process from the first incident where Lucy was named a potentially dangerous dog. She claimed that there were two dogs, a white dog and Lucy, a brown dog, that were both involved in the March incident and she wasn’t certain that Lucy was the one that was the aggressor. She also stated the reason Lucy was out of the yard during the October incident was because a friend left the gate open.

Ms. Dunlop stated she had videos of Lucy playing nicely with other dogs. She did not have a means to play that video off her phone for the Council. She provided e-mails from friends that Lucy is a nice dog and gets along well with others even though she is a pit bull.

Mr. Byram stated the City acknowledges that the dog may get along with certain dogs. He stated it is important for the City to not consider the breed of the dog when taking action on any dog case.
Ms. Dunlop stated another dog in that household was recently put to sleep for attacking people and she is uncertain if Lucy was the dog in the first incident.

Mr. Byram stated the incident report reflects that someone came out of the house after the March incident and took the dog back into the house.

Ms. Dunlop stated that her son was the one that put Lucy back in the house.

Mr. Byram asked what basis Ms. Dunlop has for thinking it was a different dog.

Ms. Dunlop replied that she wasn’t there and didn’t see the incident and the other white dog that was there at the time was more aggressive than Lucy and has been put to sleep for aggression.

Mr. Byram asked Ms. Dunlop if she received the dangerous dog designation form.

Ms. Dunlop stated she did receive the form. She stated she was too busy arguing with CSO officer Cantu to tell him that it wasn’t her dog involved.

Mr. Byram asked if she acknowledged it was Lucy involved in the October incident.

Ms. Dunlop stated she wasn’t present for the October incident but she has been told that it was Lucy involved.

Jonathon Landry testified that in the second incident it wasn’t Ms. Dunlop’s fault that Lucy got out. He also stated that Lucy would frequently get out and run around the neighborhood and never had a problem with other dogs.

Council Member Baskin asked what options the Council had and if it could keep the dog as a potentially dangerous animal.

Mr. Byram stated the dog should be declared as a dangerous dog. All the information in the record indicated that Lucy was the dog involved in both incidents. The dog can either be destroyed or the Council can choose to impose conditions for keeping the dog which may include specific enclosure requirements plus liability insurance to cover the dangerous dog. If the Council decided they wanted to not uphold the dangerous dog designation then Lucy would still have the potentially dangerous dog status. If she had another incident then it would make the dog a dangerous dog again.

Council Member Helle stated that dogs are unpredictable and it’s the Council’s task to protect the public. She stated it is clear to her that Lucy is the dog involved in the first incident and she applauded Ms. Dunlop for fighting for her dog.

Council Member Baskin stated he isn’t certain that Lucy was the dog involved in the first incident and he would be more comfortable leaving the dog as a potentially dangerous dog.

Council Member Poshusta agreed with Council Member Baskin.
Moved by Council Member Poshusta, seconded by Council Member Basking, to overrule the Austin Police Department’s dangerous designation of the dog Lucy. Carried 3-1 with Council Member Helle voting nay.

Moved by Council Member-at-Large Austin, seconded by Council Poshusta, adjourning the meeting to November 4, 2019 at 5:30 p.m. Carried.

Adjourned: ___________ 5:00 p.m. ___________

Approved: ___________ November 4, 2019 ___________

Mayor: __________________________

City Recorder: __________________________
Proclamation

Whereas: Zonta International is a leading global organization of professionals empowering women worldwide through service and advocacy, with nearly 30,000 members worldwide in 63 countries.

Whereas: Zonta International is celebrating its Centennial Anniversary on November 8, 2019, (chartered in Buffalo, NY, on November 8, 1919) and the Zonta Club of Austin MN has celebrated its 68th Anniversary on January 25, 2019, (chartered on January 9, 1950) and

Whereas: The members of Zonta International and the Zonta Club of Austin MN envision a world in which women’s rights are recognized as human rights and every woman is able to achieve her full potential. In such a world, women have access to all resources and are represented in decision-making positions on an equal basis with men. In such a world, no woman lives in fear of violence, and

Whereas: In addition to improving the lives of women and girls around the world and in the Austin area, The Zonta Club of Austin’s local service activities financially support projects to empower women and girls to understand their rights and realize their full potential, and

Whereas: The Zonta Club of Austin MN, through its annual nut sales and annual Women of Achievement fundraiser, provide assistance to women and girls in transition at Crime Victim Resource Center, Mission 21 and More Than Pink.

Whereas: The Zonta Club of Austin MN funds scholarship programs and support for non-traditional female students, as well as the Jane M. Klausman Women in Business Scholarship and the Young Women in Public Affairs Award, and

Whereas: The service and advocacy provided by the Zonta Club of Austin MN will continue to have a positive impact on our community and citizens,

NOW THEREFORE, BE IT RESOLVED, that I, Tom Stiehm, Mayor of the City of Austin, Minnesota, do hereby declare November 2019 as

ZONTA MONTH

In the City of Austin and call upon the citizens of the Austin and the greater area thereof to render support to the members of this organization and to make themselves aware of Zonta International, whose members are committed to improving the lives of women and girls, locally and internationally.

[Signature]

Tom Stiehm, Mayor
Memorandum

To: Mayor & Council
From: Ann M. Kasel
Date: October 10, 2019
Subject: Hearing for Currency Exchange license renewal for Tienda Y. Taqueria Guerrero

The State of Minnesota issues currency exchange licenses and suggests cities hold public hearings for the renewals. We received the attached letter dated October 9, 2019 for the renewal of a currency exchange license for Tienda Y. Taqueria Guerrero which requires the City hold a public hearing for citizen input. The license was originally issued in 2013 and the City has not received any complaints regarding the establishment.

We would recommend the approval of the license renewal. Please let me know if you have any questions.
RESOLUTION NO.

RESOLUTION APPROVING THE APPLICATION OF TIENDA Y TAQUERIA GERRERO, INC. FOR A CURRENCY EXCHANGE OPERATION REGULATED BY THE MINNESOTA DEPARTMENT OF COMMERCE

WHEREAS, Tienda Y Taqueria Guerrero, Inc. originally submitted an application to the Minnesota Department of Commerce on May 23, 2013 for a currency exchange license; and

WHEREAS, the City of Austin approved the license on September 3, 2013; and

WHEREAS, the Minnesota Department of Commerce mailed the application for renewal the City of Austin on October 9, 2019; and

WHEREAS, pursuant to Minnesota Statute Section 53A-04 (a) states as follows:

Within 30 days after the receipt of a complete application, the commissioner shall deny the application or submit the application to the governing body of the local unit of government in which the applicant is located or is proposing to be located. The commissioner may not approve the application without the concurrence of the governing body. The governing body shall give published notice of its intention to consider the issue and shall solicit testimony from interested persons, including those in the community in which the applicant is located or is proposing to be located. If the governing body has not approved or disapproved the issue within 60 days of receipt of the application, concurrence is presumed. The commissioner must approve or disapprove the application within 30 days from receiving the decision of the governing body. The governing body shall have the sole responsibility for its decision. The state shall have no responsibility for that decision.

WHEREAS, the matter was set for a public hearing on November 4, 2019. Notice for said public hearing was published on October 23, 2019; and

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council hereby approves of the renewal application submitted to the Minnesota Department of Commerce for the request of a currency exchange operation at Tienda Y Taqueria Guerrero, Inc. located at 301-D 4th Avenue NE, Austin, Minnesota.

Passed by the Austin City Council this 4th day of November, 2019

YEAS

NAYS

ATTEST:

APPROVED:

Mayor

City Recorder
Notice of Public Hearing

NOTICE IS HEREBY GIVEN, that the Austin City Council will meet at 5:30 P.M. on November 4, 2019, in the Council Chambers in the lower level of the Municipal Building, 500 - 4th Avenue N.E., to consider the renewal of a currency exchange license for Tienda Y. Taqueria Guerrero, Inc. located at 301-D 4th Avenue NE, Austin. Public comments will be taken at the hearing.

/s/ Ann M. Kasel
City Clerk

PUBLISH: Austin Daily Herald
October 23, 2019
October 9, 2019

Ann Kasel, City Clerk
City of Austin
500 4th Avenue NE
Austin, MN 55912

RE: Tienda Y. Taqueria Guerrero, Inc. – NMLS License #1543380
Currency Exchange License Renewal for 2020

Dear Ms. Kasel:

The above-named currency exchange licensee has made application to renew its currency exchange license to operate at:

301-D 4th Avenue NE
Austin, MN 55912

Pursuant to Minnesota Statutes Chapter 53A.04, we are notifying your office that a complete currency exchange license renewal application has been filed with the Department of Commerce. The renewal application included the names of the officers and owners of the licensee, background checks on each of the owners and officers from the Minnesota Bureau of Criminal Apprehension, a fee schedule of all fees to be charged by the currency exchange office, a $10,000 surety bond valid through December 31, 2020, and the $500 renewal fee. If you wish to receive a copy of the complete currency exchange license renewal application form that was filed with this office, please call Angela at 651-539-1703 and the renewal form will be mailed to you.

Minnesota Statutes Chapter 53A.04 requires the Department of Commerce to submit any application for licensure as a currency exchange to the governing body of the local unit of government in which the currency exchange business is located. The law further requires the governing body to give published notice of its intention to consider the issue and shall solicit testimony from interested persons, including those in the community in which the licensee is located. If the governing body has not approved or disapproved the issue within 60 days of receipt of the application, concurrence is presumed. The governing body shall have the sole responsibility for its decision. The state shall have no responsibility for that decision. Your cooperation in forwarding this information to the proper unit within your organization is appreciated.

Your reply must be received within 60 days of receipt of this letter. If you have any questions, please contact me at the telephone number listed below.

Very truly yours,

Robin H. Brown
Financial Institutions Division
651-539-1721
651-539-1548 (Fax)
Memorandum

To: Mayor & Council
From: Holly Wallace, Planning & Zoning Administrator
Date: November 4th, 2019
Subject: Bids – Building Demolition
408 8th Ave SE
1004 7th Ave NE
1017 10th Ave SW(Garage only)
1700 5th Ave NW

The City of Austin received bids for the demolition of the residential buildings located at 408 8th Ave SE, 1004 7th Ave NE, 1017 10th Ave SW(Garage only), 1700 5th Ave NW on Thursday, October 24th, 2019. The bids are summarized below.

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hansen Hauling &amp; Excavating, Inc.</td>
<td>$27,700.00</td>
</tr>
<tr>
<td>Jim Excavation LLC.</td>
<td>$47,500.00</td>
</tr>
<tr>
<td>Generation X Construction LLC.</td>
<td>$27,300.00</td>
</tr>
</tbody>
</table>

The projects will be funded using 2019 budget funds. We would recommend awarding the project to Generation X Construction LLC. If you have any questions, please contact me.
RESOLUTION NO.

AWARDING BID – RESIDENTIAL BUILDING DEMOLITION

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

408 8th Avenue SE, 1004 7th Avenue NE, 1017 10th Avenue SW (garage only),
1700 5th Avenue NW Building Demolition

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

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generation X Construction, LLC</td>
<td>$27,300</td>
</tr>
<tr>
<td>Hansen Hauling &amp; Excavating, Inc.</td>
<td>$27,700</td>
</tr>
<tr>
<td>Jim Excavation</td>
<td>$47,500</td>
</tr>
</tbody>
</table>

AND, WHEREAS, it appears Generation X Construction, LLC is the lowest responsible
bidder.

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

408 8th Avenue SE, 1004 7th Avenue NE, 1017 10th Avenue SW (garage only),
1700 5th Avenue NW Building Demolition

Passed by a vote of yeas and nays this 4th day of November, 2019.

YEAS  
NAYS

ATTEST:  
APPROVED:

__________________________  
City Recorder               

__________________________  
Mayor
Hi Ann,

Here is a map of all the planters for the city council meeting. The red circles indicate a planter. Can you tell us when the next meeting is? Kevin Nelson counted 31 planters, but we agreed to only decorate 29 of them. We would leave off 1 by the SPAM Museum and one by City Hall.

Sandy has more information about what will go in the planters. Bergs has agreed to do the planters for $5,000.

Have a good day!

Savile
Memorandum

To: Mayor & City Council

From: Austin Planning Commission

Subject: Recommendation for Amendment of Future Land Use Plan and Rezoning Request Petitioned by Curtis Sorenson

Date: October 31, 2019

During the October 15, 2018, meeting of the Austin Planning Commission, the commission reviewed a request from Curtis Sorenson, regarding a property located at 1500 7th Ave NW, to amend the Future Land Use Plan from mixed high density residential to commercial and to rezone the property from “R-2” Multi-Family Residential to “B-2” Commercial.

Said property is legally described as follows: See Proposed Ordinance.

This action has been requested to accommodate a car sales business. The property existed as a car sales business from about 1989, when a change of non-conforming use was granted from a plumbing business to car sales, to about 2017, when the car sales use terminated due to inactivity for more than a year. Under the change of non-conforming use, the car sales could not expand, therefore the owner at the time, Bob Helmers, petitioned the city to rezone the subject property and an adjacent lot to commercial. Helmers petitioned in 1998 and 2001 and was denied both times.

Sorenson recently made an agreement to purchase the property as a car sales lot and was unaware that the property was not properly zoned for said business and that the non-conforming use for car sales had terminated. Due to the location and size of the parcel, the only option for the petitioner was to try to amend the future land use map in the comprehensive plan, rezone the property to “B-2” commercial, apply for a variance for setback from a residential zone (the lot is less than 50 ft. from a residential district) and then obtain a conditional use permit.

The proposed location has remained mostly unchanged over the past decades, the houses still remain and the former car lot is the only visible business. Two adjacent property owners appeared at the meeting, one couple (Thiesen) objected to the
proposed rezone primarily due to nuisance issues and the other (Helmers) wanted his property rezoned to add car sales as well or in the alternative, if Helmers’ rezone failed, to object to the petitioner’s rezone request. Helmer’s position is detailed in a letter from his attorney, which is included (See letter from Henefield & Iacovino). The current owner, Medgaardern, spoke in support of the petitioner. The petitioner provided a list of neighbors who did not object when he approached them about the request, but did indicate it would be car sales versus other commercially allowed uses. The Planning Commission heard from all parties and staff and after thorough consideration, made the following recommendation:

The Planning Commission with six members present recommends the council deny the amendment to the future land use plan and rezoning request by the following vote:

   6 Ayes          0 Nay

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

- The proposed land-use change is not consistent with the Comprehensive Plan Future Land-Use Plan as a mixed use and/or commercial/retail district.
- The “B-2” commercial district is not compatible with the surrounding uses and zoning.

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 2/3rds vote in accordance to MN Statute 462.357, Subd.2

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 and adjacent properties with the uses permitted in the proposed zoning district.
3. The compatibility of all the potential uses allowed 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.
Petitioner: Curtis Sorenson

Location of Property: 1500 7th Ave NW: Parcel IDs – 34.820.0220 & 34.820.0130

Legal Description: Lots 1 and 14, Block 2, Auditors Plat

Requested Action: The petitioner is requesting to rezone this property from an "R-2" Multi-Family Residential District to a "B-2" Community Business District and to amend the future land use plan from Mixed High Density Residential to Commercial/Retail.

Present Land Use: Non-conforming use – office, previously car dealership.


Reason for Request: The petitioner wishes to use the property as a car dealership. A car dealership had been operated at the location for many years as a legal, non-conforming use. However the property has not been used as a dealership for over a year, therefore that use has terminated and is not permitted to resume. To establish a new car dealership, the petitioner has made this rezoning request to amend the future land use plan to retail/commercial and change the current zoning use from an “R-2” Multi-Family Residential District to a “B-2” Community Business District.

Background: Requests to rezone the property to “B-2” Community Business were made:
1. July 18, 1989 Change of Non-conforming use approved (denied by Planning Commission 4-1, approved by City Council 3-2)
2. December 15, 1998 (denied rezone, 9-0, finding that the rezone was not compatible with existing adjacent uses, that the rezone would constitute spot zoning and that it was not in compliance with the comprehensive plan).
3. October 9, 2001 (denied rezone, 6-0, finding proposed commercial use not consistent with surrounding land uses, that there is a CUP that specifically prohibits expansion of the use and that it is not in compliance with the comprehensive plan).

Non-conforming use:

Subd. 1. Intent.
A. Within the districts established by this chapter or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited under the terms of this chapter or future amendment. It is the intent of this section to permit these non-conformities to continue until they are removed, but not to encourage their survival.
B. It is further the intent of this section that non-conformities shall not be enlarged upon, expanded nor extended, nor be used as a basis for allowing additional structures or uses prohibited elsewhere in the same district.

Subd. 2. Non-conforming buildings, structures or uses. Any building, structure or use which does not conform to the use regulations contained in this zoning chapter at the time it becomes applicable to the building, structure or use may be continued subject to the following provisions:
A. **Non-conforming use - damage.** Any building or structure occupied by a non-conforming use which has been damaged by fire, flood, explosion or any act of God, such that its value has been reduced to less than 50% of its fair market value, shall be required to conform to the use regulations in this zoning chapter, except that the Board of Adjustment and Appeals may grant authority to continue a non-conforming use when damaged to a greater extent than 50% of its fair market value, when such is in the best interests of the public welfare or when undue hardship would otherwise result to the owners or occupants of the building or structure.

B. **Non-conforming use - discontinued.** Any non-conforming use which is voluntarily discontinued or becomes inactive for a period of one year or more shall not be permitted to resume, except in compliance with the use regulations of this zoning chapter.

C. **Reserved.**

D. **Non-conforming use - repairs.** The repairs and maintenance work as required to keep a non-conforming building, structure or use in sound condition may be made, provided no additions shall be made, except as are required by law or authorized by the Board of Adjustment and Appeals as provided in Chapter 2 of the City Code.

E. **Non-conforming use - change.**

1. Any non-conforming use of a structure or structure and premises may be changed to another non-conforming use, provided that the Board of Adjustment and Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

2. In permitting the change, the Board may require appropriate conditions and safeguards in accord with the provisions in this zoning chapter.

**Applicable Zoning Ordinance:** The following ordinance applies to the proposed land use:

§ 11.41 B-2, COMMUNITY BUSINESS DISTRICT.

Subd. 1. **Purpose.** It is the purpose of the B-2 district to permit and to encourage the establishment of commercial shopping centers which offer a wide variety of consumer goods and services. It is intended that the community business district serve a larger population and larger area than the B-1 district and, when located along major highways and thoroughfares, accommodate primarily automotive-oriented establishments.

Subd. 2. **Principal permitted uses.** No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in § 11.80.

(Ord. 1286, passed 11-11-75)

A. **General.** All principal or conditional permitted uses as regulated in B-1 neighborhood business district.

(Ord. 1310, passed 10-3-77)

B. **Small retail store establishments.** Retail establishments up to or equal to an aggregate building area of 70,000 square feet.

C. **Personal services and business services.**

1. Personal service establishment;
2. Post offices and telegraph offices;
3. General business services; and
4. Restaurants and cocktail lounges, subject to all applicable regulations and such permits and licenses as may be required by law.

D. **Processing.** Bakery, catering establishment, laundry or dyeing and cleaning works.

E. **Ice storage and distribution station.** Limited to five-ton capacity.
F. Minor fabrication and repair. Appliance and television repair shop, plumbing shop, painting and decorating shop, tinsmithing shop, and commercial parking lots.

G. Drive-in uses. Drive-in banks, building and loan companies and similar financial institutions; drive-in eating places provided that the premises shall be screened by a sight obscuring solid wall, fence or vegetative screen at least six feet high where it adjoins in the rear or on the sides of any residential district, public park, school or church.

(Ord. 1286, passed 11-11-75)

H. Home businesses. Small businesses which are operated and maintained by a resident of the dwelling unit, and when the use is incidental to the residence; provided, however, that the use shall be within the main dwelling and shall be located on one floor only and shall not occupy more than one-third of that floor area.

(Ord. 1336, passed 1-15-79)

I. Transient accommodations. Hotels, motels, motor hotels, tourist homes and bed and breakfasts for any number of guests, including incidental accessory uses.

(Ord. 188, Second Series, passed 6-1-89)

J. General. Any conditionally permitted use and as regulated in the B-1 district, except as hereinafter specified.

K. Commercial recreation. Any type of commercial recreation, including drive-in theaters, baseball fields, swimming pools, skating rinks, golf driving ranges, and similar open air facilities, provided the establishments shall be located at least 100 feet from any residential district.

L. Animal hospitals, veterinary clinics. Kennels for display, boarding or treatment of pets and other domestic animals; provided that any structure or area used for such purposes, including pens, and exercise yards, shall be located at least 100 feet from any residential district and that such pens or exercise runs shall be enclosed on four sides by a sight obscuring, unpierced fence or wall at least five feet in height.

M. Automotive service, farm implements. Repealed.

(Ord. 352, passed 12-4-95)

N. Public utility stations and services.

O. Stations. Radio and television transmitting stations and appurtenances thereto.

P. Warehousing, storage and wholesaling. Repealed.

(Ord. 352, passed 12-4-95)


Subd. 3. Conditional uses. The following uses may be permitted only if specifically authorized by the Planning Commission:

A. Bottling works. Bottling of soft drinks and milk or distribution stations, providing a building used for the processing and distribution shall be at least 100 feet from any residential district boundary.

B. Mining. Mining would be allowed as a conditional use under § 11.41, Subd. 3, Subpar. I.

(Ord. 213, Second Series, passed 7-30-90)

C. Limited manufacturing. The storage, handling, assembly, fabricating, altering, converting, finishing, processing, treating and packaging, except any combustible materials and/or flammable liquids, providing that the use will not be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibration, radiation, refuse matter or fluid waste.

(Ord. 215, Second Series, passed 9-3-90)

D. Automotive service, farm implements. Automobiles, trucks, trailers, farm implements, for sale, display, trailer lots, repair garages, body and fender shops, paint shops, provided that they
shall be at least 50 feet from any residential district and that the premises shall be screened by a sight obscuring solid wall, fence or vegetative screen at least six feet high where it adjoins in the rear or on the sides of any residential district, public park, school or church.

E. **Warehousing, storage and wholesaling.** The storage, handling, assembly and distribution of goods and materials for retail, wholesale or on-site use, except any combustible materials and/or flammable liquids, providing that the use will not be hazardous, offensive or objectionable by reason of odor, dust, cinders, gas, fumes, noise, vibrations, radiation, refuse matter or fluid waste.

(Ord. 352, Second Series, passed 12-29-95)

F. **Large retail store establishments.** Retail establishments exceeding an aggregate building area of 70,000 square feet.

Subd. 4. **Accessory uses and buildings.** Any accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, located on the same lot therewith.

Subd. 5. **Requirements.** The following requirements shall be observed:

A. **Business in enclosed buildings.** All business services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations and the outdoor display or storage of vehicles, materials and equipment as hereinafter specifically authorized or as may be authorized by the Board of Adjustment and Appeals.

B. **Non-objectionable uses.** No process or equipment shall be employed or goods sold which are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste.

C. **New merchandise.** Goods for sale shall consist primarily of new merchandise, except for antique shops and used motor vehicles.

(Ord. 1286, passed 11-11-75)

D. **Yard requirements and bulk regulations.** The yard and bulk requirements defined in § 11.01 shall be observed as specified below:

1. Lot area minimum (sq.ft.): 6,000.
2. Lot frontage minimum (ft.): 60, except where property was platted prior to the adoption of this chapter in which event the frontage and area minimum shall not be less than the platted dimensions.
3. Front yard minimum (ft.): seven.
4. Rear yard minimum (ft.): none, except where adjoining R district, 20 foot minimum.
5. Side yard minimum (ft.): none, except where adjoining R district, 20 foot minimum.
7. Maximum height: three stories or 45 feet.
8. Minimum open area: 20%.

(Ord. 258, Second Series, passed 2-17-92)

E. **Off-street parking and loading.** Off-street parking and loading facilities shall be provided as specified in § 11.70.

F. **Signs.** No billboard, signboard or advertising sign shall be permitted, except as provided in the sign regulations of the City Code.

('80 Code, § 11.41) (Am. Ord. 521, Second Series, passed 5-16-05)
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 and adjacent properties with the uses permitted in the proposed zoning district.
3. The compatibility of all the potential uses allowed 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.

Attachments: 1. Map of current rezone area
               2. Future Land Use map
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: 1501 8th Ave NW

Legal Description of Property: ____________________________

Owner: Name Curtis Sorensen Phone 507-440-3034

Address 305 220th Dr NW

City Austin State MN Zip 55916

Type of Request: ___ Variance ___ Conditional Use Permit ___ Rezoning ___ Other

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

Description of Request: Requesting rezoning to commercial
for a used car lot.

Reason for Request: to open a used car lot

Present Zoning Classification R-2 multifamily

Existing Use of the Property office.

Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? ______ When?

Signature of Applicant ____________________________ Date 09/30/19

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

Approved _____ Denied _____ by the Common Council

Comments

______________________________________________________________

______________________________________________________________
CONTRACT FOR DEED
by Business Entity

DATE: August 19, 2019

THIS CONTRACT FOR DEED (the "Contract") is made on the above date by JLM Property, LLC, a limited liability company under the laws of the state of Minnesota, ("Seller"), and New Age Properties, LLC, ("Purchaser"). (Check box if joint tenancy)

Seller and Purchaser agree to the following terms:

1. Property Description. Seller hereby sells and Purchaser hereby buys real property in Mower County, Minnesota, described as follows: Outlots 1 and 14, Blck 2, Auditor's Plat of Outlots in the Northwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 4, Township 102 North, Range 18 West in the City of Austin, Mower County, Minnesota

Check here if all or part of the described real property is Registered (Torrens) □

Together with all hereditaments and appurtenances belonging thereto (the "Property"). Unless otherwise specified, Seller hereby delivers possession of the Property to Purchaser on the date hereof.

Check applicable box:
☒ The Seller certifies that the Seller does not know of any wells on the described real property.
☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...] )
☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.
AFFIDAVIT OF MAILING
PUBLIC HEARING RE-ZONE NOTICE
STATE OF MINNESOTA
COUNTY OF MOWER

Erica R. Nelson, 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 October 1\textsuperscript{st}, 2019, 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:

Sorenson Rezone
See attached list.

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

\[Signature\]
Erica R. Nelson

Subscribed and sworn to before me
This 9\textsuperscript{th} Day of October, 2019.

\[Signature\]
Notary Public

\[Notary Seal\]
ANN MARIE KASEL
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2023
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 property owned by Curtis Sorenson. This requested action is to rezone the parcel from “R-2” Multi-Family to “B-2” Community Business and to amend the Future Land Use Map from Mixed High Density Residential to Commercial/Retail. Said property is located at 1500 7th Ave NW.

Said petition of the requested rezoning will be heard at a regular meeting of the Austin City Planning Commission on Tuesday, October 15th, 2019 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
Publisher's Certificate of Publication

STATE OF MINNESOTA
COUNTY OF MOWER

Heather Ryks, being duly sworn, on oath states as follows:

1. I am the publisher of the Austin Daily Herald, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of week upon which the public notice attached/copied below was published in the newspaper are as follows:

10/03/19

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: $19.35.

5. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of is located in Mower County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgage premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

Heather Ryks

Subscribed and sworn to before me this 3rd Day of October, 2019

Jana Norman

Jana Norman, Notary Public
Mower County, MN
Commission Expires: 01/31/2023
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-2 (Multi-Family) to an B-2 (Community Business). The Future Land Use map shall be changed from Mixed High Density Residential Neighborhood to Commercial / Retail.

Lots 1 and 14, Block 2, Auditers Plat, City of Austin, Mower County, Minnesota.

Section 2. The foregoing change shall be noted on the Zoning Map in accordance with City Code Section 11.02.

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 4th Day of November, 2019.

Yeas ___ Nays ___

ATTEST:  

APPROVED:

______________________________
Tom Dankert
City Recorder

______________________________
Thomas A. Stiehm
Mayor
Memorandum

To: Mayor and City Council

Cc: Daniel Hegna
    700 10th St NE
    Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Defacement of Property
    At 700 10th St NE, Hegna Property

Date: October 31, 2019

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of graffiti at 700 10th St NE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd. 4-6 and IPMC Code Section 302.9.

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
October 17th, 2019

Daniel Hegna  
700 10th St NE  
Austin, MN 55912

RE: Zoning Violations at 700 10th St NE Austin, MN 55912

Dear Daniel:

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 October 17th, 2019 at this site and the following issues need to be resolved:

1. Remove graffiti on house

The violation of Austin IPMC Code Sections 302.9 and City Code Sections 10.14 Subd.4-6 were found. These City Code sections read as follows:

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

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. Thereupon, 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. 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,

[Signature]

Brent Johnson
Zoning Inspector
WEDNESDAY

2019.OCTOBER.30 / 9:56 AM

700 10th St NE - Graffiti
Memorandum

To: Mayor and City Council
Cc: Thomas Corscadden
    1107 4th Ave NW, Austin, MN 55912
From: Holly Wallace, Planning & Zoning Administrator
Re: Accumulation of Refuse and Junk
    At 1804 Oakland Ave E, Corscadden Property
Date: October 31, 2019

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 1804 Oakland Ave E. 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
October 10th, 2019

Thomas Corscadden
1107 4th Ave NW
Austin, MN 55912

RE: Zoning Violations at 1804 Oakland Ave E, Austin, MN 55912

Dear Thomas:

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 October 9th, 2019 at this site and the following issues need to be resolved:

1. **Remove all junk/trash from property**

The violation of Austin City Code Sections 10.14 Subd.1(B) 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(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. 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,

[Signature]

Brent Johnson
Zoning Inspector
WEDNESDAY

2019.OCTOBER.30 / 9:50 AM

1804 Oakland Ave E-Junk
Memorandum

To: Mayor and City Council
Cc: Lourdes Sandoval
    711 8th St NE, Austin, MN 55912
From: Holly Wallace, Planning & Zoning Administrator
Re: Accumulation of Refuse and Junk
    At 711 8th St NE, Sandoval Property
Date: October 31, 2019

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 711 8th St NE. 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
October 8th, 2019

Lourdes Sandoval
711 8th St NE
Austin, MN 55912

RE: Zoning Violations at 711 8th St NE, Austin, MN 55912

Dear Lourdes:

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 October 7th, 2019 at this site and the following issues need to be resolved:

1. Remove all junk from property

The violation of Austin City Code Sections 10.14 Subd.1(B) 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(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. Thereupon, 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. 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,

[Signature]

Brent Johnson
Zoning Inspector