

A G E N D A
CITY COUNCIL MEETING
MONDAY, AUGUST 2, 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 July 19, 2021 and July 23, 2021

3. Recognitions and Awards.

(mot) 4. *Consent Agenda

Licenses:

Temporary Food: The Lemon, 1027 S. Ramsey Street, Blue Earth

Temporary Liquor: VFW Post 1216 on August 21, 2021 at Lafayette Park

Claims:

a. Pre-list of bills

Event Applications:

River Rats Car Show on August 21, 2021

PUBLIC HEARINGS:

(res) 5. Reviewing a tax abatement application from Bigleow & Lennon Construction.
a. Approval or denial of abatement.

PETITIONS AND REQUESTS:

(res) 6. Approving a lease with the Austin Bruins.

(res) 7. Approving the sale of Sterling Park to Mower County.

(res) 8. Approving a lot split for Hal Henderson.

(res) 9. Approving a lot combination for Kristen Heichel.

(res) 10. Approving a lot combination for Gregory Hovland.

(res) 11. Approving a lot split for Eric Jensen.

(mot) 12. Appointing Sylvia Hernandez to the Culture and Arts Commission, term ending 12/31/2023.

(res) 13. Declaring the property at 1409 4th Street SE a hazardous structure.

14. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at the following locations:
- (mot) a. 605 10th Drive SE, Guzman Property.
 - (mot) b. 707 6th Avenue SW, Batikare Property.
 - (mot) c. 110 12th Street NE, Patel Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator

City Council

- (mot) Adjourn to **Monday, August 16, 2021** at 5:30 pm in the Council Chambers.

All items listed with an asterisk () are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member or citizen so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

M I N U T E S
CITY COUNCIL MEETING
July 19, 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, Police Chief David McKichan, City Attorney Craig Byram

STAFF APPEARING ELECTRONICALLY: Public Works Director Steven Lang, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Kevin Nelson, Library Director Julie Clinefelter, Nature Center Director Luke Reese and City Clerk Ann Kasel

OTHERS APPEARING ELECTRONICALLY: Austin Daily Herald, Taggert Medgaarden

APPEARING IN PERSON: Honorary Council Member Christopher Moore

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

Moved by Council Member Baskin, seconded by Council Member Waller, approving the agenda. Carried.

Moved by Council Member Baskin, seconded by Council Member Waller, approving Council minutes from July 6, 2021. Carried.

RECOGNITIONS AND AWARDS

Elizabeth Weifel with the Coalition of Greater Minnesota Cities provided the Council an update.

CONSENT AGENDA

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

Licenses:

Temporary Food: Smokin Tailgate, 400 13th Street NE

Claims:

- a. Pre-list of bills
- b. Investment and Financial Reports.

Event Applications:

30 For Freedom on August 14, 2021

Carried.

PUBLIC HEARINGS

A public hearing was held for the review of a tax abatement application from the Housing and Redevelopment Authority for a property proposed to be built at 807 24th Avenue NW. The proposed home has an estimated value of \$275,000 and meets the requirements of the tax abatement program.

There were no public comments.

Moved by Council Member Postma, seconded by Council Member Baskin, adopting a resolution approving a five-year tax abatement for the Housing and Redevelopment Authority for the property at 807 24th Avenue NW. Carried 7-0.

BID OPENING AND AWARD

The City received bids for 27th Street NW street extension. The following bids were received:

| Contractor | Bid |
|-------------------------|--------------|
| Ulland Brothers, Inc. | \$159,888.25 |
| Rochester Sand & Gravel | \$165,041.88 |

Public Works Director Steven Lang stated the project will consist of consist of curb & gutter, asphalt paving, drain tile installation and street lighting adjacent to the Nu-Tek Facility. The project will be funded 50% by the Port Authority and 50% by Nu-Tek. Mr. Lang recommended awarding the project to Ulland Brothers, Inc.

Moved by Council Member Baskin, seconded by Council Member Fischer, awarding the bid for the extension of 27th Street NW to Ulland Brothers, Inc.

PETITIONS AND REQUESTS

Planning and Zoning Administrator Holly Wallace requested \$30,000 from contingency funds to complete a housing study with Consulting Corps Services. She stated the company is proposing the assist the City in way to generate additional housing in the City.

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

approving a consulting contract with CRE Consulting Corps with funding coming from 2021 contingency. Carried 7-0.

City Clerk Ann Kasel requested the Council satisfy resolution 6772 for deferred sewer and water that was passed on December 7, 1981. She stated the original resolution had 174 parcels for work that was completed in the 1960's and 1970's. The Council reviewed this matter at their April 5, 2021 and recommended satisfaction of the resolution.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution satisfying resolution 6772. Carried 7-0.

Moved by Council Member Oballa, seconded by Council Member Waller, adopting a resolution accepting donations to the City of Austin. Carried 7-0.

Police Chief David McKichan requested the Council approve a contract for school resource officers with the Austin Public School District. He stated two officers are dedicated to the district at Austin High School and Ellis Middle School. The school reimburses the City for 80% of the Ellis officer's contract and 90% of the High School officer's contract.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution approving an agreement for School Resource Officers with Austin Public Schools. Carried 7-0.

City Clerk Ann Kasel presented the application for a community festival for the Austin Artworks Festival. She stated the event is similar to the 2019 event wherein an alcohol zone was authorized by the Council and participating bars were required to use special cups and wristbands.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution approving a community festival application for the Austin Artworks Festival. Carried.

Public Works Director Steven Lang requested the Council approve the renewal of an agreement with the Minnesota Department of Transportation for a pedestrian trail at Hwy 218 and I-90. The renewal would extend the trail connection for another ten years.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving the renewal of a limited use permit for a pedestrian trail. Carried 7-0.

Hormel Nature Center Director Luke Reese requested the Council adopt an agreement with the Greater Minnesota Regional Parks and Trails Commission for funding at the Jay C. Hormel Nature Center.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution approving an agreement applying for funding at the Jay C. Hormel Nature Center from the Greater Minnesota Regional Parks and Trails Commission. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution Granting the Planning and Zoning Department the power to contract for the removal of junk

and/or illegally stored vehicles at 707 6th Avenue SW, Batikare Property. Carried.

CITIZENS ADDRESSING THE COUNCIL

Charles Mills, stated he disagreed with the Council on the removal of Dan Mueller from the Human Rights Commission.

REPORTS

City Administrator Craig Clark stated the Community Rec center will receive an award for architecture.

Council Member Baskin stated Oballa Oballa received an outstanding refugee award in Minnesota.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adjourning the meeting to August 2, 2021. Carried.

Adjourned: 6:03 p.m.

Approved: August 2, 2021

Mayor: _____

City Recorder: _____

M I N U T E S
CITY COUNCIL MEETING
July 23, 2021
5:30 PM
Council Chambers

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

MEMBERS ABSENT: Council Members Paul Fischer and Oballa Oballa

STAFF PRESENT: Director of Administrative Services Tom Dankert and Deputy City Clerk Cheryl Hays

Mayor King called the meeting to order at 3:30 p.m.

Moved by Council Member Baskin, seconded by Council Member Postma, approving the agenda. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, approving an off-premise liquor event license for the B&J Bar & Grill.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adjourning the meeting to August 2, 2021. Carried.

Adjourned: 3:31 p.m.

Approved: August 2, 2021

Mayor: _____

City Recorder: _____

Austin POLICE DEPARTMENT



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

EVENT APPLICATION

1. Event Title ANNUAL RIVER RATS CAR SHOW
2. Name/Address of Organization RIVER RATS CAR CLUB LAFAYETTE PARK
S. MAIN ST
AUSTIN
3. Contact Person JOHN DEVRIS E-mail _____
Phone 507-438-6635 Cell Phone _____
4. Alternate Contact BOB OLTERSON E-mail _____
Phone 507 391 3519 Cell Phone _____
5. Date of Event AUG 21, '21 Approximate Number of Participants 150
6. Assembly Area Location and Description LAFAYETTE PARK PAVILLION
905 S. MAIN ST. AUSTIN, MN.
7. Starting Time of Event 9:00 A.M. Estimated Termination Time 4:00 P.M.
8. Starting Point LAFAYETTE PARK
9. Termination Point LAFAYETTE PARK
10. Portion of Street Width: (Run/Walk Events: Runners and walkers are to remain in the furthest right lane or out of the vehicle traffic lane as much as possible. Organizers are responsible for providing personnel wearing reflective safety gear along the route to assist participants at intersections.) _____
11. Please draw a map on the back of this form, or attach a map or PDF of the event route, and indicate if barricades are needed. Travel route of event (and/or street closures with barricades): _____

Signature of Applicant

7-20, 21

Date

Approved upon compliance with the following terms and conditions: _____

Digitally signed by Steven Lang
Date: 2021.07.27 14:10:48
-05'00'

City Engineer

Date

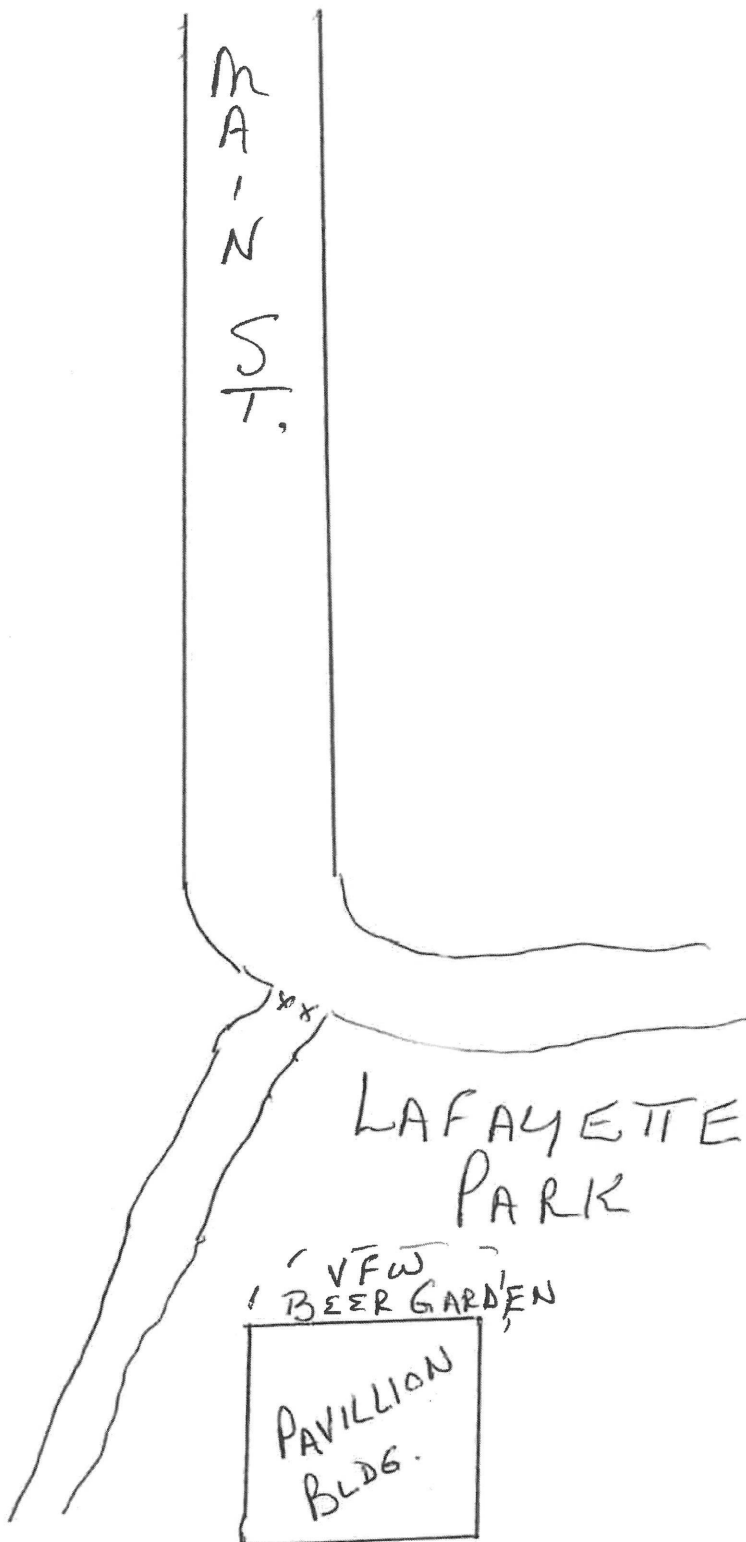
Chief of Police or Designated Officer Date

N ↑

EVENT DATE

8-21, '21

10:00 A.M.
To 4:00 P.M.



HOUSING TAX ABATEMENT APPLICATION

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

Property Owner / Applicant: Bigelow & Lennon Construction
 Current Address: 211 1st St SW Byron, MN 55920
 Telephone: 507-775-7068 E-Mail: jill@bigelowlennon.com

Has applicant ever defaulted on property taxes? ☐ Yes ☒ No If Yes, provide details on separate page(s).

Are property taxes current? ☒ Yes ☐ No

Proposed Project: ☒ New Construction ☐ Replacement of housing unit

Project Type: ☒ Single Family ☐ Duplex ☐ Multi-family

Project Address: 2104 14th Ave NE Austin, MN 55912

Project Legal Description:

Lot 4, Block 2 Nature Ridge 2nd

Parcel Number: 34.467.0090 Estimated Project Valuation: \$ 328,500.00

Applicant Statement:

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

We would like to bring new homes to people desiring to live in Mower County.
 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

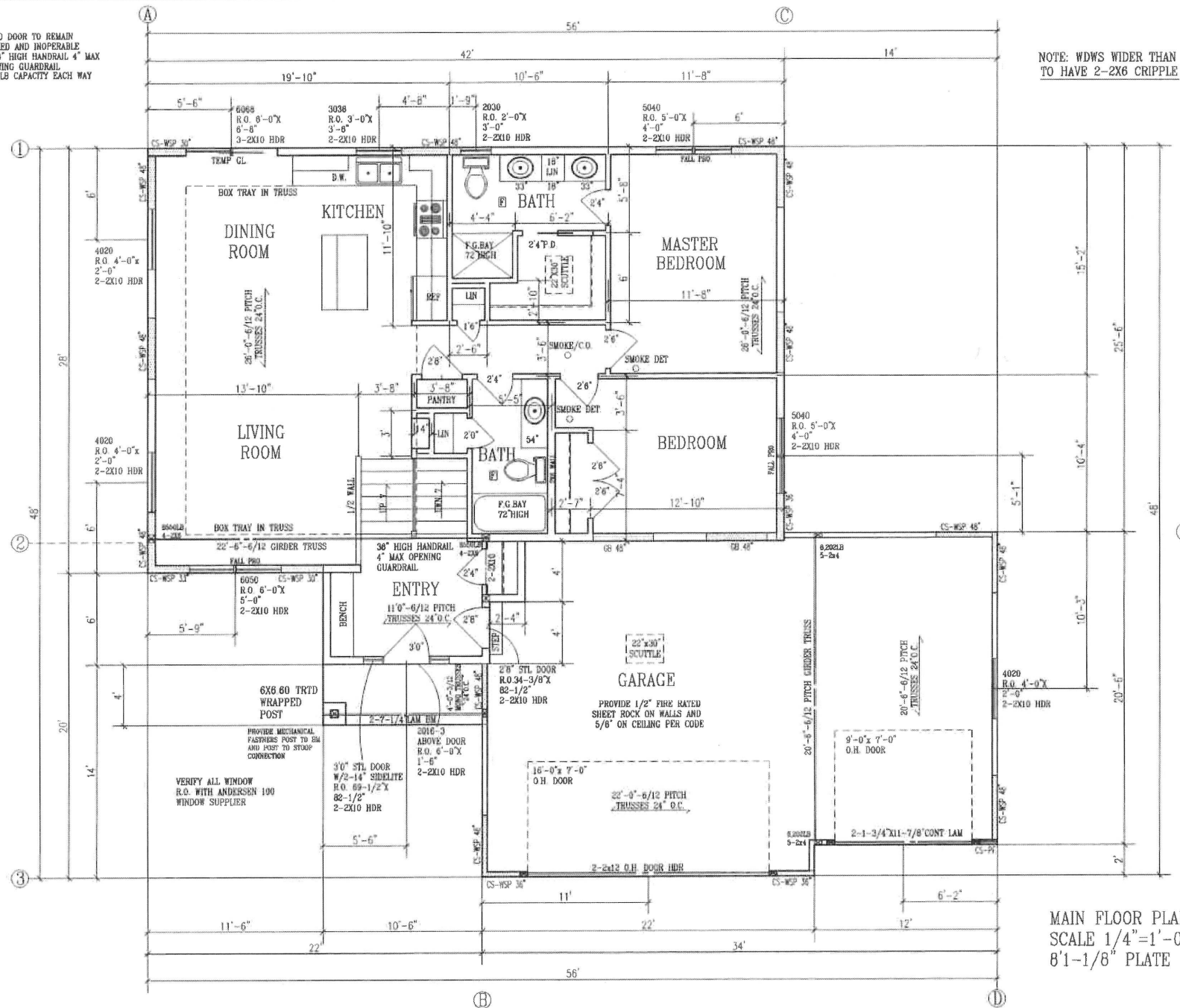
Date:

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 1st Street NE, Suite 9, Austin MN 55912
 507-437-9549
 Office Hours: M-F 8 a.m. – 4:30 p.m.

PATIO DOOR TO REMAIN
LOCKED AND INOPERABLE
W/56" HIGH HANDRAIL 4" MAX
OPENING GUARDRAIL
200 LB CAPACITY EACH WAY

NOTE: WDWS WIDER THAN 4'-1"
TO HAVE 2-2X6 CRIPPLE



MAIN FLOOR PLAN
SCALE 1/4" = 1'-0"
8'1-1/8" PLATE

PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE
714 County RD 3 NE Byron MN, 56008
(800-770-6877) progressiveplan@gmail.com

These drawings have been prepared solely for the use of the contractor. The contractor is responsible for the accuracy of the information presented. The contractor shall not be held responsible for any errors or omissions in these drawings. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable codes and regulations. The contractor shall be responsible for obtaining all necessary materials and for providing all necessary labor. The contractor shall be responsible for the completion of the project in a timely and efficient manner. The contractor shall be responsible for the safety of all workers and for the protection of the environment. The contractor shall be responsible for the quality of the work and for the satisfaction of the owner. The contractor shall be responsible for the payment of all bills and for the collection of all payments. The contractor shall be responsible for the maintenance of the project and for the repair of any damage. The contractor shall be responsible for the disposal of any waste and for the recycling of any materials. The contractor shall be responsible for the protection of the property and for the safety of the public. The contractor shall be responsible for the completion of the project in a timely and efficient manner. The contractor shall be responsible for the safety of all workers and for the protection of the environment. The contractor shall be responsible for the quality of the work and for the satisfaction of the owner. The contractor shall be responsible for the payment of all bills and for the collection of all payments. The contractor shall be responsible for the maintenance of the project and for the repair of any damage. The contractor shall be responsible for the disposal of any waste and for the recycling of any materials. The contractor shall be responsible for the protection of the property and for the safety of the public.

CONTRACTOR: BIGELOW / LENNON
OWNER: NATURE RIDGE #4-2
LOT #4 BLK #2

DATE: 05-14-21
BY: 1,212
JOB NO: 2112652
SCALE: NOTED
SHEET: 1

PROGRESSIVE PLAN
DESIGN LLP

RESIDENTIAL ARCHITECTURE

714 County Rd 3 NW Byron MN 55920
(507)775-8677 progressiveplandesign@gmail.com

LOT, #4 BLK. #2

SUBDIVISION: NATURE RIDGE

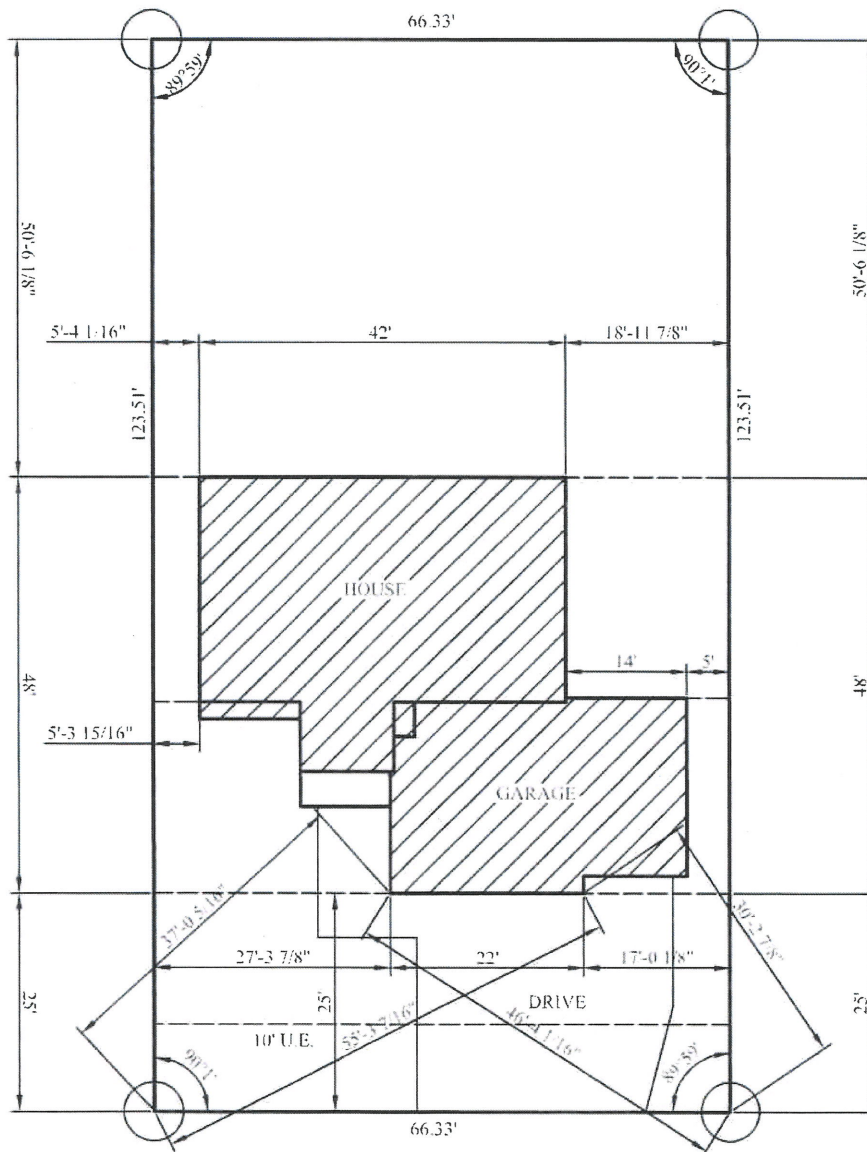
CITY: AUSTIN STATE: MN



CONTRACTOR: BIGELOW / LENNON

CUSTOMER: NATURE RIDGE #4-2 #2112652

SCALE: 1" = 20'



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 4, 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 15th day of May, 2021.

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

By [Signature]
Paul V. Sween, Its Manager

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

By [Signature]
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 1,
Block 2, Nature Ridge Second.docx

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 4, 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 at 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 2nd day of August, 2021.

Yeas

Nays

ATTEST:

APPROVED

City Recorder

Mayor



PARKS, RECREATION, FORESTRY DEPARTMENT & ARENAS

500 4TH Avenue NE Austin, Minnesota 55912

507-433-1881

Kevin D. Nelson, Director

www.ci.austin.mn.us

JAY C. HORMEL NATURE CENTER

1304 NE 21ST Street

507-437-7519 Fax 507-437-8246

J. Luke Reese, Naturalist

www.hormelnaturecenter.org

July 15, 2021

To: Mayor and City Council

Re: Austin Bruins Lease Terms Review

The Austin Bruins are seeking to renew their lease for use of Riverside Arena, beginning with one year, plus two one-year options for extension beyond the first. We've settled on the first year being at a one percent increase, based upon the uncertainty of the return of their fan base and sponsors. However, as City representatives, we're reluctant to guarantee this optional 'one percent' rate for beyond the first year. What is attached for your review is that which has been presented to them.

Mr. Cooper asked that I relay that each additional one percent in lease revenue amount to only \$67/month, a figure which is likely much less significant to the City of Austin than it is to a business which may be struggling to cover its expenses.

I'd also like to note that the proposed rate for rent of ice for practices for the Grizzlies in Rochester will be at \$110/hour this approaching year, a rate which is similar to our (\$111/hour) overage rates and off-season rates for renting the ice for practices.

The attached document shows the terms which are otherwise very similar to what the Bruins saw during their last three years, with the exception that their last lease saw increases as follows:

2018-2019: 3 percent (over 2017-2018 rates)

2019-2020: 2 percent

2020-2021: 2 percent

Their lease previous to that (2015-2018) remained static (no increases) for three years.

Let me know if you have any questions which I might be able to address in advance of the discussion time set for the work session on Monday.

Thank you,

Kevin D. Nelson

Rental Agreement
Austin Riverside Arena

This agreement made and entered into this ____ day of _____, 20__ between the City of Austin, Minnesota, a municipal corporation under the laws of Minnesota, herein called LESSOR, and Austin MN Junior Hockey LLC, herein called LESSEE:

RECITALS

WHEREAS, the LESSEE desires to have a NAHL junior hockey team rent space in the City of Austin; and

WHEREAS, the LESSOR is willing to rent space and ice time to the NAHL junior hockey team owned by the LESSEE;

WITNESSETH: The LESSOR and the LESSEE, in consideration of the rents, covenants, and agreements hereinafter specified, do agree as follows:

- I. The LESSOR grants and LESSEE accepts a lease for the use of the Riverside Arena, located in Austin, Minnesota, for hockey practices and games as scheduled, ~~for a period of three (3) years, commencing September 1, 2021 and terminating May 10, 2022. Said contract may be extended for an additional (3) three year term as agreed upon by LESSOR and LESSEE~~ seasons as agreed upon by LESSOR and LESSEE.
- II. The LESSOR agrees to provide:
 - A. Building facilities, locker room and storage space area, appropriate ice conditions, utilities, maintenance service for all ice hockey practice sessions, games, locker room area, seating area, other team functions and in addition necessary scoring equipment for all hockey games on game dates.
 - B. In case Riverside arena or any part thereof is destroyed or partially destroyed by fire or other casualty not arising from the fault or negligence of Lessor, Lessee or those employed by either, Lessor shall repair the damage within a reasonable period of time, due allowance being made for delays beyond control of Lessor, and rent shall abate proportionately to the extent that the premises are not tenantable, but in the event the damage shall be so extensive that building and/or premises cannot be substantially restored within ninety (90) days, either Lessor or Lessee shall have the option to terminate this Lease upon thirty (30) days' written notice to the other from date of damage, whereupon this Lease shall terminate and Lessee shall pay rent up to date of damage, and thereafter both Lessor and Lessee shall be free and discharged of all further obligations hereunder.
 - C. LESSEE shall have exclusive rights to dasher board advertising in the main area of Riverside Arena. All advertising content must be approved by LESSOR. LESSEE

agrees to pay \$1,000 to LESSOR for the rights to sell advertising in the ice but must put in the AHS logo at no cost to them. Proceeds and costs from dasher board advertising belong to LESSEE exclusively.

D. Food concession rights and revenues shall remain the property of LESSOR, and its authorized concessionaires.

III. It is understood and agreed that all personnel required for the operation of LESSEE'S hockey team at the Riverside Arena including but not limited to the following positions shall be provided by LESSEE at his sole cost and expense.

A. Personnel:

1. Ticket Sellers
2. Ticket Takers
3. Ushers
4. Public Address Announcer
5. Other electronic operators
6. Scoring and Scoreboard Operators
7. Security
8. Game Officials
9. Team Doctor or Certified Trainer

B. The parties acknowledge and agree that this lease covers a limited number of dates and times for use of the Riverside Arena by the LESSEE. The Riverside arena will also be used by the Austin Public School, Austin Youth Hockey, and Riverside Figure Skate Club. Therefore on or before the first day of August of each year during the term of this lease LESSEE shall submit to LESSOR the LESSEE schedule of dates and hours for scheduled games and practice sessions. If any of LESSEE'S scheduled dates and times conflict with those requested by the other users of the Riverside Arena the following priority schedule will be observed:

- NAHL practice – Monday – Friday; available times from 8:00 AM- 3:00 PM
- NAHL games – Friday and Saturday evenings (game blocks 4 hours) (game nights ice will not be available to others after 6 PM.)
- NAHL games scheduled during the week will be considered however should not conflict with any Austin High School games.
- Austin High School games – Tuesday, Thursday, Saturday morning/afternoon before 6 PM, hours to be determined.
- Monday through Friday during the hockey season, normal practice (high school) hours shall be 3:30 PM to 6:15 PM. On Bruins game day's teams must be off the ice by 6 PM, this includes Saturday games.
- Austin High School section game dates and hours to be determined.
- Riverside Figure Skating Club – Sunday Noon- 5 PM & Monday 6:30 PM to 9 PM, show dates in March TBD.

- Austin Youth Hockey – all other available hours, tournament schedule to be considered.

IV. LESSEE shall pay LESSOR the following rental schedule of said Riverside Arena:
2021-2022: September-March; monthly payment of \$6,543.00 @ 7 months = \$45,801.00

- Payments are due by the 10th of each month.
- Game dates in excess of 28 will be billed at \$146.00 per hour, tax incl.
- The first day of practice each year would be the day after Labor Day.
- Practice hours in excess of 270 will be billed at \$111.00 per hour, tax incl., during the season from September to March.
- April practice ice will be billed at \$111.00 per hour, tax incl.
- April games blocks will be 4-hour blocks at \$111.00 per hour, tax incl.
- If summer ice is ever available cost to be negotiated for camps etc.

V. This agreement shall remain in full force and effect during its term.

VI. LESSEE agrees to abide by all policies of the LESSOR and require all participants of their program to be properly insured.

VII. LESSEE shall hold LESSOR harmless from and indemnify LESSOR against any and all liability, damage, loss and expense arising or resulting from the acts or omission of or caused by LESSEE or LESSEE'S employees, servants, agents, guests, assigns, subtenants, visitors or licensees in, upon or about the demised premises, the Arena or the adjacent areas, including all common areas or arising out of or related to the use and occupancy of the demised premises or the business or activity conducted with respect hereto, including injuries to person and Austin Bruin's property stored or used in the Arena.

VIII. LESSEE hereby agrees to furnish LESSOR with evidence of Public Liability Insurance in the form of a Certificate of Insurance to include an "additional insured endorsement premises leased to the named insured in favor of the LESSOR, with minimum coverage of \$300,000 per claimant and \$1,000,000 per occurrence.

IX. It is agreed that the personnel used or supplied by LESSOR pursuant to this agreement shall be and remain employees or agents of LESSOR and under no circumstances are such personnel to be considered employees or agents of LESSEE.

X. LESSEE shall make no changes or alterations in any portion of the premises covered by this agreement, unless approved in writing by the City of Austin. LESSEE shall not have the use of, or access to any portion of LESSOR'S premises not specifically authorized.

XI. All exclusive contracts with the LESSOR including supplies, products, and advertising shall be honored by LESSEE.

XII. Payments under this agreement are due by the tenth of each month in which they are invoiced.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the _____ day of _____, 20____.

LESSOR: City of Austin

LESSEE: Craig Patrick

CITY MAYOR

NAHL LEAGUE TEAM REP

CITY ADMINISTRATOR

LESSEE: Mike Cooper

NAHL LEAGUE TEAM REP

RESOLUTION NO.

**APPROVING LEASE AGREEMENT WITH AUSTIN MN
JUNIOR HOCKEY, LLC**

WHEREAS, the City of Austin has a lease contract with Austin MN Junior Hockey, LLC (Austin Bruins) for use of Riverside Arena; and

WHEREAS, the Lessee, requests a new lease running through the 2022 playing season.

NOW, THEREFORE, BE IT RESOLVED that the City Council consents to the lease attached as Exhibit A and authorizes the Mayor and City Recorder to sign said lease.

Passed by a vote of yeas and nays this 2nd day of August, 2021.

YEAS

NAYS

APPROVED:

ATTEST:

Mayor

City Recorder



PARKS, RECREATION, FORESTRY DEPARTMENT & ARENAS

500 4TH Avenue NE Austin, Minnesota 55912

507-433-1881

Kevin D. Nelson, Director

www.ci.austin.mn.us

JAY C. HORMEL NATURE CENTER

1304 NE 21ST Street

507-437-7519 Fax 507-437-8246

J. Luke Reese, Naturalist

www.hormelnaturecenter.org

July 15, 2021

To: Mayor and City Council

Re: Possible sale of Sterling Park parcel to Mower County

As per city council and park board discussion which took place last year, the City of Austin is hoping to reduce time spent mowing via a variety of methods. In this particular case, Sterling Park (parcel #34.580.0361), a 1.63-acre parcel, which abuts the west end of the Mower County Fairgrounds, and is an otherwise land-locked park (no edges bordering a street) which is used primarily and infrequently by neighbors who border the park. The outdated play equipment (a swing set) was recently removed, and the County is agreeable to the possibility of taking ownership of it, as the parcel is used for parking for fairgrounds-based activities several times each summer. It is our understanding that they would have no other intended use of it, for development or otherwise, so in all likelihood, it would remain in its current state of greenspace to be enjoyed by the neighborhood.

Possible transfer of the parcel could be a lengthy process, as it is a dedicated park space. Details on such can be addressed via information which I have garnered via Craig Byram and Craig Clark, should anyone wish for the protracted version. It is our hope to further pursue this possible sale at some point in the near future.

Let me know if I can be of any assistance in providing further information for your perusal in advance of the work session on Monday.

Thank you.


Kevin D. Nelson

Untitled Map

Write a description for your map.

Legend

 Sterling Park

Google Earth



100 ft

(Top 3 inches reserved for recording data)

QUIT CLAIM DEED - Business Entity to Business Entity

eCRV number: **N/A**

DEED TAX DUE: **\$1.65**

DATE: **August** ____, 2021

FOR VALUABLE CONSIDERATION, **City of Austin, Minnesota** a **Municipal Corporation** under the laws of the **State of Minnesota** ("**Grantor**"), hereby conveys and quitclaims to **Mower County** a **Municipal Corporation** under the laws of the **State of Minnesota** ("**Grantee**"), real property in **Mower County, Minnesota**, legally described as follows:

Playground-Park as shown on the plat of Pinecrest First Addition to the City of Austin as such plat is recorded in the Office of the County Recorder for Mower County, Minnesota.

Consideration for this conveyance is less than \$500.

Check here if all or part of the described real property is Registered (Torrens) ☐
together with all hereditaments and appurtenances belonging thereto.

Check applicable box:

- ☒ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☐ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: [...].)
- ☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

City of Austin, Minnesota

By: _____

Steve King

Its: **Mayor**

By: _____

Tom Dankert

Its: **City Recorder**

State of Minnesota, County of **Mower**

This instrument was acknowledged before me on **August** ____, 2021, by **Steve King** as **Mayor** and by **Tom Dankert** as **City Recorder** of the **City of Austin, Minnesota**.

Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
Hoversten, Johnson, Beckmann & Hovey, LLP
807 West Oakland Avenue
Austin, MN 55912
507-433-3483

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
Mower County
201 1st Street NE
Austin, MN 55912

RESOLUTION NO.

**RESOLUTION APPROVING THE SALE OF CERTAIN
REAL PROPERTY FROM THE CITY OF AUSTIN, MINNESOTA
TO MOWER COUNTY, MINNESOTA**

WHEREAS, the City of Austin is the owner of certain real property known as “Sterling Park,” and

WHEREAS, the City Council has determined that the premises is no longer needed for public purposes, and

WHEREAS, Mower County has offered to take over ownership from the City of Austin thereby alleviating the City from property maintenance.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Austin, Minnesota, that the Mayor and the City Recorder are hereby authorized and directed to execute a quitclaim deed transferring the property known as “Sterling Park” to Mower County.

Passed by a vote of Yeas and Nays this 2nd day of August, 2021

YEAS:

NAYS:

APPROVED:

Mayor

ATTEST:

City Recorder

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



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

Memorandum

To: Mayor and City Council
From: Holly Wallace, Planning & Zoning Administrator
Subject: Requested Minor Subdivision of Property petitioned by Henderson
Date: July 28, 2021

Please find for your review a resolution and aerial of approximately 0.6 acres of platted property, which has been petitioned to split three lots that were combined in February. The lots were combined to facilitate a sale, which ultimately fell through.

This proposed subdivision has been reviewed by city staff and utilities. There were no concerns with regard to restoring the individual parcels.

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

Thank You.

RESOLUTION NO. _____

EXEMPTING SUBDIVIDER FROM AUSTIN CITY CODE
SUBDIVISION REGULATION AND REQUIREMENTS

WHEREAS, the petitioner, Hal Henderson, has requested a waiver of the platting requirements under Section 13.40 of the Austin City Code in order to accommodate restoration of individual parcels 34.786.0020, 34.786.0080, and 34.786.0090, West Ridge Estates, also described as:

Lot 2, Lot 8, and Lot 9, Block 1, Westridge Estates , a replat of Block 2, Pine Manor Additions to the City of Austin, Mower County Minnesota.

WHEREAS, this area is well defined and will restore three parcels into Lot 2, Lot 8 and Lot 9.

NOW THEREFORE, BE IT RESOLVED, that the petitioners above named are hereby exempt from the requirements of Chapter 13 of the Austin City Subdivision regulations requiring the platting of said property as a precondition to said subdivision.

BE IT FURTHER RESOLVED, that the City Recorder is hereby authorized and directed to deliver to owners a certified copy of this resolution for recording.

Passed by a vote of Yeas and Nays this _____ day of August 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
Email: hollyw@ci.austin.mn.us

Memorandum

To: Mayor and City Council
From: Holly Wallace, Planning & Zoning Administrator
Subject: Requested Minor Subdivision of Property petitioned by Heichel
Date: July 28, 2021

Please find for your review a resolution and aerial of approximately 0.7 acres of platted property, which has been petitioned to combine two lots. The petitioner wishes to use the adjacent lot for accessory structures.

This proposed subdivision has been reviewed by city staff and utilities. The only concern is that the water and sewer be killed at the main if an accessory structure is built on the property, i.e. the service connections will not be used.

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

Thank You.

RESOLUTION NO. _____

EXEMPTING SUBDIVIDER FROM AUSTIN CITY CODE
SUBDIVISION REGULATION AND REQUIREMENTS

WHEREAS, the petitioner, Kristen Heichel, has requested a waiver of the platting requirements under Section 13.40 of the Austin City Code in order combine two adjacent parcels:

Lots 5 and 6, Block 4, Nature Ridge Subdivision, City of Austin, Mower County Minnesota.

WHEREAS, this area is well defined and will accommodate combination of the two parcels. Should a permanent accessory structure be built, the existing sewer and water connections shall be abandoned per city requirements, as part of the construction.

NOW THEREFORE, BE IT RESOLVED, that the petitioners above named are hereby exempt from the requirements of Chapter 13 of the Austin City Subdivision regulations requiring the platting of said property as a precondition to said subdivision.

BE IT FURTHER RESOLVED, that the City Recorder is hereby authorized and directed to deliver to owners a certified copy of this resolution for recording.

Passed by a vote of Yeas and Nays this _____ day of August 2021.

YEAS _____

NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

34.467.0130

*Make one
parcel*

20TH ST NE

2007
34.460.0307

2009
34.460.0309

2011
34.460.0311



0 0.01 0.01 0.02 1 mi

DISCLAIMER: Mower County, MN, makes no representation or warranties, express or implied, with respect to the use or reuse of the data provided hereon, regardless of its format or the means of its transmission. THE DATA IS PROVIDED "AS IS" WITH NO GUARANTEE OR REPRESENTATION ABOUT THE ACCURACY, CURRENCY, SUITABILITY, PERFORMANCE, MERCHANTABILITY, RELIABILITY, OR FITNESS OF THE DATA FOR ANY PARTICULAR PURPOSE. Mower County, MN, shall not be liable for any direct, indirect, special, incidental, compensatory or consequential damages or third party claims resulting from the use of this data, even if Mower County, MN, has been advised of the possibility of such potential loss or damage. This data may not be used in states that do not allow the exclusion or limitation of incidental or consequential damages.

Mower County Public GIS

Date/Time: 4/21/2021 10:31 AM

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



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

Memorandum

To: Mayor and City Council

From: Holly Wallace, Planning & Zoning Administrator

Subject: Requested Minor Subdivision of Property petitioned by Hovland

Date: July 28, 2021

Please find for your review a resolution and aerial of approximately 1.4 acres of platted property, which has been petitioned to combine two lots.

This proposed subdivision has been reviewed by city staff and utilities. The only concern noted is that the water and sewer be killed at the main if an accessory structure is built on the property, i.e. the service connections will not be used.

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

Thank You.

RESOLUTION NO. _____

EXEMPTING SUBDIVIDER FROM AUSTIN CITY CODE
SUBDIVISION REGULATION AND REQUIREMENTS

WHEREAS, the petitioner, Gregory Hovland, has requested a waiver of the platting requirements under Section 13.40 of the Austin City Code in order to combine parcels 34.839.0195 and 34.839.0180, also described as:

See attached "Exhibit A" and "Exhibit B"

WHEREAS, this area is well defined and will accommodate combination of the two parcels. Should a permanent accessory structure be built, the existing sewer and water connections shall be abandoned per city requirements, as part of the construction.

NOW THEREFORE, BE IT RESOLVED, that the petitioners above named are hereby exempt from the requirements of Chapter 13 of the Austin City Subdivision regulations requiring the platting of said property as a precondition to said subdivision.

BE IT FURTHER RESOLVED, that the City Recorder is hereby authorized and directed to deliver to owners a certified copy of this resolution for recording.

Passed by a vote of Yeas and Nays this _____ day of August 2021.

YEAS _____

NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

"Exhibit A"

Abstract of Title

To the following described Real Estate situated in

A part of Outlot 9 of the Plat of Outlots in the West Half of Section 23, Township 103 North, Range 18 West, filed in Book 5 of Plats, page 59, Mower County Register of Deeds Office, described as follows: Commencing at the Southeast corner of Outlot 7 in said Plat of Outlots; thence East in a continuation of the South line of said Outlot 7 for a distance of 13 rods; thence North, parallel with the East line of said Outlot 7 to the center of the township, (now county) road that runs in a Northwesterly and Southeasterly direction on the North side of Outlots 7 and 9; thence in a Northwesterly direction in the center of said highway to a point in the center of said highway where the center of said highway intersects a continuation of the East line of said Outlot 7; thence South in the East line of said Outlot 7, and the extension thereof; to the point of beginning, excepting therefrom the East 108 feet thereof.

"Exhibit B"

Abstract of Title

To the following described Real Estate situated in

A part of Outlot 9 of the Plat of Outlots in the West Half of Section 23, Township 103 North, Range 18 West, said Plat being filed in Book 5 of Plats, Page 59, Mower County, Minnesota, Register of Deed's office, described as follows: The East 108 feet of the following described premises: Commencing at the Southeast corner of Outlot 7 in said Plat of Outlots; thence East in a continuation of the South line of said Outlot 7, for a distance of 13 rods; thence North, parallel with the East line of said Outlot 7, to the center of the township (now county) road that runs in a Northwesterly and Southeasterly direction on the North side of Outlots 7 and 9; thence in a Northwesterly direction in the center of said highway to a point in the center of said highway where the center of said highway intersects a continuation of the East line of said Outlot 7; thence South in the East line of said Outlot 7, and the extension thereof, to the point of beginning.



343.42' 705 801 803 66' 33.83' 45.62'

NUE NE

66.57' 40.04' 108.11' 29.60'

704 800

281.10' 348390195 348390180 348

66.50' 40' 108.00'

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



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

Memorandum

To: Mayor and City Council

From: Holly Wallace, Planning & Zoning Administrator

Subject: Requested Minor Subdivision of Property petitioned by Jensen

Date: July 28, 2021

Please find for your review a resolution and survey of a proposed lot split creating two parcels, parcel A, approximately 0.25 acres and parcel B, approximately .19 acres.

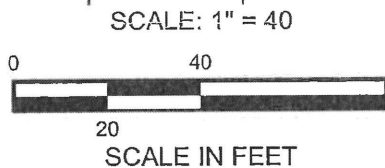
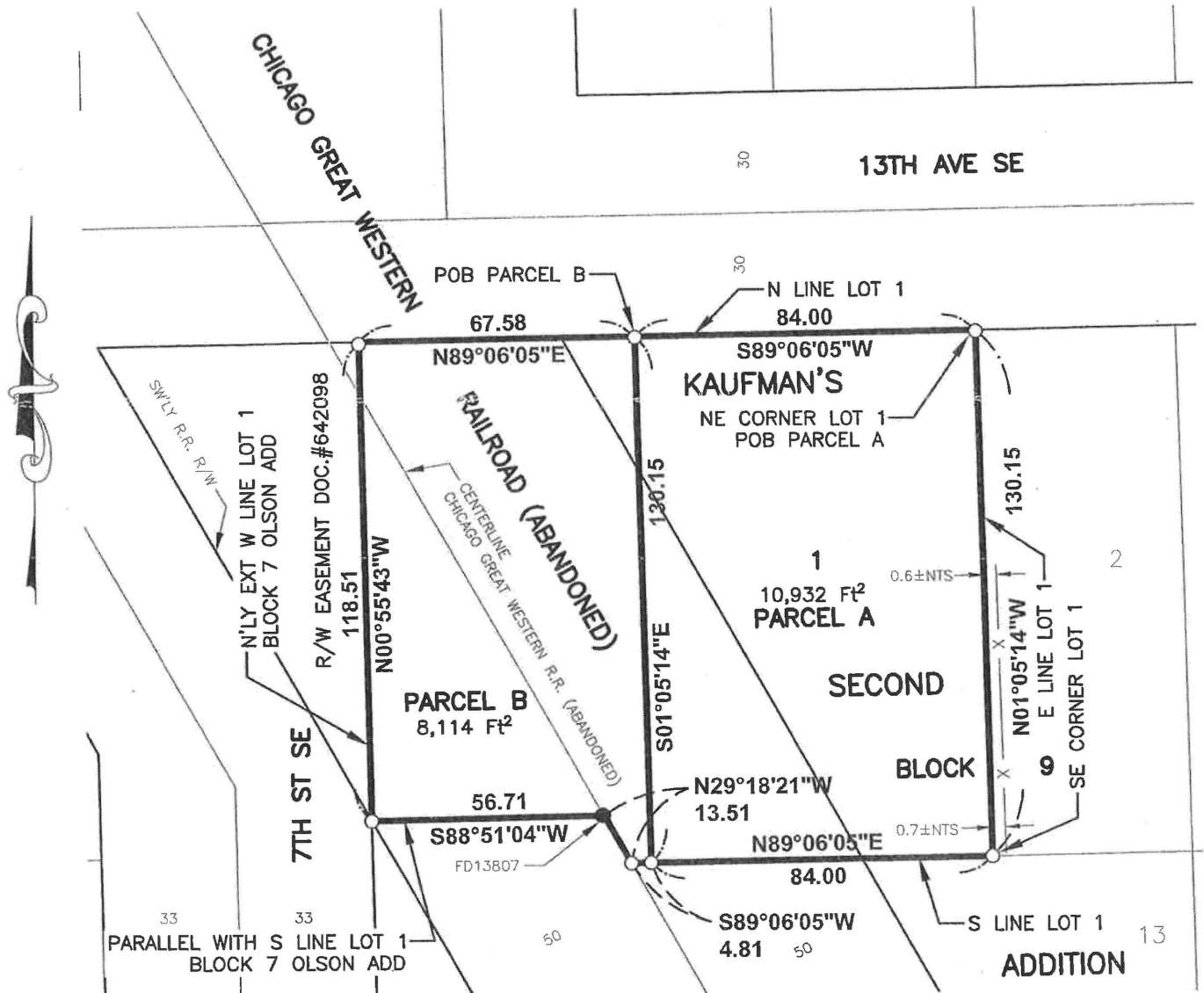
This proposed subdivision has been reviewed by city staff and utilities. No concerns were noted.

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

Thank You.

CERTIFICATE OF SURVEY

IN LOT 1, BLOCK 9, KAUFMAN'S SECOND ADDITION AND SW1/4 NW1/4 SECTION
11-T102N-R18W, CITY OF AUSTIN, MOWER COUNTY, MINNESOTA

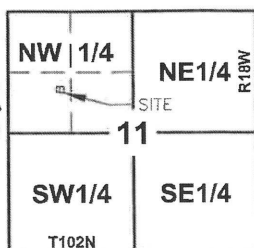


LEGEND:

- = 5/8 Inch x 16 Inch iron stake monument
(Capped SJT 22705)-Placed
- = Iron stake monument-Found
- NTS = Not to Scale
- X— = Fenceline

FOR: ERIC JENSEN

LOCATION MAP



Scale: 1" = 4000'

Date: 11/21/19
Revised date:
Drawn by: ADM
Survey: SJT
Coord-System: MNDOT CO. NAD83 1996
Page 1 of 3
Job No: 19-375.DWG

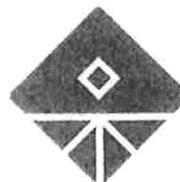
COPYRIGHT

This document is the property of Jones, Haugh & Smith Inc. and may not be used, copied or duplicated without prior written consent.

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Steven J. Thompson,
L.S. No. 22705

Date



**JONES
HAUGH
SMITH**
Engineers + Surveyors

515 South Washington Ave.
Albert Lea, MN 56007
507-373-4876

415 West North Street
Owatonna, MN 55060
507-451-4598

348850011

ABANDONED

801

30

30

800

101.93'

50.0

25.99'

63.00'

33

348850012

1405

1407

343400960

180

804

147.96'

92'

RESOLUTION NO. _____

EXEMPTING SUBDIVIDER FROM AUSTIN CITY CODE
SUBDIVISION REGULATION AND REQUIREMENTS

WHEREAS, the petitioner, Eric Jensen, has requested a waiver of the platting requirements under Section 13.40 of the Austin City Code in order to accommodate residential development of parcel 34.340.0960, also described as:

See attached "Exhibit A"

WHEREAS, this area is well defined and will accommodate a parcel split, creating two parcels.

NOW THEREFORE, BE IT RESOLVED, that the petitioners above named are hereby exempt from the requirements of Chapter 13 of the Austin City Subdivision regulations requiring the platting of said property as a precondition to said subdivision.

BE IT FURTHER RESOLVED, that the City Recorder is hereby authorized and directed to deliver to owners a certified copy of this resolution for recording.

Passed by a vote of Yeas and Nays this _____ day of August 2021.

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

"Exhibit A"

NOVEMBER 26, 2019

LEGAL DESCRIPTION

IN LOT 1, BLOCK 9, KAUFMAN'S SECOND ADDITION AND SW¼ NW¼ SECTION 11-T102N-R18W,
CITY OF AUSTIN, MOWER COUNTY, MINNESOTA

ERIC JENSEN

PARCEL A

All that part of Lot 1, Block 9, Kaufman's Addition, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota and the Chicago, Great Western Railroad, now abandoned, in the SW1/4 NW1/4 Section 11-T102N-R18W, Mower County, Minnesota; described as follows:

Beginning at the northeast corner of said Lot 1;

thence South 89°06'05" West a distance of 84.00 feet on an assumed bearing on the north line of said Lot 1;

thence South 01°05'14" East a distance of 130.15 feet, to the westerly extension of the south line of said Lot 1;

thence North 89°06'05" East a distance of 84.00 feet, on the south line and said westerly extension of the south line, to the southeast corner of said Lot 1;

thence North 01°05'14" West a distance of 130.15 feet on the east line of said Lot 1, to the point of beginning.

NOVEMBER 26, 2019

LEGAL DESCRIPTION

IN LOT 1, BLOCK 9, KAUFMAN'S SECOND ADDITION AND SW¼ NW¼ SECTION 11-T102N-R18W,
CITY OF AUSTIN, MOWER COUNTY, MINNESOTA

ERIC JENSEN

PARCEL B

All that part of Lot 1, Block 9, Kaufman's Addition, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota and the Chicago, Great Western Railroad, now abandoned, in the SW1/4 NW1/4 Section 11-T102N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northeast corner of said Lot 1; thence South 89°06'05" West a distance of 84.00 feet on an assumed bearing on the north line of said Lot 1, to the point of beginning;

thence South 01°05'14" East a distance of 130.15 feet parallel with the east line of said Lot 1, to the westerly extension of the south line of said Lot 1

thence South 89°06'05" West a distance of 4.81 feet on said westerly extension, to the centerline of said Chicago, Great Western Railroad, now abandoned;

thence North 29°18'21" West a distance of 13.51 feet on said centerline, to a line drawn parallel with the south line of Lot 1, Block 7 of Olson Addition, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota, from the intersection of the northerly extension of the west line of said Lot 1, Block 7 with the southwesterly right of way or said Railroad;

thence South 88°51'04" West a distance of 56.71 feet on said line, to the intersection of the northerly extension of the west line of Lot 1 in said Block 7 and said southwesterly right of way;

thence North 00°55'43" West a distance of 118.51 feet on the northerly extension of said west line, to the westerly extension of the north line of Lot 1 in said Block 9;

thence North 89°06'05" East a distance of 67.58 feet on the north line westerly extension thereof, to the point of beginning.

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

Troy & Joscelyn Vlasaty
1406 5th St SE Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure located at 1409 4th St SE, Austin MN 55912

Date: July 28, 2021

May I ask the City Council to review and approve this resolution classifying the property located at 1409 4th St SE, Austin, Minnesota, as hazardous pursuant to Minnesota Statutes 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**

June 18th, 2021

Troy & Joscelyn Vlasaty
1406 5th St SE
Austin, MN 55912

RE: Housing Violations at 1409 4th St SE, Austin, MN 55912

Dear Troy & Joscelyn:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on June 18th 2021 at this site, and the following issues need to be resolved:

- 1. Repair/Replace roofing system**
- 2. Repair/Replace window (west side)**
- 3. Protective treatment on bare wood (window trim, fascia, soffit)**
- 4. Means of egress**

The violation of International Property Maintenance Code Sections 108, 304 and 702 were found. These Property Maintenance Code Sections read as follows:

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *Minnesota State Fire Code*, as defined as Minnesota Rules Chapter 7511.

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,

A handwritten signature in black ink, appearing to read "Brent Johnson", with a stylized flourish at the end.

Brent Johnson
Zoning Inspector

TIME STAMP 

June 18, 2021
9:49 AM



TIME STAMP

July 28, 2021
8:43 AM

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING
LOCATED AT 1409 4th ST SE AUSTIN, MINNESOTA
OWNED BY TROY & JOSCELYN VLASATY.**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 1409 4th ST SE to be a hazardous building for the following reasons:

- 1. Repair/Replace roofing system**
- 2. Repair/Replace window (west side)**
- 3. Protective treatment on bare wood (window trim, fascia, soffit)**
- 4. Means of egress**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on June 18th, 2021 and 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. Repair/Replace roofing system**
 - 2. Repair/Replace window (west side)**
 - 3. Protective treatment on bare wood (window trim, fascia, soffit)**
 - 4. Means of egress**
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:

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: Didacus Guzman
1606 17th St SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Illegal Storage of Vehicles
At 605 10th Dr SE, Guzman Property

Date: July 29, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of the vehicles at 605 10th Dr SE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.4-6 and 10.33 Subd.1(G) & 2, but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

July 20th, 2021

Didacus Guzman
1606 17th St SW
Austin, MN 55912

RE: Zoning Violations at 605 10th Dr SE, Austin, MN 55912

Dear Didacus:

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 20th, 2020 at this site and the following issues need to be resolved:

- 1. Vehicles must be fully screened or stored in an enclosed structure or removed from property.**

*****Repeat violation*****

The violation of Austin City Code Sections 10.33 Subd.3(A-B) Subd. 4, 10.14 Subd.4-6 and 11.50 Subd 2(F)3(A) were found. These City Code sections read as follows:

City Code Section 10.33 Subd. 3. *Outside parking in non-residential districts.*

A. In all commercial, industrial, business and transitional zoning districts, all motor vehicles, agricultural and industrial equipment shall be stored within a building or be fully screened so as not to be visible from adjoining or adjacent lands and streets, except for the following:

1. Motor vehicles bearing current registration licenses, provided the vehicles are necessary for the operation of the business.
2. Licensed or unlicensed motor vehicles, agriculture or industrial equipment held for sale, distribution, repair or rent by authorized dealers or businesses.
3. Licensed or unlicensed motor vehicle, agricultural or industrial equipment used to obtain parts for repair of a customer's motor vehicle, agriculture or industrial equipment, provided that such equipment and/or motor vehicles are removed within 30 days after acquisition by authorized dealers and businesses.
4. Except as provided in Subd. 3.B of this section, upon adoption of this section, the outside parking of motor vehicles, agriculture and industrial equipment upon the public right-of-way shall be prohibited.

B. *Exceptions for present uses.* As of the effective date of this section, there are several commercial establishments and former commercial establishments which have, prior to the date of this section, been permitted to utilize the boulevard for parking. Provided the portion of the boulevard used by such establishments for parking is, as of

the effective date of this section, paved with concrete or bituminous, such use shall be permitted to continue as the use exists on the effective date of this section. Nothing in this section shall be considered to grant to any user a property interest in the boulevard which would need to be acquired by the city if the street adjacent to the boulevard is widened as a part of repair or reconstruction of the street or rebuilt in a manner which impinges on the boulevard. The responsibility to maintain the portion of the boulevard used shall be the users. Premises liability insurance shall be provided by the user and the city shall be a named insured on the policy. Proof of such insurance shall be provided to the city.

Subd. 4. *Procedure on violations.* Any violation of this section is declared to be a nuisance. Upon ten days written notice to the owner of private premises on which such vehicle is found, as shown by the records in the office of the City Zoning Office or by the placarding of said vehicle, the city may remove the vehicle and certify the cost of such removal as any other special assessment.

11.50 I-1, LIMITED INDUSTRIAL DISTRICT.

Subd. 2. *Principal permitted uses.*

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

Subd. 3. *Prohibited uses.* No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for any of the following uses:

A. *Residential.* Dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and tourist homes.

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

NOTICE AND ABATEMENT.

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

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

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

City Code Section 10.14, Subd. 5:

RECOVERY OF COST. The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Recorder shall prepare a bill for the cost and mail it to the owner. There upon, the amount shall be immediately due and payable at the Office of the City Recorder. Ownership shall be

presumed to be the owner as shown on the records of the County Treasurer unless the City Recorder has reason to know that such information is not accurate, in which event, notice shall be given to such other person as the City Recorder has reason to believe is, in fact, the true owner of said premises.

City Code Section 10.14, Subd. 6:

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

Please resolve the City Code violations by July 28th 2021, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. The subsequent fine will be \$125, the amount varies depending on the type of violations.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Johnson", with a stylized flourish at the end.

Brent Johnson
Zoning Inspector



July 28, 2021
8:47 AM

605 10⁺ W. SE

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Barere Batikare
707 6th Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Illegal Storage of Vehicles
At 707 6th Ave SW, Batikare Property

Date: July 29, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of the vehicles at 707 6th Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.4-6 and 10.33 Subd.1(G) & 2, but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

July 14th, 2021

Borere Batikare
707 6th Ave SW
Austin, MN 55912

RE: Zoning Violations at 707 6th Ave SW, Austin, MN 55912

Dear Borere:

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 14th, 2021 at this site and the following issues need to be resolved:

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

The violation of Austin City Code Sections 10.14 Subd.4-6 and 10.33 were found. These City Code sections read as follows:

City Code Section 10.33 Subd. 1 (G)

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

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

A. Vehicle outside parking shall be accessory to the permitted primary use of the property, and vehicles parked on a property must be owned by a licensed resident of the property except as follows:

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

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

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

NOTICE AND ABATEMENT.

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

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

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

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

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

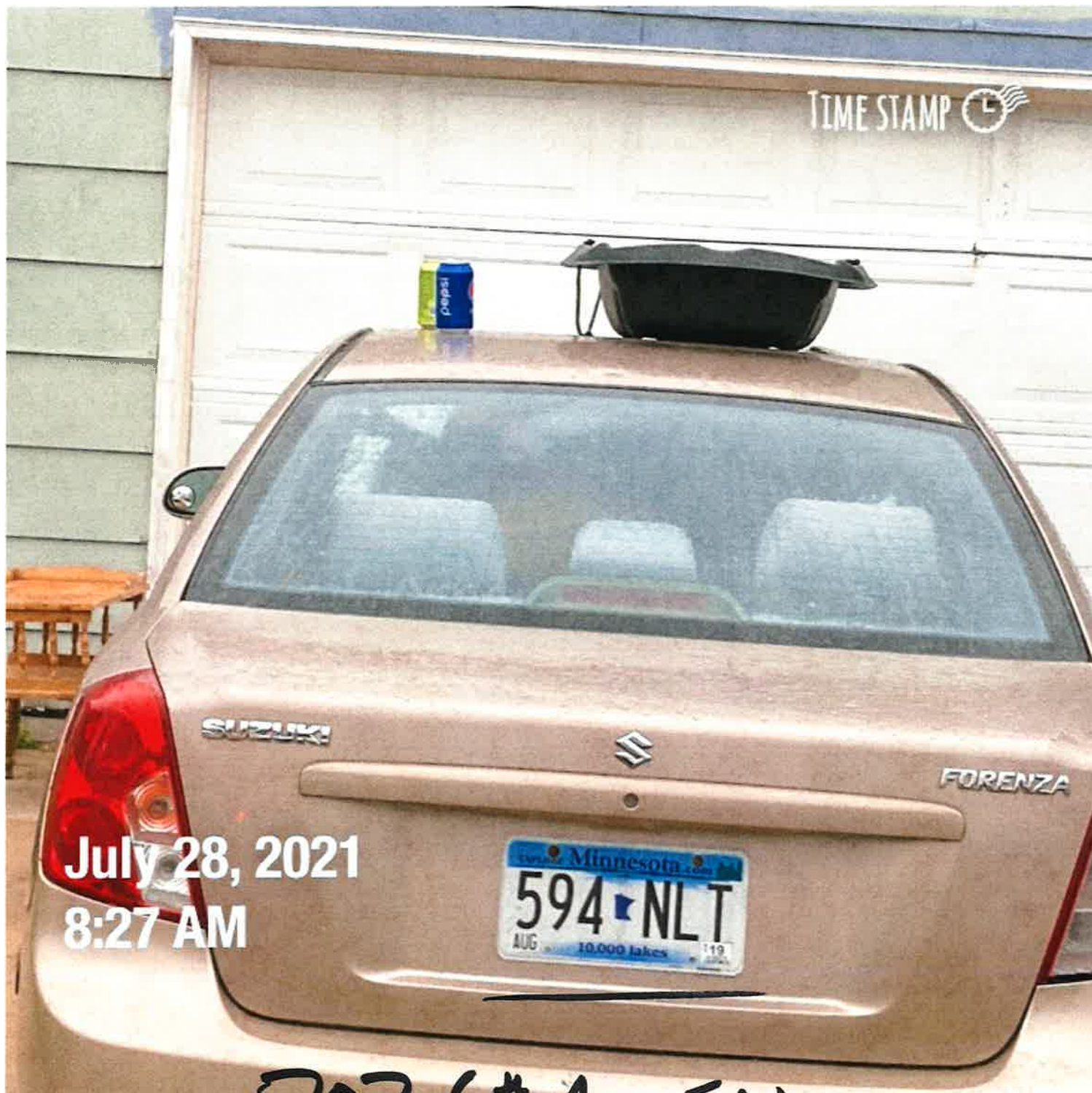
Please resolve the City Code violations within 10 days of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Johnson", with a stylized flourish at the end.

Brent Johnson
Zoning Inspector



July 28, 2021
8:27 AM

707 6th Ave SW

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Ashwin & Dipti Patel
1507 Oakland Ave W, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 110 12th St NE, Patel Property

Date: July 29, 2021

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 110 12th St NE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

**City of Austin
Zoning Department**



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

July 29, 2021

Ashwin & Dipti Patel
1507 Oakland Ave W
Austin, MN 55912

RE: Zoning Violations at 110 12th St NE, Austin, MN

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on July 28, 2021 at this site and the following issues need to be resolved:

1. Remove all junk from property

This is a repeat offense and the matter has been referred to the Austin City Council for corrective action. You are being fined under the following City Code:

1.98 CIVIL PENALTIES.

Subd. 1. Purpose.

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

Subd. 4. Compliance letter.

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

Subd. 5. Administrative citation

A. Generally.

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

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

Sincerely,

Brent Johnson
Zoning Inspector



TIME STAMP

July 28, 2021

8:51 AM

110 12th St NE