

**A G E N D A**  
**CITY COUNCIL MEETING**  
**MONDAY, JUNE 7, 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 May 17, 2021
- 3. Recognitions and Awards.
- (mot) 4. \*Consent Agenda

Licenses:

Massage Therapist: Serena Hubbell, 1101 Oakland Avenue West  
Movable Business: El Sabor de Mexico, 515 11<sup>th</sup> Avenue SW  
Movable Business: Erin's Street Bistro, Albert Lea  
Right of Way: Jaeckel's Contracting, Inc, Farmington  
Right of Way: Kevin Neitzell Construction, LLC, Hayward  
Right of Way: Remodeling DL, LLC, Rochester  
Temporary Food: Salvation Army on August 21, 2021  
Temporary 3.2 Beer: Austin Area Chamber of Commerce on July 20, 2021

Claims:

- a. Pre-list of bills
- b. Financial and Credit Card Reports.

Event Applications:

Austin Eagles Street Dance on June 19, 2021

**PUBLIC HEARINGS:**

- 5. Public hearing on deferred sanitary sewer improvements.
  - (res) a. Resolution ordering improvements.
- 6. Public hearing on deferred water improvements.
  - (res) a. Resolution ordering improvements.
- 7. Reviewing a tax abatement application from New Horizon Homes for a property at 1303 18<sup>th</sup> Drive NE.
  - (res) a. Approval or denial of abatement.
- 8. Reviewing a tax abatement application from New Horizon Homes for a property at 2013 14<sup>th</sup> Avenue NE.
  - (res) a. Approval or denial of abatement.

9. Reviewing a tax abatement application from New Horizon Homes for a property at 2101 14<sup>th</sup> Avenue NE.
  - (res) a. Approval or denial of abatement.
10. Reviewing a tax abatement application from Bigelow and Lennon Construction for a property at 1404 20<sup>th</sup> Street NE.
  - (res) a. Approval or denial of abatement.
11. Public hearing for reviewing a cable franchise application from MetroNet Inc.
  - (res) a. Regarding the Application of CMN-RUS, Inc. for a cable franchise.

**BID OPENING AND AWARD:**

12. Receiving bids for the 4<sup>th</sup> Street and 3<sup>rd</sup> Avenue NW street improvements.
  - (res) a. Awarding bid.

**PETITIONS AND REQUESTS:**

- (res) 13. Setting final assessment hearing on proposed sanitary sewer and water assessments.
14. Reviewing a rezoning ordinance.
  - (mot) a. For preparation of the ordinance.
  - (ord) b. For adoption and publication of the ordinance.
- (mot) 15. Reviewing an ordinance for the use of bow and arrow in the City limits.
  - (ord) a. For preparation of the ordinance.
  - b. For adoption and publication of the ordinance.
- (res) 16. Accepting donations to the City of Austin.
- (res) 17. Approving a Waste Water Treatment Plant bonding request.
- (res) 18. Declaring the property at 711 Oakland Avenue West a hazardous structure.
- (mot) 19. Appointing Tim Ruzek to the Port Authority Board, term expiring December 31, 2024.
- (mot) 20. In support of Human Rights statement by the Austin Human Rights Commission.

**CITIZENS ADDRESSING THE COUNCIL**

**HONORARY COUNCIL MEMBER COMMENTS**

**REPORTS AND RECOMMENDATIONS:**

City Administrator  
City Council

- (mot) Adjourn to **Monday, June 21, 2021** at 5:30 pm in the Council Chambers.

**M I N U T E S**  
**CITY COUNCIL MEETING**  
May 17, 2021  
5:30 PM  
Council Chambers

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

**MEMBERS ABSENT:**

**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, Human Resources Director Trish Wiechmann, 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

**APPEARING IN PERSON:** Nancy Schnable

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

Added to the Agenda:

Licenses:

Temporary Liquor: Austin Area Commission for the Arts on June 11 & 12, 2021

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

Moved by Council Member Fischer, seconded by Council Member Baskin, approving Council minutes from May 3, 2021. Carried.

#### **RECOGNITIONS AND AWARDS**

Nancy Schnable with Discover Austin presented the organization's annual report. She stated the COVID pandemic halted many of the scheduled activities in 2020. They focused on promoting local restaurants and businesses.

Mayor King read a proclamation declaring May 28 – 31<sup>st</sup> Poppy Days.

## CONSENT AGENDA

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

### Licenses:

Exempt Gambling (raffle): United Catholic Schools Foundation on June 18, 2021  
Food: Loikaw21, 209 11<sup>th</sup> Street NE  
Liquor Catering: Tienda Y. Taqueria Guerrero, 301 D 4<sup>th</sup> Avenue NE  
Mobile Business: Solem Concessions, Inc., Rochester  
Sign Installer: A – Sign and Screen Printing, Minneapolis  
Temporary Liquor: Pacelli Catholic Schools on June 18, 2021  
Temporary Liquor: Austin Area Commission for the Arts on June 11 & 12, 2021

### Claims:

- a. Pre-list of bills
- b. Investment Report.
- c. Marie Erickson, 2309 10<sup>th</sup> Street NW. The matter has been forwarded to the City attorney to protect the City's interest.

### Event Applications:

Chamber of Commerce Parade Requests on July 4, 2021  
River Rats Car Show on August 21, 2021

Carried.

## PETITIONS AND REQUESTS

Director of Administrative Services Tom Dankert requested Council approval to participate in the annual performance measurements survey. The City would have a survey available for residents to answer and will receive additional LGA for doing so.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution affirming the City's participation in the Office of the State Auditor's performance measurements program. Carried 7-0.

Director of Administrative Services Tom Dankert requested approval of the 2020 audit report. The report was presented by Craig Popenhagen of CliftonLarsonAllen, LLP at the May 3, 2021 work session. There were no findings from the audit.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, approving the 2020 audit report. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution

accepting donations to the City of Austin. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council authorize the closure and liquidation of the Blazing Star Trail account that is held jointly with the City of Albert Lea. The account has had little activity over the last ten years and the bank is going to charge a \$20 service fee per month to keep the account open. Mr. Dankert said the funds in the account would be split between the two cities.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution authorizing the closure and liquidation of the Blazing Star Trail Account. Carried 7-0.

Administrative Services Director Tom Dankert requested the Council approve a budget adjustment for the use of \$250,000 of General Fund balance to pay for the Riverside Arena metal roofing system.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving budget adjustment number 4 – transfer of funds for the Riverside Arena roofing project. Carried 7-0.

Moved by Council Member Poshusta, seconded by Council Member Oballa, appointing Council Member Paul Fischer to the YMCA Board. Carried.

Public Works Director Steven Lang requested the Council approved a DNR flood mitigation grant request in the amount of \$33,822.88 for half of the local share for the purchase of 304 22<sup>nd</sup> Street SW. The City has been awarded a FEMA grant for 75% of the project cost.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution approving a DNR request for the flood acquisition of 304 22<sup>nd</sup> Street SW. Carried 7-0.

Planning and Zoning Administrator Holly Wallace presented the preliminary plat for Nature Ridge Third Addition. She stated the plat consists of 26 lots covering 11.5 acres. The Planning Commission reviewed the plat at their May 11, 2021 meeting and recommended approval by a 7-0 vote. The final plat will be reviewed at a future Council meeting.

Moved by Council Member Baskin, seconded by Council Member Fischer, approving a preliminary plat for Nature Ridge Third Addition. Carried.

Moved by Council Member Fischer, seconded by Council Member Poshusta, declaring the property at 1104 11<sup>th</sup> Avenue SW a hazardous property. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1009 1<sup>st</sup> Avenue NW, Tun Property. Carried.

Moved by Council Member Postma, 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 104 14<sup>th</sup> Street SE, Gonzalez Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, authorizing the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 1914 3<sup>rd</sup> Avenue NE, Howe Property. Carried.

## REPORTS

Director of Administrative Services Tom Dankert started the process for the 2022 budget by asking Council what they would like to accomplish for 2022. He stated the City has fund balance from the CARES act funding and there will be additional staffing costs for 2022 from the compensation and classification study in the approximate amount of \$800,000 - \$900,000.

Council Member Poshusta and Council Member Fischer stated they would like to see the vacant positions rehired that were cut.

Council Member Baskin would like to look at expanding private industry into certain positions including mowing.

Council Member Postma stated he would like to use some of the additional funds into economic development.

City Administrator Craig Clark stated there was a budget working group in 2020 and asked if the Council would like to do that again. The Council did not express interest in having a budget working group.

Council Member-at-Large Austin stated he would like to see the budgeted 2021 positions filled immediately and to review the 2020 positions that were not filled. He stated that daycare is a need in the community that needs to be focused on.

Council Member Waller stated she also would like to see eliminated staff positions filled and funding to be allocated to the purchase of a Fire truck.

Council Member Oballa stated he would like to bring positions back also and he would like to focus on daycare.

Mr. Dankert stated he will bring some projections for the June 7, 2021 work session.

City Administrator Craig Clark stated the State is working on the two-year state budget and will have a special session to complete it.

Library Director Julie Clinefelter stated the social justice book club has a variety of upcoming events. There will be an Austin Page Turner's event on May 22<sup>nd</sup>. The Library will be returning to more open hours to the public.

Public Works Director Steven Lang thanked the volunteers at the Electronics Recycling Event.

Council Member Poshusta congratulated the senior class of 2021.

Council Member Baskin asked how the City is handling outdoor dining with the end of the COVID restrictions.

City Clerk Ann Kasel stated during the pandemic certain businesses were offered temporary outside seating permits. The resolution that the Council passed stated those temporary permits would expire when the Governor allowed dining to return indoors unrestricted. That will take place on May 28, 2021 so the temporary permits will expire on May 27, 2021. She stated the City is working with requested businesses to see if they can keep their outdoor dining under a sidewalk café license.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adjourning the meeting to June 7, 2021. Carried.

Adjourned: 6:26 p.m.

Approved: June 7, 2021

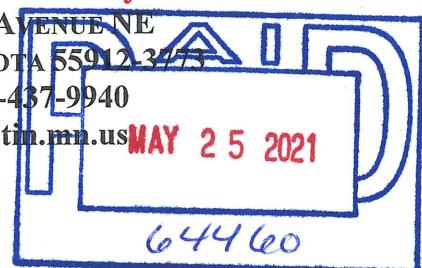
Mayor: \_\_\_\_\_

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



**City of Austin  
Application for Community Festival**

500 FOURTH AVENUE NE  
AUSTIN, MINNESOTA 55912-3473  
Phone: 507-437-9940  
www.ci.austin.mn.us



Event Title: STREET DANCE

Name & Address of Organization: AUSTIN EAGLES 107 11th ST NE

Contact Person: CARMEL TAYLOR Phone & E-mail: 507-440-2030 507-433-8675 eagleslookout763@gmail.com

Alternate Contact: TARSHA LE BARRON Phone & E-mail: 213-873-9989- eagleslookout763@gmail.com

Date of Event: 6/19/2021 Hours of Event: 5pm to 1am

Event Type: Drag Show / Music Anticipated Attendance: \_\_\_\_\_

Describe the entertainment and expected volume of sound: Drag Show, 2 Bands

volume will be controlled by Peter Jacobsen

Licensed establishment(s) serving alcohol: AUSTIN EAGLES

*Establishments must provide proof of special liquor liability insurance to the City Clerk*

Location of alcohol service: Parking Lot (South) 107 11th ST NE

Types of alcohol being served: 3.2 Beer  Wine  Strong Beer  Liquor:

*Provide map of event with requested alcohol service area and street closures*

Location of street closures: NONE

Barricades needed? Yes  Location for barricade drop off: \_\_\_\_\_

Detailed Description of Event: \_\_\_\_\_

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Event must provide proof of event liability insurance to the City Clerk.

I, as the organizer of the community event, will adhere to the terms listed above in this application and any conditions imposed by the City of Austin in its approval of this application.

Carmel A. Daylor 5/25/21  
Signature Date

Approved ✓ Denied \_\_\_\_\_ this 25th day of May, 2021  
upon compliance with the following terms and conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
City Engineer

Digitally signed by Steven Lang  
Date: 2021.05.25 16:05:00 -05'00'

  
Chief of Police

Approved by Council on: \_\_\_\_\_ with the following terms and conditions:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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Clerk's Office Use Only

Verification of general liability insurance AMK 5/25/21

Verification of liquor liability insurance AMK 5/25/21

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11th St NE

# Plot Plan 6/19/17

3

**City of Austin**  
Ann M. Kasel, City Clerk



**500 Fourth Avenue N.E.**  
**Austin, Minnesota 55912-3773**  
**Phone: 507-437-9943**  
**Fax: 507-434-7197**  
**www.ci.austin.mn.us**

## MEMORANDUM

**To:** Mayor and City Council  
**From:** Ann M. Kasel  
**Re:** Assessment of Deferred Sewer and Water Properties  
**Date:** June 3, 2021

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Attached are the proposed assessment rolls and resolutions for the first of two public hearings for the assessment of deferred sanitary sewer and water properties.

The Council reviewed the matter at their April 5, 2021 work session and recommended moving the assessments forward on the properties where the 30-year deferral period had expired.

The final public hearing will take place on July 6, 2021 where the final assessments will be adopted. Notice will once again be mailed to each property owner and published in the Austin Daily Herald.

Please let me know if you have any questions.

extra days  
Fund - 49480.4204  
Code -

Deferred Sanitary Sewer Projects  
Interest at 3.5% starting August 10, 2021  
10 years

Resolution No

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Patrick James and Barbara Connor 34.003.0015	Lot 2	1	AMD Acres	4,200.00
Timothy and Louise Davis 34.011.0050	Lot 5 of Subd of N 371.01 Ft	2	Austin Homesteads	3,745.51
Betty Osmonson 34.011.0300	Lot 3	3	Austin Homesteads	2,925.00
Trust Agreement of Nathan and Shawn Swank 34.011.0470	S 1/2 Lot 2	4	Austin Homesteads	4,900.00
Michael Goetz 34.011.0550	Lot 8 Exc W 120 ft	4	Austin Homesteads	4,387.00
Josh and Andrea Diaz 34.011.0880	Lot 4 exc. 100 by 244.8 ft SW Corner	6	Austin Homesteads	2,440.00
Daniel and Caroline Christianson 34.011.0900	Lot 5 exc 2.15 Ac E 1/2 95' x 355'	6	Austin Homesteads	4,437.48
Derrick and Lisa Dahl 34.011.0920	1.39 Ac SE Cor Lot 5	6	Austin Homesteads	3,927.00
Brian Bakken 34.011.0940	N 1/2 N 274' E 232.6' Lot 2	7	Austin Homesteads	7,934.45
Roman Steichen 34.011.1010	Lot 4 exc E 200' Exc. N 142.36 ft	7	Austin Homesteads	6,299.68
Stephen Blum 34.011.1020	Lot 1 exc N 152.5 ft E 40 ft	8	Austin Homesteads	6,042.74
Tracey and Connie Murphy 34.011.1350	N 100 ft Lot A Subd. Lot 9	9	Austin Homesteads	5,361.73
Betty Underdahl 34.105.1340	Lot 5	13	Browns	200.00

extra days  
Fund - 49480.4204  
Code -

Deferred Sanitary Sewer Projects  
Interest at 3.5% starting August 10, 2021  
10 years

Resolution No

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Riverland Community College Foundation 34.152.0010	Lots 1 and 2	1	College Park	2,746.48
Donald and Silvan Durben 34.193.0230	Lot 3	2	Dinsmoor Acres	2,433.98
Jane Crowley 34.200.0220	E 1/2 Lot 8	2	Dobbins Crest 2nd	1,000.00
Lawrence Martin Hanson 34.224.0050	Lot 5	1	Eastside Development	1,200.00
Lawrence Martin Hanson 34.224.0060	Lot 6	1	Eastside Development	1,200.00
Ellen Stekel 34.323.0060	Lot 6		Hillier 1st	3,258.68
Jerald & Ellen Stark 34.323.0080	Lot 8		Hillier 1st	3,258.22
Casey and Katie McIntyre 34.323.0110	Lot 11		Hillier 1st	3,246.46
Scott Knutson 34.360.0040	Lot 4	1	Kenevan & Kings	250.00
Elizabeth A Schwab Revocable Trust 34.501.0035	Outlot 4 exc. W 10 ft		Norman Park 1st	1,798.00
John and Kelsey Hilgers 34.523.0190	Lot 1	3	Oak Ridge	2,880.00
Robert and Roberta Jones 34.523.0250	Lot 7	3	Oak Ridge	3,396.00
Marshall and Linda Halvorson 34.523.0300	Lot 4	4	Oak Ridge	2,838.00

extra days  
Fund - 49480.4204  
Code -

Deferred Sanitary Sewer Projects  
Interest at 3.5% starting August 10, 2021  
10 years

Resolution No

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
John and Karen Lammey 34.523.0390	Lot 1	5	Oak Ridge	3,103.00
Steven Olson 34.523.0440	Lot 7	5	Oak Ridge	2,850.00
Timothy Butler 34.523.0480	Lot 11	5	Oak Ridge	2,850.00
Randall and Wendy Kramer 34.536.0140	Lot 4,	1	Oakwood 2nd	6,750.00
Zeud Intentions Company, LLC 34.639.0100	Lot 1	2	Sheedy's	49,010.97
Jason Lundberg 34.662.0100	Lot 2	3	Southern Heights	4,030.00
David and Lorene Strobel 34.662.0140	Lot 6	3	Southern Heights	4,030.00
James Miller 34.662.0240	Lot 16	3	Southern Heights 1st	3,120.00
James Miller 34.662.0250	Lot 17	3	Southern Heights 1st	3,120.00
Mary Ann Greenman 34.662.0290	Lot 1	5	Southern Heights 1st	3,078.00
John Fair 34.662.0320	Lot 4	5	Southern Heights 1st	2,730.00
Thomas C. Baudler 34.662.0340	Lot 2	6	Southern Heights 1st	2,915.00
Charles Enger c/o J. Michael Enger 34.663.0200	Lot 13	9	Southern Heights 2nd	2,645.00
Charles Enger c/o J. Michael Enger 34.663.0210	Lot 14	9	Southern Heights 2nd	3,853.73

extra days  
Fund - 49480.4204  
Code -

Deferred Sanitary Sewer Projects  
Interest at 3.5% starting August 10, 2021  
10 years

Resolution No

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Norman Blaser 34.665.0192	Outlot 46		Southgate 1st	2,890.00
Stephen and Nancy Brick 34.665.0400	Outlot 69		Southgate 1st	4,124.00
Emmanuel Baptist Church 34.670.0232	Lots 2-7	2	Southgate 2nd	15,996.66
Morem Properties 34.820.0915	E. 340 ft N 1/2 OL 4 exc E 100 ft N 300 ft (E 1/2)		Outlots in 4-102-18	4,696.00
Morem Properties 34.820.0915	E. 340 ft N 1/2 OL 4 exc E 100 ft N 300 ft (W 1/2)		Outlots in 4-102-18	4,696.00
Barbara Langan Revocable Family Trust 34.820.0934	E 1/2 OL 7 & 8 exc S 150 ft W 54 ft (E 1/2)		Outlots in 4-102-18	5,055.00
Barbara Langan Revocable Family Trust 34.820.0934	E 1/2 OL 7 & 8 exc S 150 ft W 54 ft (W 1/2)		Outlots in 4-102-18	5,055.00
Wolfgang Baumann 34.875.0055	SW 1/4 NE 1/4 SE 1-90 & 2.57 Ac SW Cor SE 1/4 NE 1/4		Section 5-102-18	6,900.00
Wolfgang Baumann 34.875.0055	NW 185' from the NE cor of Lot 5 to POB then NW 185' along street ROW		Section 5-102-18	6,900.00
Estate of Wallace Bustad 34.825.0450	N 120' of N 240' of S 618.12' of OL 8 in NE 1/4		Section 9-102-18	1,978.10
Douglas and Tammy Rysavy 34.879.0080	E 1/2 of the E 10 ac NW 1/4 SW 1/4		Section 9-102-18	5,650.00
Ronald Mecklenburg 34.880.0245	N 10 Ac. W 1/2 SW 1/4 Exc E 198 ft and Exc 135 x 135 lot in NW corner		Section 10-102-18	5,675.25

extra days  
Fund - 49480.4204  
Code -

Deferred Sanitary Sewer Projects  
Interest at 3.5% starting August 10, 2021  
10 years

Resolution No

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Ronald Mecklenburg 34.880.0245	N 10 Ac. W 1/2 SW 1/4 Exc E 198 ft and Exc 135 x 135 lot in NW corner		Section 10-102-18	5,937.99
Ronald Mecklenburg 34.880.0274	S. 336' W 180' SW /4 NW 1/4 less St. ROW		Section 10-102-18	4,637.21
Bruce and Betsy Stewart 34.895.0210	N 167 ft W 67.5 ft E 397.5 ft SE 1/4 SE 1/4 exc N 32 ft W 45.5 ft		Section 33-103-18	1,074.13
Michael and Sharon Kelzer 34.895.0270	N327.6 ft W82.5ft E617.5 ft SE 1/4 SE 1/4		Section 33-103-18	1,135.45

Total Assessment \$  
Prepayment

**RESOLUTION NO.**  
**RESOLUTION ORDERING IMPROVEMENT**

**WHEREAS**, pursuant to the resolution adopted by the City Council on the 3rd day of May, 2021 and upon duly published notice as required by law, a hearing was held on the 7th day of June, 2021, at which time all persons were given an opportunity to be heard on the making of the following improvement:

Deferred sanitary sewer assessments

**AND WHEREAS**, pursuant to aforesaid resolution, City Engineer Steven Lang has prepared and presented to the City Council the amounts for said improvement.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Austin, Minnesota:

1. The foregoing improvement is hereby ordered to be made as proposed in the resolution adopted by the City Council on the 3<sup>rd</sup> day of May, 2021.

Approved by a vote of yeas and nays this 7th day of June, 2021.

Yea

Nay

ATTEST:

APPROVED:

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City Recorder

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Mayor

extra days  
Fund - 91000.1210.05  
Code -

Deferred Water Projects  
Interest at 3.5% starting August 10, 2021  
10 years

Resolution No

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Timothy and Louise Davis 34.011.0050	Lot 5 of Subd of N 371.01 Ft	2	Austin Homesteads	1,518.00
Betty Osmonson 34.011.0300	Lot 3	3	Austin Homesteads	823.00
Jason Boysen 34.011.0405	Lot 5 exc the E 253 ft	3	Austin Homesteads	2,125.00
Trust Agreement of Nathan and Shawn Swank 34.011.0470	S 1/2 Lot 2	4	Austin Homesteads	1,898.00
Michael Goetz 34.011.0550	Lot 8 Exc W 120 ft	4	Austin Homesteads	1,468.00
Josh and Andrea Diaz 34.011.0880	Lot 4 exc. 100 by 244.8 ft SW Corner	6	Austin Homesteads	1,360.00
Daniel and Caroline Christianson 34.011.0900	Lot 5 exc 2.15 Ac E 1/2 95' x 355'	6	Austin Homesteads	1,202.00
Derrick and Lisa Dahl 34.011.0920	1.39 Ac SE Cor Lot 5	6	Austin Homesteads	1,371.00
Brian Bakken 34.011.0940	N 1/2 N 274' E 232.6' Lot 2	7	Austin Homesteads	2,948.00
Roman Steichen 34.011.1010	Lot 4 exc E 200' Exc. N 142.36 ft	7	Austin Homesteads	3,868.86
Stephen Blum 34.011.1020	Lot 1 exc N 152.5 ft E 40 ft	8	Austin Homesteads	2,530.00
Tracey and Connie Murphy 34.011.1350	N 100 ft Lot A Subd. Lot 9	9	Austin Homesteads	1,265.00
Ellen Stekel	Lot 6		Hillier 1st	1,632.00

extra days  
Fund - 91000.1210.05  
Code -

Resolution No

Deferred Water Projects  
Interest at 3.5% starting August 10, 2021  
10 years

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
34.323.0060				
Jerald & Ellen Stark 34.323.0080	Lot 8		Hillier 1st	1,632.00
Casey and Katie McIntyre 34.323.0110	Lot 11		Hillier 1st	1,615.00
John and Kelsey Hilgers 34.523.0190	Lot 1	3	Oak Ridge	1,265.00
Robert and Roberta Jones 34.523.0250	Lot 7	3	Oak Ridge	1,265.00
Marshall and Linda Halvorson 34.523.0300	Lot 4	4	Oak Ridge	1,265.00
John and Karen Lammey 34.523.0390	Lot 1	5	Oak Ridge	1,443.99
Steven Olson 34.523.0440	Lot 7	5	Oak Ridge	1,265.00
Timothy Butler 34.523.0480	Lot 11	5	Oak Ridge	1,265.00
Jason Lundberg 34.662.0100	Lot 2	3	Southern Heights	1,265.00
David and Lorene Strobel 34.662.0140	Lot 6	3	Southern Heights	1,265.00
John Fair 34.662.0320	Lot 4	5	Southern Heights 1st	1,619.00
Thomas C. Baudler 34.662.0340	Lot 2	6	Southern Heights 1st	1,366.00
Charles Enger c/o J. Michael Enger 34.663.0210	Lot 14	9	Southern Heights 2nd	562.10

extra days  
Fund - 91000.1210.05  
Code -

Resolution No

Deferred Water Projects  
Interest at 3.5% starting August 10, 2021  
10 years

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Norman Blaser 34.665.0192	Outlot 46		Southgate 1st	875.50
Stephen and Nancy Brick 34.665.0400	Outlot 69		Southgate 1st	926.50
Morem Properties 34.820.0915	E. 340 ft N 1/2 OL 4 exc E 100 ft N 300 ft (E 1/2)		Outlots in 4-102-18	1,020.00
Morem Properties 34.820.0915	E. 340 ft N 1/2 OL 4 exc E 100 ft N 300 ft (W 1/2)		Outlots in 4-102-18	1,020.00
Barbara Langan Revocable Family Trust 34.820.0934	E 1/2 OL 7 & 8 exc S 150 ft W 54 ft (E 1/2)		Outlots in 4-102-18	1,198.00
Barbara Langan Revocable Family Trust 34.820.0934	E 1/2 OL 7 & 8 exc S 150 ft W 54 ft (W 1/2)		Outlots in 4-102-18	1,198.00
Wolfgang Baumann 34.875.0055	SW 1/4 NE 1/4 SE 1-90 & 2.57 Ac SW Cor SE 1/4 NE 1/4		Section 5-102-18	2,889.32
Wolfgang Baumann 34.875.0055	NW 185' from the NE cor of Lot 5 to POB then NW 185' along street ROW		Section 5-102-18	2,889.32
Douglas and Tammy Rysavy 34.879.0080	E 1/2 of the E 10 ac NW 1/4 SW 1/4		Section 9-102-18	\$2,087.50

Total Assessment  
Prepayment \$

**RESOLUTION NO.**  
**RESOLUTION ORDERING IMPROVEMENT**

**WHEREAS**, pursuant to the resolution adopted by the City Council on the 3rd day of May, 2021 and upon duly published notice as required by law, a hearing was held on the 7th day of June, 2021, at which time all persons were given an opportunity to be heard on the making of the following improvement:

Deferred water assessments

**AND WHEREAS**, pursuant to aforesaid resolution, City Engineer Steven Lang has prepared and presented to the City Council the amounts for said improvement.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Austin, Minnesota:

1. The foregoing improvement is hereby ordered to be made as proposed in the resolution adopted by the City Council on the 3<sup>rd</sup> day of May, 2021.

Approved by a vote of yeas and nays this 7th day of June, 2021.

Yea

Nay

ATTEST:

APPROVED:

---

City Recorder

---

Mayor

## HOUSING TAX ABATEMENT APPLICATION

(Application Period 8-1-16 through 12-31-2019)

Property Owner / Applicant:

New Horizon Homes LLC

Current Address:

25388 670th St. Kasson, Mn. 55944

Telephone:

507-250-3069

E-Mail:

NewHorizonHomes.Jon@gmail.comHas applicant ever defaulted on property taxes?  Yes  No If Yes, provide details on separate page(s).Are property taxes current?  Yes  NoProposed Project:  New Construction  Replacement of housing unitProject Type:  Single Family  Duplex  Multi-family

Project Address:

1303 18th Dr NE Austin, Mn. 55912

Project Legal Description:

Lot 2 Block 3 Nature RidgeParcel Number: 34.465.0203 Estimated Project Valuation: \$ 369,000.00

## Applicant Statement:

(Please provide a statement as to why you are requesting an abatement of property taxes.)

Buyer would like to take advantage of the tax abatement program

Attach building plans, site map, parcel information and parcel number. (Include letter of consent from property owner if subject to purchase agreement.)

I / We as applicant(s) for the Housing Tax Abatement certify that no construction has begun or will begin prior to the taxing authority's decision on my/our application. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.

Construction Certification

Jon Blaine 5-6-21

Signature

Date

I / We as applicant(s) for the Housing Tax Abatement submit this application having read the policy and understand the provisions as outlined including, but not limited to, the potential of a partial abatement in year one, construction must commence within one year of the approval, assessors cannot be refused access to the property for assessment purposes and the abatement is awarded following full payment of real estate taxes due annually.

NewHorizonHomesJon Blaine

Signature of Applicant(s)

5-6-21

Date

## FOR OFFICE USE ONLY:

## ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

 City or  Township of

Date:

School District of

Date:

**Disclaimer:** Each taxing entity makes its own decision on approval or denial of application for tax abatement. Applications must comply with all requirements of the policy/program as outlined in the policy/program guidelines and build within allotted timeframe or tax abatement offer will be automatically terminated. Building cannot start until such time as all taxing entities have approved and written authorization is provided.

Please submit completed applications to:

Mower County Administration

201 1<sup>st</sup> Street NE, Suite 9, Austin MN 55912

507-437-9549

Office Hours: M-F 8 a.m. - 4:30 p.m.

**GENERAL CONSTRUCTION NOTES:**

**ROOF ASSEMBLY (17):**

- ROOF TRIM TO BE 6" WIDE, GROUTED, HEEL, UNLESS OTHERWISE NOTED. ALL ROOF TRIM IS TO BE REINFORCED.
- TRIM OUT & AIR PLUGS PARALLEL TO THE PLANKS. ALL ROOF EDGES FOR A MINIMUM OF 4' FROM OUTSIDE OF EXTERIOR WALL. INSTALL AIR CATCHER AS RECD.
- DO NOT USE ICE MELTER ON ROOF. ALL ROOF EDGES FOR A MINIMUM OF 4' FROM OUTSIDE OF EXTERIOR WALL. ALL ROOF EDGES FOR A MINIMUM OF 4' FROM OUTSIDE OF EXTERIOR PARTITION WALL.
- ROOF VENTILATION URGED ON ROOF. VENTILATION PROVIDED IN ROOF. 8" X 8" VENTILATION PROVIDED IN ROOF. ALL VENTILATION LOCATED IN THE UPPER PORTION OF THE SPACE BEING VENTED. MIN. 6" ABOVE THE ROOF DECK OR CONCRETE. 1/4" BALANCE OF THE ROOF DECK OR CONCRETE. 1/4" BALANCE OF THE ROOF DECK OR CONCRETE.
- WATER RESISTIVE BARRIER IS TO EXTEND TO JACOBSEN OF TRIM TOP CHORD. WATER RESISTIVE BARRIER SHALL OVERLAP THE FLASHING 1/2" IN TWO DIRECTIONS.

**WALL ASSEMBLY & STRUCTURE (18):**

ALL WINDERS & DOORS TO BE CALLED OUT PER MANUFACTURER RECOMMENDATION.

- 6" W. POLY T-FORCE MLD INTERIOR VAPOR BARRIER TO BE CONTINUED W/ATTACHED TO THE EXTERIOR VAPOR BARRIER TO BE CALLED TO FRAMING & INSULATION & EXTERIOR PARTITION WALLS.
- ALL OUTLETS & OUTERS-OUT ON EXTERIOR WALLS TO BE IN REINFORCED ELECTRICAL OUTLETS.
- CLOSED CELL MLD INSULATION W/ATTACHED AT ALL ROOF PLATE LOCATIONS.
- SURFACE DRAINAGE SHALL BE DIVERTED TO A STORY BEAM OR AN APPROVED COLLECTION POINT. PROPERTY LINE SHALL BE DIVERTED AWAY FROM FOUNDATION WALL. MIN. 12" OF CLEARANCE FROM THE FIRST 12' OF THE FOUNDATION WALL.
- ALL HEADER SPANS AS NOTED ON PLANS.
- SOLID BEAMS REQUIRED TO 16'0" TO ADEQUATE FOUNDATION/FOOTINGS FOR ALL POINT LOADS, EXCLUDING GROUT POINT LOADS.
- SEE PLANS FOR BRACED WALL PANEL ASSEMBLIES PER IBC CHAPTER 6.

**FOUNDATION ASSEMBLY (19):**

- ALL FOUNDATION WALLS REINFORCED AS REQUIRED.
- EXT. REINFORCING OF ALL FOUNDATION WALLS TO HAVE WATERPROOFING RECOMMENDED APPLIED. WATERPROOFING TO EXTEND FROM TOP OF INTERIOR WALL TO 12" BELOW THE FLOOR SLAB. WATERPROOFING TO EXTEND 12" FROM THE TOP OF ROOFING. CLOSED CELL MLD INSULATION FILLED BOTH OF THE FOUNDATION WALLS. INSULATION TO BE PLACED IN THE FOUNDATION WALLS AND THE TOP OF THE FOUNDATION WALL.
- UP TO 12" OF 50# (1/2" X 1/2") GROUT DOLLS TO BE PLACED PER PLANS.
- CONTRACTOR TO VERIFY ALL ROOFING SIZES AS RECORDED FOR LOCATION 4 SOLA.
- POLY VAPOR BARRIER TO ALL CONCRETE SLAB MUST PROVIDE A CONSTRUCTION BARRIER.
- DRILL HOLE AS RECORDED FOR CONCRETE SLAB. DRILL HOLE MUST NOT CAUSE CONCRETE TO SPALL. DRILL HOLE MUST NOT CAUSE CONCRETE TO DECAY OR TREATMENT.
- COATED BLOCK, BRICK LEDGE & THE LOWER COURSES OF CHICK STUCCO TO HAVE 1" POAR TIE TO THE FOUNDATION WALL.

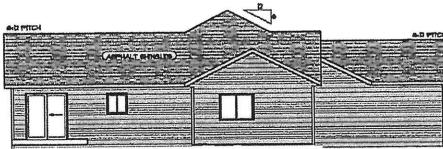
**ENERGY (20):**

MANDATORY SEALING IN REGISTERS OF DUCTS, AIR HANDLERS AND FILTER BOXES PER PLANS.

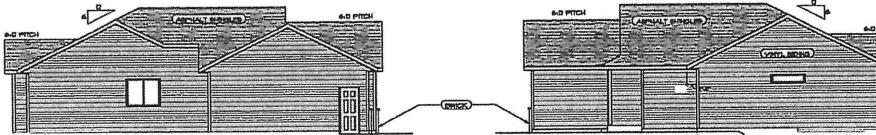
DOOR DOOR TEST REGD PER ENERGY CODE REQUIREMENTS.

**ANCHORED SPAN APPLICATION (21):**

ANCHORED SPAN, IF PROVIDED IN THE CURRENT EDITION OF MASONRY WALLS AT A MAXIMUM SPAN OF 3' 0" MAX POY ON CENTER, EXCEPT SPANS SHALL NOT EXCEED 3' 0" MAX POY IN DIAMETER. SPANS SHALL BE LOCATED IMMEDIATELY ABOVE THE FLASHING FOR DOOR FRAMES.

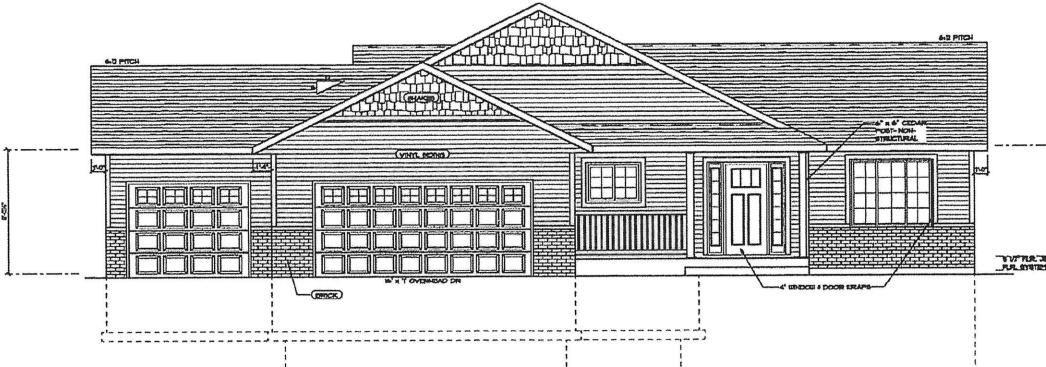


REAR ELEVATION  
SCALE: 1/8" = 1'-0"



LEFT ELEVATION  
SCALE: 1/8" = 1'-0"

RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"



FRONT ELEVATION  
SCALE: 1/4" = 1'-0"

**DESIGN PHASE:**

PRELIMINARY PLAN	5-0400
CHECK 1ST	5-0400
FINAL CHECK 2ND	5-0400
PRINT 1ST	5-0400
REVISION	5-0400
REVISION	5-0400
REVISION	5-0400

**ABC Arrow**  
ARCHITECTURE  
1015 1ST STREET SE  
KARSON, MINNESOTA 56244  
507-854-5424

**ARCHITECTURE**  
ARCHITECTURE  
1015 1ST STREET SE  
KARSON, MINNESOTA 56244  
507-854-5424

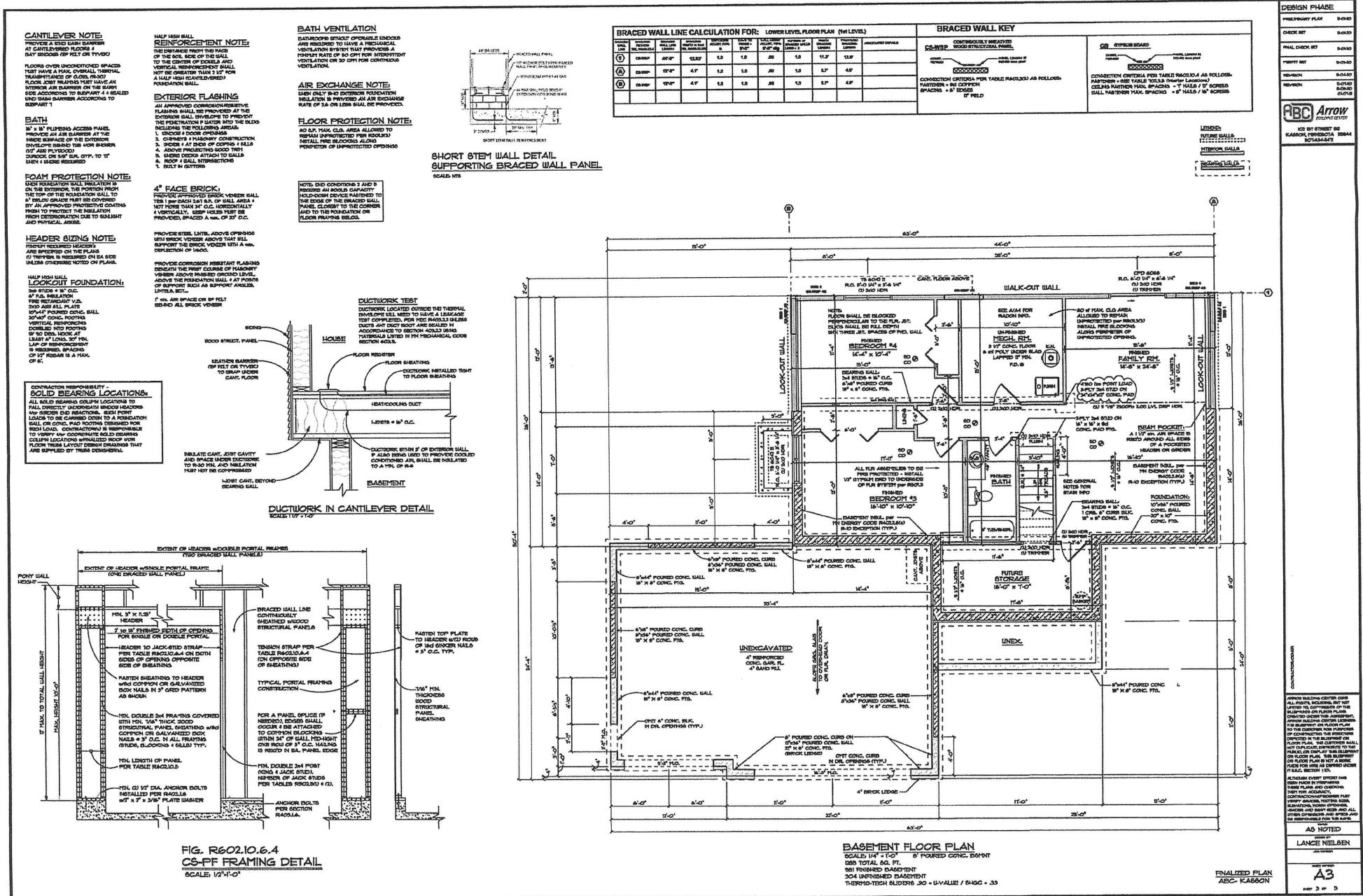
AS NOTED  
LANCE NIELSEN  
JAN REINER

FINALIZED PLAN  
ABC-KARSON

A2

2 = B





129.42

508°28'08" W

1303 18th Dr NE

L2 Block 3 Nature Ridge

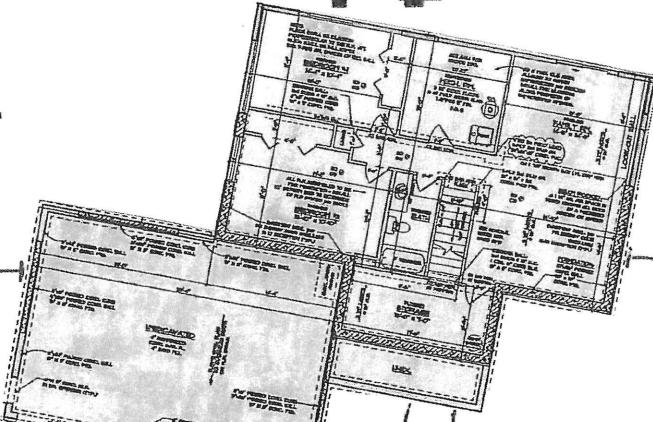
34.465, 0203

N 39°06.51' E

172.06

23.5

23.5



4134212°  
Ls 79.64

4134212°  
Ls 79.64

**CITY OF AUSTIN  
COUNTY OF MOWER  
STATE OF MINNESOTA**

**NOTICE OF PUBLIC HEARING  
ON TAX ABATEMENT REQUEST**

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, June 7, 2021, at 5:30 p.m. to consider a tax abatement request from New Horizon Homes, LLC, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City’s portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$10,285. The subject property is located at 1303 18<sup>th</sup> Drive NE, Austin, Minnesota and is legally described as:

Lot 2, Block 3, Nature Ridge Addition, City of Austin, County of Mower

The public hearing will be held in the City Council Chambers, at City Hall, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota. All interested persons are invited to attend and be heard. Those unable to attend are invited to send written comments, prior to the hearing, to: City Administrator, City of Austin, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota 55912.

Publish: May 19, 2021

**RESOLUTION NO.**

**RESOLUTION APPROVING TAX ABATEMENT  
FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813**

**WHEREAS**, the Austin Home Initiative's purpose is to provide incentives to encourage the construction of new owner occupied and residential housing units within the City of Austin for the public benefit including, but not limited to, capturing future taxes from units that would not have otherwise been constructed and increasing housing inventory to support local business growth.

**WHEREAS**, Minnesota Statute 469.1813 gives authority to the City of Austin to grant an abatement of taxes imposed by the City if certain criteria are met; and

**WHEREAS**, in addition to the statutory requirements, the City of Austin has adopted the Austin Home Initiative guidelines which must be met before an abatement of taxes will be granted for residential development; and

**WHEREAS**, New Horizon Homes, LLC/Nature Ridge Properties are the owner of certain property within the City of Austin legally described as follows:

Lot 2, Block 3, Nature Ridge Addition to the City of Austin, Mower County.

**WHEREAS**, New Horizon Homes, LLC has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

**WHEREAS**, New Horizon Homes, LLC has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision (1) and Subdivision 2(i) as well as the Austin Home Initiative guidelines for abatement;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Austin, Minnesota:

The City of Austin does hereby grant an abatement of the City of Austin's share of real estate taxes upon the above-described parcel for the construction of a single family dwelling on the subject property.

The tax abatement will commence with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, and shall continue for five years.

The City shall provide the awarded abatement payments following the payment of due real estate taxes annually. Payments shall be made to the owner of record at the time of the payment.

The tax abatement shall be limited to the increase in property taxes resulting from the improvement of the property. Land values are not eligible and will not be abated.

The abatement shall be null and void if construction is not commenced within one year of the approval of this resolution or if the real estate taxes are not paid on or before the respective payment deadlines annually.

Passed by a vote of yeas and nays this 7th day of June, 2021.

Yeads

Nays

ATTEST:

APPROVED

---

City Recorder

---

Mayor

## HOUSING TAX ABATEMENT APPLICATION

(Application Period 8-1-16 through 12-31-2019)

Property Owner / Applicant: New Horizon Homes LLCCurrent Address: 25388 670th St. Kasson, Mn. 55944Telephone: 507-250-3069 E-Mail: NewHorizonHomes.Jon@gmail.comHas applicant ever defaulted on property taxes?  Yes  No If Yes, provide details on separate page(s).Are property taxes current?  Yes  NoProposed Project:  New Construction  Replacement of housing unitProject Type:  Single Family  Duplex  Multi-familyProject Address: 2013 14th Ave NE Austin, Mn. 55962Project Legal Description: Lot 1 Block 1 Nature Ridge SecondParcel Number: 34.467.0010 Estimated Project Valuation: \$ 699,000.00

## Applicant Statement:

(Please provide a statement as to why you are requesting an abatement of property taxes.)

Buyer would like to take advantage of the tax abatement program

Attach building plans, site map, parcel information and parcel number. (Include letter of consent from property owner if subject to purchase agreement.)

I / We as applicant(s) for the Housing Tax Abatement certify that no construction has begun or will begin prior to the taxing authority's decision on my/our application. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.

Construction Certification

Jon Blaine 5-6-21

Signature

Date

I / We as applicant(s) for the Housing Tax Abatement submit this application having read the policy and understand the provisions as outlined including, but not limited to, the potential of a partial abatement in year one, construction must commence within one year of the approval, assessors cannot be refused access to the property for assessment purposes and the abatement is awarded following full payment of real estate taxes due annually.

NewHorizonHomesJon Blaine

Signature of Applicant(s)

5-6-21

Date

## FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

 City or  Township of

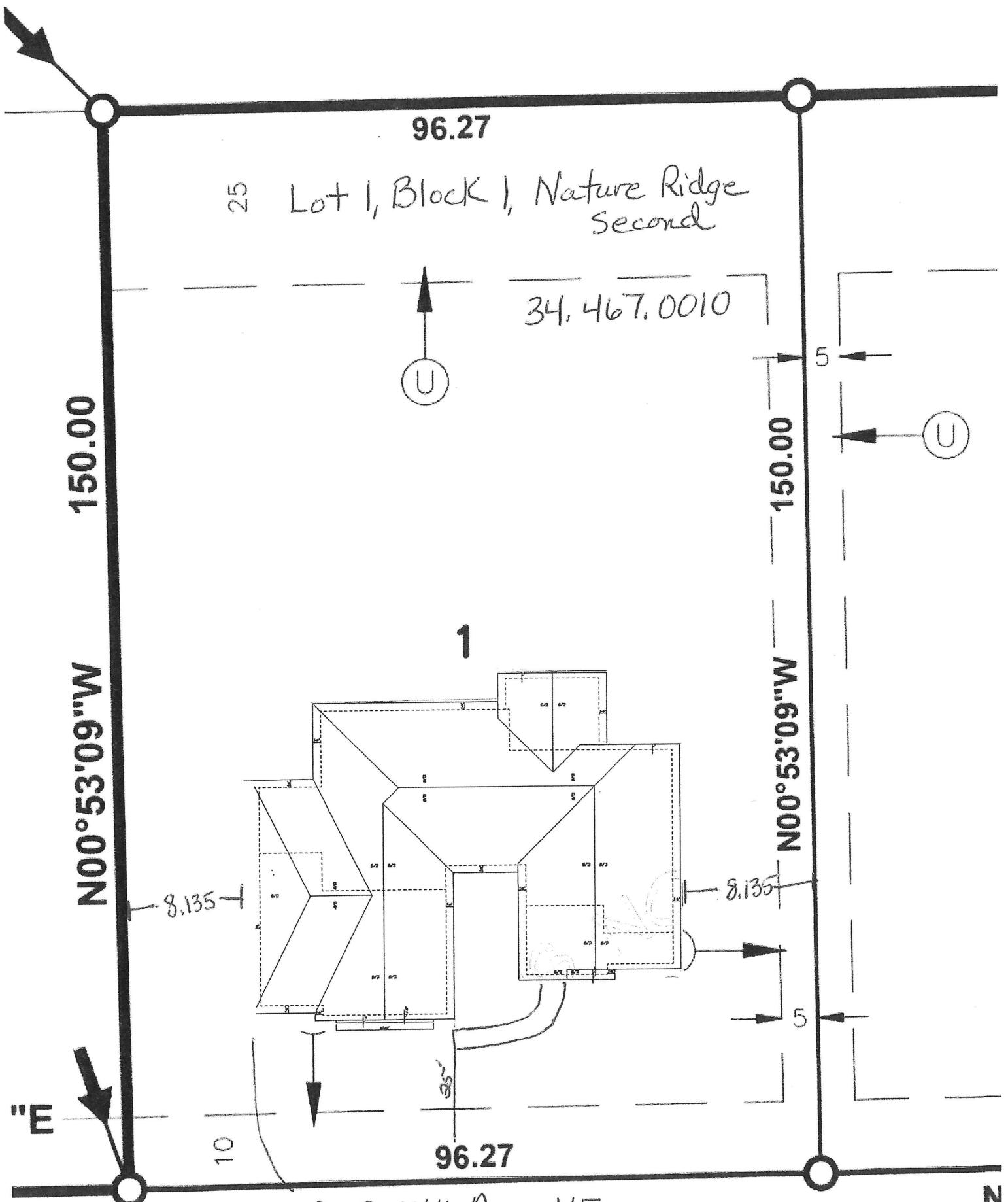
Date:

School District of

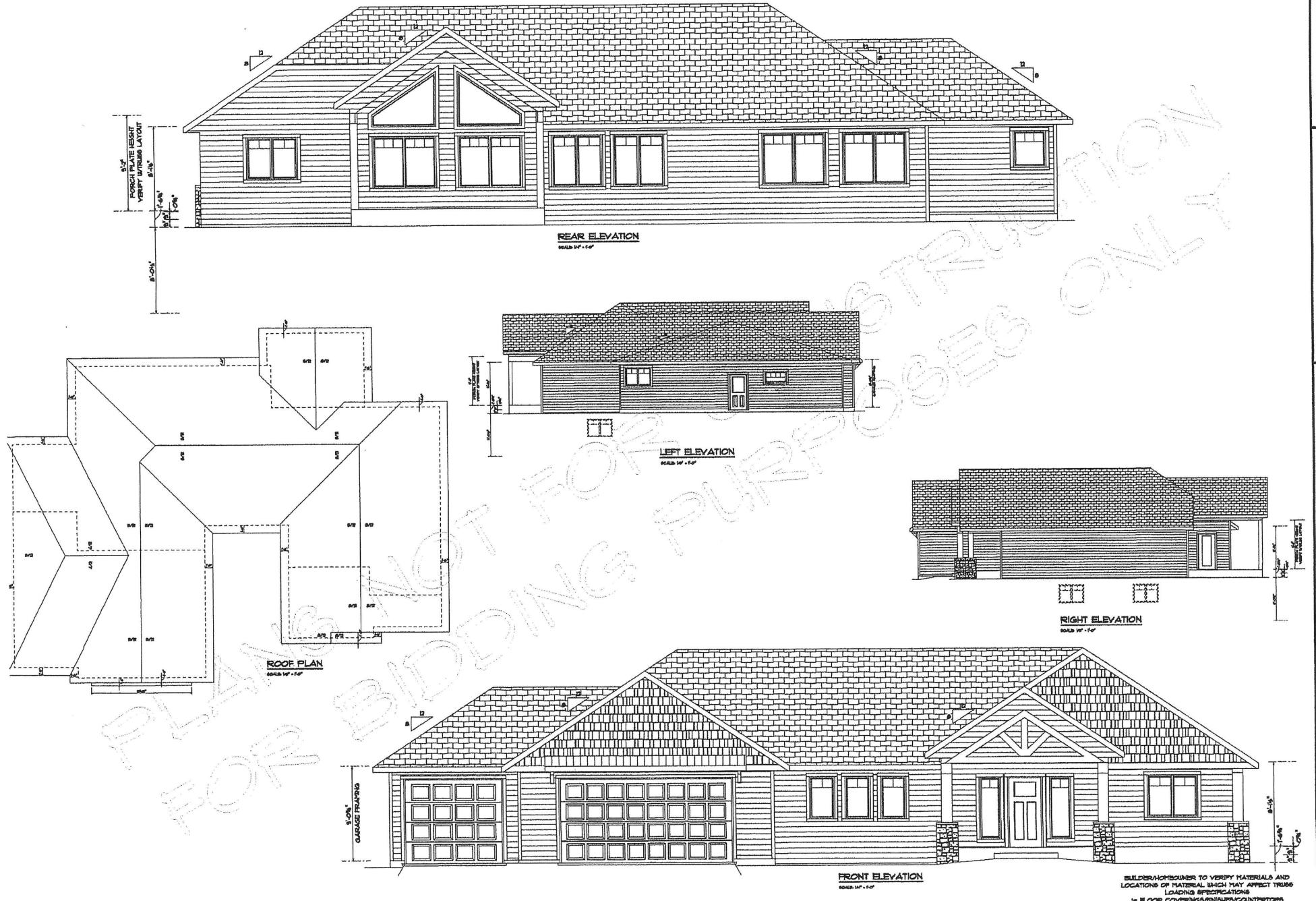
Date:

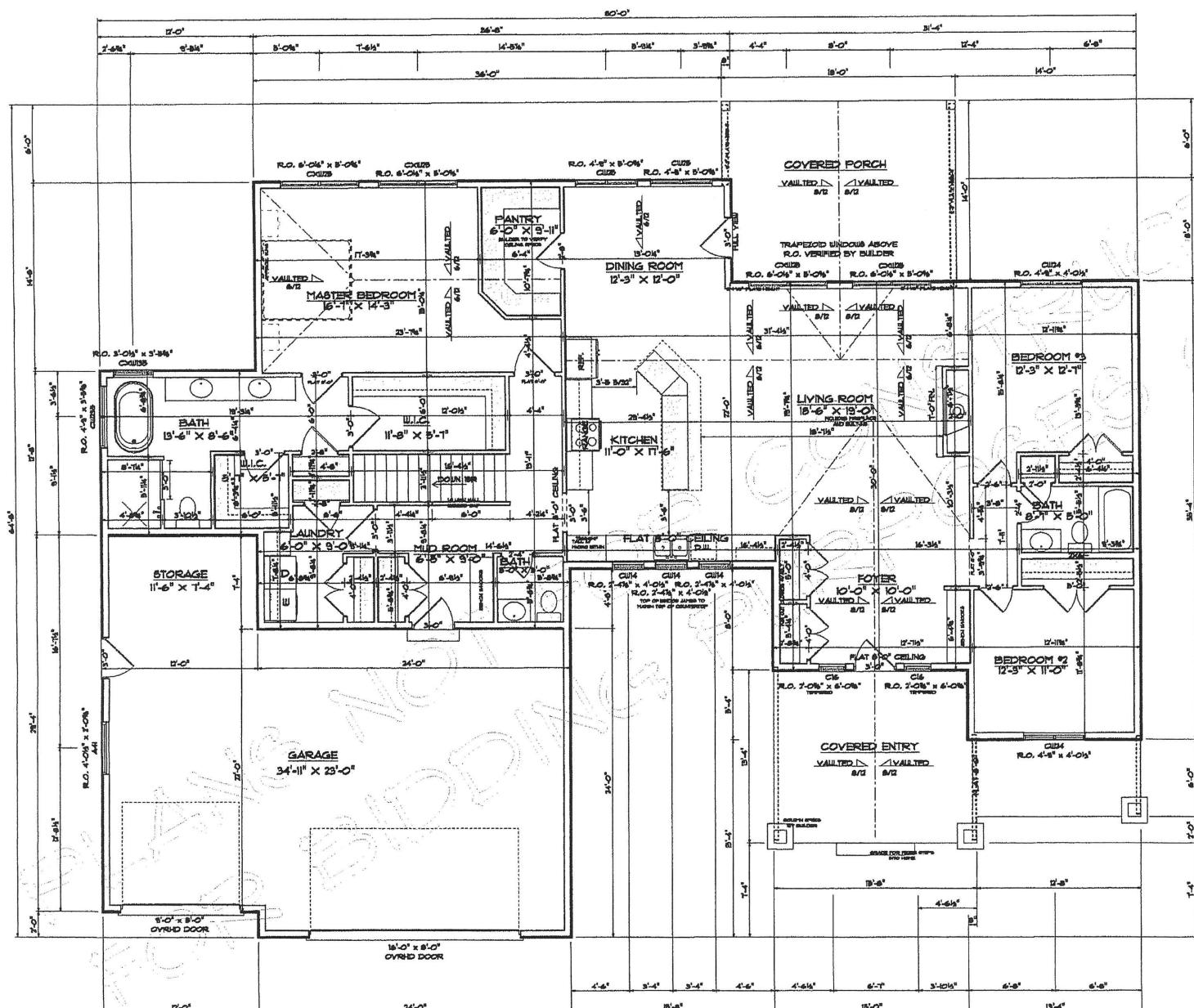
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Please submit completed applications to: Mower County Administration  
201 1<sup>st</sup> Street NE, Suite 9, Austin MN 55912  
507-437-9549  
Office Hours: M-F 8 a.m. - 4:30 p.m.



2013 14th Ave NE





THE BIRDS AND PLANTS INDICATED ON THIS  
CHART, ARE THE PROPERTY OF THE NATIONAL  
MUSEUM, AND ARE RESERVED FOR SCIENTIFIC  
PURPOSES. NO DRAWINGS OR  
PLATES WILL BE MADE OR REPRODUCED IN ANY FORM  
OR BY ANY MEANS WITHOUT WRITTEN PERMISSION.

THE PROGRESSIVE INVESTMENT FUND, INC. AND THE PROGRESSIVE INVESTMENT FUND, INC. (THE FUND) ARE REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION AS AN OPEN-END MANAGEMENT INVESTMENT COMPANY.

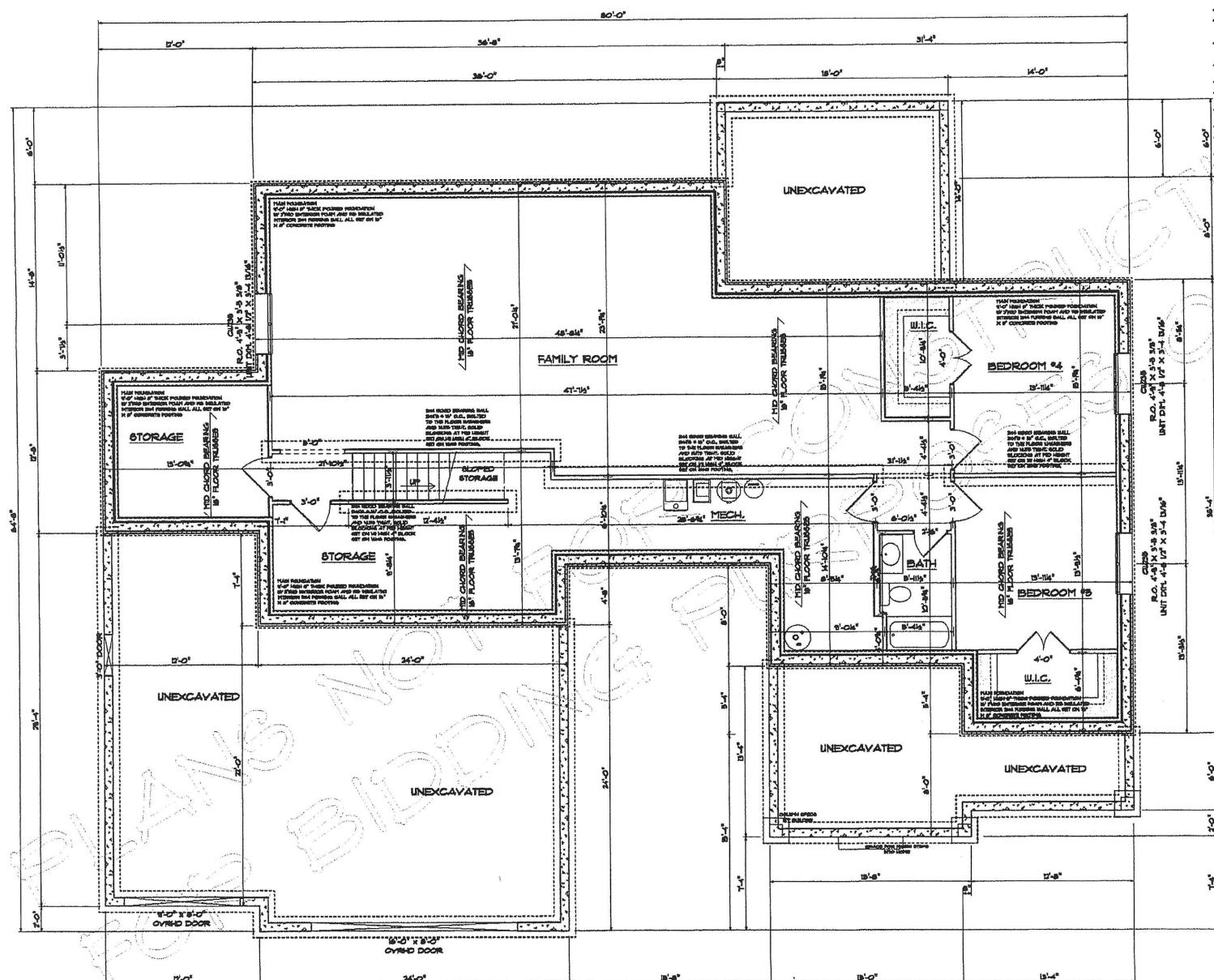
SCIENCE

501-438-0711 [info@501-438-0711.com](mailto:info@501-438-0711.com)

DIMENSIONED TO THE EXTERIOR  
OF THE GUTTERING OR FOUNDATION FOAM

BUILDER/HOMEOWNER TO VERIFY MATERIALS AND LOCATIONS OF MATERIAL WHICH MAY AFFECT TRUSS LOADING SPECIFICATIONS  
IS FLOOR COVERINGS/FINISHES/COUNTERTOPS

EIGHTEEN



DIMENSIONED TO THE EXTERIOR  
OF THE SHEATHING/2" FOUNDATION FOAM

BUILDER/HOMEOWNER TO VERIFY MATERIALS AND  
LOCATIONS OF MATERIAL WHICH MAY AFFECT TRUSS  
LOADING SPECIFICATIONS  
• FLOOR COVERINGS/FURNISHINGS/COUNTERTOPS

PLANS FOR: TONY & JILL ROLLIE

BUILDERS FIRST SOURCE

WILDER'S FIRST SOURCE

1

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THE INFLUENCE OF THE INFLATABILITY OF PROSTATE AS A PREDICTOR AND/OR  
PREDICTIVE FACTOR AND ALTERNATION OVER TIME IN CONSTITUTION AND TESTICULAR  
FUNCTION

**CITY OF AUSTIN  
COUNTY OF MOWER  
STATE OF MINNESOTA**

**NOTICE OF PUBLIC HEARING  
ON TAX ABATEMENT REQUEST**

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, June 7, 2021, at 5:30 p.m. to consider a tax abatement request from New Horizon Homes, LLC, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City’s portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$20,340. The subject property is located at 2013 14<sup>th</sup> Avenue NE, Austin, Minnesota and is legally described as:

Lot 1, Block 1, Nature Ridge Second Addition, City of Austin, County of Mower

The public hearing will be held in the City Council Chambers, at City Hall, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota. All interested persons are invited to attend and be heard. Those unable to attend are invited to send written comments, prior to the hearing, to: City Administrator, City of Austin, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota 55912.

Publish: May 19, 2021

**RESOLUTION NO.**

**RESOLUTION APPROVING TAX ABATEMENT  
FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813**

**WHEREAS**, the Austin Home Initiative's purpose is to provide incentives to encourage the construction of new owner occupied and residential housing units within the City of Austin for the public benefit including, but not limited to, capturing future taxes from units that would not have otherwise been constructed and increasing housing inventory to support local business growth.

**WHEREAS**, Minnesota Statute 469.1813 gives authority to the City of Austin to grant an abatement of taxes imposed by the City if certain criteria are met; and

**WHEREAS**, in addition to the statutory requirements, the City of Austin has adopted the Austin Home Initiative guidelines which must be met before an abatement of taxes will be granted for residential development; and

**WHEREAS**, New Horizon Homes, LLC/Nature Ridge Properties are the owner of certain property within the City of Austin legally described as follows:

Lot 1, Block 1, Nature Ridge Second Addition to the City of Austin, Mower County.

**WHEREAS**, New Horizon Homes, LLC has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

**WHEREAS**, New Horizon Homes, LLC has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision (1) and Subdivision 2(i) as well as the Austin Home Initiative guidelines for abatement;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Austin, Minnesota:

The City of Austin does hereby grant an abatement of the City of Austin's share of real estate taxes upon the above-described parcel for the construction of a single family dwelling on the subject property.

The tax abatement will commence with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, and shall continue for five years.

The City shall provide the awarded abatement payments following the payment of due real estate taxes annually. Payments shall be made to the owner of record at the time of the payment.

The tax abatement shall be limited to the increase in property taxes resulting from the improvement of the property. Land values are not eligible and will not be abated.

The abatement shall be null and void if construction is not commenced within one year of the approval of this resolution or if the real estate taxes are not paid on or before the respective payment deadlines annually.

Passed by a vote of yeas and nays this 7th day of June, 2021.

Yea

Nay

ATTEST:

APPROVED

---

City Recorder

---

Mayor

## HOUSING TAX ABATEMENT APPLICATION

(Application Period 8-1-16 through 12-31-2019)

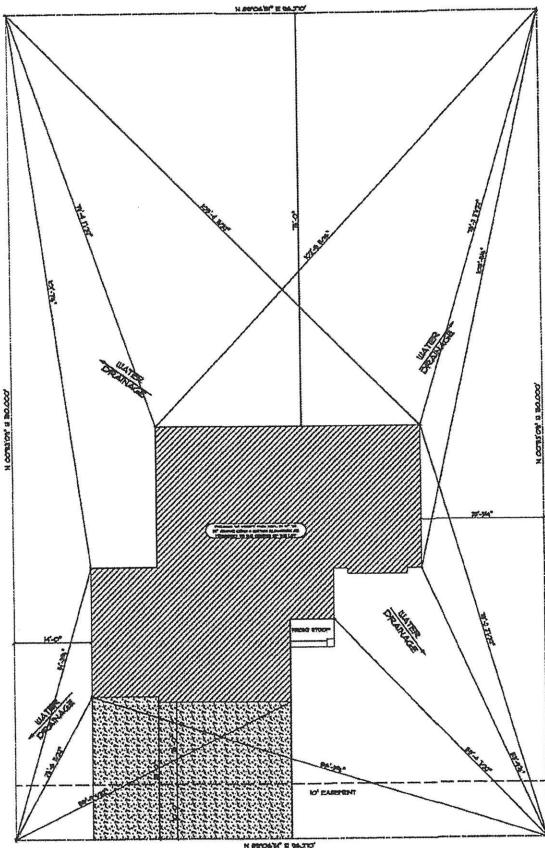
Property Owner / Applicant: New Horizon Homes LLCCurrent Address: 25388 670th St. Kasson, Mn. 55944Telephone: 507-250-3069 E-Mail: NewHorizonHomes.Jon@gmail.comHas applicant ever defaulted on property taxes?  Yes  No If Yes, provide details on separate page(s).Are property taxes current?  Yes  NoProposed Project:  New Construction  Replacement of housing unitProject Type:  Single Family  Duplex  Multi-familyProject Address: 2101 14th Ave NE - Austin, Mn. 55912Project Legal Description: Lot 2, Block 1, Nature Ridge SecondParcel Number: 34,467.0020 Estimated Project Valuation: \$ 400,000.00Applicant Statement:  
(Please provide a statement as to why you  
are requesting an abatement of property  
taxes.) Buyer would like to take advantage of the tax abatement program.Attach building plans, site map, parcel information and parcel number. (Include letter of consent from  
property owner if subject to purchase agreement.)I / We as applicant(s) for the Housing Tax Abatement  
certify that no construction has begun or will begin prior to  
the taxing authority's decision on my/our application. For  
the purposes of this provision, construction shall include the  
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other portions of a building. Site preparation, land clearing  
or the installation of utilities shall not constitute  
construction.I / We as applicant(s) for the Housing Tax Abatement submit  
this application having read the policy and understand the  
provisions as outlined including, but not limited to, the potential  
of a partial abatement in year one, construction must commence  
within one year of the approval, assessors cannot be refused  
access to the property for assessment purposes and the  
abatement is awarded following full payment of real estate taxes  
due annually.Construction  
Certification Jon Blaine 5-10-21  
Signature DateJon Blaine 5-10-21  
Signature of Applicant(s) Date

## FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County  Date:  City or  Township of  Date: School District of  Date: 

Disclaimer: Each taxing entity makes its own decision on approval or denial of application for tax abatement. Applications must comply with all requirements of the policy/program as outlined in the policy/program guidelines and build within allotted timeframe or tax abatement offer will be automatically terminated. Building cannot start until such time as all taxing entities have approved and written authorization is provided.

Please submit completed applications to: Mower County Administration  
201 1<sup>st</sup> Street NE, Suite 9, Austin MN 55912  
507-437-9549  
Office Hours: M-F 8 a.m. - 4:30 p.m.



2101 14th Ave NE  
Lot 2 Block 2 Nature Ridge Second

34.467.0020

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1000:1000

WORLD  
**NOTED**  
WRITTEN BY  
**CARL K.**  
JAN. 1949

AI  
- 1 - 5

DESIGN PHASE  
PRELIMINARY PLAN  
1:100  
CHECK BIT PLAN  
1:100  
FINAL PLAN  
1:100  
FINAL PLAN - REVISED  
1:100  
REVISION  
REVISION  
**ABC** Arrow  
Engineering  
101 1ST STREET NW  
KASSON, MINNESOTA 56344  
(507) 455-4341







**CITY OF AUSTIN  
COUNTY OF MOWER  
STATE OF MINNESOTA**

**NOTICE OF PUBLIC HEARING  
ON TAX ABATEMENT REQUEST**

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, June 7, 2021, at 5:30 p.m. to consider a tax abatement request from New Horizon Homes, LLC, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City’s portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$10,280. The subject property is located at 2101 14<sup>th</sup> Avenue NE, Austin, Minnesota and is legally described as:

Lot 2, Block 1, Nature Ridge Second Addition, City of Austin, County of Mower

The public hearing will be held in the City Council Chambers, at City Hall, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota. All interested persons are invited to attend and be heard. Those unable to attend are invited to send written comments, prior to the hearing, to: City Administrator, City of Austin, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota 55912.

Publish: May 19, 2021

**RESOLUTION NO.**

**RESOLUTION APPROVING TAX ABATEMENT  
FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813**

**WHEREAS**, the Austin Home Initiative's purpose is to provide incentives to encourage the construction of new owner occupied and residential housing units within the City of Austin for the public benefit including, but not limited to, capturing future taxes from units that would not have otherwise been constructed and increasing housing inventory to support local business growth.

**WHEREAS**, Minnesota Statute 469.1813 gives authority to the City of Austin to grant an abatement of taxes imposed by the City if certain criteria are met; and

**WHEREAS**, in addition to the statutory requirements, the City of Austin has adopted the Austin Home Initiative guidelines which must be met before an abatement of taxes will be granted for residential development; and

**WHEREAS**, New Horizon Homes, LLC/Nature Ridge Properties are the owner of certain property within the City of Austin legally described as follows:

Lot 2, Block 1, Nature Ridge Second Addition to the City of Austin, Mower County.

**WHEREAS**, New Horizon Homes, LLC has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

**WHEREAS**, New Horizon Homes, LLC has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision (1) and Subdivision 2(i) as well as the Austin Home Initiative guidelines for abatement;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Austin, Minnesota:

The City of Austin does hereby grant an abatement of the City of Austin's share of real estate taxes upon the above-described parcel for the construction of a single family dwelling on the subject property.

The tax abatement will commence with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, and shall continue for five years.

The City shall provide the awarded abatement payments following the payment of due real estate taxes annually. Payments shall be made to the owner of record at the time of the payment.

The tax abatement shall be limited to the increase in property taxes resulting from the improvement of the property. Land values are not eligible and will not be abated.

The abatement shall be null and void if construction is not commenced within one year of the approval of this resolution or if the real estate taxes are not paid on or before the respective payment deadlines annually.

Passed by a vote of yeas and nays this 7th day of June, 2021.

Yea

Nay

ATTEST:

APPROVED

---

City Recorder

---

Mayor

## HOUSING TAX ABATEMENT APPLICATION

(Application Period 8-1-16 through 12-31-2019)

Property Owner / Applicant: Bigelow & Lennon ConstructionCurrent Address: 211 1<sup>st</sup> St SW Byron, MN 55920Telephone: 507-775-7068 E-Mail: jill@bigelowlennon.comHas applicant ever defaulted on property taxes?  Yes  No If Yes, provide details on separate page(s).Are property taxes current?  Yes  NoProposed Project:  New Construction  Replacement of housing unitProject Type:  Single Family  Duplex  Multi-family

Project Address:

1404 20<sup>th</sup> St NE Austin, MN 55912

Project Legal Description:

Lot 1, Block 2 Nature Ridge 2<sup>nd</sup> SubdivisionParcel Number: 34.467.0060 Estimated Project Valuation: \$1330,000

## Applicant Statement:

(Please provide a statement as to why you are requesting an abatement of property taxes.)

We would like to provide new homes for people moving into the Mower County community.

Attach building plans, site map, parcel information and parcel number. (Include letter of consent from property owner if subject to purchase agreement.)

I / We as applicant(s) for the Housing Tax Abatement certify that no construction has begun or will begin prior to the taxing authority's decision on my/our application. For the purposes of this provision, construction shall include the installation of footings, slab, foundation, posts, walls or other portions of a building. Site preparation, land clearing or the installation of utilities shall not constitute construction.

Construction Certification

Signature

Date

I / We as applicant(s) for the Housing Tax Abatement submit this application having read the policy and understand the provisions as outlined including, but not limited to, the potential of a partial abatement in year one, construction must commence within one year of the approval, assessors cannot be refused access to the property for assessment purposes and the abatement is awarded following full payment of real estate taxes due annually.

Signature of Applicant(s)

Date

## FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

 City or  Township of

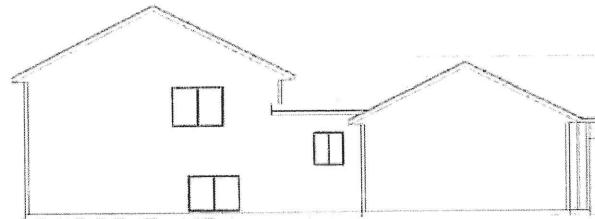
Date:

School District of

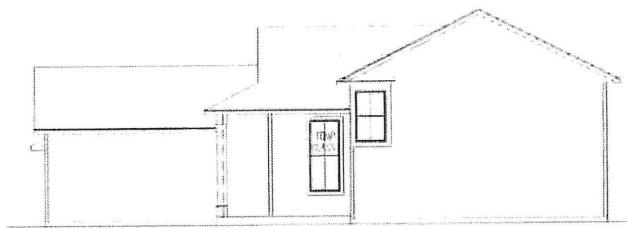
Date:

**Disclaimer:** Each taxing entity makes its own decision on approval or denial of application for tax abatement. Applications must comply with all requirements of the policy/program as outlined in the policy/program guidelines and build within allotted timeframe or tax abatement offer will be automatically terminated. Building cannot start until such time as all taxing entities have approved and written authorization is provided.

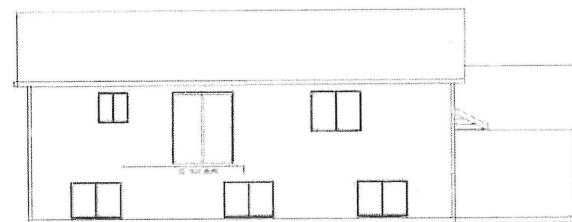
Please submit completed applications to: Mower County Administration  
201 1<sup>st</sup> Street NE, Suite 9, Austin MN 55912  
507-437-9549  
Office Hours: M-F 8 a.m. – 4:30 p.m.



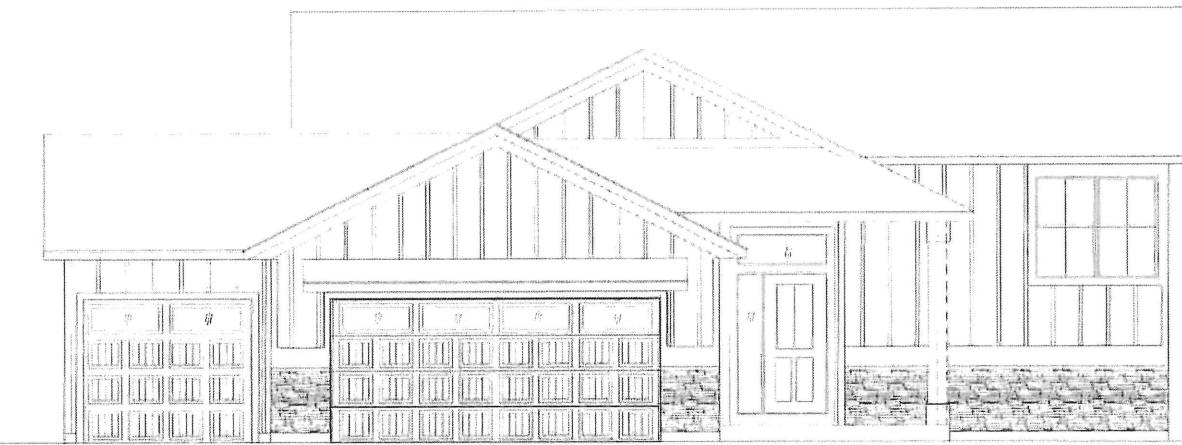
SIDE ELEVATION  
SCALE 1/8"=1'-0"



SIDE ELEVATION  
SCALE 1/8"=1'-0"



REAR ELEVATION  
SCALE 1/8"=1'-0"



FRONT ELEVATION  
SCALE 1/4"=1'-0"

1404 20th St NE  
Austin, MN 55912

Bigelow and Lennon Construction, LLC  
211 1st St. SW  
Byron, MN 55920

BL-379

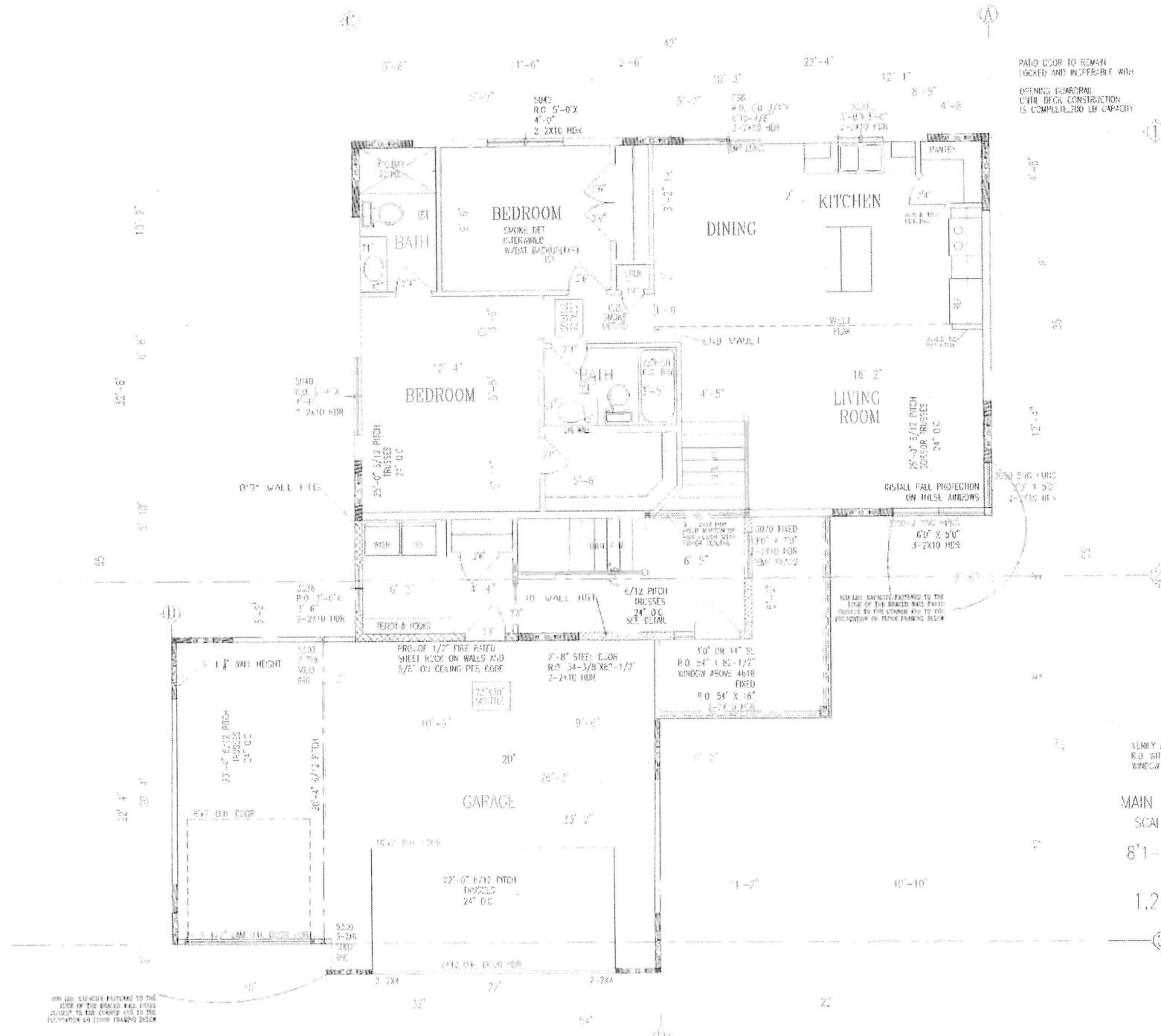
LP  
SMARTSIDE  
FRONT  
VINYL  
SIDES  
AND BACK

BIG / LENN

NATURE RIDGE #1-2

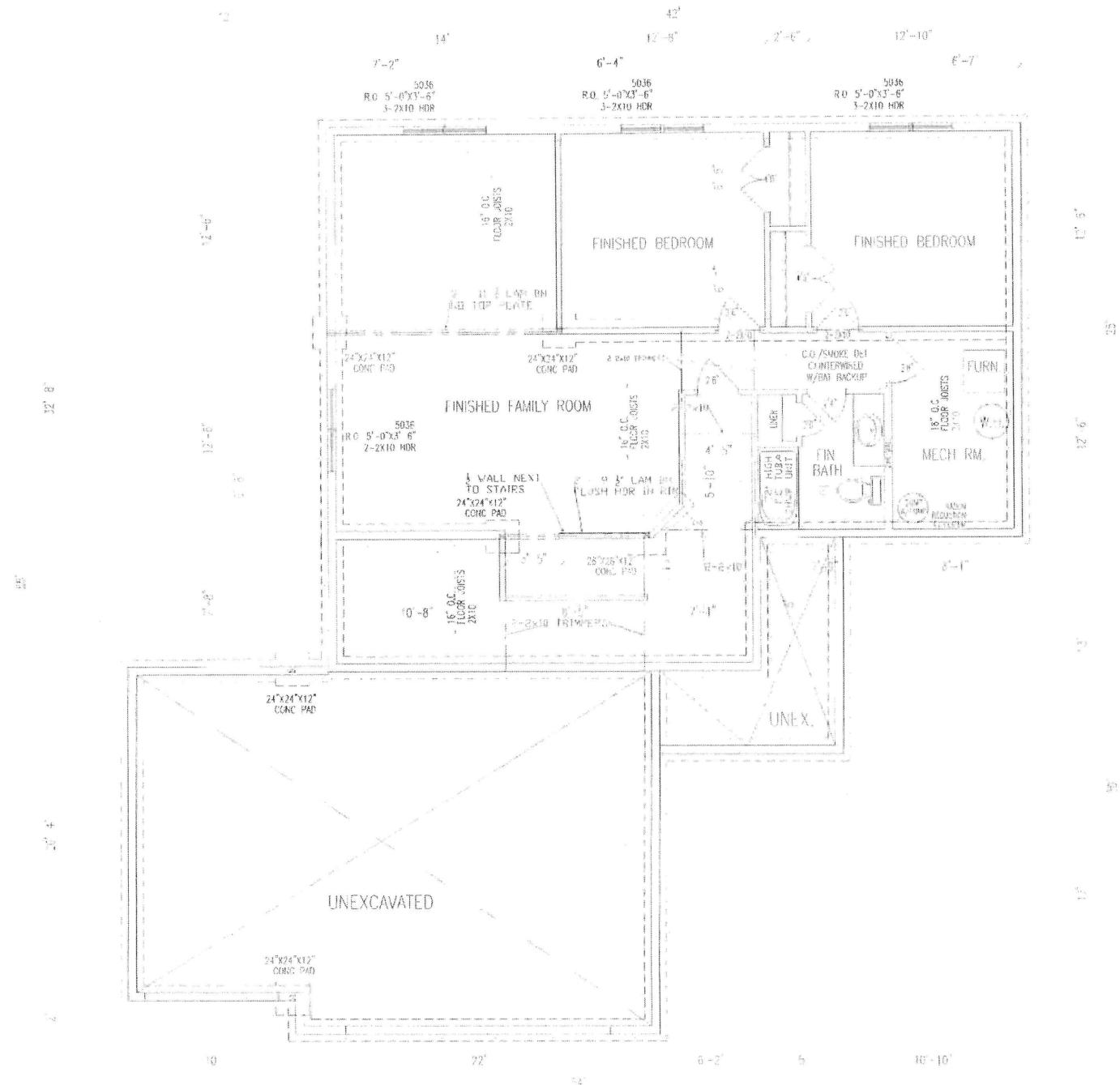
04-28-21
NOTED
202616
NOTED

PROGRESSIVE PLAN  
DESIGN, LLP  
RESIDENTIAL ARCHITECTURE  
(507) 775-6677  
714 COUNTY RD 9 N BYRON MN 55920  
progressive-architecture@gmail.com



PROGRESSIVE PLAN  
DESIGN LLP  
RESIDENTIAL ARCHITECTURE  
(567) 775-6677  
714 COUNTY RD 3 NW BYRON MI 49320  
PROGRESSIVEPLANDESIGNLLC.COM

B.B.  
04-28-21  
NOTED  
2112616  
NOTED



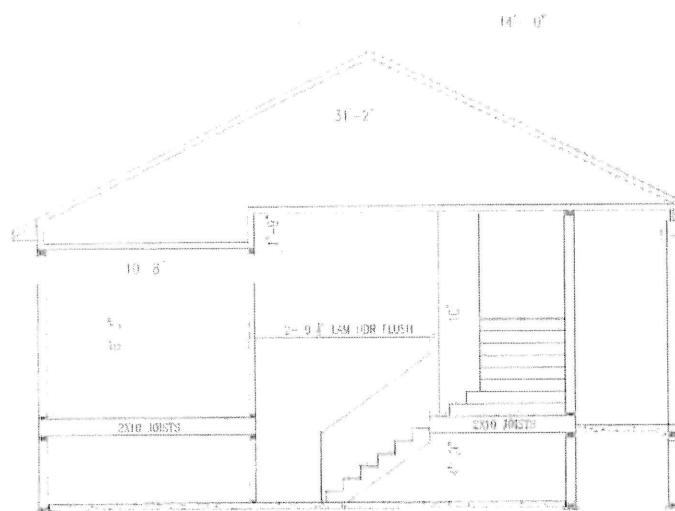
VERIFY ALL WINDOW  
R.O. WITH ANDERSEN 100 SERIES  
WINDOW SUPPLIER

FOUNDATION PLAN  
SCALE 1/4"=1'-0"

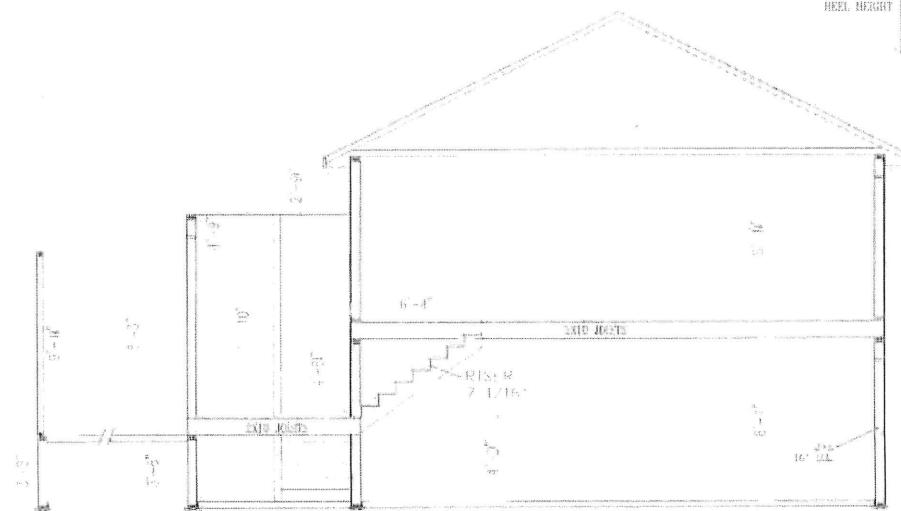
1,260 SQ. FT.

B1C

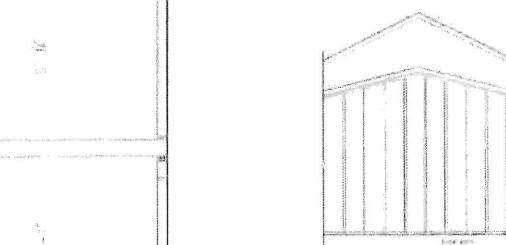
CONTRACTOR	CONFIDENTIAL
B.B.	
04-28-21	
NOTED	
3112016	
NOTED	



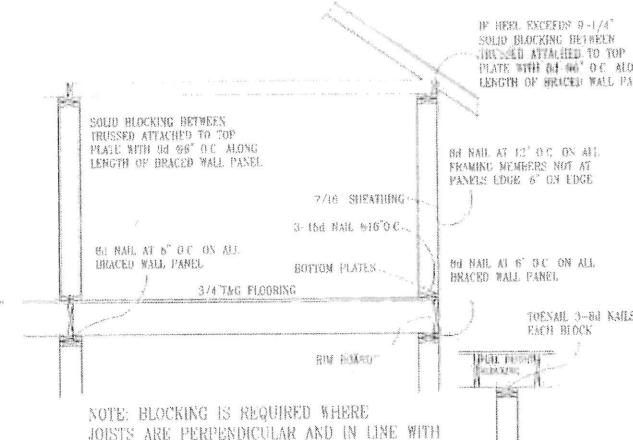
SIDE CUT THROUGH FOYER



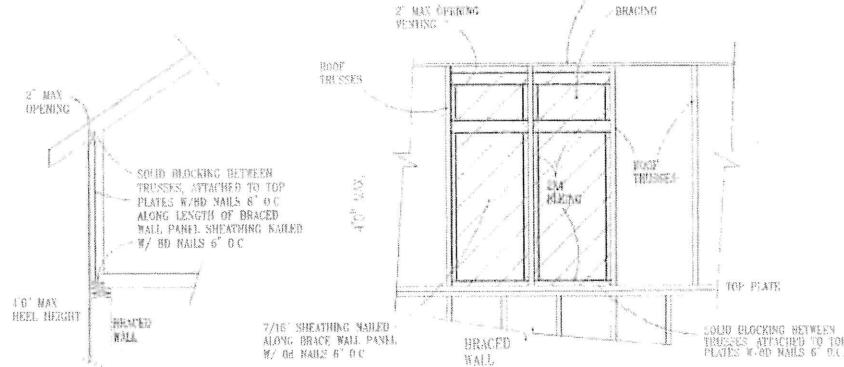
### SIDE CUT THROUGH HOUSE



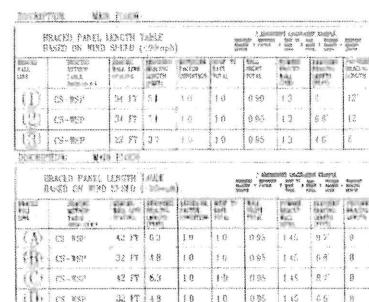
WHEN SCISSOR TRUSSES ARE USED  
THE GABLE END FRAME SHALL MATCH  
THE PROFILE OF THE SCISSOR TRUSSSES  
ADJACENT TO IT FOR PROPER BOTTOM  
CHORD PLATE BRACING TO BE INSTALLED



NOTE: BLOCKING IS REQUIRED WHERE  
JOISTS ARE PERPENDICULAR AND IN LINE WITH  
BRACED WALL LINE ABOVE



4'0" MAXIMUM HEEL HEIGHT  
BRACED WALL PANEL CONNECTION  
TO PERPENDICULAR TRUSSES



## HEEL HEIGHT THAT EXCEEDS 4'0" BRACED WALL PANEL CONNECTION TO PERPENDICULAR TRUSSES

DESIGN, LLP  
RESIDENTIAL ARCHITECTURE  
(607) 775-5677  
714 COUNTY RD. 3 N.W. BYRON MN. 55920  
progressiveplanning.com

BIG/LEN

## NAMIB RIDGE

B.B.  
04-2B-21  
NOTED  
2112616  
NOTED



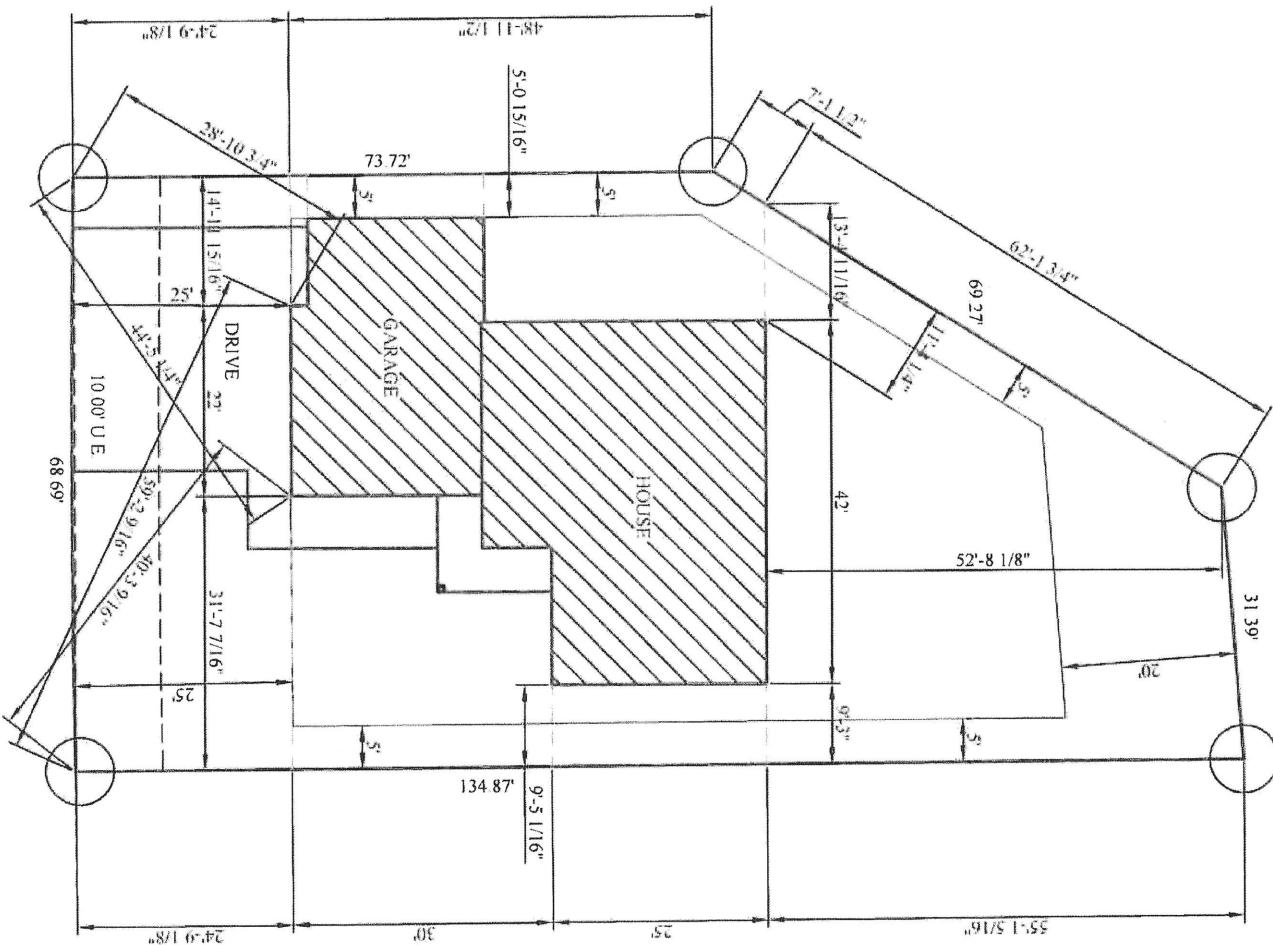
## PROGRESSIVE PLAN

THE INSTITUTE

RESIDENTIAL HITCHING POST  
714 County Rd S NW Byron MN 55920

LOT, #1 BLK, #2  
SUBDIVISION: NATURE RIDGE 2ND.  
CITY: AUSTIN STATE: MN  
CONTRACTOR: BIGELOW HOMES  
CUSTOMER: NATURE RIDGE #1-2 #2112616

SCALF: 1" = 20'



BL-379

BL-379

## PURCHASE AGREEMENT

**RECEIVED OF** Bigelow & Lennon Construction, LLC the sum of \$500.00 as earnest money in part payment for the purchase of property in Mower County, Minnesota, described as:

Lot 1, Block 2, Nature Ridge Second in Outlot D, Nature Ridge Austin, Mower County, Minnesota.

LEGAL TO GOVERN, all of which property the undersigned has this day sold to the buyer for the sum of \$38,000.00, which the buyer agrees to pay as follows: Earnest money \$500.00 and \$37,500.00 cash on or before July 1, 2021. Seller will defer \$10,000.00 of the purchase price until the spec home is sold by buyer herein and buyer will sign a Promissory Note for \$10,000.00 with no interest to accrue.

The real estate taxes due and payable in the year 2021 shall be prorated to the date of closing.

Any special terms, conditions or representations, not readily determined by actual inspection are to appear on the reverse side of this contract.

Subject to performance by the buyer, the seller agrees to execute and deliver a Warranty Deed to be joined in by spouse, if any (also owner's duplicate certificate of title, if registered property, at time of delivery of deed) conveying a marketable title to said premises subject only to the following exceptions: (a) Building regulations, zoning laws, ordinances, state and federal regulations, (b) Restrictions relating to use or improvement of premises not subject to unreleased forfeiture, (c) Reservation of any minerals or mineral rights to the State of Minnesota. Utility Easements. Subject to rights of tenants, if any.

Seller certifies that there are no wells or septic system on said property.

To the best of Seller's knowledge, there are no hazardous substances or underground storage tanks except herein noted: NONE.

Seller is not aware of any methamphetamine production that has occurred on the property.

The seller further agrees to deliver possession not later than July 1, 2021 PROVIDED THAT ALL THE CONDITIONS OF THIS AGREEMENT HAVE BEEN COMPLIED WITH. Closing date shall be on or before July 1, 2021.

The seller shall, within a reasonable time after approval of this agreement, furnish an abstract title or registered property abstract certified to date, both of which shall include proper searches covering bankruptcies, judgments and liens both state and federal. The buyer shall be allowed 10 days for examination of title and the making of any objections thereto in writing. The seller shall be allowed 120 days to make such title marketable. If this agreement is not accepted by the seller or title made marketable, as herein provided, the above earnest money shall forthwith be returned to the buyer. If buyer defaults in any of the provisions of this agreement the earnest money shall be forfeited to the seller and agent as their interest may appear without limiting any other right at law or equity available to the seller.

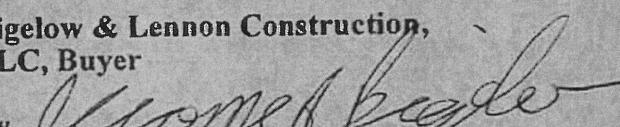
I hereby agree to sell/purchase the said property for the price and upon the terms above mentioned, and subject to all conditions herein expressed.

Dated this 15 day of January, 2021.

**NATURE RIDGE PROPERTIES OF  
AUSTIN CO., Seller**

By   
**Paul V. Sween, Its Manager**

**Bigelow & Lennon Construction,  
LLC, Buyer**

By   
**Jerome A. Bigelow, Its President**

**THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER AND  
SELLER. IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN  
APPROPRIATE PROFESSIONAL.**

F:\smills\N\Nature Ridge Properties of Austin Co\89122-Bigelow & Lennon Construction, LLC\PURCHASE AGREEMENT Lot 4,  
Block 2, Nature Ridge Second.docx

## Ann Kasel

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**From:** Denise Barthels <deniseb@CO.MOWER.MN.US>  
**Sent:** Monday, May 10, 2021 12:32 PM  
**To:** Alms, Sharon; Ann Kasel  
**Subject:** FW: Housing Abatement Application Received - Bigelow & Lennon 34.467.0060

Good afternoon,

Please highlighted information below. I use the PIN and the Legal rather than the address so this doesn't matter to me but just in case it matters to you I am providing the information from the Assessor's office.

Denise

Denise Barthels  
507-437-9549  
507-437-9458 fax  
[deniseb@co.mower.mn.us](mailto:deniseb@co.mower.mn.us)



---

**From:** Val Johnson <valj@co.mower.mn.us>  
**Sent:** Monday, May 10, 2021 12:22 PM  
**To:** Denise Barthels <deniseb@CO.MOWER.MN.US>; Liz Johnson <lizj@CO.MOWER.MN.US>  
**Subject:** RE: Housing Abatement Application Received - Bigelow & Lennon 34.467.0060

Looks good except for the project address.

For PIN 34.467.0060 I have an address of 14<sup>th</sup> Ave NE, perhaps a E911 has not been established?

---

**From:** Denise Barthels  
**Sent:** Monday, May 10, 2021 11:10 AM  
**To:** Liz Johnson <lizj@CO.MOWER.MN.US>; Val Johnson <valj@co.mower.mn.us>  
**Subject:** Housing Abatement Application Received - Bigelow & Lennon 34.467.0060

Hi, Liz and Val.

I received information for a tax abatement. Please review the data received and let me know if it is accurate and complete any missing information. A response would be appreciated by tomorrow morning.

Applicant	Project Address	Project Legal	PIN	City/Township	School District
Owner: Nature Ridge Properties of Austin, Co.	1404 20 <sup>th</sup> St. NE Austin, MN	Lot 1, Bloc 2, Nature Ridge 2 <sup>nd</sup> Subdivision	34.467.0060	City of Austin	Austin #492

Applicant: Bigelow & Lennon Construction				
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Thank you for verifying the information.

*Denise*

Denise Barthels  
Mower County Administration  
201 1st Street NE, Suite 9  
Austin, MN 55912  
507-437-9549  
507-437-9458 fax  
[deniseb@co.mower.mn.us](mailto:deniseb@co.mower.mn.us)



**NOTICE OF PUBLIC HEARING  
ON TAX ABATEMENT REQUEST**

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, June 7, 2021 at 5:30 p.m. to consider a tax abatement request from Bigelow & Lennon Construction, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City’s portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$8,875. The subject property is located at 1404 20<sup>th</sup> Street NE, Austin, Minnesota and is legally described as:

Lot 1, Block 2, Nature Ridge Second Addition, City of Austin, County of Mower

The public hearing will be held in the City Council Chambers, at City Hall, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota. All interested persons are invited to attend and be heard. Those unable to attend are invited to send written comments, prior to the hearing, to: City Administrator, City of Austin, 500 4<sup>th</sup> Avenue NE, Austin, Minnesota 55912.

Publish: May 19, 2021

**RESOLUTION NO.**

**RESOLUTION APPROVING TAX ABATEMENT  
FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813**

**WHEREAS**, the Austin Home Initiative's purpose is to provide incentives to encourage the construction of new owner occupied and residential housing units within the City of Austin for the public benefit including, but not limited to, capturing future taxes from units that would not have otherwise been constructed and increasing housing inventory to support local business growth.

**WHEREAS**, Minnesota Statute 469.1813 gives authority to the City of Austin to grant an abatement of taxes imposed by the City if certain criteria are met; and

**WHEREAS**, in addition to the statutory requirements, the City of Austin has adopted the Austin Home Initiative guidelines which must be met before an abatement of taxes will be granted for residential development; and

**WHEREAS**, Bigelow & Lennon Construction is the owner of certain property within the City of Austin legally described as follows:

Lot 1, Block 2, Nature Ridge Second Addition, City of Austin, County of Mower

**WHEREAS**, Bigelow & Lennon Construction has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

**WHEREAS**, Bigelow & Lennon Construction has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision (1) and Subdivision 2(i) as well as the Austin Home Initiative guidelines for abatement;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Austin, Minnesota:

The City of Austin does hereby grant an abatement of the City of Austin's share of real estate taxes upon the above-described parcel for the construction of a single family dwelling on the subject property.

The tax abatement will commence with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, and shall continue for five years.

The City shall provide the awarded abatement payments following the payment of due real estate taxes annually. Payments shall be made to the owner of record at the time of the payment.

The tax abatement shall be limited to the increase in property taxes resulting from the improvement of the property. Land values are not eligible and will not be abated.

The abatement shall be null and void if construction is not commenced within one year of the approval of this resolution or if the real estate taxes are not paid on or before the respective payment deadlines annually.

Passed by a vote of yeas and nays this 7th day of June, 2021.

Yea

Nay

ATTEST:

APPROVED

---

City Recorder

---

Mayor

# Competitive Cable Franchise

City of Austin, MN

June 7, 2021

Presented by: Brian T. Grogan, Esq

# Procedure

- **Purpose of tonight's Council meeting**
  - Review CMN-RUS, Inc. D/B/A MetroNet qualifications
  - Consider resolution approving qualifications
  - Authorize staff to continue franchise negotiations with MetroNet
- **The City is not considering the award of a franchise tonight**
  - Any franchise consideration will occur at separate Council meeting
- **City has followed the Minn. Stat. procedure**
  - Regarding consideration of MetroNet application

# Federal Cable Act

**One of the stated purposes of the Cable Act is to:**

*"promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems."*

*See 47 U.S.C. § 521 (6) – emphasis added*

# Federal Cable Act

**A franchising authority may award one or more franchises within its jurisdiction:**

*"except that a franchising authority may not grant an exclusive franchise and may not unreasonably refuse to award an additional competitive franchise."*

*See 47 U.S.C. § 541 (a)(1) - emphasis added*  
- codified in the Cable Act as Section 621

# Minnesota Statutes

## Minn. Stat. § 238.08 Subd. 1(b):

*No municipality shall grant an additional franchise for cable service for an area included in an existing franchise on terms and conditions more favorable or less burdensome than those in the existing franchise pertaining to:*

- (1) *the area served;*
- (2) *public, educational, or governmental access requirements; or*
- (3) *franchise fees.*

# Charter Franchise - Level Playing Field

- **Section 2 (2-3) of the Charter Franchise**

- If City grants a competitive cable franchise
- (2) *In the event the City enters into a franchise, or similar use permission, with any operator other than the Company to enter into the City's streets, public ways or public places for the purpose of constructing and operating a Cable System or providing Cable Service to any part of the Service Area, the material provisions thereof shall be on terms and conditions no more favorable or less burdensome than those in this Franchise pertaining to: (1) the area served; (2) public, educational or governmental access requirements; or (3) franchise fees. Nothing in this paragraph shall prevent the City from imposing additional terms and conditions on any other Person to whom it may grant a franchise.*
- (3) *Notwithstanding any provision to the contrary, if a non-wireless facilities based entity, legally authorized by state or federal law, makes available for purchase by Subscribers or customers Cable Service or its functional equivalent (including video programming under 47 U.S.C. § 571(a)(3) or § 573) within the Franchise Area without a Franchise or other similar lawful authorization granted by the City, then the Company or the City shall have the right, upon ninety (90) days advance written notice to the other party, to terminate this Franchise and, negotiate a renewal or replacement franchise, license, consent, certificate or other authorization with any appropriate governmental entity. Provided, however, the City may not exercise the option to terminate the Franchise under this provision if such action would deprive the Company of authority to continue to provide Cable Services within the City. Nothing herein shall in any way limit or reduce Company's right to provide Cable Service in the City under Applicable Laws, nor the City's right to regulate Company's provision of Cable Service in the City under Applicable Laws.*

# Minnesota Statutes - Process

- **Minn. Stat. § 238.081 Subd. 1** provides that the City must:
  - Publish once each week for two successive weeks in a newspaper of general circulation
    - a notice of intent to consider an application for a franchise
  - Send notice to potential candidates
  - Provide an official application form
  - Follow the state statutory procedure

# Franchise Application Timeline

- **May 5 and May 12, 2021**
  - City published Notice of Intent to Franchise
    - Once each week for 2 successive weeks in local newspaper
    - Notice also mailed directly to MetroNet and Charter
  - City published Notice of Public Hearing

# Franchise Application Timeline

- **May 25, 2021**
  - Closing date for submission of applications
    - must be at least 20 days from date of first publication of Notice
  - One application was received
    - CMN-RUS, Inc. D/B/A MetroNet
- **June 7, 2021**
  - City holds public hearing regarding franchise applications

# Public Hearing

- **Minn. Stat. 238.081 subd. 6**
  - Requires that the City hold a public hearing
  - Affording reasonable notice and a reasonable opportunity to be heard with respect to all applications for a franchise
  - Purpose of this public hearing is for the Council to receive input from interested parties regarding the application

# Applicant

- **Applicant**
  - (Grantee) = CMN-RUS, Inc.
  - DBA - MetroNet
- **Parent**
  - MetroNet Holdings, LLC

# MetroNet Legal Qualifications

- **CMN-RUS, Inc.**

- Indiana corporation
- Licensed to do business in Minnesota
- In good standing with Minnesota Secretary of State

# MetroNet Technical Qualifications

- **Headquartered in Evansville, Indiana**
- **Provides cable, internet and phone**
  - to business and residential customers
    - Florida, Iowa, Kentucky, Michigan, Minnesota, North Carolina and Ohio
      - serves approximately 16 communities in Minnesota
    - Indiana and Illinois - hold state-wide cable franchises
      - serves 35 communities in Indiana
      - serves 23 communities in Illinois

# MetroNet Technical Qualifications

- **Offers fiber to the premises (FTTP) build**
- **Will use IPTV technology**
  - No channel bandwidth limitations
  - Once at the residential household
    - signal delivered wirelessly to set top boxes
- **Headend facilities located in Evansville Indiana**
  - Network hub to be located in the City
  - Video transport from Evansville to Austin
    - via long haul fiber circuits

# MetroNet Financial Qualifications

- **No objective standard to rely upon**
  - We are not aware of any state or federal standards
  - To assess the financial qualifications of a competitive cable operator seeking an initial franchise in the City.
- **Reviewed current year financial statements**
  - CMN's parent entity, MetroNet
  - MetroNet's financial statements do not separately provide the financial information for CMN

# MetroNet Financial Qualifications

- **Report provides review of financials**
  - MetroNet has had sufficient funding to finance, operate and expand in the past
  - No assurance of future success – risk factors are considerable
  - Determination is based solely upon the MetroNet Financial Statements
    - All financial information considered confidential or trade secret at the request of the applicant

# Resolution

- **City to consider adoption of Resolution**
  - Establish findings of fact regarding:
    - CMN's qualifications
      - Legal
      - Technical
      - Financial
  - Authorize staff to negotiate proposed franchise with CMN
- **Any agreed upon Franchise will come back before Council for consideration**

# Questions

Brian T. Grogan, Esq.  
Moss & Barnett, A Professional Association  
150 South Fifth Street, Suite 1200  
Minneapolis, MN 55402  
Phone: (612) 877-5340  
E-mail: [Brian.Grogan@lawmoss.com](mailto:Brian.Grogan@lawmoss.com)  
Web site: [www.lawmoss.com](http://www.lawmoss.com)



June 2, 2021

Craig Clark  
City Administrator  
City of Austin  
500 Fourth Avenue, NE  
Austin, MN 55912

Re: Request for a Cable Franchise – City of Austin, Minnesota

Dear Craig:

CMN-RUS, Inc., d/b/a MetroNet ("CMN") has requested a cable franchise from the City of Austin, Minnesota ("City") to provide cable services in the City.

The City contacted Moss & Barnett seeking input regarding the appropriate procedure to be followed to consider the award of a cable franchise to CMN or any other applicant. Moss & Barnett reviewed applicable law (attached hereto as Exhibit A) with City representatives and developed a franchise procedure for the City to follow.

In accordance with Minnesota Statutes Section 238.081, City Council authorized publication of a Notice of Intent to Franchise a Cable Communications System ("Notice"). The Notice was first published in the Austin Daily Herald on May 5, 2021 and was thereafter published on May 12, 2021. The Notice referenced the City's Request for Proposals - Official Application Form that was made available on request at the office of the City Administrator. Copies of the Notice and Official Application Form were sent to CMN as well as the incumbent cable operator, Charter Communications, Inc. ("Charter").

Pursuant to Minnesota Statutes Section 238.081 the City established a deadline for submitting applications on May 25, 2021, at least twenty (20) days following the first date of publication as required by Minnesota Statutes Section 238.081. The City received only one application - from CMN.

Pursuant to Minnesota Statutes Section 238.081, the City published Notice of Public Hearing. The Public Hearing is scheduled for June 7, 2021 at 5:30 p.m. to receive input from interested parties regarding CMN's application.

Below is a listing of the information received and reviewed by Moss & Barnett. Each document listed below was reviewed and considered in the preparation of this letter and are hereby incorporated into this letter by reference. The information contained within these documents should be considered part of the City's record on which the City's decision is based.

1. Notice by the City of its Intent to Consider an Application for a Cable Franchise published on May 5 and May 12, 2021.

2. The City's Request for Proposals Official Application Form.
3. Official Application submitted to City by CMN dated May 21, 2021.
4. Minnesota Secretary of State/Good Standing. CMN-RUS, Inc. filed with the Office of the Minnesota Secretary of State, pursuant to Minnesota Chapter 303, on October 17, 2018 and is in good standing. The Certificate of Good Standing from the Minnesota Secretary of State is attached hereto as Exhibit B.

## **I. Scope of Review**

CMN-RUS, Inc. d/b/a MetroNet, an Indiana corporation qualified to do business in the State of Minnesota ("CMN"), is an applicant for a competitive cable franchise agreement (hereinafter referred to as the "Franchise Agreement") from the City of Austin, Minnesota (the "City"). MetroNet Holdings, LLC, a Delaware limited liability company, ("MetroNet"), is a privately held company and ultimate parent company of CMN. MetroNet operates cable television systems that provide cable services in limited markets in the United States. At the request of the City, Moss & Barnett has reviewed selected financial information that was provided by CMN and MetroNet or publicly available to provide assistance in the City's assessment of the financial qualifications of CMN to operate a competitive cable television system in the City.

The financial information that was provided or available through other public sources and to which the information in this report has been limited, consists solely of the following financial information (hereinafter referred to collectively as the "Financial Statements"):

1. Official Application for Cable Franchise submitted by CMN to the City dated May 21, 2021 (the "Application");
2. MetroNet Holdings, LLC and Subsidiaries Consolidated Financial Statements for the Years ended September 30, 2020 and 2019; and
3. Such other information as was publicly available as set forth herein.

Our procedure is limited to providing a summary of the Financial Statements in order to facilitate the City's assessment of the financial qualifications of CMN to operate a competitive cable television system in the City.

## **II. Overview of CMN and MetroNet**

MetroNet is headquartered in Evansville, Indiana. CMN is a wholly owned indirect subsidiary of MetroNet. CMN provides communication services, including internet, phone and various TV programming to business and residential customers in the States of Florida, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, and Ohio. In the states of Indiana and Illinois CMN holds state-wide cable franchises and serves approximately thirty-five (35) communities in Indiana and twenty-three (23) communities in Illinois. CMN serves approximately sixteen (16) communities in Minnesota.

CMN proposes a fiber to the premises (FTTP) build in Austin which would provide substantial capacity to provide cable television services to residences and businesses in the City. CMN will use IPTV technology to deliver the television signals and will therefore have no channel bandwidth limitations. Once at the residential household the signal will be delivered wirelessly to set top boxes. CMN will use MetroNet's headend facilities located in Evansville Indiana with a network hub to be located in the City. Video transport from Evansville to Austin will occur via long haul fiber circuits.

Cable providers and telecommunication companies operate in a competitive environment and the financial performance of cable television operators, like MetroNet and CMN, is subject to many factors, including, but not limited to, the general business conditions, programing costs, incumbent cable operators, digital broadcast satellite service, technology advancements, changes in consumer behavior, regulatory requirements, advertising costs, and customer preferences, as well as competition from multiple sources, which provide and distribute programming, information, news, entertainment and other telecommunication services. The cable business is inherently capital intensive, requiring capital for build-out and maintenance of its communications systems. MetroNet proposes to install a network hub site in the City, and video traffic will travel between an existing headend in Evansville, Indiana to this hub over two redundant long-haul fiber circuits. In the Application, MetroNet submits that it has, "the financial resources to successfully complete a comprehensive all fiber network capable of providing video services throughout the City. Applicant will fund the construction of the network utilizing existing capital contributions from shareholders and a previously secured credit facility."

### **III. Findings**

Based upon the above information, we have analyzed the current year financial statements of CMN's parent entity, MetroNet, in evaluating the financial qualifications of CMN. MetroNet's financial statements do not separately provide the financial information for CMN. Accordingly, we are reporting our Findings hereunder based upon MetroNet's financial statements for years ended September 30, 2020 and September 30, 2019.

1. Analysis of Financial Statements. Federal law and FCC regulations provide franchising authorities, such as the City, with limited guidance concerning the evaluation of the financial qualifications of an applicant for a cable franchise or a competitive cable franchise. In evaluating the financial capabilities of a cable operator, the City may wish to consider the performance of an applicant based on the applicant's historical performance and its projected or budgeted financial information along with its financial capabilities (for funding and financing its entire operation). The City was not provided with such information for CMN. However, a general review of MetroNet's financial information may provide some insight into the general financial operations of MetroNet with respect to the Application. Many large cable operators have multiple operating subsidiaries that hold groups of franchises and operating systems and do not provide or disclose separate subsidiary financial information.

MetroNet's and its subsidiaries' operations include both cable television services and non-cable television services. The MetroNet financial information discussed below includes all of the MetroNet's operations, including the non-cable television services. We are providing the following information as included in MetroNet's Financial Statements as of September 30, 2020 in this section.

2. Specific Financial Statement Data and Analysis.
  - a. **Assets.** MetroNet had: (i) current assets of \$70.8 million; and (ii) total assets of \$882.6 million as of September 30 ,2020. MetroNet had \$45.6 million of available cash or cash equivalents on its balance sheet as of September 30 ,2020.
  - b. **Liabilities.** MetroNet's Financial Statements report: (i) current liabilities of \$71.0 million; (ii) long-term debt of \$411.8 million and (iii) total liabilities of \$510.9 million as of September 30, 2020. In addition, MetroNet has a revolving line of credit facility with a financial institution with a maximum borrowing amount of \$103 million. MetroNet did not provide the credit agreement, so we were unable to adequately assess the credit agreement and its limitations and restrictions. However, MetroNet did note that "as of September 30, 2020, there was no balance outstanding on the revolving line of credit.
  - c. **Equity.** The Financial Statements report that as of September 30, 2020, the Total Member Capital was 371.6 million.
  - d. **Income and Expense.** MetroNet's Statement of Earnings reports: (i) total revenue of \$192.0 million (ii) cost of sales of \$115.7 million, (iii) operating expenses of \$106.3 million and (iv) a operating loss of (\$30.0) million for the period ending September 30, 2020.

#### **IV. Summary**

We are not aware of any state or federal standards by which to assess the financial qualifications of a competitive cable operator seeking a Franchise Agreement in the City. The FCC has provided minimum standards to consider when assessing the qualifications of a prospective transferee when a cable system is sold or control of the franchise changes. This FCC financial qualification standard is found in FCC Form 394. Using the FCC Form 394 to establish an absolute minimum standard of financial qualifications that a proposed applicant must demonstrate in order to be qualified to obtain and operate a cable system, CMN has the burden of demonstrating to the City's satisfaction that CMN has "sufficient net liquid assets on hand or available from committed resources" to obtain and operate the system in the City, together with its existing operations, for three (3) months. This minimum standard is not easy to apply to a company that is in growth mode and expanding its operations. As stated above, the Financial Statements presented in this report relate solely to CMN's parent entity, MetroNet.

Based solely on MetroNet's (CMN's parent entity) Financial Statements, MetroNet has had sufficient funding to finance, operate and expand MetroNet's operations in the past. Due to the limited financial information that was provided and the many uncertainties regarding the future operations, there is not enough information that has been made available to make any definitive conclusions regarding the future financial qualifications of CMN, independently, to own and operate a system serving the City. However, we see no basis on which the City can deny the Application due to a lack of financial qualifications.

In the event the City elects to proceed with approving the issuance of a Franchise Agreement, the assessment of CMN's, and its parent entity MetroNet's, financial qualifications should not be construed in any way to constitute an opinion as to the financial capability or stability of CMN or MetroNet to (i) operate under a competitive cable television system in the City, and (ii) operate their other operations. The City is solely responsible in determining the assessment of CMN and MetroNet's financial qualifications and its capability to operate a competitive system in the City. Consequently, we make no representation regarding the sufficiency of the financial information provided or used either for the purpose for which this analysis of financial qualifications was requested or for any other purpose.

Moss & Barnett has prepared a proposed Resolution regarding CMN's Application for a cable franchise - attached hereto as *Exhibit C*.

After you have had a chance to review this information, please contact me with any questions you may have or if I can provide any additional information.

Very truly yours,

[Sent via E-Mail]

**Brian T. Grogan**  
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## EXHIBIT A APPLICABLE LAW

### **Statutory Requirements:**

#### **A. Federal Regulatory Scheme: Competition among Cable Television Providers and the Federal Cable Act**

The Cable Communications Policy Act of 1984, as amended by the Cable Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996 (hereinafter collectively referred to as the "Cable Act"), contains many provisions relevant to the application before the City. According to the Cable Act, one of its primary purposes is to:

*promote competition in cable communications and minimize unnecessary regulation that would impose an undue economic burden on cable systems.<sup>1</sup>*

Furthermore, 47 U.S.C. Section 541(a)(1) provides that a franchising authority may award one or more franchises within its jurisdiction. To that end, the Cable Act states:

*that a franchising authority may not grant an exclusive franchise and **may not unreasonably refuse to award an additional competitive franchise.**<sup>2</sup>*

Any applicant whose application for a second franchise has been denied by a final decision of a franchising authority is not without recourse. The applicant may appeal an adverse decision pursuant to the provisions of Section 635 of the Cable Act.

The Cable Act also provides that a city may require certain assurances from the prospective franchisee. Subsection 4 of 47 U.S.C. Section 541(a) provides that:

*in awarding a franchise, the franchising authority –*

- a. *shall allow the applicant's cable system a reasonable period of time to become capable of providing cable service to all households in the franchise area;*
- b. *may require adequate assurance that the cable operator will provide adequate public, educational, and governmental access channel capacity, facilities, or financial support; and*
- c. *may require adequate assurance that the cable operator has the financial, technical, or legal qualifications to provide cable service.*

When Congress passed the 1992 amendments to the Cable Act, Congress suggested that it favors competition in the delivery of cable communications services. The Senate report that accompanied the amendments concluded that:

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<sup>1</sup> 47 U.S.C. Section 521(b).

<sup>2</sup> 47 U.S.C. Section 541(a)(1) (emphasis added).

*Based on the evidence and the record taken as a whole, it is clear that there are benefits from competition between two cable systems. Thus, the Committee believes that **local franchising authorities should be encouraged to award second franchises**. Accordingly, [the Cable Act as amended], prohibits local franchising authorities from unreasonably refusing to grant second franchises.<sup>3</sup>*

## **B. Federal Communications Commission Observations on Competition in the Cable Television Industry**

The Federal Communications Commission's ("FCC's") annual competition reports in video markets have found that subscribers have generally benefited from "head-to-head" competition in the delivery of cable services. Benefits enjoyed by consumers as a result of the increased competition include:

- a. lower monthly charges for services and equipment;*
- b. additional program offerings;*
- c. access to alternative sources of telecommunications and Internet services;*
- d. new digital services; and*
- e. better customer service from the incumbent cable operator.*

The FCC completed rulemaking proceedings on competition in the video marketplace resulting in the FCC's issuance of what is now known as the FCC 621 Order.<sup>4</sup> The Sixth Circuit affirmed the FCC 621 Order in 2008.<sup>5</sup> In the 621 Order the FCC summarized the evidentiary record in the following manner:

*The record indicates that in today's market, new entrants face "steep economic challenges" in an "industry characterized by large fixed and sunk costs," without the resulting benefits incumbent cable operators enjoyed for years as monopolists in the video services marketplace. According to commentators, "a competitive video provider who enters the market today is in a fundamentally different situation" from that of the incumbent cable operator: "[w]hen incumbents installed their systems, they had a captive market," whereas new entrants "have to 'win' every customer from the incumbent" and thus do not have "anywhere near the number of subscribers over which to spread the costs."*

## **C. Minnesota Statutory and Judicial Treatment of Competition in the Cable Television Industry**

### **Minnesota Statutes**

In addition to the requirements contained in the Cable Act, Minnesota has several statutory

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<sup>3</sup> (emphasis added). S. Rep. No. 102-92, June 28, 1991, reprinted in 1992 U.S. Code Cong. & Admin. News 1133, 1141, 1146, 1151; H. Conf. Rep. No. 102-862, reprinted in 1992 U.S. Code Cong. & Admin. News 1231, 1259.

<sup>4</sup> See *In the Matter of Implementation of Section 612(a)(1) of the Cable Communications Policy Act of 1984*, 22 FCC Rcd 5101 (Mar. 5, 2007).

<sup>5</sup> See *Alliance for Community Media v. FCC*, 529 F.3d 763 (6th Cir. 2008).

provisions that must be carefully followed by the City when considering the award of a franchise. In particular, Minnesota Statutes Chapter 238.08, titled ***Franchise Requirement***, states that a municipality must require a franchise or extension permit of any cable communications system providing service within the municipality. Further, Minnesota Statutes Section 238.081, ***Franchise Procedure***, provides a precise procedure to be followed by a municipality when requesting applications for a cable communications franchise.

The text of Section 238.08 and Section 238.081 is set forth below to provide the City with the exact requirements of state law on this matter.

**Minnesota Statute Section 238.08, *Franchise Requirement*,** provides in pertinent part:

***Subd. 1. Requirement; conditions.***

- (a) *A municipality shall require a franchise or extension permit of any cable communications system providing service within the municipality.*
- (b) *No municipality shall grant an additional franchise for cable service for an area included in an existing franchise on terms and conditions more favorable or less burdensome than those in the existing franchise pertaining to: (1) the area served; (2) public, educational, or governmental access requirements; or (3) franchise fees. The provisions of this paragraph shall not apply when the area in which the additional franchise is being sought is not actually being served by any existing cable communications system holding a franchise for the area. Nothing in this paragraph prevents a municipality from imposing additional terms and conditions on any additional franchises.*

***Subd. 2. Other requirements.*** *Nothing in this chapter shall be construed to prevent franchise requirements in excess of those prescribed unless such requirement is inconsistent with this chapter.*

***Subd. 3. Municipal operation.*** *Unless otherwise prohibited by applicable law, any municipality may construct, purchase, and operate cable communications systems or operate facilities and channels for community television, including, but not limited to, public, educational, and governmental access and local origination programming. Any municipal system, including the operation of community television by a municipality, is subject to this chapter to the same extent as any nonpublic cable communications system.*

***Subd. 4. Fee, tax or charge.*** *Nothing in this chapter shall be construed to limit the power of any municipality to impose upon any person operating a cable communications company a fee, tax or charge.*

\* \* \* \*

**Minnesota Statute Section 238.081, *Franchise Procedure*,** provides in pertinent part:

***Subd. 1. Publication of Notice.*** *The franchising authority shall have published once*

*each week for two successive weeks in a newspaper of general circulation in each municipality within the cable service territory, a notice of intent to consider application for a franchise other than a franchise renewal pursuant to the United States Code, Title 47, Section 546.*

**Subd. 2. Required information.** *The notice must include at least the following information:*

- (1) *the name of the municipality making the request;*
- (2) *the closing date for submission of applications;*
- (3) *a statement of the application fee, if any, and the method for its submission;*
- (4) *a statement by the franchising authority of the desired services to be offered;*
- (5) *a statement by the franchising authority of criteria and priorities against which the applicants for the franchise must be evaluated;*
- (6) *a statement that applications for the franchise must contain at least the information required by subdivision 4;*
- (7) *the date, time, and place for the public hearing, to hear proposals from franchise applicants;*
- (8) *the name, address, and telephone number of the individuals who may be contacted for further information.*

**Subd. 3. Other recipients of notice.** *In addition to the published notice, the franchising authority shall mail copies of the notice of intent to franchise to any person it has identified as being a potential candidate for the franchise.*

**Subd. 4. Contents of franchising proposal.** *The franchising authority shall require that proposals for a cable communications franchise be notarized, and contain, but not necessarily be limited to, the following information:*

- (1) *Plans for channel capacity, including both the total number of channels capable of being energized in the system and the number of channels to be energized immediately;*
- (2) *A statement of the television and radio broadcast signals for which permission to carry will be requested from the Federal Communications Commission;*
- (3) *A description of the proposed system design and planned operation, including at least the following items:*
  - (i) *the general area for location of antennae and the head end, if known;*
  - (ii) *the schedule for activating two-way capacity;*
  - (iii) *the type of automated services to be provided;*
  - (iv) *the number of channels and services to be made available for access cable broadcasting; and*
  - (v) *a schedule of charges for facilities and staff assistance for access cable broadcasting;*
- (4) *the terms and conditions under which particular service is to be provided to governmental and educational entities;*
- (5) *a schedule of proposed rates in relation to the services to be provided, and a proposed policy regarding unusual or difficult connection of services;*

- (6) *a time schedule for construction of the entire system with the time sequence for wiring the various parts of the area requested to be served in the request for proposals;*
- (7) *a statement indicating the applicant's qualifications and experience in the cable communications field, if any;*
- (8) *an identification of the municipalities in which the applicant either owns or operates a cable communications system directly or indirectly, or has outstanding franchises for which no system has been built;*
- (9) *plans for financing the proposed system, which must indicate every significant anticipated source of capital and significant limitations or conditions with respect to the availability of the indicated sources of capital;*
- (10) *a statement of ownership detailing the corporate organization of the applicant, if any, including the names and addresses of officers and directors and the number of shares held by each officer or director, and intracompany relationship including a parent, subsidiary or affiliated company; and*
- (11) *a notation and explanation of omissions or other variations with respect to the requirements of the proposal.*

**Subd. 5. Time limits to submit applications.** The franchising authority shall allow at least 20 days from the first date of published notice to the closing date for submitting applications.

**Subd. 6. Public hearing on franchise.** A public hearing before the franchising authority affording reasonable notice and a reasonable opportunity to be heard with respect to all applications for the franchise must be completed at least seven days before the introduction of the franchise ordinance.

**Subd. 7. Award of franchise.** Franchises may be awarded only by ordinance.

**Subd. 8. Costs of awarding franchise.** Nothing in this section prohibits a franchising authority from recovering from a successful applicant the reasonable and necessary costs of the entire process of awarding the cable communications franchise.

\* \* \* \*

The existing franchise between the City and Charter, and Minnesota Statutes Section 238.08 both include provisions requiring some form of level playing field obligation which the City must consider before the award of a second, competitive cable franchise.

Specifically, the Charter Franchise at Section 2 paragraphs (2) and (3) contain requirements related to the grant of a competitive franchise:

*Section 2      Grant of Authority.*

(2) *In the event the City enters into a franchise, or similar use permission, with any operator other than the Company to enter into the City's streets, public ways or public places for the purpose of constructing and operating a Cable System or providing Cable Service to any part of the Service Area, the material provisions thereof shall be on terms and conditions no more favorable or less burdensome than those in this Franchise*

*pertaining to: (1) the area served; (2) public, educational or governmental access requirements; or (3) franchise fees. Nothing in this paragraph shall prevent the City from imposing additional terms and conditions on any other Person to whom it may grant a franchise.*

*(3) Notwithstanding any provision to the contrary, if a non-wireless facilities based entity, legally authorized by state or federal law, makes available for purchase by Subscribers or customers Cable Service or its functional equivalent (including video programming under 47 U.S.C. § 571(a)(3) or § 573) within the Franchise Area without a Franchise or other similar lawful authorization granted by the City, then the Company or the City shall have the right, upon ninety (90) days advance written notice to the other party, to terminate this Franchise and, negotiate a renewal or replacement franchise, license, consent, certificate or other authorization with any appropriate governmental entity. Provided, however, the City may not exercise the option to terminate the Franchise under this provision if such action would deprive the Company of authority to continue to provide Cable Services within the City. Nothing herein shall in any way limit or reduce Company's right to provide Cable Service in the City under Applicable Laws, nor the City's right to regulate Company's provision of Cable Service in the City under Applicable Laws.*

The City should carefully review the above criteria when determining whether to grant a competitive franchise.

**EXHIBIT B**  
**MINNESOTA SECRETARY OF STATE BUSINESS RECORD DETAILS**

**Business Record Details »**

Minnesota Business Name

**CMN-RUS Inc.**

**Business Type**

Business Corporation (Foreign)

**MN Statute**

303

**File Number**

1038364800028

**Home Jurisdiction**

Indiana

**Filing Date**

10/17/2018

**Status**

Active / In Good Standing

**Renewal Due Date**

12/31/2021

**Registered Office Address**

100 South 5th Street  
Minneapolis, MN 55402  
USA

**Registered Agent(s)**

National Registered Agents, Inc.

**Home Business Name**

CMN-RUS Inc.

**Mailing Address**

8837 Bond Street  
Overland Park, KS 66214  
USA

**Chief Executive Officer**

John Cinelli  
3701 Communications Way  
Evansville, IN 47715  
USA

**Filing History**

**Filing History**

Select the item(s) you would like to order: [Order Selected Copies](#)

<input type="checkbox"/>	Filing Date	Filing	Effective Date
<input type="checkbox"/>	10/17/2018	Original Filing - Business Corporation (Foreign) (Business Name: CMN-RUS Inc.)	

**EXHIBIT C  
RESOLUTION**

**RESOLUTION NO. \_\_\_\_\_**

**Regarding the Application of CMN-RUS, Inc. for a Cable Franchise**

**RECITALS:**

1. CMN-RUS, Inc., d/b/a MetroNet ("CMN") has requested that the City of Austin, Minnesota ("City") commence proceedings to consider the award of a cable franchise to CMN.
2. Minnesota Statutes Section 238.08(a) mandates that a city require a franchise for any cable communication system providing service within the city.
3. Federal law at 47 U.S.C. Section 541(a) provides that a city "may not unreasonably refuse to award an additional competitive franchise."
4. The City retained the law firm of Moss & Barnett, a Professional Association, to assist the City in conducting the procedure required under Minnesota Statutes Section 238.081 and the review of any applications submitted to the City.
5. The City followed the franchise procedure required by Minnesota Statutes Section 238.081 by publishing once each week, (May 5 and 12, 2021) for two successive weeks in the Austin Daily Herald, a Notice of Intent to Consider an Application for a Cable Franchise ("Notice").
6. In addition to the published Notice, the City provided copies of the Notice and the Request for Proposals Official Application Form to CMN and to the City's existing cable operator, Charter Communications, Inc. ("Charter")
7. The City's Official Application Form required that proposals for a cable communications franchise contain responses to each of the items identified in Minnesota Statute Section 238.081, Subd. 4.
8. The City's closing date for submission of applications was set for May 25, 2021 which complied with the statutory minimum of twenty (20) days from the date of first publication.
9. Upon the deadline for submitting applications, May 25, 2021, the City received only one application, from CMN.
10. The City Council determined to call a Public Hearing to consider the application received from CMN at its regularly scheduled June 7, 2021 meeting.
11. All interested parties were provided an opportunity to speak to the City Council and to present information regarding this matter, including Charter.

12. The City carefully reviewed all information and documentation presented to it regarding CMN's proposal and qualifications to operate a cable communications system within the City.
13. Based on information and documentation made available to the City and the letter and attachments, dated June 2, 2021, prepared by Moss & Barnett with respect to CMN's application, the City Council has reached conclusions regarding CMN's legal, technical and financial qualifications.

**NOW THEREFORE**, the City of Austin, Minnesota hereby resolves as follows:

1. The City hereby finds that CMN's application, received on May 21, 2021, complies with the requirements of Minnesota Statute Section 238.081.
2. The City finds that CMN possesses the requisite legal, technical and financial qualifications to operate a cable communications system within the City.
3. City staff is authorized to continue negotiations with CMN to attempt to reach mutually acceptable terms for a cable television franchise to be introduced to the City Council for consideration.
4. The City finds that its actions are appropriate and reasonable in light of the mandates contained in Chapter 238 of Minnesota Statutes and applicable provisions of federal law including 47 U.S.C. Section 541(a).

PASSED AND ADOPTED by the following vote of yeas and nays this 7<sup>th</sup> day of June 2021

YEAS

NAYS

**CITY OF AUSTIN, MINNESOTA**

\_\_\_\_\_  
Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Its: \_\_\_\_\_

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:** June 3, 2021  
**Subject:** Bids – 4<sup>th</sup> Street & 3<sup>rd</sup> Avenue NW Improvements

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The City of Austin received bids for improvements to the 4<sup>th</sup> Street NW and 3<sup>rd</sup> Avenue NW intersection on June 3, 2021.

The project includes the following work:

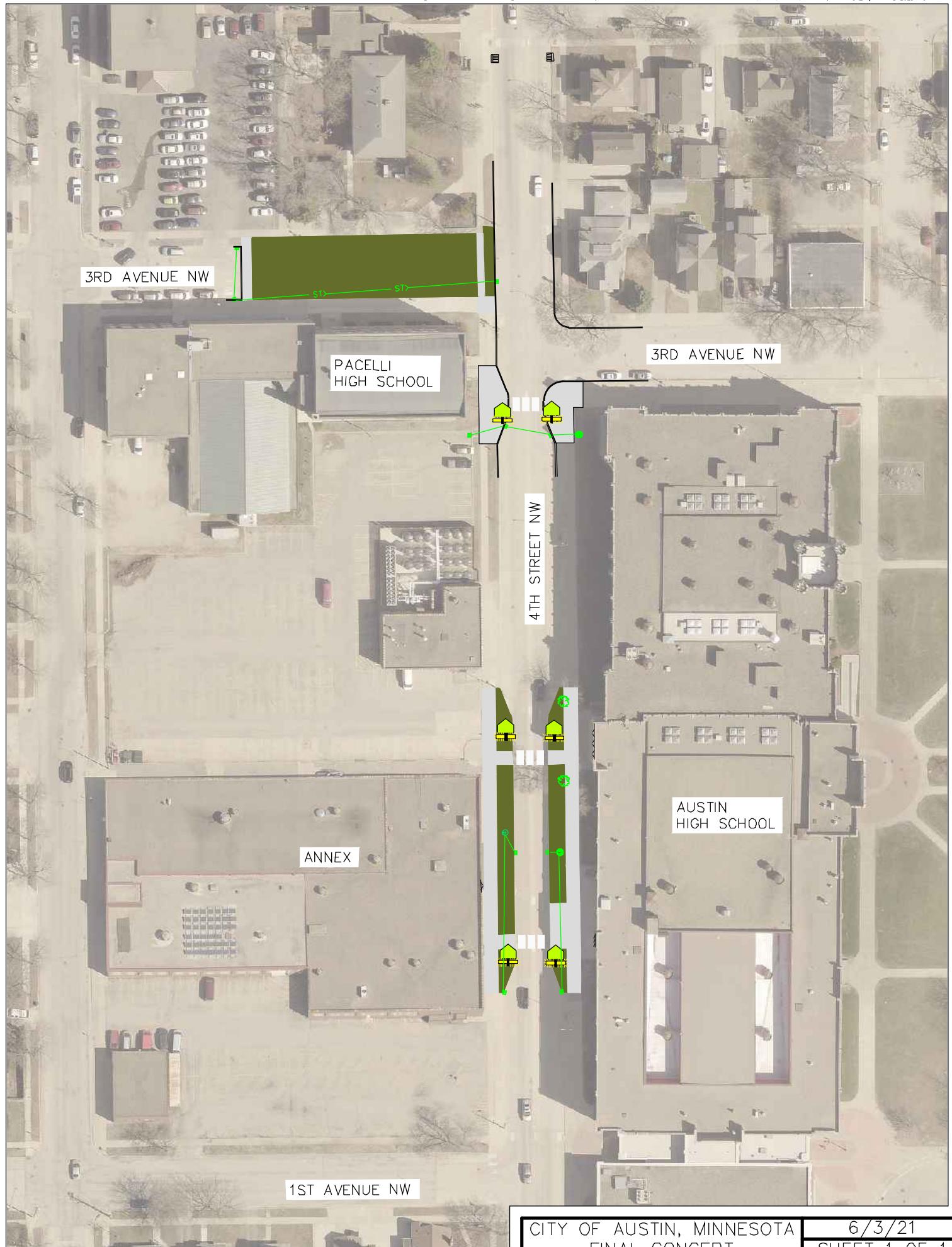
- Removal of signal lights at 4<sup>th</sup> Street and 3<sup>rd</sup> Avenue NW
- Closure and removal of 3<sup>rd</sup> Avenue NW between 4<sup>th</sup> St & 5<sup>th</sup> St NW
- Storm sewer extension and repair
- Street lighting improvements
- Pedestrian crossing improvements on 4<sup>th</sup> Street NW between Austin HS and Pacelli HS
  - Construction of bump outs
  - Pedestrian ramps
  - Rapid flashing pedestrian beacons

The bids are summarized below.

Contractor	Total Bid Amount
Doyle Conner Co.	\$457,406.15
Pember Companies, Inc.	\$482,459.25
Engineer's Estimate	\$458,185.00

The project will be funded using, State Aid Funding and Local Fund 49 and 67. We would recommend awarding the project to Doyle Conner Co. If you have any questions, please contact me.

State Aid Funds	\$383,321.80
Fund 49 – Capital Improvement Fund	\$ 56,899.35
Fund 67 – Stormwater Utility Fund	\$ 17,185.00



## RESOLUTION NO.

## AWARDING BID FOR CONCRETE STREET IMPROVEMENTS

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

## 4<sup>th</sup> Street & 3<sup>rd</sup> Avenue NW Street Improvements

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

<u>Contractor</u>	<u>Bid</u>
Doyle Conner Co.	\$457,406.15
Pember Companies, Inc.	\$482,459.25
Engineer's Estimate	\$458,185.00

**AND, WHEREAS**, it appears Doyle Conner Co. is the lowest responsible bidder.

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

## 4<sup>th</sup> Street & 3<sup>rd</sup> Avenue NW Street Improvements

Passed by a vote of yeas and nays this 7th day of June, 2021.

## YEAS

## NAYS

ATTEST:

**APPROVED:**

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## City Recorder

**RESOLUTION NO.**

**RESOLUTION SETTING HEARING ON PROPOSED ASSESSMENTS**

**WHEREAS**, by resolution passed by the council, the city clerk is directed to prepare proposed assessments on the cost of the following projects:

**Deferred sanitary sewer assessments**

**Deferred water assessments**

**AND, WHEREAS**, the city clerk has notified the council that such proposed assessments have been completed and filed in the office for public inspection.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF AUSTIN,  
MINNESOTA THAT:**

1. A hearing shall be held on the 6th day of July, 2021 in the City Hall Council Chambers at 5:30 pm to pass upon such proposed assessment, and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The city clerk is hereby directed to cause a notice of hearing on proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement. The city clerk shall cause mail notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The owner of any property so assessed may pay his or her assessment at any time prior to certification of the assessment on such property without interest if the entire assessment is paid no later than October 31. He or she may at any time thereafter pay to the city the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made.

Passed by a vote of yeas and nays this 7th day of June, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

---

City Recorder

---

Mayor

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



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

## Memorandum

**To:** Mayor & City Council  
**From:** Austin Planning Commission  
**Subject:** Recommendation for Rezoning Request Petitioned by: KO Management, LLC  
**Date:** June 3, 2021

---

During the May 11, 2021, meeting of the Austin Planning Commission, the commission reviewed a request to rezone property from KO Management, LLC.

Said property is legally described as follows: See proposed ordinance, Exhibit A.

The petitioners are requesting to rezone this property from an "R-1" Single Family Residential District to an "I-1" Light Industrial District and to amend the Future Land Use plan from Low Density Residential to Industrial. This action has been requested to facilitate a new storage facility. KO Management also owns a storage facility on Oakland Ave West. The use is currently agricultural with surrounding commercial and Industrial uses. The property was zoned "R-1" by default when it was annexed into the city.

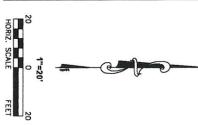
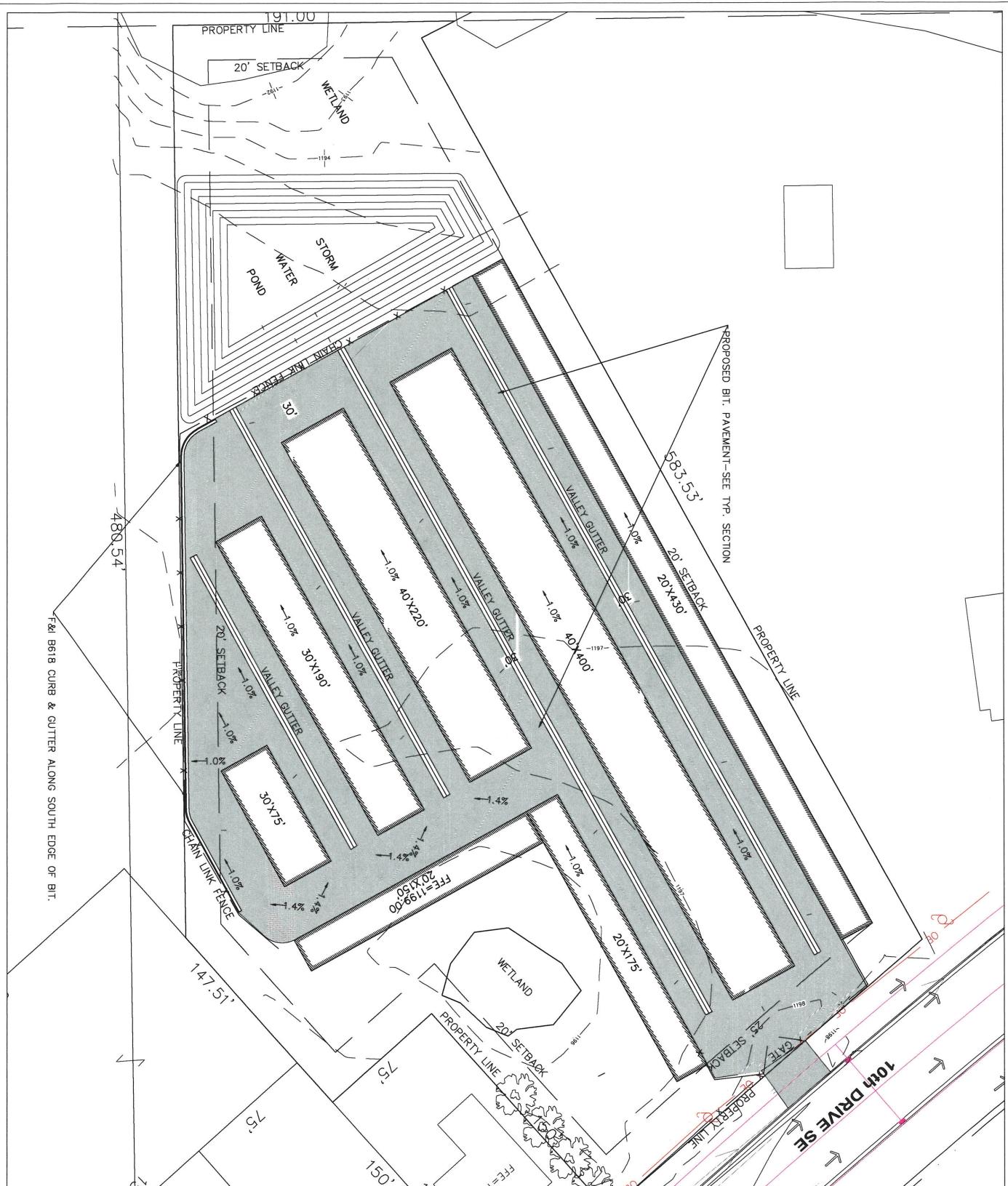
The Planning Commission with 7 members present recommends the approval of the rezoning request by the following vote:

7 Ayes 0 Nays

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

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

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



C2  
PLAN  
HARDSCAPE  
LAWNTAB

**KO STORAGE,  
AUSTIN, MN**



JONES  
HAUGH  
SMITH  
attorneys at law

Engineers • Surveyors  
Albert Lea, MN 507-3

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Professional Engineer under the laws of the State of Minnesota.

376 0919 J. JOHNSON  
Reg. No. 42744 Date 4/2/21



**ORDINANCE NO. \_\_\_\_\_**

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

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

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

The Use District of the hereinafter described premises shall be changed from an R-1 (Single Family Residential) to an I-1 (Limited Industrial).

See attached legal, Exhibit "A"

**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 7th Day of June, 2021.

Yea \_\_\_\_\_ Nays \_\_\_\_\_

**ATTEST:**

---

Tom Dankert  
City Recorder

**APPROVED:**

---

Steven King  
Mayor

*To the following described Real Estate situated in*

Beginning at the point of intersection of the east and west  $\frac{1}{4}$  line of Section 11 - T102N - R18W, and the easterly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad, which point is 3097.91 feet west of the southeast corner of the NE $\frac{1}{4}$  of said section;

thence south  $8^{\circ} 01'$  east 378.7 feet, along said railroad right-of-way line;

thence east 2233.34 feet on a line parallel with the east and west  $\frac{1}{4}$  line of said section;

thence south  $0^{\circ} 48'$  east 932.0 feet; thence south  $88^{\circ} 20'$  east 544.3 feet to the northwest corner of Bellemans 1st Addition;

thence easterly 128 feet more or less, on the north line of said addition, to the westerly right-of-way line of U. S. Highway No. 218;

thence northerly and northwesterly along said highway right-of-way line to the east and west  $\frac{1}{4}$  line of said section, which point is 849.87 feet west of the southeast corner of the NE $\frac{1}{4}$  of said section;

thence west 610.13 feet on the east and west  $\frac{1}{4}$  section line of said section;

thence north  $0^{\circ} 36'$  west 125.4 feet; thence south  $89^{\circ} 19'$  west 333.5 feet;

thence north  $0^{\circ} 41'$  west 116.2 feet to the most southerly corner of the Drive-In Theater tract, as described in Deed Book 227 at page 21, in the Office of the County Recorder of Mower County;

thence north  $40^{\circ} 28'$  west 625.0 feet, to the most westerly corner of said Drive-In Theater tract;

thence northeasterly 590.0 feet to the most northerly corner of said Drive-In Theater tract, which point is on the westerly right-of-way line of USH No. 218;

thence northwesterly 150 feet on the westerly right-of-way line of U. S. Highway No. 218, to the most easterly corner of tract described in Deed Book 173 at page 218, in the Office of the County Recorder of Mower County;

thence southwesterly 180 feet at a right angle;

thence northwesterly 75 feet at a right angle;

thence northeasterly 30 feet at a right angle;

thence northwesterly 75 feet at a right angle;

thence northeasterly 150 feet at a right angle, to the most northerly corner of tract described in Deed Book 159 at page 277, in the Office of said County Recorder;

thence northwesterly 432.1 feet more or less, on the westerly right-of-way line of U. S. Highway No. 218, to the most easterly corner of the tract described in Deed Book 153 at page 566, in the Office of said County Recorder;

thence westerly 328.3 feet more or less, to the southwest corner of said tract;

thence northerly 266.0 feet to the northwest corner of said tract;

thence south  $85^{\circ} 34'$  west 19.31 feet, to the southwest corner of tract described in Deed Book 108 at page 20 in the Office of said County Recorder;

thence westerly 658 feet more or less, on a line parallel with and 738.58 feet south of the north line of said Section 11, to the easterly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad;

thence southerly 1918 feet more or less, on the easterly right-of-way line of said railroad, to the point of beginning;

containing 84 acres more or less.

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF AUSTIN,  
MINNESOTA AMENDING CITY CODE SECTION 10.04**

The Council of the City of Austin does ordain:

Section 1. Austin City Code Chapter 10, Section 10.04, subd. 7 is hereby repealed.

Section 2. A new Section 10.04, subd. 7 is hereby enacted and shall read as follows:

Subd. 7. *Use of bow and arrow.* It is unlawful for any person to shoot a bow and arrow.

- A. Except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the City Council, or a bow and arrow range authorized by the Council.
- B. Except when used from a boat in accordance with DNR fishing regulations regarding bow fishing with the following restrictions. Bow fishing from shore is not allowed. Bow fishing from a boat is only approved at Eastside Lake from I-90 to the spillway, the Mill Pond, and the navigable Cedar River north of the Mill Pond where it flows within the City of Austin's borders. Bow fishing is not allowed within 100' of pedestrians and/or 150' of homes at any hour.

Passed by a vote of yeas and nays this 7th day of June, 2021

YEAS

NAYS

APPROVED:

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Mayor

ATTEST:

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City Recorder

This ordinance was introduced on \_\_\_\_\_; approved on \_\_\_\_\_; was published in the Austin Daily Herald on \_\_\_\_\_; and becomes effective \_\_\_\_\_.

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$5,000.00	SEMAC	Wow Mobile Metal Lab and Show at 4 <sup>th</sup> Avenue Fest
\$385.00	Austin Morning Lions	Bike Club
\$250.00	Gareth Hataye	Bike Club
\$100.00	Gary Ofstedahl	Parks
\$500.00	Belita Schindler	Bike Club
\$125.00	Bob Tomaschko	Donation of unused Vets Rental
\$300.00	Austin Audubon	Summer Scholarship Program

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

Passed by a vote of yeas and nays this 7th day of June, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

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City Recorder

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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.  
**Cc:** Craig Clark  
**Date:** June 1, 2021  
**Subject:** WWTP Bonding Request

---

As we work to develop our possible funding sources for the planned Waste Water Treatment Plant improvements, we have identified state bonding dollars as a possible source. Together with funding from local industry, user rates, PSIG and sewer bonds we are looking to fund \$77 million in WWTP improvements.

Our story in Austin is unique and we will need to tell that story to justify the financial need. We were successful in receiving \$7.45 million in the 2020 bonding bill for engineering design and construction. We have identified an additional need of \$13 million in bonding dollars to be used for construction costs.

As part of the bonding application, we would ask Council to approve a resolution of support for a \$13 million state bonding request for the WWTP improvements. If approved, this resolution will be included with our funding application to Minnesota Management and Budget (MMB). If you have any questions, feel free to contact me.

**Resolution No.**

**RESOLUTION OF SUPPORT TO SECURE STATE BONDING FOR  
THE CITY OF AUSTIN'S WASTE WATER TREATMENT PLANT**

**WHEREAS**, the City of Austin will soon be required to upgrade its Waste Water Treatment Plant; and

**WHEREAS**, preliminary estimates for the required upgrades are projecting the cost to be \$77 million dollars; and

**WHEREAS**, the City plans on funding the upgrades with local industry contributions, increasing sewer user rates, applying for Point Source Implementation Grants and issuing sewer bonds; and

**WHEREAS**, other Minnesota cities have previously received State bonding allocations for upgrading their waste water treatment plants; and

**WHEREAS**, the City of Austin believes that \$13 million dollars would be an appropriate allocation for State bond proceeds for upgrading the Waste Water Treatment Plant.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN THAT** the City of Austin supports a state appropriation of \$13,000,000 from Minnesota State bond proceeds for improvements at the Waste Water Treatment Plant.

Passed by a vote of yeas and nays this 7th day of June, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

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City Recorder

---

Mayor

**City of Austin  
Zoning Department**



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

## **Memorandum**

**To:** Mayor and City Council

**Cc:** State of Minnesota Forfeited Property  
Attn: Scott Felten, Mower County Auditor  
  
Charles Fawver  
1805 14<sup>th</sup> St SW Austin, MN 55912

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

**Re:** Hazardous Structure located at **711 Oakland Ave W, Austin MN 55912**

**Date:** **June 2, 2021**

---

May I ask the City Council to review and approve this resolution classifying the property located at 711 Oakland Ave W, Austin, Minnesota, as hazardous pursuant to Minnesota Statues 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!

City of Austin  
Building Department



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

July 11<sup>th</sup>, 2018

Charles Fawver  
609 Oakland Ave W  
Austin, MN 55912

RE: Housing Violations at 711 Oakland Ave W, Austin, MN 55912

Dear Charles:

The City of Austin Planning and Zoning Department has observed a violation of City Code on July 10<sup>th</sup>, 2018 your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. Weather proof exterior surface of house
2. Repair/Replace Roof decking

The violation of International Property Maintenance Code Sections 304.6 & 304.7 were found. These Property Maintenance Code Sections read as follows:

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

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

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

Sincerely,

Brent Johnson  
Zoning Inspector

BJ/ag



April 23<sup>rd</sup>, 2021

Charles Fawver  
1805 14<sup>th</sup> St SW  
Austin, MN 55912

RE: Housing Violations at 711 Oakland Ave W, Austin, MN 55912

Dear Charles:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on July 10<sup>th</sup>, 2018 . April 23<sup>rd</sup> ,2021 to check for progress at this site, and the following issues need to be resolved:

1. Weather proof exterior surface of house and garage
2. Repair/Replace roof decking of house and garage

**No progress has been made**

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

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

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

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. Council generally meets the first and third Mondays of every month. You will be fined a subsequent fine of \$200. Your cooperation with this matter is greatly appreciated.

Sincerely,



Brent Johnson  
Zoning Inspector



**June 2, 2021  
10:42 AM**



June 2, 2021  
10:43 AM

TIME STAMP



TIME STAMP

June 2, 2021  
10:43 AM

TIME STAMP



June 2, 2021  
10:42 AM



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING  
LOCATED AT 711 OAKLAND AVE WEST AUSTIN, MINNESOTA  
OWNED BY CHARLES FAWVER.**

**WHEREAS**, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 711 Oakland Ave W to be a hazardous building for the following reasons:

1. **Weather proof exterior surface of house and garage**
2. **Repair/Replace roof decking of house and garage**

**WHEREAS**, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on July 11<sup>th</sup>, 2018 and April 23<sup>rd</sup>, 2021 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 and 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
  1. **Weather proof exterior surface of house and garage**
  2. **Repair/Replace roof decking of house and garage**
2. The repairs listed above must be made within 30 days after the order is served upon the record owner and in compliance with applicable codes, regulations and permits.
3. The City Council further orders that unless such corrective action is taken, the building(s) is/are ordered to be razed, the foundation(s) filled and the property left free of debris in compliance with all applicable codes, regulations and permits. The structures must be removed within 20 days after the initial 30 day repair period has expired.
4. If corrective action is not taken and an answer is not served within 20 days as specified in Minn. Stat. Section 453.18, a motion for summary enforcement of this order will be made to the District Court of Mower County.
5. In accordance with Minn. Stat. Section 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 14 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.
6. The City Council further orders that if the city is compelled to take any corrective action herein, all necessary costs expended by the city will be assessed against the real estate concerned and collected in accordance with Minnesota Statutes, Section 463.22, 463.161 and 463.21.

7. The Mayor, City Recorder, City Attorney and other officers and employees of the City are authorized and directed to take such action, prepare, sign and serve such papers as are necessary to comply with this order and to assess the costs thereof against the real estate described above for collection along with taxes.
8. The city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. Sections 463.15 and 463.261.

Passed by a vote of Yeas and Nays this \_\_\_\_\_ day of \_\_\_\_\_, 2021

YEAS \_\_\_\_\_ NAYS \_\_\_\_\_

ATTEST:

APPROVED:

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City Recorder

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Mayor

## **Human Rights statement in support of the plea for racial and social justice in the United States**

We stand in solidarity with all people seeking social justice. Racism, systemic violence, and the dehumanizing forces of oppression, powerlessness, and white supremacy have eroded the very fabric of humanity which ideally binds our society together.

We are at a historic moment in the pursuit of justice, fairness and equity for all people and we must seize this moment and work even harder towards changes in all institutions. Being silent is not an option and we actively want to add our voices to this ongoing plea for change.

The Austin Human Rights Commission is built on enduring values that promotes human dignity and diversity, respect, the attainment of quality of life for all, empowerment, integrity, social justice advocacy, equity and inclusion.

Our hope and our work as a City of Austin Commission is to do everything in our power to elevate the concerns and voices of those who for so long have been silenced, oppressed and ignored.

As the Austin Human Rights Commission, we believe this statement supporting social justice aligns with our mission to cultivate a just and inclusive community where diversity is valued and human rights are respected.