

**A G E N D A**  
**CITY COUNCIL MEETING**  
**MONDAY, APRIL 5, 2021**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

Call to Order.

Pledge of Allegiance.

Roll Call.

(mot) 1. Adoption of Agenda.

(mot) 2. Approving minutes from March 15, 2021

3. Recognitions and Awards.  
Austin Packer Dance Team Recognition  
Southeast Minnesota Arts Council Presentation

(mot) 4. \*Consent Agenda

Licenses:

Food: Lemondrops, 129 North Main Street  
Right of Way Contractor: 3701 Communications Way, Evansville, IA  
Sign Installer: Atwood Electric, Sigourney, IA  
Tree Service: O'Connell Tree Service, LLC, Hollandale  
Temporary Liquor: Austin Area Commission for the Arts on April 24, 2021

Claims:

- a. Pre-list of bills
- b. Credit Card and Financial Reports.
- c. Andy Lunt, 1905 22<sup>nd</sup> Street SW. The matter has been forwarded to the City Attorney to protect the City's interest.

Event Applications:

"Procesion Al Aposiol Santiago" on July 24, 2021

**BID OPENINGS AND AWARDS:**

(res) 5. Receiving bids for Riverside Arena roof replacement.  
a. Awarding bid.

(res) 6. Receiving bids for asphalt street reconstruction projects.  
a. Awarding bid.

(res) 7. Receiving bids for concrete street reconstruction projects. *(Backup to follow)*  
a. Awarding bid.

**PETITIONS AND REQUESTS:**

- (mot) 8. Approving the pricing platform reduction and additional investment option for the Nationwide deferred Comp 457 Plan.
- (res) 9. Approving a transfer of an on-sale liquor license to Cuatro Copas Bar, LLC.
- (res) 10. Approving a contract with SEH, Inc. for Airport airfield lighting improvements.
- (res) 11. Approving a Clean Water Revolving Fund Loan application.
- (mot) 12. Approving a revised Fire Department Policy for part-time firefighters.
- 13. 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. 1004 5<sup>th</sup> Street NW, Marquardt Property.
  - (mot) b. 609 8<sup>th</sup> Avenue SW, Hays Property.
  - (mot) c. 904 12<sup>th</sup> Avenue SE, Franco Property.
  - (mot) d. 305 1<sup>st</sup> Avenue SW, Messerschmidt Property.
  - (mot) e. 1101 12<sup>th</sup> Avenue SW, North Star Homes Property.

**CITIZENS ADDRESSING THE COUNCIL**

**HONORARY COUNCIL MEMBER COMMENTS**

**REPORTS AND RECOMMENDATIONS:**

City Administrator  
City Council

- (mot) Adjourn to **Monday, April 19, 2021** 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  
March 15, 2021  
5:30 PM  
Council Chambers

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

MEMBERS APPEARING ELECTRONICALLY: Council Member Joyce Poshusta

MEMBERS ABSENT: None

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert and Police Chief David McKichan

STAFF APPEARING ELECTRONICALLY: Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Kevin Nelson, City Attorney Craig Byram, Library Director Julie Clinefelter and City Clerk Ann Kasel

OTHERS APPEARING ELECTRONICALLY: Austin Daily Herald, Honorary Council Member Teresa Lugo, John Garry, Tim Ruzek, Mikela Hout

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

Moved by Council Member Fischer, seconded by Council Member-at-Large Austin, approving the agenda as amended. Carried.

Moved by Council Member Oballa, seconded by Council Member Waller, approving Council minutes from March 1, 2021. Carried.

RECOGNITIONS

Police Chief McKichan recognized the promotion of Officer Tischer to Sergeant.

Mayor King read a proclamation declaring April 30, 2021 Arbor Day.

CONSENT AGENDA

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

Licenses:

Mobile business: Bummy's BBQ, Kiester

Claims:

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

Carried.

## PUBLIC HEARINGS

A public hearing was held for street improvement assessments for 1<sup>st</sup> Street SE (Oakland Avenue East to 1<sup>st</sup> Avenue SE) and 1<sup>st</sup> Avenue SE (South Main Street to 2<sup>nd</sup> Street SE), Project 21102. The amount to be assessed is \$124,355.24 at 3.5% for 15 years. Public Works Director Steven Lang stated the specific details of each project were presented at the February 16, 2021 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the cost of Project 21102. Carried 7-0.

Moved by Council Member Postma, seconded by Council Member Fischer, adopting resolution adopting the assessment roll for Project 21102. Carried 7-0.

A public hearing was held for street improvement assessments for 19<sup>th</sup> Street NW (Oakland Avenue West to 4<sup>th</sup> Avenue NW) and 1<sup>st</sup> Avenue NW (18<sup>th</sup> Street NW to 19<sup>th</sup> Street NW), Project 21103. The amount to be assessed is \$210,934.80 at 3.5% for 15 years. Public Works Director Steven Lang stated the specific details of each project were presented at the February 16, 2021 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the cost of Project 21103. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting resolution adopting the assessment roll for Project 21103. Carried 7-0.

A public hearing was held for street improvement assessments for 16<sup>th</sup> Street NE (Oakland Avenue East to 3<sup>rd</sup> Avenue NE) and 1<sup>st</sup> Avenue NE (Oakland Place NE to 19<sup>th</sup> Street NE),

Project 21104. The amount to be assessed is \$350,449.92 at 3.5% for 15 years.

Public Works Director Steven Lang stated the specific details of each project were presented at the February 16, 2021 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the cost of Project 21104. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting resolution adopting the assessment roll for Project 21104. Carried 7-0.

A public hearing was held for street improvement assessments for 8<sup>th</sup> Street NW (8<sup>th</sup> Avenue NW to 13<sup>th</sup> Avenue NW) and 9<sup>th</sup> Street NW (8<sup>th</sup> Avenue NW to 10<sup>th</sup> Avenue NW), Project 21101. The amount to be assessed is \$212,699.85 at 3.5% for 15 years Public Works Director Steven Lang stated the specific details of each project were presented at the February 16, 2021 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Postma, seconded by Council Member Fischer, adopting a resolution declaring the cost of Project 21101. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting resolution adopting the assessment roll for Project 21101. Carried 7-0.

A public hearing was held for street improvement assessments for 8<sup>th</sup> Avenue/Place NW (North Main Street to 4<sup>th</sup> Street NW) and 8<sup>th</sup> Avenue SW (27<sup>th</sup> Street to Dead End), Project 21105. The amount to be assessed is \$37,382.36 at 3.5% for 15 years. Public Works Director Steven Lang stated the specific details of each project were presented at the February 16, 2021 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no additional public comments.

Moved by Council Member Oballa, seconded by Council Member Waller, adopting a resolution declaring the cost of Project 21105. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting resolution adopting the assessment roll for Project 21105. Carried 7-0.

A public hearing to review a five-year tax abatement for Allen and Barbara McAlister. City Administrator Craig Clark stated the proposed abatement is for a property in Westridge Estates

with a proposed value of \$325,000. He stated the application met the criteria for the abatement.

There were no public comments.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, approving a five-year tax abatement for Allen and Barbara McAlister. Carried 7-0.

A public hearing was held to adopt a modification to the development program for municipal development district no. 1 and to establish TIF district no. 15 for the Nu-Tek development project. City Administrator Craig Clark stated this is the next step in approving the Nu-Tek Project.

Mikela Hout with Baker Tilly stated the proposed resolution is to facilitate the financing of the improvements to the property for the Nu-Tek property. She stated the tax increment district is defined and located in the area where Nu-Tek is proposed to be constructed and public input is welcome for the proposal.

There were no public comments.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution to adopt a modification to the development program for municipal development district no. 1; and establishing tax increment financing (economic development) district no. 15 and adopting a tax increment financing plan therefor. Carried 7-0.

#### PETITIONS AND REQUESTS

City Administrator Craig Clark stated F & F Investments has made an offer to the City to purchase the parking lot adjacent to their building for \$36,000. The lot would be made into a patio and private parking for the business.

Moved by Council Member Baskin, seconded by Council Member Postma, adopting a resolution approving the sale of a City parking lot to F & F Investments, LLC. Carried 7-0.

Mayor King read the 2021 flower donations to the City of Austin.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting a resolution accepting 2021 flower donations to the City of Austin. Carried 7-0.

Public Works Director Steven Lang requested the Council approve City participation in the 2021 electronics recycling event. The event will be held on May 8, 2021 from 9:00 am to 2:00 pm and will accept household electronics and appliances for a small fee. The City would provide a fork lift for the event and \$500 from the transfer station budget for advertising.

Mr. Lang noted the City needs 10-16 volunteers for the event.

Moved by Council Member Fischer, seconded by Council Member Waller, approving City participation in the 2021 electronic recycling event. Carried.

Public Works Director Steven Lang requested the Council approve a farm lease with Kevin Finley for the Cook Farm site. Mr. Finley has farmed the area since 2012 and would lease 108 productive acres at \$240 per acre and 15.6 non-productive acres at \$50 per acre totaling \$26,700 per year.

Moved by Council Member Fischer, seconded by Council Member Waller, approving a farm lease with Kevin Finley. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a sign appeal from Adam Meyer to replace an existing sign with a larger sign at 308 4<sup>th</sup> Avenue NW. She stated the Planning Commission reviewed the matter at their March 9, 2021 meeting and recommended approval of the appeal.

Moved by Council Member Postma, seconded by Council Member Fischer, approving a sign appeal petitioned by Adam Meyer. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 807 14<sup>th</sup> Avenue SE, Shaw Property. Carried.

## REPORTS

City Administrator Craig Clark stated the American Rescue Plan has been adopted by the Federal Government and the City will receive over \$2 million in the first payment.

Library Director Julie Clinefelter stated the social justice book club will meet Thursday at 6 p.m.

Council Member Postma thanked the City street department staff for cleaning the roads.

Council Member Baskin congratulated the Austin Packer Dance team for their second-place state finish.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adjourning the meeting to April 5, 2021. Carried.

Adjourned: 6:10 p.m.

Approved: April 5, 2021

Mayor: \_\_\_\_\_

City Recorder: \_\_\_\_\_

# Austin POLICE DEPARTMENT



LAW ENFORCEMENT CENTER 201 1<sup>st</sup> ST NE STE 2 AUSTIN, MINNESOTA 55912 (507) 437-9400 FAX (507) 437-9546

## EVENT APPLICATION

1. Event Title PROCESSION "AL APOSIOLO SANTIAGO" SAINT
2. Name/Address of Organization MICHOACAN (NURILLO)
3. Contact Person CIPRIANO HERRERA E-mail \_\_\_\_\_  
Phone \_\_\_\_\_ Cell Phone 507-219-4238
4. Alternate Contact Amelia Zacaarias E-mail \_\_\_\_\_  
Phone \_\_\_\_\_ Cell Phone 507-219-4388
5. Date of Event JULY-24-2021 Approximate Number of Participants 150
6. Assembly Area Location and Description MARCH WITH MUSIC/people  
FROM Queen's OF ANGELS TO FAIRGROUND
7. Starting Time of Event 11:00 AM Estimated Termination Time 12:30 PM
8. Starting Point Queen's OF ANGELS
9. Termination Point FAIRGROUND
10. Portion of Street Width: (Run/Walk Events: Runners and walkers are to remain in the furthest right lane or out of the vehicle traffic lane as much as possible. Organizers are responsible for providing personnel wearing reflective safety gear along the route to assist participants at intersections.) \_\_\_\_\_
11. Please draw a map on the back of this form, or attach a map or PDF of the event route, and indicate if barricades are needed. Travel route of event (and/or street closures with barricades):

START: 1001 OAKLAND AVE → 1201 W OAKLAND AVE  
TO 700 12TH ST SW  
AUSTIN MN  
55912  
03/24/2021

Michael Bente  
Signature of Applicant

Date

Approved upon compliance with the following terms and conditions: \_\_\_\_\_

afly

Digitally signed by Steven Lang  
Date: 2021.03.30 16:03:13 -05'00'

City Engineer

Date

WTT 3-27-21  
Chief of Police or Designated Officer

Date

Fairgrounds

Church      Oakland



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



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

## Memorandum

**To:** Mayor & Council  
**From:** Steven J. Lang, PE  
**Date:** March 31, 2021  
**Subject:** Bids – Riverside Arena Roof  
Insulation & Replacement

The City of Austin received bids for the reroof and insulation of Riverside Arena on March 16<sup>th</sup>, 2021. Work associated with the bid items will include the following:

- **Base Bid** will consist of removal of the existing asphalt shingles, ice & water guard and sheathing, following by installation of R-30 insulation, sheathing, ice & water guard and asphalt shingles.
- **Alternate 1**, will consist of substituting Structural Insulated Panels for the insulation & sheathing. This is an additional cost to the **Base Bid**.
- **Alternate 2**, will consist of substituting Metal Roof panels for the asphalt shingles. This is an additional cost to the **Base Bid**.
- **Alternate 3**, will establish a price per square foot for the removal and replacement of the Tectum decking as needed. This is an unknown additional cost to the project based on what is found during removals.

The bids are summarized below.

	<b>Base Bid</b>	<b>Alternate 1</b>	<b>Alternate 2</b>	<b>Alt 3</b>
Heritage Exteriors & Restoration	\$397,032.69	\$100,000.00	\$250,000.00	\$40.00
C&C Services Group	\$485,000.00	\$ 55,000.00	\$185,000.00	\$22.00
Allweather Roof	\$778,690.00	\$316,440.00	\$277,530.00	\$50.00

	<b>Base Bid + Alt 2</b>
Heritage Exteriors & Restoration	\$647,032.69
C&C Services Group	\$670,000.00

Project Budget	\$435,000.00
----------------	--------------

Currently there is no insulation on the ceiling of the arena. Installing insulation to create an R-30 insulation value will have a positive impact on the summer utility bills. The summer sun bakes down on the black roof, creating large variation between the air temp at ceiling and air temp at the ice.



Our records indicate that Riverside Arena was constructed in 1972 and the building has been reroofed with asphalt shingles in 1982, 1998, 2012 and now 2021. Asphalt shingles typically have a 30-year life, but this is now the 4<sup>th</sup> reroof project in 50 years. The 1998 reroof was a result of wind damage, 2012 reroof was a result of hail damage and the 2021 reroof is due to leaking. Some of the others may have been a result of weather damage as well.

These ongoing reroofing projects at Riverside Arena led us to look at Alternative #2, the metal roofing system. Metal roofs are advertised as a lifetime product with upwards of 50-year life. For this project we specified concealed fasteners to minimize maintenance and possible leak points. We feel the metal roof would be a good alternative to the asphalt shingles.

We would recommend awarding the project to Heritage Exteriors & Restoration for work including the Base Bid and consideration for Alternate #2. If you have any questions, please contact me.

**Project Funding**

Hormel Foundation Grant	\$160,000
Local Tax Levy	\$275,000
Austin Utilities Rebate	<u>\$ 4,500</u>
SubTotal	<b>\$439,500</b>
Building Fund	<u>\$250,000</u> (additional for Alternate #2)
Total	<b>\$689,500</b>

**RESOLUTION NO.**

**AWARDING CONTRACT FOR RIVERSIDE ARENA  
ROOF INSULATION AND REPLACEMENT**

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

Riverside Arena Roof Insulation and Replacement

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

**WHEREAS**, the following proposals were received:

<u>Contractor</u>	<u>Base Bid</u>	<u>Alt 1</u>	<u>Alt 2</u>	<u>Alt 3</u>
Heritage Exteriors & Restoration	\$397,032.69	\$100,000	\$250,000	\$40
C&C Services Group	\$485,000.00	\$ 55,000	\$185,000	\$22
Allweather Roof	\$778,690.00	\$316,440	\$277,530	\$55

**AND, WHEREAS**, the City would like to award the base bid and alternate 2 for the project;

**AND WHEREAS**, it appears fox Heritage Exteriors & Restoration has submitted the lowest proposal for the project.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Austin, Minnesota that the proposal of Heritage Exteriors & Restoration is hereby accepted.

Passed by a vote of yeas and nays this 5th day of April, 2021

YEAS

NAYS

ATTEST:

APPROVED:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

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



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

## Memorandum

**To:** Mayor & Council  
**From:** Mitch Wenum, PE  
**Date:** March 31, 2021  
**Subject:** Bids – Asphalt Street Reconstruction  
CP 21101, CP 21103 & CP 21104

The City of Austin received bids for asphalt street reconstruction on March 31, 2021. Streets being reconstructed on this project are 8<sup>th</sup> Street NW, 9<sup>th</sup> Street NW, 19<sup>th</sup> Street NW, 1<sup>st</sup> Avenue NW, 1<sup>st</sup> Avenue NE and 16<sup>th</sup> Street NE. Work will consist of pavement removal, sanitary sewer and storm sewer improvements, asphalt paving, and sidewalk replacement. The bids are summarized below.

Contractor	Total Bid Amount
Ulland Brothers, Inc.	\$3,130,005.85
JJD Companies, LLC	\$3,242,735.25
Heselton Construction, LLC	\$3,422,947.85
Wencl Construction, Inc.	\$3,433,195.50
Engineer's Estimate	\$3,645,094.25

The projects will be funded using Local Funds 49, 61 & 67. We would recommend awarding the project to Ulland Brothers, Inc. If you have any questions, please contact me.

Fund 49 – Capital Improvement Fund	\$ 2,619,487.10
Fund 61 – WWTP Fund	\$ 201,845.00
Fund 67 – Stormwater Utility Fund	\$ 308,673.75

## RESOLUTION NO.

### AWARDING BID FOR ASPHALT STREET RECONSTRUCTION

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

2021 Asphalt Street Reconstruction projects

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

<b>Contractor</b>	<b>Bid</b>
Ulland Brothers, Inc.	\$3,130,005.85
JJD Companies, LLC	\$3,242,735.25
Heselton Construction, LLC	\$3,422,947.85
Wencl Construction, Inc.	\$3,433,195.50
Engineer's Estimate	\$3,645,094.25

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

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

2021 Asphalt Street Reconstruction Projects

Passed by a vote of yeas and nays this 5th day of April, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

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



Thomas Dankert  
Director of  
Administrative Services  
507-437-9959  
Fax 507-433-1693  
tdankert@ci.austin.mn.us

TO: Mayor King and Council Members  
FROM: Tom Dankert *TD*  
DATE: March 16, 2021  
RE: **Nationwide Deferred Comp 457 Plan**  
U:\Word\2021\Miscellaneous\Nationwide Rate change.doc

The City of Austin has a deferred compensation plan through Nationwide whereby employees can donate pre-tax funds into a retirement account (much like a 401k). This plan, called a 457 Plan, is only available to government employees as we are not allowed to have 401k accounts by IRS guidelines. **These funds are 100% employee contributed and does not affect the City; except we are the sponsor.**

We have been with Nationwide since the plan was created (based on my limited research) and have now accumulated more than \$13 million of funds (both active employee and retirees) as of December 31, 2020. Most of these funds (36%) are invested in a money market account with a fixed rate of 3.5%. This means that the \$4.7 million of assets invested here are liquid to our retirees and earning 3.5%, which is UNHEARD of in this rate environment. Several years ago, the United States Mayor's Association endorsed a different plan for 457 plan assets, but the City of Austin was one entity that maintained the relationship with Nationwide because they agreed to guarantee the minimum 3.5% rate-of-return on those certain assets, of which more than a third of our participants (mostly retirees) are in. We believed (and still do believe) that changing plans would be detrimental to those employees that already retired and had planned on that income in retirement. No additional dollars can be contributed to that 3.5% fixed plan as part of the agreement, but the new money account has a 1% guaranteed rate-of-return.

Police Captain Todd Clennon brought up the fees charged one day, so we initiated a call with Nationwide to discuss the fees charged to plan participants (again, not charged to the City of Austin but charged to individuals that deposit money into the 457 Plan). After this lengthy discussion, Nationwide has come back and offered our employees a reduction in the fees they charge participants. This reduction is in the range of 29% when looking at our plan investments and would save the employees around \$19,000 annually based on current plan balances.

Additionally, Nationwide is offering an additional option for our employees to invest in called a Fixed Indexed Annuity Contract. This is just one of nearly 4 dozen investment options offered to employees.

As the plan sponsor, we would request a motion by Council approving the pricing platform reduction and additional investment option. Normally, additional investment options are not brought forward to Council, but with this change in rates charged we felt it appropriate to have Council approval. Please do not hesitate to give me a call if you have any questions.



## Tom Dankert

---

**From:** Lathen, Levi <LATHENL@nationwide.com>  
**Sent:** Thursday, March 11, 2021 11:37 AM  
**To:** Tom Dankert  
**Cc:** Sperber, Gregory (Gregg)  
**Subject:** Fee offer Letter  
**Attachments:** City of Austin, MN - Offer Letter.pdf; City of Austin IPP App.pdf

Hello, Tom. Thank you for joining us on the call this morning. Attached are the applications required to implement the Nationwide Index Annuity and the offer letter to reduce your plans Administrative fees.

I have pre-filled out most of the Nationwide Index Annuity application, the only thing we need you to do is to select the Book Value Pay option and sign the application. The Book Value is the termination clause of the Contract. If the County decided to terminate the Index Annuity, Nationwide would liquidate the contract over a 12 month or 5 year time period. This is a similar provision with the Nationwide Fixed account; the City currently has the 5 year book value option with the Nationwide Fixed Account. If the City selects the 5 year book value with the Nationwide Index Annuity option the participant will receive a higher Cap Rate than if the County selected 12 Month Book Value. The current 12 month Cap Rate is 2.5% and 5 year Cap Rate is 8%. There is no cost to the City to add this option. I have also included a short video of how the Nationwide Index Annuity option operates. Please e-mail me the completed Nationwide Annuity application when completed, and the fund will be added to your investment menu in May.

[Nationwide Indexed Principal Protection<sup>SM</sup> \(nrsretire.com\)](https://nrsretire.com)

As I mention during our call we are able to reduce your plan Administrative fees to 40/50/70 basis points and maintain your existing investment options; there would be no change in the crediting rate of the Nationwide Fixed Account. Attached is the offer letter; please review the letter and if you accept the offer send me a e-mail confirming your acceptance. The change in the participant fees would occur in May, 2021.

Thank you for your time.

Levi



**Nationwide<sup>®</sup>**  
is on your side



**Levi Lathen**  
Program Director  
Upper Midwest  
C 414-477-0269 | F 877-304-8950  
[lathenl@nationwide.com](mailto:lathenl@nationwide.com)



**Nationwide®**

March 10, 2021

City of Austin  
Attn: Tom Dankert  
500 4<sup>th</sup> Ave NE  
Austin, MN 55912-3773

Re: City of Austin 457(b) Deferred Compensation Plan

Dear Mr. Dankert,

Nationwide is proud to be an American company that serves America's cities, counties and states. Nationwide is currently the provider of retirement plans to over 3,000 counties across the country and is endorsed by the United States Council of Mayors (USCM) and National Association of Counties (NACo). We truly appreciate the opportunity to provide recordkeeping and administrative services for the City of Austin. Nationwide and the County have something in common – we want participants to be prepared for a secure retirement.

Nationwide has a model centered on people and a long history of serving plans. Our goal is to demonstrate our continued commitment to partnering with the City to provide a remarkable retirement package. To demonstrate this commitment, Nationwide is proud to offer the following Plan enhancement:

Scenario	Pricing Platform	Nationwide Fixed Account GMIR	Variable Investment Lineup
<b>Current Fee Structure</b>	<b>60/70/90 AMC on variable funds</b>	<b>3.50% - Walled Off 1.00% - New Money</b>	<b>Maintain existing investment lineup</b>
<b>Proposed – Option #1</b>	<b>40/50/70 AMC on variable funds</b>	<b>3.50% - Walled Off 1.00% - New Money</b>	<b>Maintain existing investment lineup</b>
<b>Proposed – Option #2</b>	<b>25 basis point revenue requirement on all Plan Assets</b>	<b>3.50% - 2021 2.50% - 2022 1.00% - 2023 0.00% - 2024+</b>	<b>Open Architecture for all variable investments</b>

Please note that Option #2 may include a unit to share accounting conversion to implement the revenue requirement pricing platform. In addition, beginning in 2022, Nationwide agrees to limit fixed crediting rate reductions to a maximum of 0.50% per year.

In conclusion, we want to continue to earn your business. Our competitive price, participant focus, and value-added services make NRS a great choice for the City. Please provide Nationwide with written approval at your convenience to implement these changes. Thank you for your consideration.

Sincerely,

Michael Studebaker  
Regional Vice President  
Nationwide

CC: Levi Lathen, Program Director, Nationwide



**Nationwide®**

**APPLICATION FOR  
GROUP FLEXIBLE PURCHASE PAYMENT DEFERRED  
FIXED INDEXED ANNUITY CONTRACT (Non-Participating)**

*underwritten by*

**Nationwide Life Insurance Company  
One Nationwide Plaza  
Columbus, Ohio 43215  
1-877-677-3678**

**Nationwide Indexed Principal Protection<sup>SM</sup>**

Please indicate for which product this application applies (one must be selected):

☐ 12-month Book Value Payment      ☐ 5-year Book Value Payment

**APPLICANT**

City of Austin, Mn

\_\_\_\_\_ (the "Applicant"), applies to be the Contract Owner of a Group Flexible Purchase Payment Deferred Fixed Indexed Annuity Contract (the "Contract") underwritten by Nationwide Life Insurance Company ("Nationwide").

The Group Flexible Purchase Payment Deferred Fixed Indexed Annuity Contract applied for will become effective on the "Effective Date of Contract" if the initial Purchase Payment and this application are accepted by Nationwide. In the event the initial Purchase Payment or this application are not accepted, Nationwide's liability will be limited to a return of the initial Purchase Payment, and any subsequent Purchase Payments remitted.

The applicant's plan qualifies under:

☒ Section 457(b)    ☐ Section 401(k)    ☐ Section 401(a)

**PURCHASE PAYMENT**

Applicant agrees to permit Participants in its Plan to allocate Purchase Payments to the Contract as of the "Effective Date of Contract".

**STATE INSURANCE FRAUD WARNINGS**

**Notice to AL Residents Only:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or who knowingly presents false information in an application for insurance is guilty of a crime and may be subject to restitution fines or confinement in prison, or any combination thereof.

**Notice to AR, LA, and RI Residents Only:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**Notice to CO and MA Residents Only:** Any person who, knowingly and with intent to injure, defraud or deceive any insurance company or other person, files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and may subject such person to criminal and civil penalties, fines imprisonment, or a denial of insurance benefits.

**Notice to KS Residents Only: WARNING:** Any

person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance may be guilty of insurance fraud as determined by a court of law and may be subject to fines and confinement in prison.

**Notice to KY Residents Only:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime.

**ME Residents Only:** Any person who knowingly and with intent to injure, defraud or deceive any insurance company or other person, files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and may subject such person to criminal and civil penalties, fines imprisonment, or a denial of insurance Benefits. All statements contained in such application for insurance shall be deemed representations and not warranties.



**SIGNATURES**

Signed on behalf of City of Austin Deferred Compensation Plan this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

- ☒ Yes ☐ No Do you have existing annuity contracts?  
☐ Yes ☒ No Will the applied for Contract replace any existing life insurance or annuity contracts?

\_\_\_\_\_  
(Authorized Signature of Applicant)

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Title)

- ☐ Yes ☒ No Do you have any reason to believe the Contract applied for is to replace existing annuities?

Levi Lathen  
(Authorized Nationwide Agent/Representative Signature)

3/11/2021

\_\_\_\_\_  
Date

Levi LATHEN  
(Authorized Nationwide Agent/Representative) – Please Print

Program Director.  
(Title)

## STATE INSURANCE FRAUD WARNINGS (Continued)

**Notice to OK Residents Only: WARNING:** Any person who knowingly, and with intent to injure, defraud or deceive any insurer make any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.

**NOTICE TO PA RESIDENTS ONLY:** Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to a criminal and civil penalties.

**FOR TN AND WA RESIDENTS ONLY:** It is a crime to knowingly provide false, incomplete, or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines, and denial of insurance benefits.

**FOR NJ RESIDENTS ONLY:** Any person who includes false information on an application for an insurance policy is subject to criminal and civil penalties.

**Notice to MD Residents Only:** Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

**NOTICE TO MN RESIDENTS ONLY:** Any person who knowingly presents a false or fraudulent claim for payment of a loss or benefit or knowingly presents false information in an application for insurance is guilty of a criminal offense and may be subject to fines and confinement in prison pursuant to state law.

**NOTICE TO PR RESIDENTS ONLY:** Any person who furnishes information verbally or in writing, or offers any testimony on improper or illegal actions which, due to their nature constitute fraudulent acts in the insurance business,

knowing that the facts are false shall incur, a felony and, upon conviction, shall be punished by a fine of not less than five thousand dollars (\$5,000), nor more than ten thousand dollars (\$10,000) for each violation or by imprisonment for a fixed term of three (3) years, or both penalties. Should aggravating circumstances be present, the fixed penalty thus established may be increased to maximum of five (5) years if extenuating circumstances are present, it may be reduced to a minimum of two (2) years.

**NOTICE TO VA RESIDENTS ONLY:** ANY PERSON WHO, WITH INTENT TO DEFRAUD OR KNOWING THAT HE IS FACILITATING A FRAUD AGAINST AN INSURER, SUBMITS AN APPLICATION OR FILES A CLAIM CONTAINING A FALSE OR DECEPTIVE STATEMENT MAY HAVE VIOLATED THE STATE LAW.

**FOR DC RESIDENTS ONLY: WARNING:** It is a crime to provide false or misleading information to an insurer for the purpose of defrauding the insurer or any other person. Penalties include imprisonment and/or fines. In addition, an insurer may deny insurance benefits if false information materially related to a claim was provided by the applicant.

**Notice to OH Residents Only:** Any person who, with intent to defraud or knowing that he is facilitating a fraud against an insurer, submits an application or files a claim containing a false or deceptive statement is guilty of insurance fraud.

**NOTICE TO NM RESIDENTS ONLY:** ANY PERSON WHO KNOWINGLY PRESENTS A FALSE OR FRAUDULENT CLAIM FOR PAYMENT OF A LOSS OR BENEFIT OR KNOWINGLY PRESENTS FALSE INFORMATION IN AN APPLICATION FOR INSURANCE IS GUILTY OF A CRIME AND MAY BE SUBJECT TO CIVIL FINES AND CRIMINAL PENALTIES.

## ADDITIONAL STATE NOTICES

**Notice to AK Residents Only:** The Contract and the attached application form, including any elected options and/or endorsements, is the entire agreement between Nationwide and the Contract Owner. Statements in the Contract and application are representations and not warranties.

**Notice to ND, SC and SD Residents Only:** A Market Value Adjustment may be assessed on withdrawals or full surrenders which may decrease the amount of the withdrawal or full surrender requested would be in addition to any applicable scheduled surrender penalty charge.

**RESOLUTION NO.**

**Granting Transfer of On-Sale Liquor License**

**WHEREAS**, Emmanuel Vergas Paredes dba Cuatro Copas Bar, LLC has applied to the City Council of Austin, Minnesota for transfer of license for off-sale liquor at the respective address hereinafter mentioned; and

**WHEREAS**, after due investigation it appears said applicants for transfer of said on-sale liquor license have complied with all the provisions of the law relative thereto and are entitled to have the license transferred for the above described purposes at the hereinafter named address.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Austin does hereby grant license for on-sale liquor to the following named licensees at the following location in Austin, Minnesota, which license shall expire December 31, 2021:

Cira Hernandez dba El Maguey Bar  
324 North Main Street  
Austin, MN 55912

to

Emmanuel Vergas Paredes dba Cuatro Copas Bar, LLC  
324 North Main Street  
Austin, MN 55912

Approved by the Austin City Council this 5th day of April, 2021

YEAS

NAYS

ATTEST:

APPROVED:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

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



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

## Memorandum

**To:** Mayor & Council  
**From:** Steven J. Lang, P.E.  
**Date:** March 25, 2021  
**Subject:** Airport Airfield Lighting Improvements

We have identified in the 5-year CIP a project to upgrade the Airfield Lighting at the Austin Municipal Airport.

### b) Airfield Lighting Improvements:

The airfield lighting system that was installed in the mid-2000's will be in need of upgrade. The estimated cost of the project is \$300,000 and would be paid for as follows:

- City of Austin's Airport Construction Fund (\$15,000 Jan. 1<sup>st</sup>, 2021)
- MnDOT State grant (\$15,000 July 1<sup>st</sup>, 2021)
- MnDOT FAA grant (\$270,000 Aug. 1<sup>st</sup>, 2021)

The project is scheduled for construction in Fall of 2021.

The lighting was originally construction in 2005 in conjunction with runway and taxiway improvements. We estimate that with operation and maintenance we current spend approximately \$15,000 per year on airfield lighting. With this project we will plan to upgrade to LED lighting which will greatly reduce the electric demand.

Funding for the project has been modified as a result of the American Recovery Act, in which the bill provides for 100% funding for federal fiscal year 2021 FAA funded projects. Typically, there would be a 5% State and 5% Local match, but this year it will be covered 100%. The FAA has reviewed the project and has determined the repairs to be eligible for FAA funding.

The proposed project will include replacement of runway, taxiway and threshold lighting fixtures, transformers, guidance sign replacement, regulator upgrades and new runway end identifier lights. The new lighting infrastructure will be LED lighting.

The estimated costs for the project are as follows:

Lighting Rehabilitation	\$280,000
Engineering Design & Bidding	\$ 49,300
Construction Management & Inspection	\$ 20,700
Total Estimated Cost	\$350,000 (100% FAA Funding)

In addition, DBE programs are required by FAA every three years, and specifically when the sponsor is undertaking a project which exceeds \$250,000 of FAA funding. The proposed lighting project exceeds this milestone, therefore requiring a DBE program. SEH has created a DBE program on behalf of the City, which sets the DBE utilization goals for upcoming FAA construction projects. The DBE program requires the Mayor to sign the attached Policy Act statement.

At this time, I would recommend moving forward a contract with SEH in the amount of \$49,300 for the Engineering Design & Bidding portion of the project and request authorization for the Mayor to sign the DBE Policy Act statement.

If you have any questions, please contact me.

## **POLICY STATEMENT**

### **Section 26.1, 26.23 Objectives/Policy Statement**

The City of Austin, Minnesota, owner of the Austin Municipal Airport has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The City has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The City Engineer has been delegated as the DBE Liaison Officer. In that capacity, The City Engineer is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City in its financial assistance agreements with the Department of Transportation.

The City has disseminated this policy statement to the City Staff and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by including this policy statement in all bid documents.

---

Mayor – City of Austin, Minnesota

---

Date

RESOLUTION NO.

APPROVING A CONTRACT FOR AIRPORT  
AIRFIELD LIGHTING IMPROVEMENTS

WHEREAS, the City of Austin has identified airfield lighting improvements in the 5-year Capital Improvement Plan; and

WHEREAS, the project will upgrade the lighting to LED which will reduce electrical costs; and

WHEREAS, the City received a proposal from SEH in the amount of \$49,300 for the design and bidding portion of the project; and

WHEREAS, funding for the project will come from the FAA.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves the contract with SEH in the amount of \$49,300 and authorizes the Mayor and City Recorder to execute the contract documents.

Passed by a vote of yeas and nays this 5<sup>th</sup> day of April, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



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



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

## Memorandum

**To:** Mayor & Council  
**From:** Steven J. Lang, P.E.  
**Date:** March 29<sup>th</sup>, 2021  
**Subject:** Clean Water Revolving Fund (CWRF) loan

---

Part of our financing program for the WWTP project involves loans for the remaining balance, after grants have been applied. The State offers a Clean Water Revolving Loan program for water and wastewater projects. This loan is intended to be applied toward costs associated with both the Domestic and Industrial improvements. We are working with SEH on the loan application process, which requires a resolution by the local unit of government.

Attached is a resolution indicating that the City of Austin is applying for a CWRF loan in the amount of \$70M, we have the legal authority and capability to manage and repay the loan.

At this time, we would request Council approval of the attached resolution for inclusion with the loan application. If you have any questions, feel free to contact Tom Dankert or myself.

### Funding Scenario

\$74M 2021 Estimate  
\$3M 2022 Increase  
(\$7M) PSIG Grant  
**\$70M 2022 Construction**  
(\$13M) 2022 State Bonding  
**\$57M 2022 Local Costs**



## EXAMPLE APPLICATION RESOLUTION

## RESOLUTION OF APPLICATION

BE IT RESOLVED that the City of Austin is hereby applying to the Minnesota Public Facilities Authority for a loan from the Clean Water Revolving Fund/Drinking Revolving Fund for improvements to its drinking water system/municipal wastewater treatment system as described in the loan application.

BE IT FURTHER RESOLVED that the City of Austin estimates the loan amount to be \$ 70,000,000 or the as-bid cost of the project.

BE IT FURTHER RESOLVED that the City of Austin has the legal authority to apply for the loan, and the financial, technical, and managerial capacity to repay the loan and ensure proper construction, operation and maintenance of the project for its design life.

Reimbursement provision (see note below\*)

BE IT FURTHER RESOLVED that the City of Austin hereby expresses its official intent to use proceeds of this loan to reimburse construction expenditures made prior to the issuance of its general obligation bond to the Public Facilities Authority.

I CERTIFY THAT the above resolution was adopted by the Austin City Council on April 5, 2021 (month, day, and year).

SIGNED: \_\_\_\_\_

WITNESSED: \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

\*The reimbursement provision above is not an application requirement and should be deleted from the resolution if it is not the municipality's intent to reimburse itself for construction expenditures made prior to the issuance of its general obligation bond to the Public Facilities Authority.

City of Austin  
500 4<sup>th</sup> Avenue NE  
Austin, MN 55912  
507-437-9940  
[www.ci.austin.mn.us](http://www.ci.austin.mn.us)



Tricia Wiechmann  
Human Resources Director  
507-437-9942  
[twiechma@ci.austin.mn.us](mailto:twiechma@ci.austin.mn.us)

MEMORANDUM

TO: Mayor & City Council

FROM: Tricia Wiechmann  
Human Resources Director

RE: Policy Revision

DATE: March 30, 2021

Attached for your review and approval is a revision to the City's Part-time Service with the Fire Department policy. The proposed change is identified as the first underlined sentence in the last paragraph.

Our current policy states that the Relief Association by-laws require part-time firefighters respond to a minimum of 50% of paged calls and attend 80% of training sessions. However, the Austin Part-time Relief Association recently revised their by-laws removing these minimum percentages language. As a result, our language also needs to change to reflect this removal.

The current Fire Civil Service Rules & Regulations does however also include the same minimum response and training requirements; therefore, the revised policy will now reference the Rules & Regulations instead of the Relief Association by-laws. There are no other proposed changes.

Please let me know if you have any questions with regard to the proposed policy revision.

## **PART-TIME SERVICE WITH THE FIRE DEPARTMENT**

The City of Austin recognizes the value of having regular, fulltime employees also serve as paid-on-call firefighters for the fire department. The City supports membership of regular, fulltime employees as paid-on-call staff. These employees may also respond to emergency calls during regular, fulltime hours under certain circumstances.

1. Primary employment shall be considered the employee's regular, fulltime position.
2. Supervisors/department heads of the employee's primary employment position have the authority to deny any employee's response to a paid on-call emergency which is made during regular working hours if fulltime job assignments have a more immediate and pressing need.
3. Employees who respond to a paid on-call emergency during regular working hours will be paid at their regular, fulltime rate of pay for that time spent responding to the emergency and a notation of such will be made on their timesheet.
4. Employees who respond to a paid on-call emergency during regular working hours shall return to their primary position once the emergency has ceased.
5. Overtime will be calculated as per the applicable labor agreement and/or the Fair Labor Standards Act. Exempt employees will not receive overtime, they will be paid the applicable paid on-call rate of pay for paid on-call firefighter duties outside the working hours of their regular fulltime position.
6. Employees who respond to a paid on-call emergency during non-regular working hours will be paid at the applicable paid on-call rate and that time will be reported on the employee's fire timesheet, with the time noted on when the call was worked (i.e. 5:30 – 7:30 PM).
7. Under no circumstances will time reported for responding to a paid on-call emergency be reflected on both the employee's regular timesheet and the employee's fire timesheet.
8. Employees who are absent from work or who leave early for a personal illness from their primary position are prohibited from responding to paid on-call emergencies until their next regular fulltime shift is scheduled to start, unless prior approval is granted by a supervisor. Supervisors are responsible for noting use of sick leave for purpose of personal illness on the regular timesheet for payroll purposes.
9. Employees who are absent from their primary position while using personal vacation, compensatory or holiday time off are eligible to receive their regular rate of pay from their regular fulltime position in addition to the applicable paid on-call rate for hours worked performing paid on-call firefighter duties.

City employees hired as part-time firefighters shall also be eligible to become members of the Austin Part-Time Firefighter Relief Association and receive the benefits as provided by the bylaws of the Austin Part-Time Firefighter Relief Association.

The Fire Civil Service Rules & Regulations require part-time firefighters to respond to a minimum of 50% of paged calls and attendance at a minimum of 80% of all training sessions during each calendar year.

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](http://www.ci.austin.mn.us)

## Memorandum

**To:** Mayor and City Council

**Cc:** Janice Marquardt  
1004 5<sup>th</sup> St NW, Austin, MN 55912

**From:** Holly Wallace, Planning & Zoning Administrator

**Re:** Illegal Storage of Vehicles  
At 1004 5<sup>th</sup> St NW Property

**Date:** April 1, 2021

---

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of the vehicles at 1004 5<sup>th</sup> St NW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.4-6 and 10.33 Subd.1(G) & 2, 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 these vehicles. 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

April 1, 2021

Janice Marquardt  
1004 5<sup>th</sup> St NW  
Austin, MN 55912

RE: Zoning Violations at 1004 5<sup>th</sup> St NW, Austin, MN

Dear Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 31, 2021 at this site and the following issues need to be resolved:

- A. Provide current registration for all vehicles, and must be operable. Remove from property or store in an enclosed structure**

*This is a repeat offense and the matter has been referred to the Austin City Council for corrective action. Council generally meets the first and third Monday of every month. You are being fined under the following City Code:*

**1.98 CIVIL PENALTIES.**

**Subd. 1. Purpose.**

- A. The City Council seeks to offer an alternative method of enforcement for city code violations rather than relying on the criminal court system. The formal criminal prosecution process does not provide an environment to adequately address the unique and sensitive issues that are involved in city code violations, including, but not limited to, neighborhood concerns, livability issues, economic impact, physical limitations of the offenders and the stigma and unintended consequences of being charged with or convicted of a misdemeanor offense. In addition, the court system is a slow, overburdened and methodical process that is not conducive to dealing with the violations in a prompt and timely manner. Finally, the penalties afforded the criminal court system are restricted to fines or physical confinement, which are not always effective solutions to address city code violations.

**Subd. 4. Compliance letter.**

- C. Exceptions to issuance of a compliance letter. For violations of any of the following sections, the city shall not be required to issue a compliance letter and may proceed directly to issuance of an administrative citation as provided in division (E) below.
1. Repeat offender. If the same offender commits a subsequent violation within 24 months after a compliance letter has been issued for a same or similar offense.

**Subd. 5. Administrative citation**

- A. Generally.
1. Upon the failure to correct the violation specified in the compliance letter within the time frame established in the compliance letter or any extension thereof granted by the city, or for any offense for which a compliance letter is not required, an administrative citation may be issued.

If you have any questions, please call me at my office at (507)437-9951.

Sincerely,

Brent Johnson  
Zoning Inspector





1004 5<sup>th</sup> St NW - Repeat



TIME STAMP 

March 31, 2021  
10:22 AM





City of Austin  
Zoning Department



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

## Memorandum

**To:** Mayor and City Council

**Cc:** Daniel Hays  
609 8<sup>th</sup> Ave SW, Austin, MN 55912

**From:** Holly Wallace, Planning & Zoning Administrator

**Re:** Illegal Storage of Vehicles  
At 609 8<sup>th</sup> Ave SW, Hays Property

**Date:** April 1, 2021

---

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of the vehicles at 609 8<sup>th</sup> Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.4-6 and 10.33 Subd.1(G) & 2, 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 these vehicles. 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](http://www.ci.austin.mn.us)

January 7<sup>th</sup>, 2020

Daniel Hays  
810 11<sup>th</sup> Ave SE  
Austin, MN 55912

RE: Zoning Violations at 609 8<sup>th</sup> Ave SW, 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 December 30<sup>th</sup>, 2020 at this site and the following issues need to be resolved:

- ~~1. Remove garbage/junk from property~~
2. Provide current registration for all vehicles, and must be operable. Remove from property or store in an enclosed structure

The violation of Austin City Code Sections 10.01 Subd. 2 & 4(B), 10.14 Subd. 1(B), 10.33 Subd. 1(G) & Subd. 2(B-1) and 10.14 Subd. 4-6 were found. These City Code sections read as follows:

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

**City Code Section 10.01 Subd. 4. B Container requirements.** Each container shall be watertight, shall be impervious to insects and rodents and shall not exceed 32 gallons in capacity, garbage containers when full shall not exceed 60 pounds in weight, when waste is collected by licensed haulers by mechanical lifting devices, the use of the container shall not exceed 90 gallons or limited, as defined by the hauler. Containers shall be maintained in good and sanitary condition. Any container not conforming to the requirements of this section or having ragged or sharp edges or any other defect likely to hamper or injure the person collecting the contents shall be promptly replaced after notice by the city. Notwithstanding the foregoing, grass clippings and leaves may be temporarily stored in bags provided by licensed garbage haulers for pick up by licensed garbage haulers or in plastic bags provided by the owner for ultimate disposal at a site designated by the Council.

**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 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 10.33 Subd. 1 (G)**

Operable equipment for transportation of people, goods or material and equipment ordinarily used for recreational purposes. Including shall be, by way of example and not limitation, automobiles, trucks, pick-up trucks, trailers, marine crafts, snowmobiles, all terrain vehicles, motor homes, pick-up campers, buses, and camping trailers.

**City Code Section 10.33 Subd. 2. *Off-street outside parking within residential districts.***

B. The number of vehicles permitted for outside parking in rear yard and side yard areas shall be limited as follows:

1. Two currently registered passenger vehicles registered to the licensed owner/occupant of the residence may be parked in the rear or side yard areas.

**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 long horizontal flourish extending to the right.

Brent Johnson  
Zoning Inspector





March 31, 2021  
9:45 AM

609 8th Ave SW -



City of Austin  
Zoning Department



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

## Memorandum

**To:** Mayor and City Council

**Cc:** Manuel & Maria Fanco  
905 12<sup>th</sup> Ave SW, Austin, MN 55912

**From:** Holly Wallace, Planning & Zoning Administrator

**Re:** Accumulation of Refuse and Junk  
At 904 12<sup>th</sup> Ave SE, Fanco Property

**Date:** April 1, 2021

---

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 904 12<sup>th</sup> Ave SE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 and 10.22 Subd.1(G) 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](http://www.ci.austin.mn.us)

March 10<sup>th</sup>, 2021

Manuel & Maria Fanco  
905 12<sup>th</sup> Ave SW  
Austin, MN 55912

RE: Zoning Violations at 904 12<sup>th</sup> Ave SE, Austin, MN 55912

Dear Manuel & Maria:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 9<sup>th</sup>, 2021 at this site and the following issues need to be resolved:

1. Remove junk from property- including truck topper
2. Provide current registration for all vehicles, and must be operable. Remove from property or store in an enclosed structure

The violation of Austin City Code Sections 10.14 Subd.1(B), 10.33 Subd.1(G)& Subd. 2(B-1) 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 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 10.33 Subd. 1 (G)**

Operable equipment for transportation of people, goods or material and equipment ordinarily used for recreational purposes. Including shall be, by way of example and not limitation, automobiles, trucks, pick-up trucks, trailers, marine crafts, snowmobiles, all terrain vehicles, motor homes, pick-up campers, buses, and camping trailers.

**City Code Section 10.33 Subd. 2. Off-street outside parking within residential districts.**

B. The number of vehicles permitted for outside parking in rear yard and side yard areas shall be limited as follows:

1. Two currently registered passenger vehicles registered to the licensed owner/occupant of the residence may be parked in the rear or side yard areas.

**City Code Section 10.14, Subd. 4(E-G)  
NOTICE AND ABATEMENT.**

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

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

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

**City Code Section 10.14, Subd. 5:**

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

**City Code Section 10.14, Subd. 6:**

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

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

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

Sincerely,



Brent Johnson  
Zoning Inspector





904 12<sup>th</sup> Ave SE







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](http://www.ci.austin.mn.us)

## Memorandum

**To:** Mayor and City Council

**Cc:** Brent Messerschmidt & Jason Demarre  
13129 Parkwood Dr, Burnsville, MN 55337

**From:** Holly Wallace, Planning & Zoning Administrator

**Re:** Accumulation of Refuse and Junk  
At 305 1<sup>st</sup> Ave SW, Messerschmidt/Demarre Property

**Date:** April 1, 2021

---

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 305 1<sup>st</sup> Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin  
Zoning Department



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

March 10<sup>th</sup>, 2021

Brent Messerschmidt &  
Jason Demarre  
13129 Parkwood Dr  
Burnsville, MN 55337

RE: Zoning Violations at 305 1<sup>st</sup> Ave SW Austin, MN 55912

Dear Brent & Jason:

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 December 23<sup>rd</sup>, 2020 and March 10<sup>th</sup>, 2021 at this site and the following issues need to be resolved:

1. **Remove all junk/garbage from property**
2. **No parking on front yard area, must be on approved surface material**

The violation of Austin City Code Sections 10.01 Subd.2, 10.14 Subd.1(B), 4(B-5)(D-16), 10.33 Subd. 2C and 10.14 Subd.4-6 were found. These City Code sections read as follows:

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

**City Code Section 10.14, 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 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 10.33 Subd. 2. *Off-street outside parking within residential districts.***

C. Outside parking of vehicles shall not be permitted in any portion of the front yard unless the vehicle is parked on a driveway or on a parking area directly adjacent to the side of the driveway.

The square footage of the front yard which is devoted to green space shall always be as required by the applicable provisions of the City of Austin Zoning Ordinance.

**City Code Section 10.14, Subd. 4  
NOTICE AND ABATEMENT.**

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

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

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

**City Code Section 10.14, Subd. 5:**

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

**City Code Section 10.14, Subd. 6:**

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

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

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

Sincerely,



Brent Johnson  
Zoning Inspector

CC: Jackie Messerschmidt





March 31, 2021  
10:03 AM

305 1st Ave SW-





TIME STAMP



March 31, 2021  
10:03 AM



City of Austin  
Zoning Department



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

## Memorandum

**To:** Mayor and City Council

**Cc:** North Start Homes of Austin LLC  
201 Main St S, Austin, MN 55912

**From:** Holly Wallace, Planning & Zoning Administrator

**Re:** Illegal Storage of Vehicles  
At 1101 12<sup>th</sup> Ave SW, North Star Property

**Date:** April 1, 2021

---

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of the vehicles at 1101 12<sup>th</sup> Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.4-6 and 10.33 Subd.1(G) & 2, 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 these vehicles. 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](http://www.ci.austin.mn.us)

March 10<sup>th</sup>, 2021

North Star Homes of Austin LLC  
201 Main St S  
Austin, MN 55912

RE: Zoning Violations at 1101 12<sup>th</sup> Ave SW, Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 10<sup>th</sup>, 2021 at this site and the following issues need to be resolved:

**1. No parking on front yard area, must be on approved surface material**

The violation of Austin City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 and 10.33 Subd. 2(C) were found. These City Code sections read as follows:

**City Code Section 10.14, Subd. 4  
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.

**City Code Section 10.33 Subd. 2. *Off-street outside parking within residential districts.***

C. Outside parking of vehicles shall not be permitted in any portion of the front yard unless the vehicle is parked on a driveway or on a parking area directly adjacent to the side of the driveway. The square footage of the front yard which is devoted to green space shall always be as required by the applicable provisions of the City of Austin Zoning Ordinance.

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 Monday 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





TIME STAMP

March 31, 2021  
9:34 AM

1101 12<sup>th</sup> Ave SW