

A G E N D A
CITY COUNCIL MEETING
MONDAY, SEPTEMBER 20, 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 September 7, 2021

3. Recognitions and Awards.

2022 Austin Art Festival art purchase award, Artist Tonja Ihlenfeldt – Bonnie Rietz,
Laura Helle, Mary Anne Wolesky
Library Purchase Award from Jeanne and Jim Sheehan

(mot) 4. *Consent Agenda

Licenses:

Mobile Business: Just Take the Cake Too, LLC, 25201 880th Avenue
Temporary Liquor: Austin Area Commission for the Arts on October 1 & 2, 2021
Tree Service: Adam B. Meyer Construction, 2907 17th Street SE

Claims:

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

BID OPENING

5. Receiving bids for residential building demolition.

(res) a. Awarding bid.

PUBLIC HEARINGS:

6. Reviewing a five-year tax abatement request from Bigelow and Lennon Construction.

(res) a. Approve or deny tax abatement.

7. Reviewing a five-year tax abatement request from Justin O'Donnell.

(res) a. Approve or deny tax abatement.

PETITIONS AND REQUESTS:

(res) 8. Setting the proposed tax levy and budget for 2022.

(mot) 9. Removing a stop sign at 1st Avenue & 2nd Street SE.

(res) 10. Approving a fiscal sponsorship agreement for the Community Band.

- (res) 11. Accepting donations to the City of Austin.
- (res) 12. Accepting the donation of a decorative clock and authorizing its installation at City Hall.
- (res) 13. Authorizing an amendment to a contract with SEH for the design of the Waste Water Treatment Plant.
- (res) 14. Authorizing a minor subdivision request from Bruce and Anita Baudler.
- 15. Reviewing a solar variance request from William Starman.
- (mot) a. Approve or deny variance.
- (res) 16. Declaring the property at 1006 5th Avenue NE as hazardous structure.
- 17. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at the following location:
 - (mot) a. 1405 28th Avenue NE, Advanced Building Property.
 - (mot) b. 1802 3rd Street NE, Andree Property.
 - (mot) c. 501 13th Avenue SW, Enfield Property.
 - (mot) d. 909 3rd Avenue NW, Greene Property.
 - (mot) e. 1921 Oakland Avenue East, Ruble Property.

CITIZENS ADDRESSING THE COUNCIL

REPORTS AND RECOMMENDATIONS:

City Administrator

City Council

- (mot) Adjourn to **Monday, October 4, 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
September 7, 2021
5:30 PM
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Jason Baskin, Oballa Oballa, Michael Postma, Jason Baskin, 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, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Kevin Nelson, Library Director Julie Clinefelter, Human Resources Director Trish Wiechmann and City Clerk Ann Kasel

OTHERS APPEARING ELECTRONICALLY: Austin Daily Herald

APPEARING IN PERSON: Laura Helle, Scott Wiechmann, Rollie Hansen, Mary Ann Duren, Natasha Walsh, Mark Nibaur, John Garry

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

Additions to the Agenda

- (res) 25. Approving a settlement agreement with Koch, Inc.
- (res) 26. Approving a purchase agreement with Mayo Clinic Health Systems.
- (res) 27. Approving a premise permit gambling application for Austin Youth Hockey Association, Inc. for the B & J Bar & Grill.

Updated Item

- 11. Reviewing an ordinance regarding parking or storing of motor vehicles. *(attached)*

Removed from Agenda

- 20. Approving a modification to a design services contract with SEH for the Waste Water

Treatment Plant.

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 Waller, approving Council minutes from August 16, 2021. Carried.

RECOGNITIONS AND AWARDS

Mayor King read a proclamation for Welcoming Week 2021.

Laura Helle with the Human Rights Commission thanked the Mayor for the proclamation and directed residents to the City of Austin website for the full listing of events.

VFW Commander Scott Wiechmann informed the Council of a ceremony for the 20th anniversary of 9/11 and recognize the Veterans and Police and Fire that protect our community. The ceremony will begin at 8:46 a.m. on September 11th at the Veteran's Memorial in downtown Austin.

CONSENT AGENDA

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

Licenses:

Exempt gambling: Austin Area Chamber of Commerce on October 7, 2021
Exempt gambling: United Catholic Schools Foundation on November 3, 2021
Food: Five Below, Inc, 1001 18th Avenue NW
Hotel/Motel: Ramsey Retreat, 4101 13th Street NE
Mobile Business: On the Hook Fish and Chips, LLC, Laramie, Wyoming
Mobile Business: Stage Coach BBQ & Grill, Brownsdale
Right-of-Way: Kelm Lawn & Landscaping, Faribault
Temporary Liquor: St. Augustine Catholic Church on September 25, 2021

Claims:

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

Carried.

PUBLIC HEARINGS

A public hearing was held for sidewalk improvement assessments for 8th Street NW (8th Avenue NW to 13th Avenue NW). The amount to be assessed is \$8,421.41 at 3.5% for 15 years. Public Works Director Steven Lang stated there were eight properties that were missed for sidewalk

assessment on 8th Street NW.

There were no public comments.

Moved by Council Member-At-Large Austin, seconded by Council Member Fischer, adopting a resolution declaring the cost of the project. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution adopting the assessment roll for sidewalk improvements on 8th Street NW. Carried 7-0.

BID OPENINGS AND AWARDS

The City received the following bids for residential asbestos abatement:

Contractor	Bid
Asbestrol	\$27,460.00
Environmental Plant Services, Inc.	\$30,350.00
MAVO Systems, inc.	\$65,550.00

Planning and Zoning Administrator Holly Wallace stated the bids are for the removal of asbestos in five properties that will be demolished by the City. She stated one of the properties will be funded with Local Option Sales Tax because it was part of a flood buyout.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution awarding the bid for residential asbestos abatement to Asbestrol. Carried 7-0.

The City received the following bids for airport snow removal services:

Contractor	Motor Grader	Front End Loader
Koehler's Yard Service	\$140/hour	\$140/hour
Damel Corp. Inc.	No bid	
Jensen Excavating & Trucking	No bid	
Hansen Hauling & Excavating	No bid	
Jim's Excavating & Demo	No bid	

Public Works Director Steven Lang stated the City received one bid for the removal of snow at the Austin Municipal Airport and recommended awarding it to Koehler's Yard Service.

Council Member Baskin asked why the snow isn't removed by City staff at the airport.

Mr. Lang stated the job to clean the streets is the City's primary focus and requires a lot of man power and there isn't enough equipment and time to do the airport also.

Moved by Council Member Postma, seconded by Council Member Oballa, adopting a resolution awarding the bid for airport snow removal to Koehler's Yard Service. Carried 7-0.

PETITIONS AND REQUESTS

Public Works Director Steven Lang stated the City received many requests for sidewalk reevaluation on the 1st Avenue & 16th Street NE project. Upon inspection it was revealed that the panels were unique in that they were exposed aggregate not typically seen in Austin. The panels were in good condition and not in need of replacement so it was determined that many panels would not need to be charged for. Therefore, Mr. Lang requested the Council rescind the old resolution and adopt a new one with the updated sidewalk amounts.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution rescinding resolution 16240. Carried 7-0.

Moved by Council Member Baskin, seconded by Council Member Oballa, adopting a resolution adopting a revised assessment roll for 1st Avenue NE & 16th Street NE. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution setting public hearings for fall assessments on October 4, 2021. 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.

Planning and Zoning Administrator Holly Wallace reviewed an ordinance regarding parking or storing of motor vehicles. She stated the ordinance is being updated to state that vehicles or recreational vehicles need to be parked on a hard surface area directly adjacent to the driveway.

Mayor King asked how the ordinance will be enforced.

Ms. Wallace stated anyone can make a report or staff can see the violation during other property inspections.

Council Member Postma asked if there will be some education for the public.

Moved by Council Member Fischer, seconded by Council Member Waller, for preparation of the ordinance. Carried.

Moved by Council Member Fischer, seconded by Council Member Oballa, for adoption and publication of the ordinance. Carried 7-0.

City Clerk Ann Kasel reviewed an ordinance for liquor licensing updates to allow for vendors to hold more than one on-sale license and to align the number of allowed licenses with State Statutes.

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

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, for adoption

and publication of the ordinance. Carried 7-0.

Public Works Director Steven Lang stated the City would like to enter into a property exchange with James and Tammy Snee. The City purchased a piece of property in 1965 that bisects their property in 1965. The City no longer needs the property and would like to exchange that parcel and another portion of adjoining property in exchange for an easement for sanitary sewer over the properties. The Snee's will pay the City the amount of \$15,874.41 for the property. Mr. Lang recommended approving the exchange.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution approving a property exchange with James Snee and authorizing the execution of the deed for exchange. Carried 7-0.

Public Works Director Steven Lang requested the Council approve the renewal of a limited use permit for the pedestrian bridge over I-90 for the Todd Park Trail. Mr. Lang stated the permit must be renewed every ten years.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving the renewal of a limited use permit for the I-90 pedestrian bridge for the Todd Park Trail. Carried 7-0.

Public Works Director Steven Lang requested the Council approve the renewal of a limited use permit for the I-90 Nature Center Trail. Mr. Lang stated the permit must be renewed every ten years.

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

Public Works Director Steven Lang requested the Council approve the renewal of a limited use permit for the pedestrian underpass I-90 east of 6th Street NE. Mr. Lang stated the permit must be renewed every ten years.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution approving the renewal of a limited use permit for the I-90 pedestrian underpass east of 6th Street NE. Carried 7-0.

Public Works Director Steven Lang stated the City would like to continue the annual fall yard waste program to dispose of leaves, grass and plant waste at the Cook Farm. He stated the City does not accept branches.

Council Member Baskin asked what the City does with the compost and if there is an interest in selling some of it.

Mr. Lang stated the City provides free compost to City residents and the street department uses it on City street projects and in the parks.

Mayor King stated it is a valuable service to the residents to donate the leaves and receive the compost back.

Council Member Fischer stated there is not enough cost to change how the program is working.

Moved by Council Member Fischer, seconded by Council Member Waller, authorizing the yard waste program for 2021 – scheduled for September 18 to November 27, 2021. Carried.

City Administrator Craig Clark stated the City is interested in partnering with Hormel Foods to have a Phase One Discovery Tour with the Velocity Group. The study would involve a field visit by the group to discover the needed community vision to enhance the City's sense of place. The study would cost \$10,000 and the City and Hormel Foods would split the cost with funding coming from 2021 contingency.

Mary Ann Duren, with Impact Austin, stated the project would be beneficial to Austin to understand the town dynamics and would identify projects to better the community.

Natasha Walsh stated Hormel Foods is on board with the study and noted that the study has been completed in Bentonville, Arkansas.

Moved by Council Member Postma, seconded by Council Member Fischer, authorizing participation with Impact Austin for a phase one discovery tour with Velocity Group and authorizing \$5,000 in funding from 2021 contingency. Carried 7-0.

City Administrator Craig Clark stated the City would like apply for a Federal Economic Development Grant for Creekside Business Park infrastructure as part of economic recovery from COVID 19. The Public Works Grant Program would help expand infrastructure while encouraging new business expansion. The Federal grant would be up to 80% funding of the total estimated cost of \$3,731,000.

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a resolution approving a request for proposals for a DEED Economic Adjustment Assistance Program. Carried 7-0.

Planning and Zoning Administrator Holly Wallace requested the Council approve a lot split for Argus Nelson. Mr. Nelson owns one parcel with two homes on it and he would like to split them off into two parcels with one home on each. Ms. Wallace recommended approval of the split.

Moved by Council Member Fischer, seconded by Council Member Poshusta, adopting a resolution approving a property split for Argus Nelson. Carried 7-0.

Planning and Zoning Administrator requested the Council approve lot splits for Kraig Kestner. He would like to split one parcel into two tracts, combine the first split parcel with another parcel and sell off the second split parcel. Ms. Wallace recommended approval of the split.

Moved by Council Member Oballa, seconded by Council Member Poshusta, adopting a

resolution approving a property split for Kraig Kestner. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the property as 904 13th Avenue NE a hazardous structure. Carried 7-0.

Moved by Council Member Poshusta, seconded by Council Member Waller, adopting a resolution granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 605 12th Street NE, Ubaldo Property. Carried.

Public Works Director Steven Lang requested the Council approve a settlement agreement with Koch, Inc. for work performed at the Waste Water Treatment Plant.

Moved by Council Member Fischer, seconded by Council Member Baskin, approving a settlement agreement with Koch, Inc. Carried 7-0.

Moved by Council Member Oballa, seconded by Council Member Waller, adopting a resolution approving a purchase agreement with Mayo Clinic Health Systems. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving a premise permit gambling application for Austin Youth Hockey Association, Inc. for the B & J Bar & Grill. Carried 7-0.

REPORTS

Council Member-at-Large Jeff Austin noted the Welcoming Week activities.

Council Member Postma stated he was excited for Welcoming Week.

Moved by Council Member Fischer, seconded by Council Member Waller, adjourning the meeting to September 7, 2021. Carried.

Adjourned: 6:32 p.m.

Approved: September 7, 2021

Mayor: _____

City Recorder: _____

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 & Council
From: Holly Wallace, Planning & Zoning Administrator
cc: Steven J. Lang, Public Works Director
Date: September 15th, 2021
Subject: Bids – Building Demolition
 1206 12th DR SW
 907 9th AVE SW
 1005 9th ST NW
 906 13th AVE NE
 1019 8th AVE NE (GARAGE ONLY)
 202 4th ST SE

The City of Austin received bids for the demolition of the residential buildings located at 1206 12th DR SW, 907 9th AVE SW, 1005 9th ST NW, 906 13th AVE NE, 1019 8th AVE NE and 202 4th ST SE on Wednesday, September 15th, 2021. The bids are summarized below.

<u>Contractor</u>	<u>Total Bid</u>
LinnCo, Inc	\$120,130.00
Hansen Hauling & Excavating, Inc.	\$46,000.00
Kevitt Excavating, LLC	\$82,326.32
Fitzgerald Excavating & Trucking, Inc.	\$65,300.00

We would recommend awarding the project to Hansen Hauling & Excavating, Inc. The flood buyout will be funded with 100% local option sales tax and hazardous demo will be funded from nuisance budget, tax levy and capital improvement revolving fund. If you have any questions, please contact me.

Cost break down per location:

1206 12 th DR SW- Flood Buyout	\$11,100.00
907 9 th AVE SW- Hazardous Demo	\$7,400.00
1005 9 th ST NW- Hazardous Demo	\$10,600.00
906 13 th AVE NE- Hazardous Demo	\$6,100.00
1019 8 th AVE NE (GARAGE ONLY)- Hazardous Demo	\$1,800.00
202 4 th ST SE- Hazardous Demo	\$9,000.00

RESOLUTION NO.

AWARDING BID – RESIDENTIAL BUILDING DEMOLITION

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

Building demolition at 1206 12th Drive SW, 907 9th Avenue SW, 1005 9th Street NW, 906 13th Avenue NE, 1910 8th Avenue NE (garage only) and 202 4th Street SE

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

<u>Contractor</u>	<u>Amount</u>
Hansen Hauling & Excavating, Inc.	\$46,000.00
Fitzgerald Excavating & Trucking	\$65,300.00
Kevitt Excavating, LLC	\$82,326.32
LinnCo., Inc.	\$120,130.00

AND, WHEREAS, it appears Hansen Hauling & Excavating, Inc. is the lowest responsible bidder.

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

Building demolition at 1206 12th Drive SW, 907 9th Avenue SW, 1005 9th Street NW, 906 13th Avenue NE, 1910 8th Avenue NE (garage only) and 202 4th Street SE

Passed by a vote of yeas and nays this 20th day of September, 2021.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

HOUSING TAX ABATEMENT APPLICATION

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

Property Owner / Applicant: Bigelow & Lennon ConstructionCurrent Address: 211 1st 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-familyProject Address: 2102 14th Ave NE Austin, MNProject Legal Description: Lot 3, Block 2 Nature Ridge 2ndParcel Number: 34.467.0080 Estimated Project Valuation: \$ 299,000.00

Applicant Statement:

(Please provide a statement as to why you are requesting an abatement of property taxes.) We would like to continue to provide housing for residents of Mower Co.

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

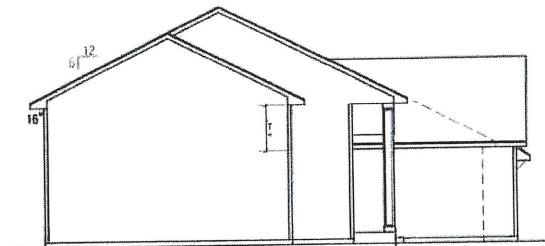
Mower County _____ Date: _____

 City or Township of _____ Date: _____

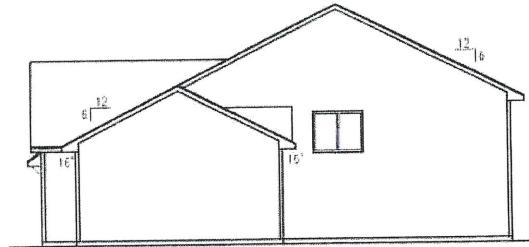
School District of _____ Date: _____

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.

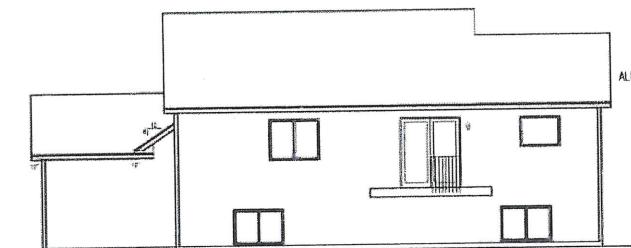
Please submit completed applications to: Mower County Administration
 201 1st Street NE, Suite 9, Austin MN 55912
 507-437-9549
 Office Hours: M-F 8 a.m. – 4:30 p.m.



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



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



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



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

2102 1Ath Ave NE
Austin, MN

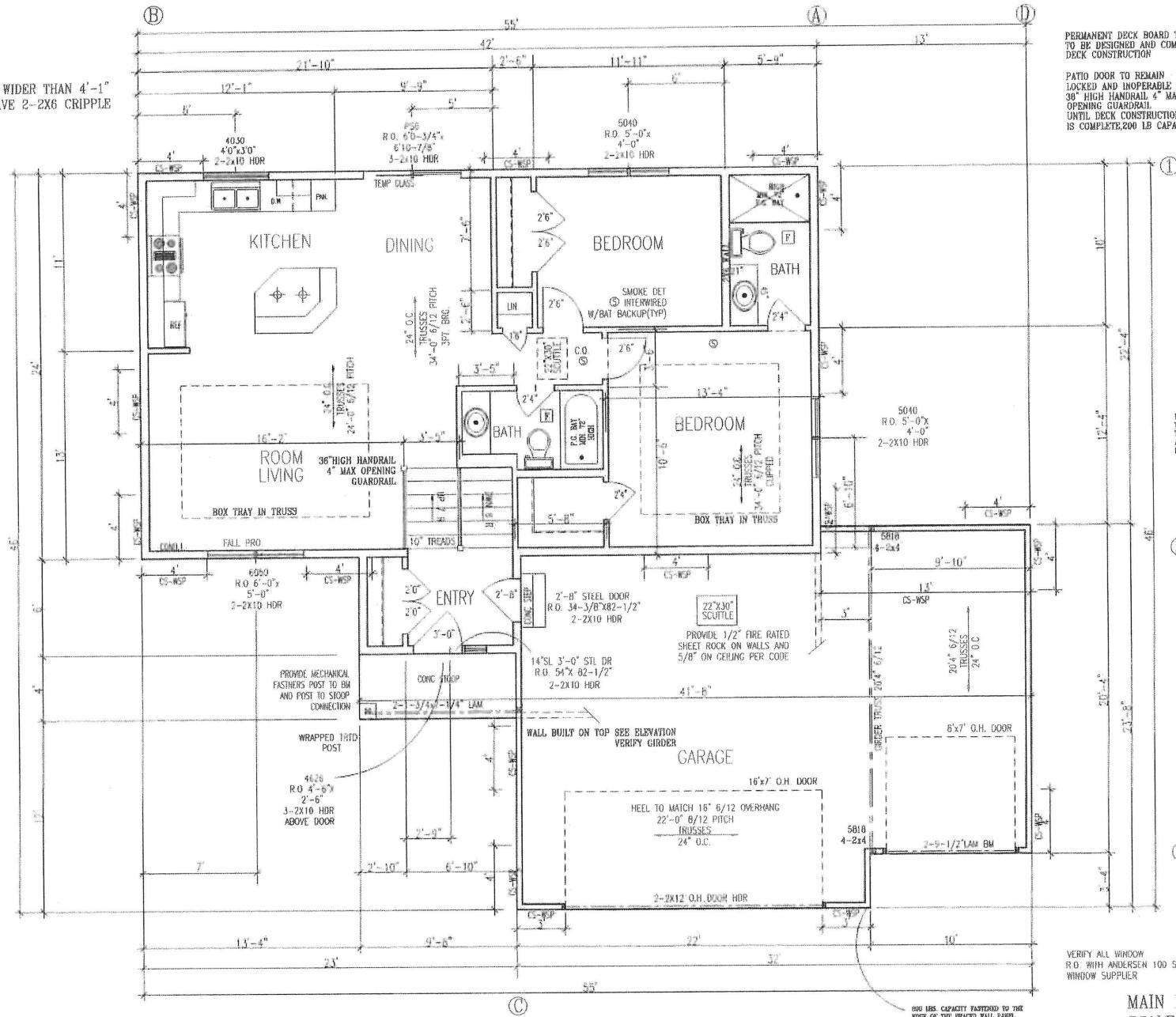
BL-384

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

BL-384	B.B.
BL-384	19-21
BL-384	1,700.00
BL-384	2112796
BL-384	1/4"=1'0"
BL-384	1/4"=1'0"

PROGRESSIVE PLAN
DESIGN LLC
RESIDENTIAL ARCHITECTURE
(507) 775-6677
714 COUNTY RD. 3 N W BYRON MN 55920
progressiveplan@comcast.net
Date: 2/25/2016
Customer/Architect: *[Signature]*
Acknowledged by: *[Signature]*
Date: 2/25/2016

CONTRACTOR: BIGELOW / LENNON
OWNER: NATURE RIDGE MOD #3-2



PROLOGUE TO THE

PROGRESSIVE P

DESIGN HYP

RESIDENTIAL ARCHITECTURE
(507) 775-6677
714 COUNTY RD. 3 NW BYRON MN. 55920

卷之三

NATURE RIDGE MOD #3-2

BIGET

BIGELOW / LENNON
CONTRACTOR

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

PERMANENT DECK BOARD TO HOUSE ATTACHMENT
TO BE DESIGNED AND COMPLETED AT TIME OF
DECK CONSTRUCTION

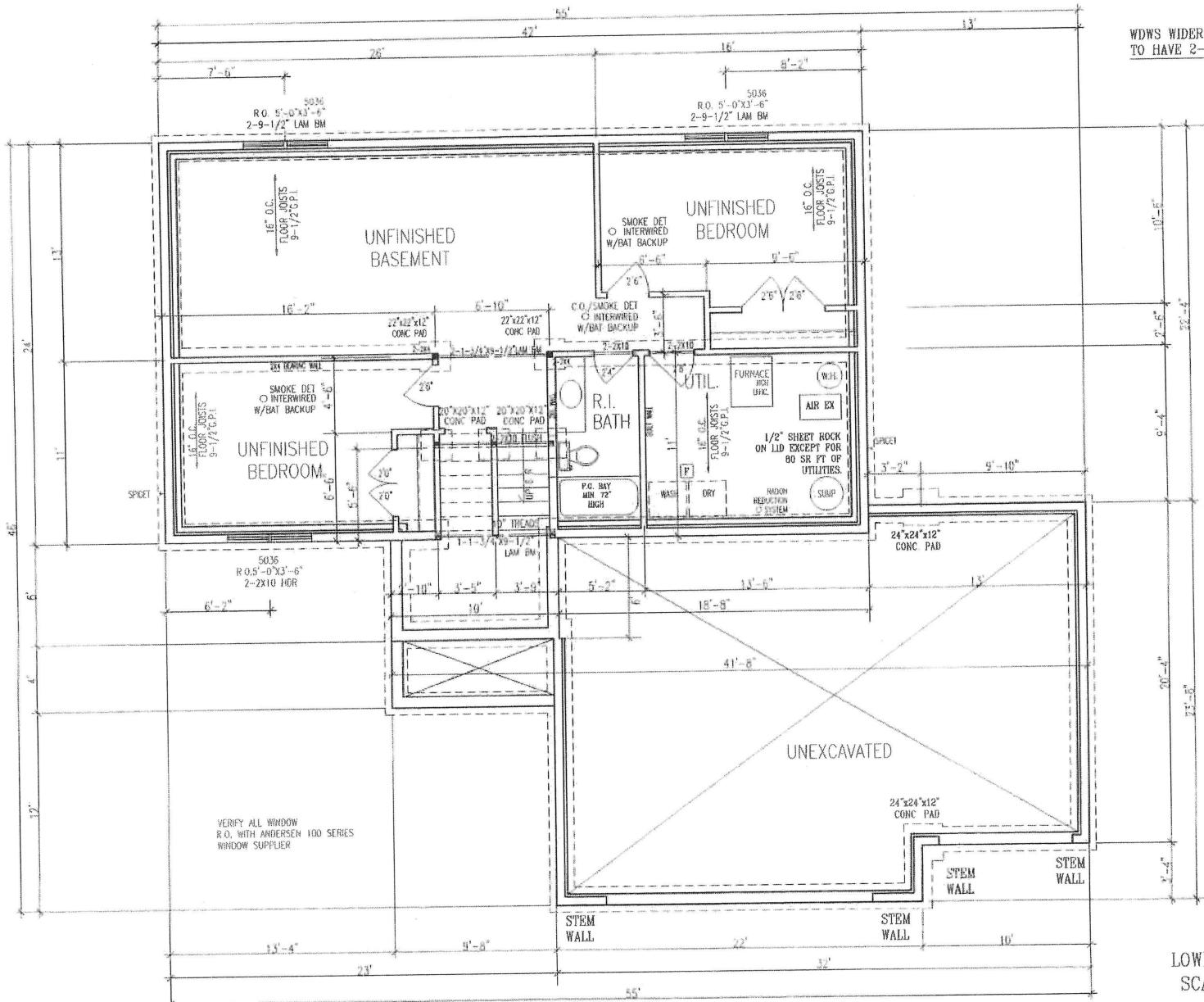
PATIO DOOR TO REMAIN
LOCKED AND INOPERABLE WITH
36" HIGH HANDRAIL 4" MAX O.C.
OPENING GUARDRAIL
UNTIL DECK CONSTRUCTION
IS COMPLETE, 200 LB CAPACITY

LOADS:
90 MPH WIND
FLR 40lb LL-10lb DL= 50 TL
ROOF 35lb LL-17lb DL= 52 TL



WHEN SCISSOR TRUSSSES 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

B.B.
08-19-21
1,068.00
2112796
1/4"=1'0"
DATE: 08-19-21



LOWER FLOOR PLAN
SCALE 1/4"=1'-0"

BIGELOW / LENNON
CONTRACTOR: OWNER: **NATURE RIDGE MOD #3-2**

BIGELOW / LENNON
CONTRACTOR

BB
08-19-21
1,068.00
2112796
 $1/4 = 1^{\circ} 0$

PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE
(507) 775-6677
714 COUNTY RD 3 NW BRYON, MN 55920
progressiveplandesign@gmail.com

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PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE
(507) 775-5677
714 COUNTY RD 3 N W BYRON MN 55920
progressiveplandesigns@gmail.com

Date

Customer/Contractor's Signature
Acknowledeged by _____

NATURE RIDGE MOD #3-2
CONTRACTOR: **BIGELOW / LENNON**
OWNER: **NATURE RIDGE MOD #3-2**

**EXTERIOR & BEARING WALLS:
NOTCHING & BORING** **IRC R602.6(1)**

Drawn by:	B.B.
Date:	08-19-21
Job No.:	2112796
Unit No.:	1/4" - 10"
Sheet No.:	2

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

**SOLID FILLING CFS WHEN
BLOCK IS OFFSET**
• 6" MIN TOP OF
FOUNDATION TO GRADE
• MIN 6" SLOP OF GRADE
IN FIRST 10'-0"

• 90 SEC. HOLLOW STUCCO WALL SHALL BE CAPPED WITH A DOUBLE
TOP PLATE, INSTALLED TO PROVIDE OVERHANG AT CORNERS AND
INTERSECTIONS WITH BEARING PARTITION. END JOINTS IN TOP PLATES
SHALL BE OFFSET AT LEAST 24 INCHES

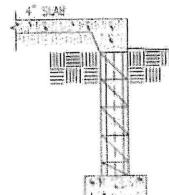
**BORED HOLES SHALL
NOT BE LOCATED IN
THE SAME CROSS SECTION
OF GUT OR RIB IN STUCCO**

**• IF HOLE IS BETWEEN 42
INCHES AND 54 INCHES
IN DIAMETER, THE STUCCO
MATERIAL MUST BE DOUBLE
AND NO MORE THAN TWO
SUCCESSIONAL STUCCO
LAYER ARE DOUBLED AND
SO BORED**

**• HOLLOW STUCCO
WALLS MUST NOT
EXCEED 25 PERCENT
OF STUCCO DEPTH**

LANDINGS
• THERE SHALL BE A FLR. OR LANDING AT THE TOP
AND BOTTOM OF EACH STAIRWAY.
• EXCEPTION: AT THE TOP OF AN INTERIOR FLIGHT
OF STAIRS, PROVIDED A DOOR DOES NOT SWING
INTO THE STAIRWAY, THE LANDING MAY BE OMITTED.
• THERE SHALL BE A FLR. OR LANDING ON EACH
SIDE OF EACH EXTERIOR DOOR. THE FLR. OF
LANDING AT A DOOR SHALL NOT BE MORE THAN 15'
LONGER THAN THE DOOR ITSELF.
• EXCEPTION: AN EXTERIOR DOOR SHALL NOT BE MORE
THAN 7-3/4" BELOW THE TOP OF THE THRESHOLD,
PROVIDED THE DOOR, OTHER THAN AN EXTERIOR
STORM OR SCREEN DOOR, DOES NOT SWING OVER THE
LANDING. THE FLR. OR LANDING SHALL BE NO LESS
THAN THE STAIRWAY OR DR. SERVED, MIN. 36" IN THE
DIRECTION OF TRAVEL.

**EXTERIOR & BEARING WALLS:
NOTCHING & BORING** **IRC R602.6(1)**



STOOP

- 10'-0" CONTINUOUS CONCRETE FOOTING
- 4'-0" X 4'-0" CONCRETE BLOCK
- 4'-0" X 4'-0" CONCRETE VERT. FULLY CROUTED CORES
- MIN 7" EMBODIMENT
- #40 BAR DA LAP ALL VERTICAL REINFORCEMENT SPACES



GARAGE WALL:

- SIDING NOTED ON PLAN
- TYPE OR TYPAR HOUSE WRAP
- 1/2" X 6" OSB WALL SHEATHING
- 2X4 IN 16" O.C. VERT. FULLY CROUTED CORES
- 2X4 IRID BOTTOM PLATE
- 20 MIN. HIRE RATED DR. BETWEEN GARAGE AND HOUSE

GARAGE FOUNDATION:

- 10'-0" CONTINUOUS CONCRETE FOOTING
- 4'-0" X 4'-0" CONCRETE BLOCK
- 4'-0" X 6' X 7' 1/2" CONCRETE BLOCK
- 4'-0" X 6' X 7' 1/2" CONCRETE VERT. FULLY CROUTED CORES
- 4'-0" X 12" ANCHOR BOLTS
- 48" ILC TO SHARE COMMON FULLY CROUTED CORES
- 2X5 THIN SILL PLATE
- #8 SILL SEAL
- #40 BAR DA LAP ALL VERTICAL REINFORCEMENT SPACES

**SOLID FILLING CFS WHEN
BLOCK IS OFFSET**

• 6" MIN TOP OF
FOUNDATION TO GRADE

• MIN 6" SLOP OF GRADE
IN FIRST 10'-0"

**A HOLLOW OF NO
LESS THAN 3/4" OR
MORE THAN 1-1/4"
IS REQUIRED**

REINFORCING

• 1/2" X 12" ANCHOR BOLTS

• 1/2" X 12" ANCHOR BOLTS 48" O.C.

• 1/2" X 12" ANCH

BL 384

PROGRESSIVE PLAN
DESIGN LLP

RESIDENTIAL ARCHITECTURE

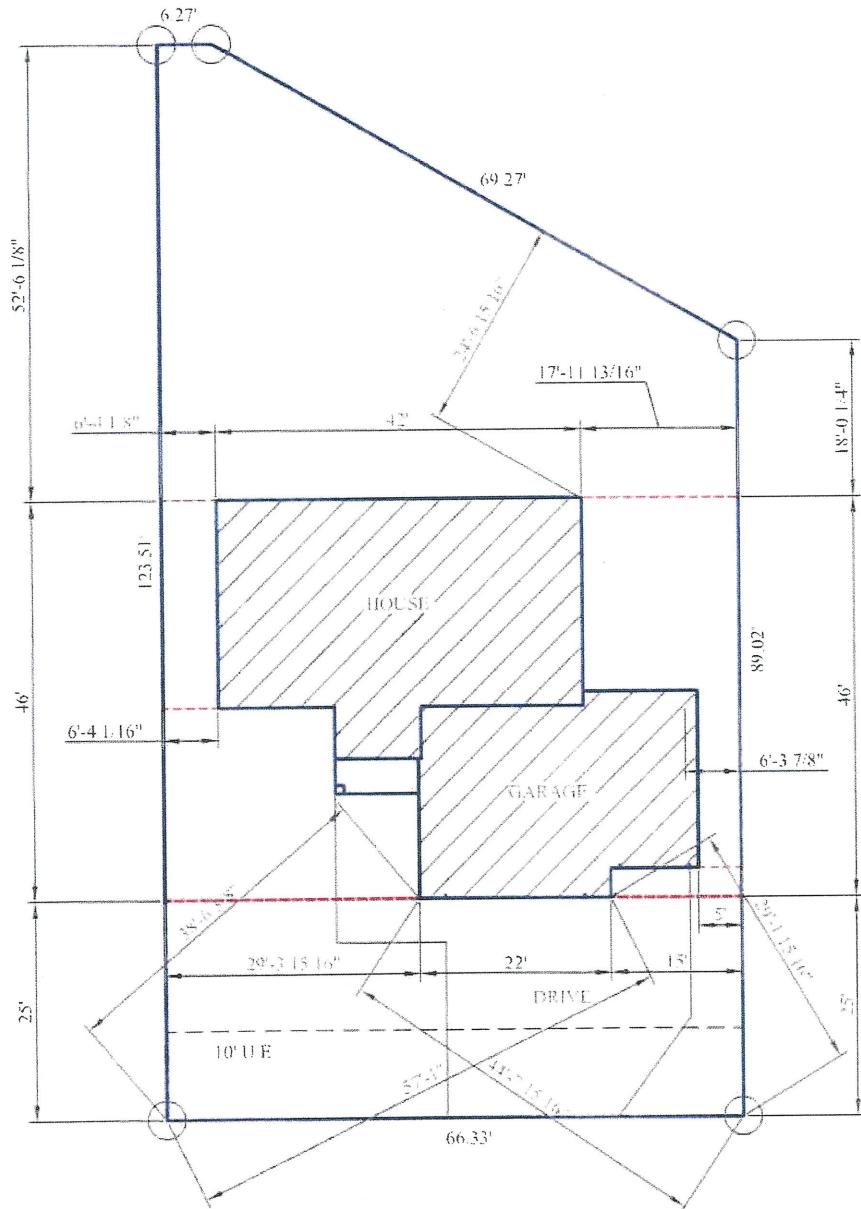
714 County Rd 3 NW Byron MN 55920
(507)775-6677 progressiveplandesign@gmail.com

LOT. #3 BLK. #2
SUBDIVISION: NATURE RIDGE MOD. #3-2
CITY: AUSTIN STATE: MN

CONTRACTOR: BIGELOW & Lennon Construction
CUSTOMER: NATURE RIDGE MOD #3-2 #2112796



SCALE: 1" = 20'



Original

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 3, 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 15, 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 between Buyer and Seller as of 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 (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 June 1, 2021 PROVIDED THAT ALL THE CONDITIONS OF THIS AGREEMENT HAVE BEEN COMPLIED WITH. Closing date shall be on or before July 15, 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 20th day of July, 2021.

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

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

**BIGELOW & LENNON
CONSTRUCTION, LLC,
Buyer**

By Jerome A. Bigelow
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.**

**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, September 20, 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 \$7,470. The subject property is located at 2102 14th Avenue NE, Austin, Minnesota and is legally described as:

Lot 3, 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 4th 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 4th Avenue NE, Austin, Minnesota 55912.

Publish: September 18, 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 3, 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 20th day of September, 2021.

Yea

Nay

ATTEST:

APPROVED

City Recorder

Mayor

HOUSING TAX ABATEMENT APPLICATION

(Application Period 8-1-16 through 12-31-2022)

Property Owner / Applicant:

Justin O'Donnell

Current Address:

2105 14th St SW Austin MN

Telephone:

841-420-7157

E-Mail:

Justin.O'Donnell3@gmail.com

Has 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:

Apex 700 29th Ave NE Austin MN Lot 5

2904 7th St NE

Project Legal Description: Hirsch Subdivision Lot 0LA 001 Subdivision Cd 34324 Old #08.800.0060

Parcel Number: 34.324.0060

Estimated Project Valuation: \$ 400,000

Applicant Statement:

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

I was looking at building in Iowa and because of this program we decided to try and build in Austin MN.

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

JD O'Donnell 8-30-21

Signature of Applicant(s)

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.

JD O'Donnell 8-30-21

8-30-21

Date

FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

 City or Township of

Date:

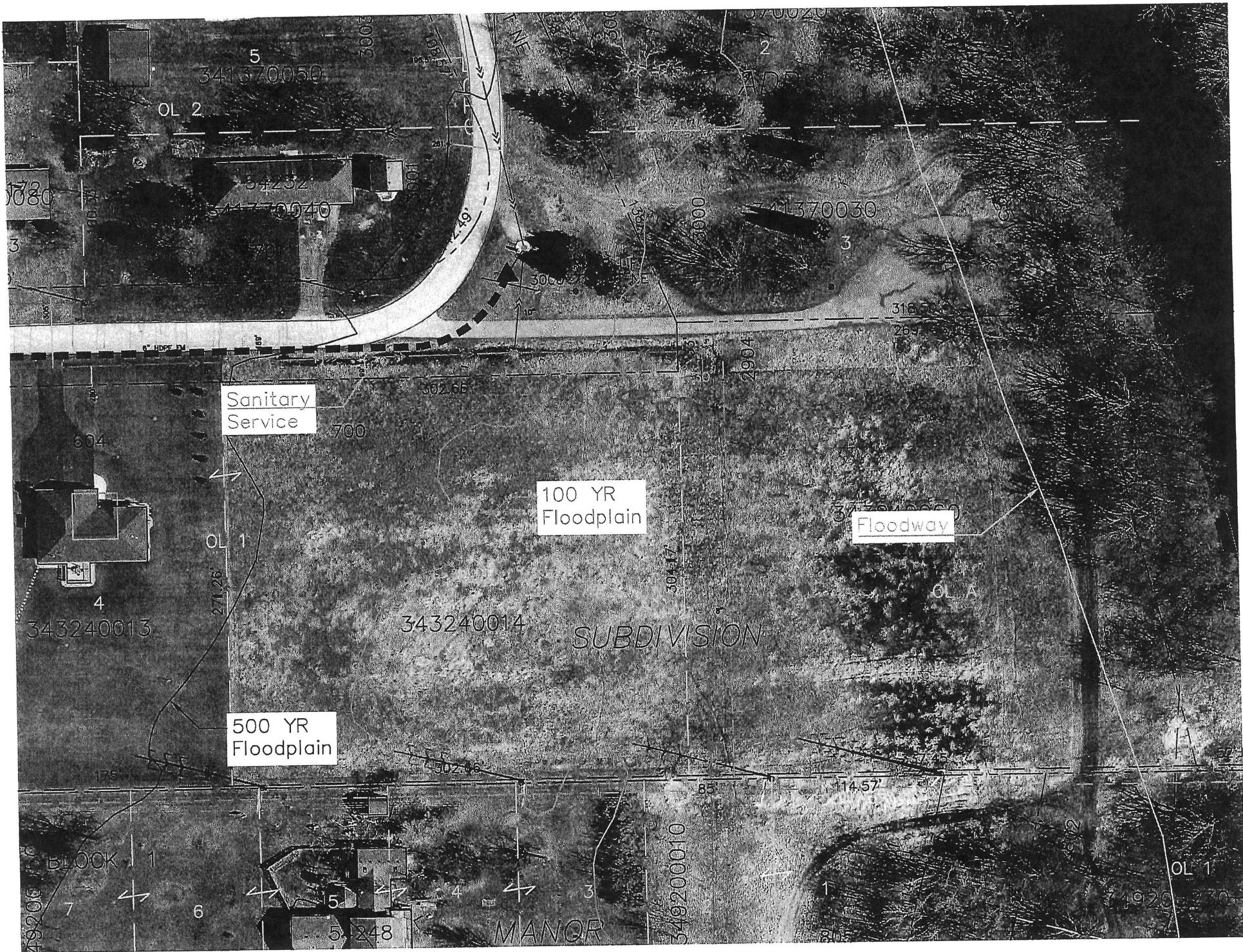
School District of

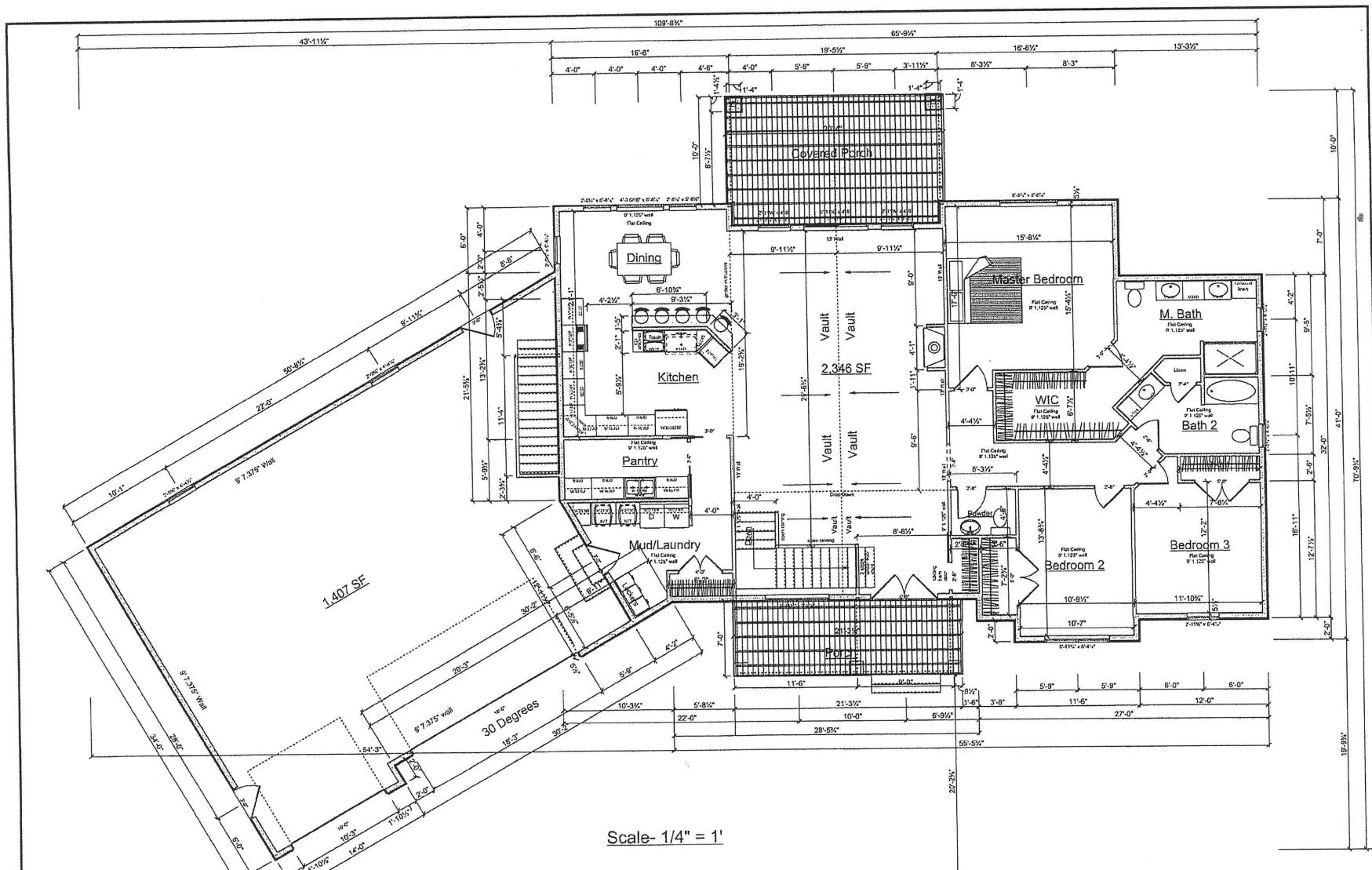
Date:

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 application with attachments 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.
deniseb@co.mower.mn.us





DRAWN BY: MEL

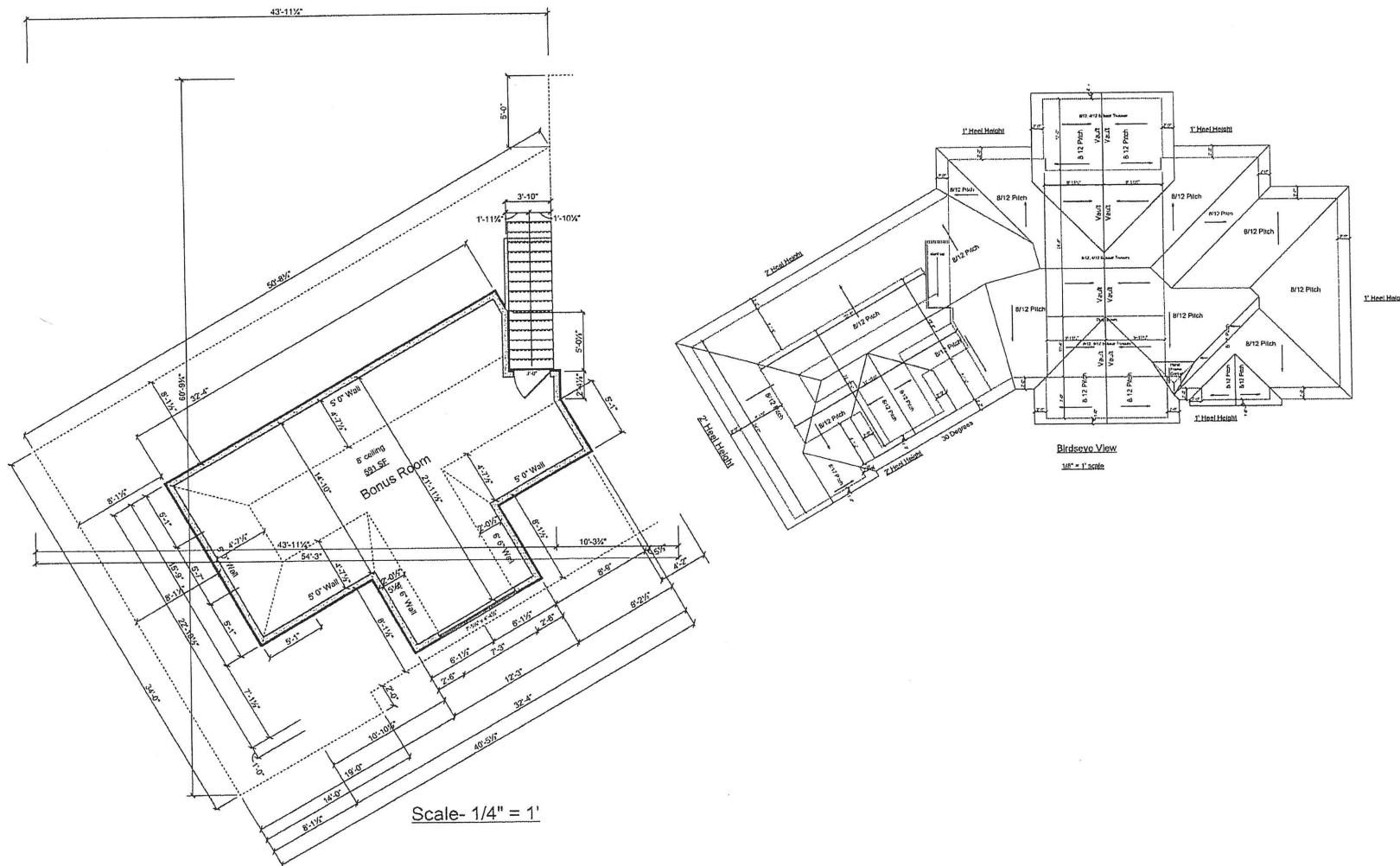
- Check these drawings for applicable codes in your area.
- Check with your local building department about a permit.
- Please have your builder field verify all measurements.
- These workable drawings have been drawn by a Drafter.

This drawing has been designed by an experienced Drafter, not an Architect. It has been prepared using the information that was provided by you the customer. Please consult with your contractor and your local building officials to determine if the drawings meet State and Local building codes. The floors, bearing, and engineered trusses should be manufactured by qualified individuals to determine if structural requirements are being met. We assume no responsibility for any problems that may arise from construction errors or defective products. Use the window schedule provided by the company for exact rough openings.

MLS

Residential Drafting & Blueprints
Melinda L. Smith
Phone: 641-423-5754
Bulldogdrafter@gmail.com

DRAWING FOR :
Justin & Lynsey O'Donnell
Main Floor Plan



DRAWN BY: MEL

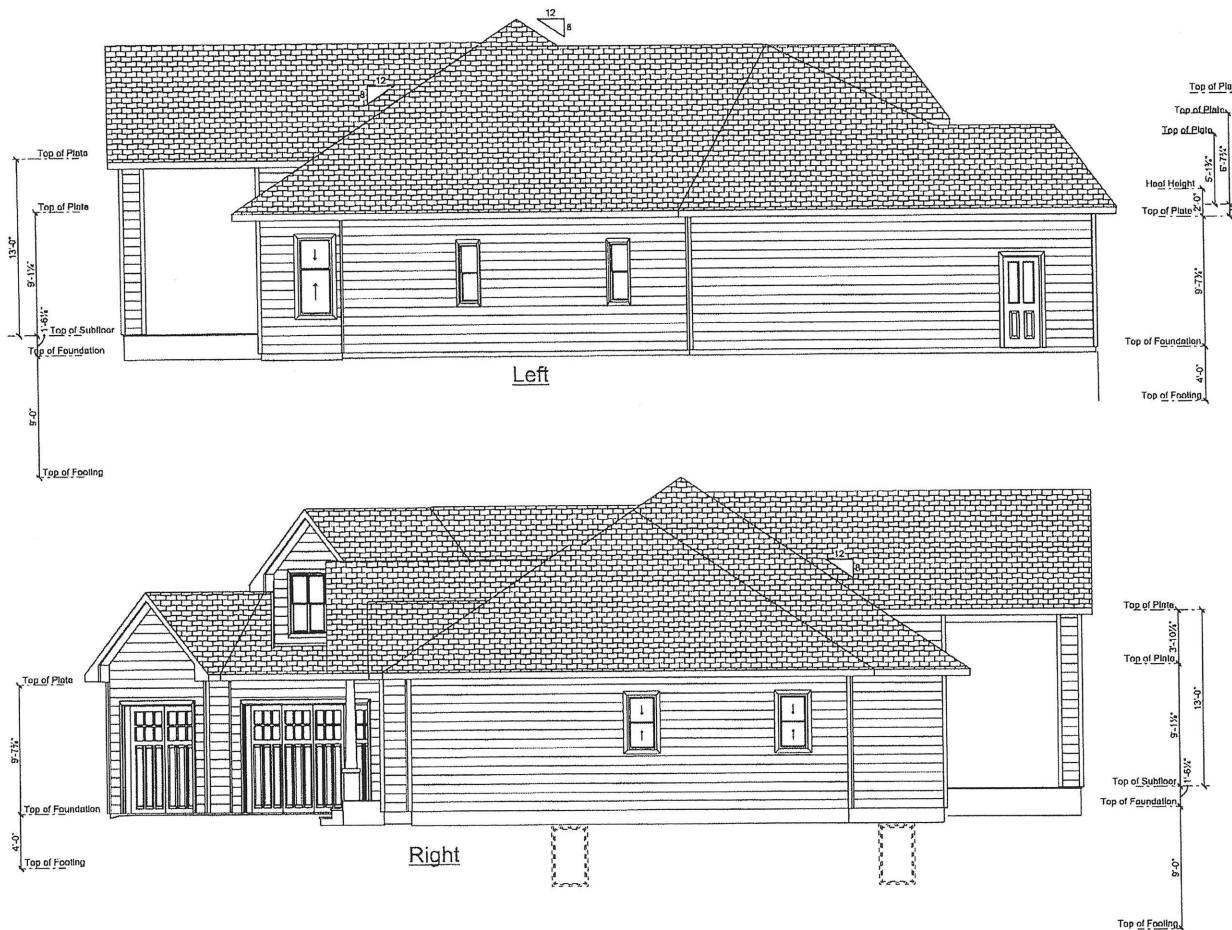
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MLS Residential Drafting & Blueprints
Melinda L. Smith
Phone: 643-423-3734
E-mail: blueprintsexpress@msn.com

DRAWING FOR :
Justin & Linsey O'Donnell
Bonus and Birdseye View

DRAWING FOR :
Justin & Linsey O'Donnell
Bonus and Birdseye View



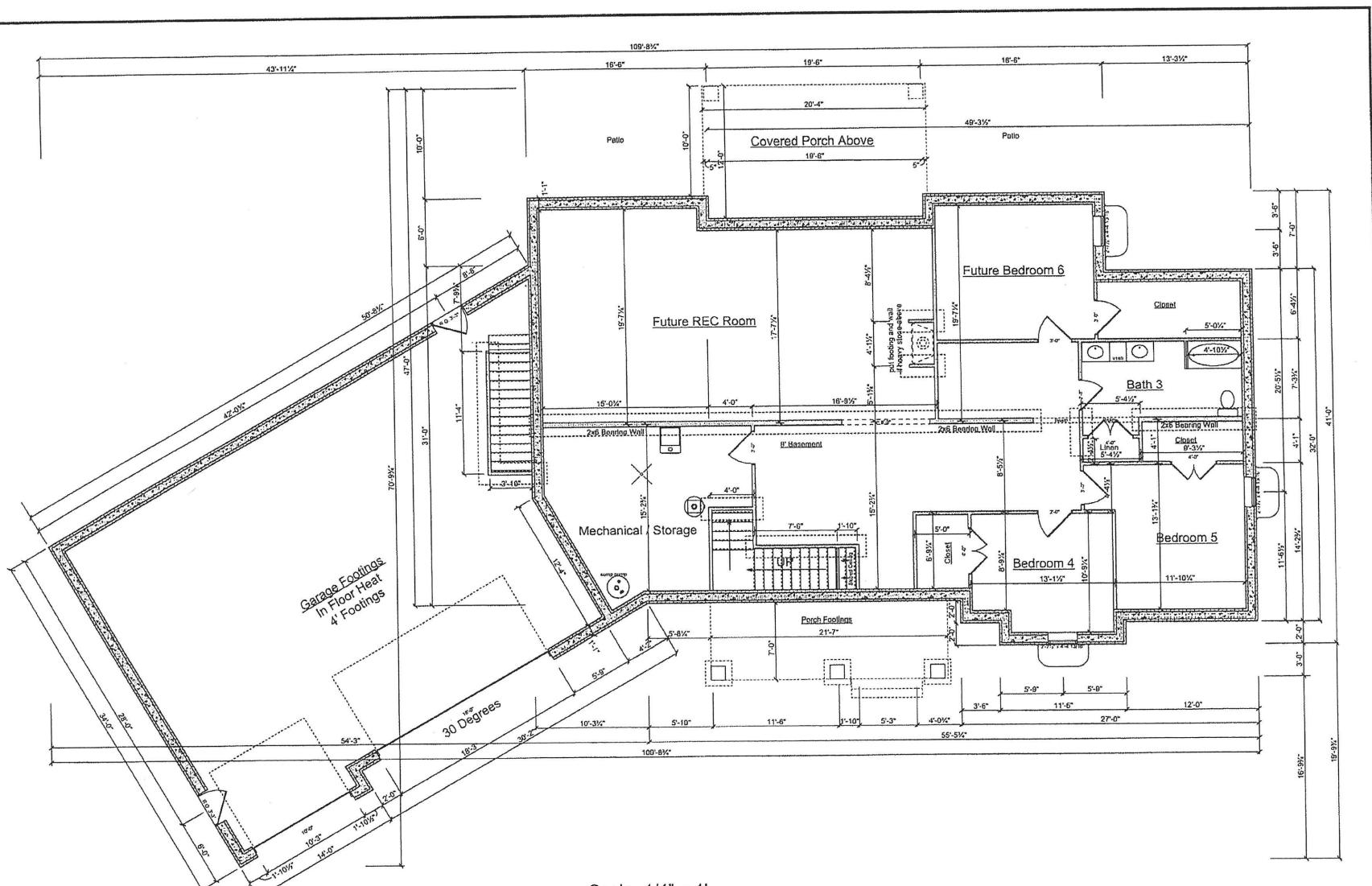
Scale- 1/4" = 1'

DRAWN BY: MEL * Check these drawings for applicable codes in your area.
* Check with your local building department about a permit.
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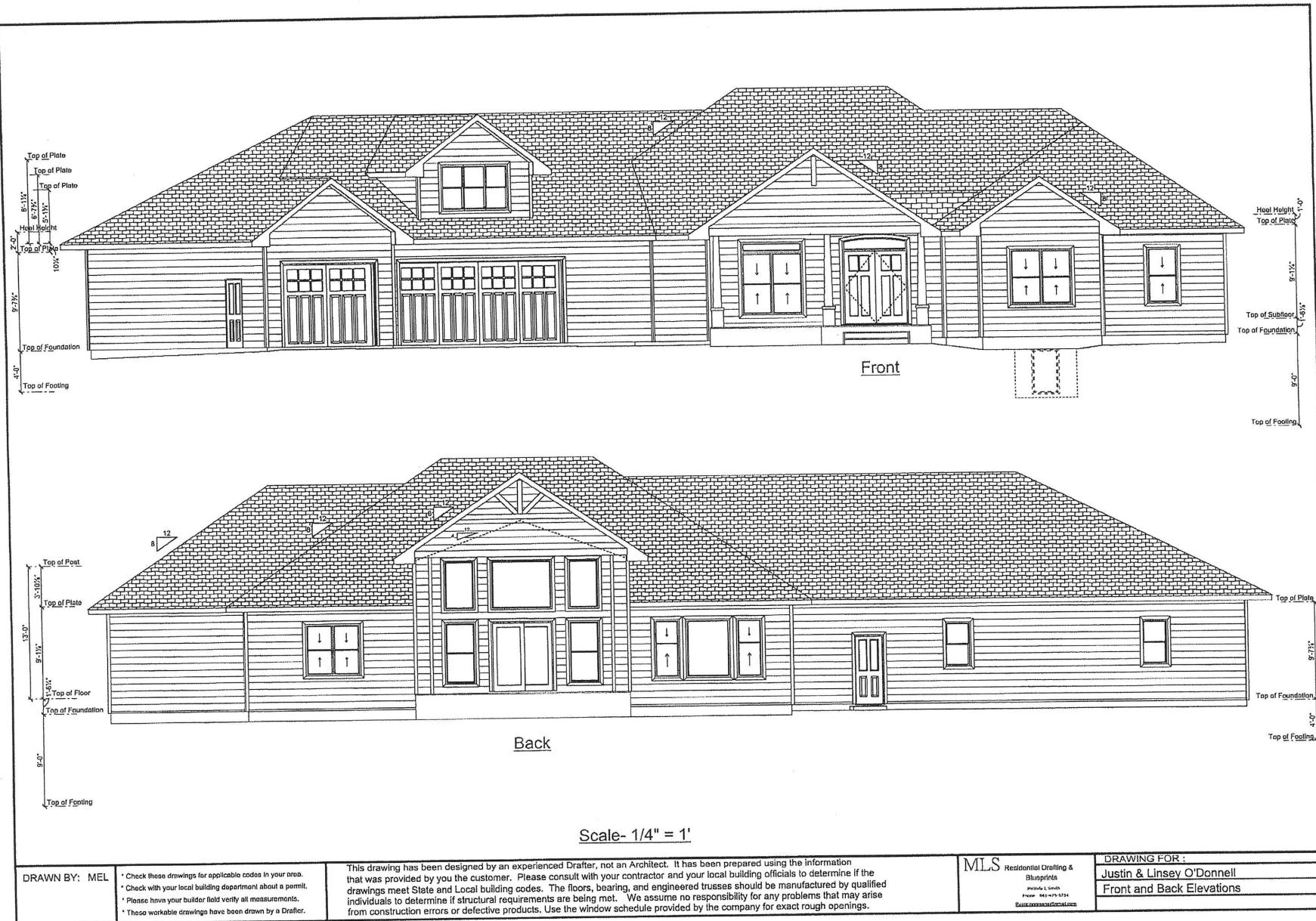
MLS Residential Drafting & Blueprints
Matthew L. Smith
Mobile: 441-429-5714
ResidentialDrafting.com

DRAWING FOR :
Justin & Lynsey O'Donnell
Left and Right Elevations



Scale- 1/4" = 1'

DRAWN BY: MEL	<ul style="list-style-type: none"> Check these drawings for applicable codes in your area. Check with your local building department about a permit. Please have your builder field verify all measurements. These workable drawings have been drawn by a Drafter. 	<p>This drawing has been designed by an experienced Drafter, not an Architect. It has been prepared using the information that was provided by you the customer. Please consult with your contractor and your local building officials to determine if the drawings meet State and Local building codes. The floors, bearing, and engineered trusses should be manufactured by qualified individuals to determine if structural requirements are being met. We assume no responsibility for any problems that may arise from construction errors or defective products. Use the window schedule provided by the company for exact rough openings.</p>	<p>MLS Residential Drafting & Blueprints 440-454-5160 Phone: 441-437-9762 http://www.drawingforall.com</p>	<p>DRAWING FOR : Justin & Linsey O'Donnell Foundation Plan</p>
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Scale- 1/4" = 1'

DRAWN BY: MEL	<ul style="list-style-type: none"> • Check these drawings for applicable codes in your area. • Check with your local building department about a permit. • Please have your builder field verify all measurements. • These workable drawings have been drawn by a Drafter. 	<p>This drawing has been designed by an experienced Drafter, not an Architect. It has been prepared using the information that was provided by you the customer. Please consult with your contractor and your local building officials to determine if the drawings meet State and Local building codes. The floors, bearing, and engineered trusses should be manufactured by qualified individuals to determine if structural requirements are being met. We assume no responsibility for any problems that may arise from construction errors or defective products. Use the window schedule provided by the company for exact rough openings.</p>	MLS Residential Drafting & Blueprints Printed - 10/10 Phone: 412-775-5754 www.residentialblueprints.com	DRAWING FOR : Justin & Linsey O'Donnell Front and Back Elevations
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BILL: 849138

Property ID#: 34.324.0060

Taxpayer:

TAXPAYER ID: 17970
C/O LINDA HIRSCH
PAUL HIRSCH CONSTRUCTION CO
2275 165TH ST
SPIRIT LAKE IA 51360-7220

\$\$\$
REFUNDS?

You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.

PROPERTY ADDRESS:

DESCRIPTION:

SubdivisionName HIRSCH SUBDIVISION Lot OLA
Block 001 SubdivisionCd 34324 Old # 08.800.0060

Line 13 Special Assessment Detail:
S-RECYCLE2021-RP

Principal: 2.75
Interest:

2021 Property Tax Statement		
VALUES AND CLASSIFICATION		
	2020	2021
Step 1		
Taxes Payable Year:	2020	2021
Estimated Market Value:	20,500	20,500
Improvements Excluded:		
Homestead Exclusion:		
Taxable Market Value:	20,500	20,500
New Improvements/		
Expired Exclusions:		
Property Classification:	Res Non-Hstd	Res Non-Hstd
	<i>Sent in March 2020</i>	
Step 2	PROPOSED TAX	
Proposed Tax:	372.00	
	<i>Sent in November 2020</i>	
Step 3	PROPERTY TAX STATEMENT	
First-half Taxes:	May 17	187.00
Second-half Taxes:	October 15	187.00
Total Taxes Due in 2021:		374.00

Tax Detail for Your Property		
Taxes Payable Year		
1. Use this amount on Form M1PR to see if you are eligible for a homestead credit refund.	\$	0.00
File by August 15. If this box is checked, you owe delinquent taxes and are not eligible.	<input type="checkbox"/>	
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.	\$	0.00
	\$	371.25
3. Property taxes before credits	\$	387.25
4. Credits that reduce property taxes.		
A. Agricultural and rural land credits	\$	0.00
B. Other Credits	\$	0.00
5. Property taxes after credits	\$	371.25
6. MOWER COUNTY	\$	128.61
A. County General	\$	121.23
B. County Regional Rail Authority		
7. AUSTIN CITY	\$	138.85
8. State General Tax	\$	0.00
9. School District SCHOOL DISTRICT 492	\$	0.00
A. Voter approved levies	\$	24.32
B. Other local levies	\$	84.21
10. Special Taxing Districts		
A. CITY HOUSING	\$	3.91
B. CEDAR RIVER WATERSHED	\$	3.35
C. COUNTY HRA	\$	0.00
D. TURTLE CREEK WATERSHED	\$	0.00
11. Non-school voter-approved referendum levies	\$	0.00
12. Total property tax before special assessments	\$	371.25
13. Special Assessments	\$	2.75
Contamination Tax		
14. TOTAL PROPERTY TAX AND SPECIAL ASSESSMENTS	\$	374.00

PAYABLE 2021 2nd HALF PAYMENT STUB

2

TO AVOID PENALTY
PAY ON OR BEFORE October 15

Property ID#: 34.324.0060

BILL #: 849138

Taxpayer: 17970

C/O LINDA HIRSCH
PAUL HIRSCH CONSTRUCTION CO
2275 165TH ST
SPIRIT LAKE IA 51360-7220

SECOND 1/2 TAX AMOUNT: \$ 187.00

PREPAY CREDIT: \$ 0.00

TOTAL SECOND HALF AMOUNT DUE: \$ 187.00

MAKE CHECKS PAYABLE & MAIL TO:

MOWER COUNTY
201 1ST ST NE - SUITE # 7
AUSTIN MN 55912-3590



Res Non-Hstd

Real Property

Your cancelled check is your receipt. This Receipt is void if check is not honored.

If your address has changed please check this box and show the change on the back of this stub.

TOTAL TAX AMOUNT: \$ 374.00

PLEASE READ THE STATEMENT FOR IMPORTANT INFORMATION

DETACH HERE AND RETURN THIS STUB
WITH YOUR SECOND HALF PAYMENT.
DO NOT STAPLE.

**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, September 20, 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 \$7,470. The subject property is located at 2102 14th Avenue NE, Austin, Minnesota and is legally described as:

Lot 3, 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 4th 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 4th Avenue NE, Austin, Minnesota 55912.

Publish: September 18, 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, Justin O'Donnell is the owner of certain property within the City of Austin legally described as follows:

Lot 1 and Outlot A, Block 1, Hirsch Subdivision, City of Austin, County of Mower

WHEREAS, Justin O'Donnell has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

WHEREAS, Justin O'Donnell 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 20th day of September, 2021.

Yea

Nay

ATTEST:

APPROVED

City Recorder

Mayor

RESOLUTION NO. _____

**PROPOSED PROPERTY TAX LEVY AND
ADOPTING A PROPOSED BUDGET FOR TAXES
PAYABLE IN 2022**

WHEREAS, the City of Austin is required by state law to certify a proposed property tax levy to the County Auditor of Mower County on or before September 30, 2021; and

WHEREAS, the City of Austin is required by state law to select dates between November 25 and December 30 for budget and tax levy hearings.

NOW, THEREFORE, BE IT RESOLVED:

1. That the proposed tax levy for 2022, collectable in 2022, is **\$7,940,000**.

2. That the proposed budgets for the City of Austin are as follows:

Proposed 2022 General Fund budget	\$ 19,412,137
Proposed 2022 Recreation Programs Fund budget	\$ 120,291
Proposed 2022 Library Fund budget	\$ 1,259,534
Proposed 2022 Fire PERA budget	\$ 0
Proposed 2022 Tax Increment Debt Service Fund budget	\$ 324,950
Proposed 2022 Capital Improvements Revolving Fund budget	\$ 2,306,000
Proposed 2022 Sewer User Fund budget	\$ 7,826,849
Proposed 2022 Waste Transfer Station Fund budget	\$ 53,500
Proposed 2022 Port Authority Fund budget	\$ 966,658
Proposed 2022 Storm Sewer Maintenance budget	\$ 936,052
Proposed 2022 Central Garage Fund budget	\$ 2,508,681
Proposed 2022 MIS Replacement Fund budget	\$ 346,967
Proposed 2022 Fire Fleet Replacement Fund budget	\$ 588,000
Proposed 2022 Risk Management Fund budget	<u>\$ 2,300,341</u>
 Total	 <u>\$ 38,949,960</u>

3. The date of the public hearing is Wednesday December 8, 2021 at 6:00 p.m.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be given to the County Auditor of Mower County, Minnesota.

Passed by a vote of Yeas and Nays this 20th day of September, 2021.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

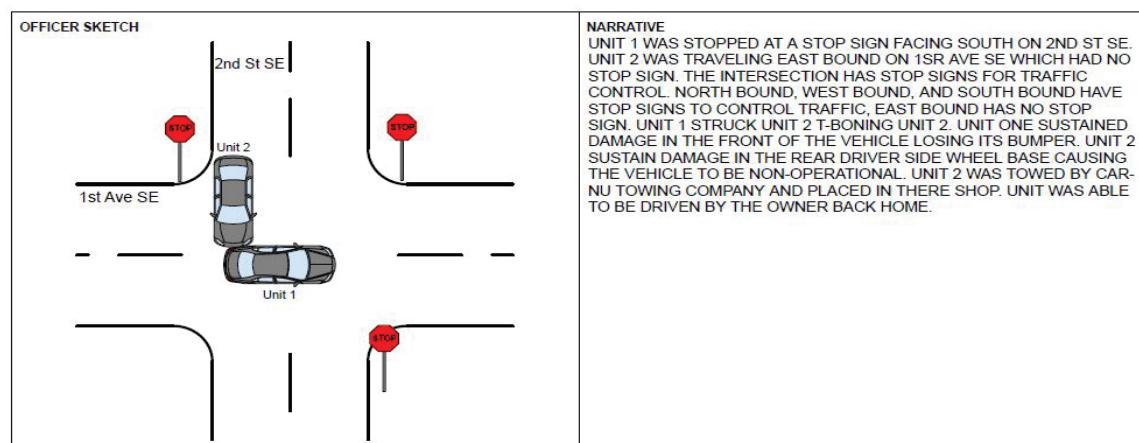
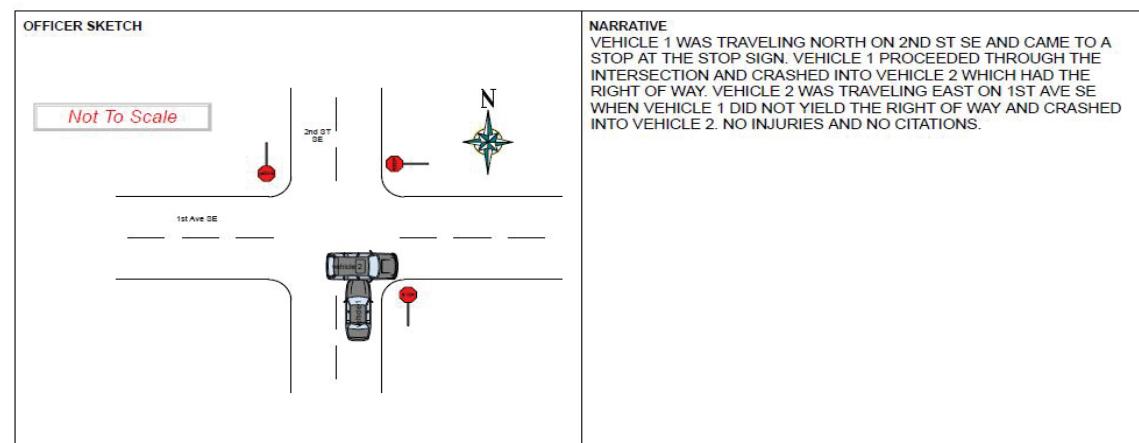
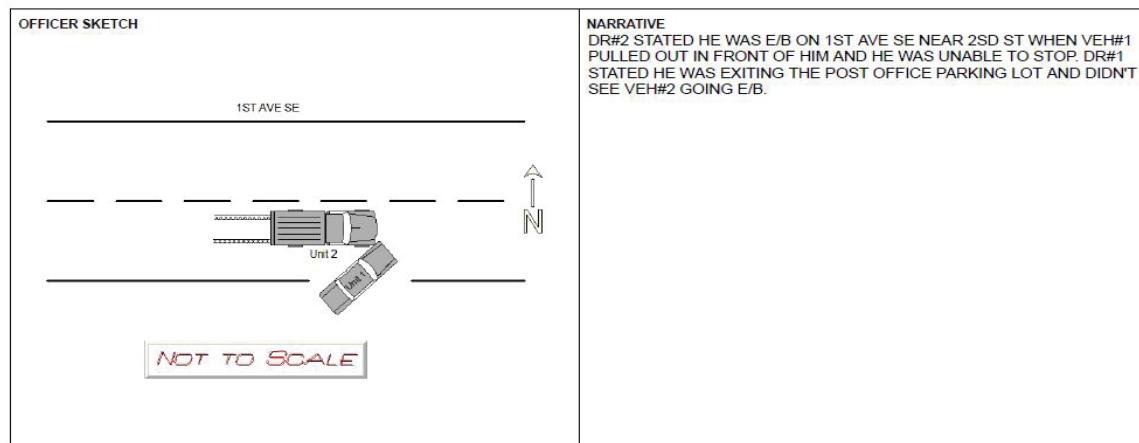
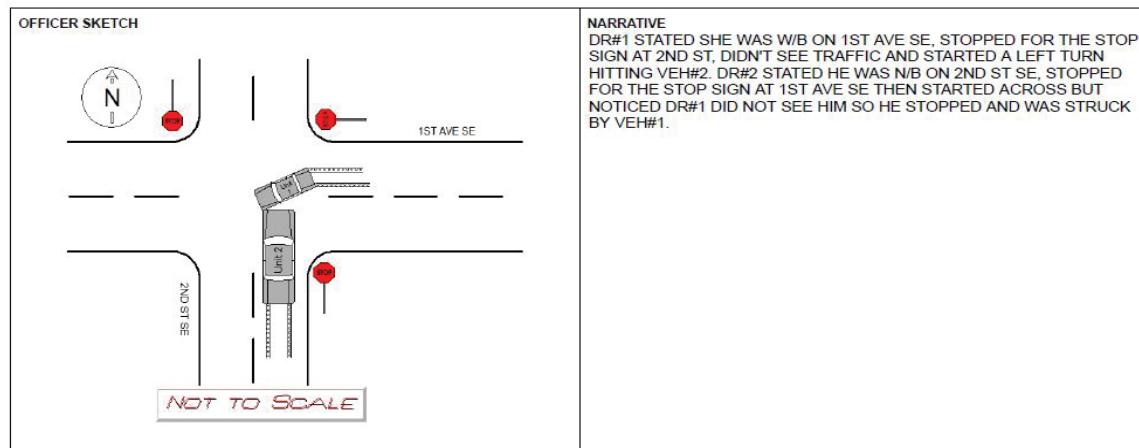
Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: September 1, 2021
Subject: Stop Sign Removal, 1st Avenue & 2nd Street SE

As part of the recent street reconstruction project on 1st Avenue & 1st Street SE, we have reviewed the existing roadway signage and determined that the westbound 1st Avenue stop sign at 2nd Street is not necessary. The 1st Avenue & 2nd Street SE intersection is currently a 3-way stop condition, with eastbound 1st Avenue having the right of way. We believe that making this a 2-way stop for north and south bound 2nd Street traffic would be sufficient. This would be more standard intersection control recognized by the traveling public.

Crash data shows 5 vehicles accidents over the past 10 years. None of them were related to the westbound stop sign on 1st Avenue. 4 of the 5 accidents are detailed on page 2 of the memo.

It is often difficult to remove stop signs once they have been installed. In this case the roadway was recently reopened following reconstruction and drivers are again reacquainting themselves with the roadway signage. It is as good a time as possible to make changes to the roadway signage. It is likely that traffic patterns have changed since there was previously a need for this westbound stop condition. Based on the information that we have collected; we do not believe there is a need for this westbound stop sign and would recommend removal. If you have any questions, please let me know.



City of Austin
500 Fourth Avenue NE
Austin, Minnesota 55912-3773



Phone: 507-437-9940

www.ci.austin.mn.us

TO: Mayor and City Council
FROM: Tom Dankert *TD*
DATE: September 7, 2021
SUBJECT: Community Band Fiscal Sponsorship Agreement
U:\Word\2021\Miscellaneous\Community Band Sponsorship Agreement - 2021.doc

Since 2013 the City of Austin has been acting as the fiscal host for the Community Band such that they can then be eligible for contributions from the Southeastern Minnesota Arts Council (SEMAC). In the past these grants amounted to \$3,000 annually and are an important part of the fundraising efforts for the summer Concerts in the Park program.

Starting in 2019, SEMAC started requiring applicants to have an official Fiscal Sponsorship Agreement to be eligible to apply for their grant funds.

The attached agreement is the same one that was approved in 2020 (for the 2021 season) and accepted by SEMAC, so we believe it will meet the requirements again for the 2022 grant season.

If Council agrees, I would request approval of a resolution authorizing Tom Dankert to sign the Fiscal Sponsorship Agreement with the Community Band in order to apply for SEMAC grants.

If you have any questions, please do not hesitate to give me a call at 437-9959.

FISCAL SPONSORSHIP AGREEMENT

The City of Austin, Minnesota, a municipal corporation, (Fiscal Sponsor) agrees to be the vehicle through which grant funds are allocated by the State of Minnesota may legitimately pass to the the Austin Community Band (Grantee) from the Grantor, Southeastern Minnesota Arts Council (SEMAC).

The Fiscal Sponsor agrees that:

1. Its governing board has officially approved sponsorship of the Austin Community Band concerts and activities and the that the Grantee's actions fall within the scope of its mission.
2. The Authorizing Official has reviewed the grant application to SEMAC, signified by inclusion of this signed agreement with the grant application.
3. The Authorizing Official will receive the grant funds from SEMAC and disburse them to the Grantee.
4. The Authorizing Official will read and approve the final report, signified by inclusion of a statement to the effect with the submitted report.
5. The Fiscal Sponsor will monitor the expenditure of grant funds, and will return any unused funds to SEMAC.

The Grantee agrees to:

1. Carry out the grant activity in compliance with the description, personnel, budget and dates as set forth on the grant application.
2. Conduct the grant activity in a manner which is exclusively charitable, literary, or educational as defined in Section 501(c)(3) of the Internal Revenue Code. Further, no part of this grant may be used to influence legislation or intervene in any political campaign.
3. Seek prior approval from the Fiscal Sponsor should any changes to the grant activity become necessary. Ultimate approval of such changes as well as the final report still rest with SEMAC.

Both parties agree to:

1. Maintain all financial records relating to the grant activity according to generally accepted accounting principles, retain records as long as required by law, and make records available to auditors as required by law.
2. Designate the undersigned individuals to act as authorizing officials of the grant activity. These officials shall act as principal coordinators of the business of the grant activity and shall have the authority to sign requests and disbursements.
3. Reflect all grant activities, to the extent required, on their State and Federal tax returns and financial reports.
4. Comply with any termination conditions imposed by SEMAC if the Agreement is terminated.

Signed and dated by Thomas Dankert, designated by the Fiscal Sponsor, and Roger Boughton, designated by Grantee.

DATED: _____

Thomas Dankert

DATED: _____

Roger Boughton

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$300	Fraternal Order of the Eagles	Pool Family Fun Night
\$350	VFW	Pool Family Fun Night
Art Purchase	Jeanne & Jim Sheehan	Austin Public Library

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 20th day of September, 2021.

ATTEST:

APPROVED:

City Recorder

City of Austin
Craig Clark,
City Administrator



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9941
craigc@ci.austin.mn.us
www.ci.austin.mn.us

TO: Honorable Mayor and City Council Members
FROM: Craig D. Clark, Administrator
RE: Donation to the City of Austin of a decorative street clock

Duane Rasmussen has proposed the donation of a decorative street clock (Exhibit 1) to the City of Austin. The estimated cost of the clock from Electric Time is \$19,460. He has requested the City pay for half of the installation of the clock. The estimate for the electrical extension and base installation is \$4,650 or \$2,325 to the City.

Mr. Rasmussen owned the Austin Daily Herald from 1940-1965 and wants to commemorate his time in Austin and give back to the community. A 14"X10" plaque will be installed at the elevated base of the clock and have the following quotation:

"How little do my country men know what precious blessings they are in possession of, and which no other people on earth enjoy."-- Thomas Jefferson

Given to the people of Austin, MN, by
the Duane A. Rasmussen Family,
formerly of the Austin Daily Herald
1940-1965

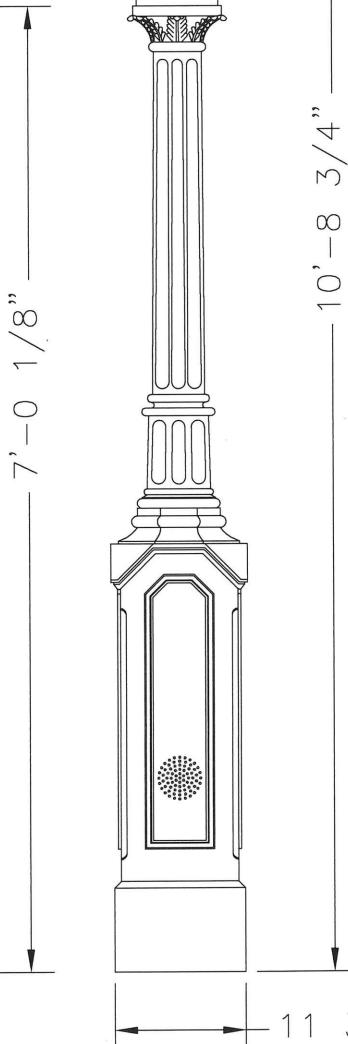
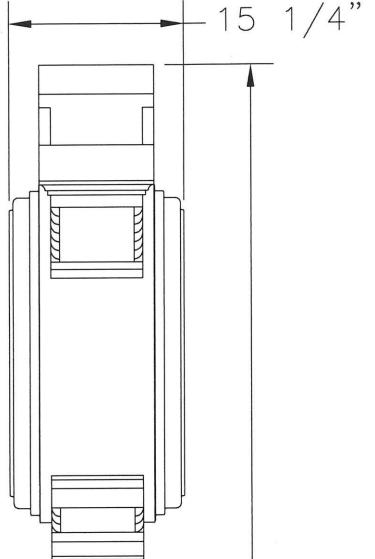
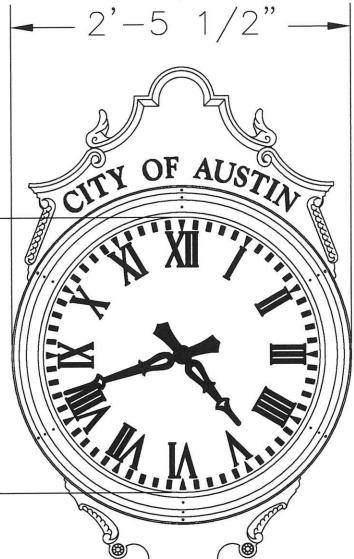
After exploring several site locations Mr. Rasmussen has requested it be installed south of the City Hall building in the green space between the building and the parking lot along the street side. I appreciate the generosity of Mr. Rasmussen and having him demonstrating his appreciation to the community through this gift to the City of Austin.

Please let me know if you have any questions.

Council action is requested to accept the donation and paying for half of the installation of the clock to be located at City Hall.

FACE: A
HANDS: MS

HEAD DETAIL
SCALE: $1\frac{1}{2}'' = 1'$



VIEW		PATH	
LASER		M:\ACAD10\A-16345.DWG	
DRAWING	REVISIONS	TITLE	
		Small 2 Dial Howard Post Clock	
		Austin, City of - Austin, MN	
●	SCALE	DATE	DRAWN
AS NOTED		06-24-21	WOR
	APP'V		TDE
electric time <small>company, inc medfield, ma</small>			

POST CLOCK ELEV.
SCALE: $3/4'' = 1'$



VIEW		PATH M:\CDRA\A-16345-REN.CDR			
DRAWING		TITLE Small 2 Dial Howard Post Clock			
		Austin, City of - Austin, MN			
A-16345		SCALE	DATE	DRAWN	APP'V
		NONE	06-24-21	WOR	TDE
		electric time company, inc.			
THIS DRAWING IN DESIGN AND DETAIL IS OUR PROPERTY, AND MUST NOT BE USED EXCEPT IN CONNECTION WITH OUR WORK. ALL RIGHTS OF DESIGN OR INVENTIONS ARE RESERVED.					

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received the gift of a decorative street clock from the Duane A. Rasmussen family in the estimated value of \$19,460; and

WHEREAS, Mr. Rasmussen has requested it be placed on the south side of City Hall; and

WHEREAS, the City shall be responsible for half of the electrical extension and base installation in the amount of \$2,325.

NOW THEREFORE, BE IT RESOLVED that the Austin City Council accepts said gift to the City of Austin and authorizes placement on the south side of City Hall.

Passed by a vote of yeas and nays this 20th day of September, 2021.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: September 14, 2021
Subject: WWTP Expansion, Design & Bidding Services
 Amendment

As you are aware, we have entered into a contract with Short Elliot Hendrickson Inc. (SEH) to develop plans and specification for bidding the Expansion and Phosphorus Reduction Project. The work required to complete the design and bidding process was laid out in the following 6 tasks.

Task 1:Project Mngt & Meetings	\$ 300,000
Task 2:Preliminary Design	\$ 226,000
Task 3:Final Design	\$ 2,957,000
Task 4:Rate Study	\$ 46,000
Task 5:Bid Services	\$ 65,000
Task 6:Funding Services	\$ 12,000
Environmental Allowance ^a	\$ <u>30,000</u>
TOTAL	\$ 3,636,000

a) Allowance to address unknown soil contamination

The project schedule was planned for 18-month design process with a goal for the bidding date in June 2021. Funding considerations and the rate study have delayed the project and resulted in additional costs.

Attached is a proposal from SEH detailing remaining items to be completed at an additional amount of \$182,871. This would bring the total design and bidding costs to \$3,818,871 and extend the propose bid date to July 2022.

Funding for the design/bidding portion of this project is planned to be split 50/50 between the Domestic and Industrial budgets. I would recommend approving this amendment with SEH for the remaining work to complete the engineering design and bidding for this project. If you have any questions, feel free to contact me.



Building a Better World
for All of Us®

August 26, 2021

RE: City of Austin, MN
EPRP - Contract Amendment
SEH No. AUSTN 154586 14.00

Mr. Steven Lang
City Engineer
City of Austin
500 4th Avenue NE
Austin, MN 55912

Dear Mr. Lang:

As we discussed, SEH has prepared a change order to the Agreement for Professional Services dated February 6, 2020. This contract amendment extends the schedule, modifies the scope of services, and adds funds for services provided that were outside of the scope of our agreement.

BACKGROUND

The design of the wastewater treatment plant improvements was completed and certified by the MPCA on June 25, 2021. For the purposes of funding, the City has decided to delay bidding on the design until June of 2022. Prior to bidding, the bid documents will need to be updated to finalize bidding requirements and address any updates to the design.

SEH's scope for the design included six tasks plus an "environmental allowance" for groundwater and soil contamination which was anticipated but not encountered. These tasks are summarized below.

Task	Budgeted Fee
1. Project Management/Meetings	\$300,000
2. Preliminary Design	\$226,000
3. Final Design	\$2,957,000
4. Rate Study	\$46,000
5. Bid Services	\$65,000
6. Funding Services	\$12,000
Environmental Allowance	\$30,000
TOTAL	\$3,636,000

CHANGE ORDER

SEH is seeking a change order in the amount of \$182,871, bringing the not-to-exceed contract amount to \$3,818,871. This change is 5% of the contract value. These changes are summarized in the following table and described within. This requested amendment also extends the schedule to July 2022, the anticipated bidding timeframe.

Additional Task		Justification	Fee
Task 1	Project Management	Increase based on schedule extension	\$25,000
Task 2	Pilot Assistance	Addition to scope	\$18,000
Task 3	Vulcan Screen Assessment	Addition to scope	\$2,671
Task 3	Tank inspections	Addition to scope	\$3,500
Task 3	Change to Design Flow	Change in scope	\$8,400
Task 3	Admin Building Heating System	Change in scope	\$18,000
Task 4	Rate Study	Change in level of effort due to extended negotiations with Industrial Customer	\$61,800
Task 5	Bidding Services – Review and update design documents due to delay in schedule	Change in scope	\$75,500
	Environmental Allowance	Not required	-\$30,000
	TOTAL		\$182,871
	TOTAL Not-To-Exceed		\$3,818,871
	Change Order %		5.0%

Task 1: Project Meetings and Management

With the contract extension to July 2022, SEH will continue to coordinate and manage the project through bidding. *SEH anticipates \$25,000 in project management and coordination.*

Task 2: Preliminary Design

Pilot testing, mentioned in the design scope as a suggested step of technology selection, was not a service SEH included in the design scope. As the City would be operating the pilots, the City would contract for this. Early in the project, SEH agreed that the \$30,000 environmental allowance, deemed not necessary after soil borings, could be used towards the piloting costs. SEH negotiated on the behalf of the City and Hormel to bring in two pilot units, each no more than \$15,000. While the City paid the pilot costs out of the unused “environmental allowance”, SEH incurred costs in assisting with the pilot testing – including the pilot test plan, negotiating and scheduling the pilot, collecting samples for the pilot, and preparing the pilot summary report. *This effort is estimated at \$18,000.*

Task 3: Final Design

There are four items in the table above that are associated with changes in the Final Design. Some of these changes have been presented previously to the City.

- **Vulcan screen assessment:** Originally, the design planned to replace the influent screen. Rehabbing the screen was an option suggested by the plant staff. To better define the scope for the contractor in the rehab and minimize uncertain cost items, the best course of action was to have the manufacturer, Vulcan, visit the site for an assessment to identify the components that require replacement. *Vulcan invoiced SEH \$2,671.88 for this work, refer to Change Directive 2.*
- **Additional tank inspection:** The City took down two anaerobic digesters and asked SEH to assess the need for new coatings or structural repairs. *The cost for these two visits was \$3,500, refer to Change Directive 4.*
- **Change to design flow:** After 60% design and after the NPDES permit application was submitted to the MPCA, Hormel requested a change in the design flow. Albeit a small change, this still required resubmitting the NPDES permit application, triggered the MPCA to require a

Facility Plan Addendum, and required going back to the hydraulic calculations to determine the impact to water elevations through the process. This additional effort was \$8,400.

- **Admin Building Heating System:** SEH had planned to reuse the existing boiler in the Admin Building as it works sufficiently. After discussing with City Staff, it was decided to replace the heating system. *The cost for this effort is \$18,000*, refer to Change Directive 1.

Task 4: Rate Study

Due to extended negotiations as it relates to the capital cost split between the City and Hormel, additional effort has been expended. SEH estimates that an additional *\$61,800 will be necessary to complete the rate study*. This assumes the following:

- SEH and Environmental Financial Group (EFG) will update the capital and O&M allocations based on input from both the May 24, 2021 Donohue memo and the July 13, 2021 Hormel Memo.
- These updated allocations will be discussed in two meetings – one focusing on capital costs and one focusing on O&M costs.
- Revised, final allocations will be presented.
- Cost split will be communicated to the City's bond counsel.
- SEH/EFG will proceed with the domestic/commercial user rate assessment based with funding input from PFA

Task 5: Bidding Services

Due to the schedule change, design team members will need to review and update the plans and specifications prior to bidding to account for any changes. *This effort is anticipated to be \$75,500*; however, if major design changes are requested by the City this effort could be more extensive.

Environmental Allowance

The original agreement included a \$30,000 allowance anticipating additional investigation and testing for contaminated soil and/or groundwater. Soil borings taken in areas of excavation found no evidence of contamination, and this allowance was not required. Instead, this allowance fund was used by the City to pay for the Industrial Separator pilot units.

SUMMARY

SEH is seeking approval on requesting additional funding of \$182,871 (or \$164,571 if admin building heating replacement is not authorized) based on the scope. This total could be amended to the design contract, or parts of it could shift to the construction administration scope, if preferred.

We appreciate continuing to work with the City to advance this significant project. If you have any questions about the items above, please contact me at 651.280.0884.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.



Susan Danzl, PE
Project Manager
(Lic. CA, MN, CO, VA)

srd/mh
c: Bob Cohrs, SEH

RESOLUTION NO.

**APPROVING AN AMENDMENT FOR ENGINEERING CONSULTING SERVICES
FOR DESIGN AND BIDDING SERVICES ON THE
WASTE WATER TREATMENT PLANT EXPANSION PROJECT**

WHEREAS, the City Council passed resolution number 15989 on January 21, 2020 authorizing a contract with Short Elliot Hendrickson, Inc. (SEH) for design and bidding services on the Waste Water Treatment Plant; and

WHEREAS, the contract was in the amount of \$3,636,000 with a goal of bidding the project in June of 2021; and

WHEREAS, funding considerations and the completion of a rate study have delayed the project and resulted in additional costs; and

WHEREAS, the City has received a proposal from SEH, Inc. in the amount of \$182,871 for additional services for the project; and

WHEREAS, the amendment would bring the total design and bidding costs to \$3,818,871 and extend the bid date to July 2022.

NOW THEREFORE, BE IT RESOLVED, that the City Council approves the amended contract in the amount of \$3,818,871 from Short Elliot Hendrickson, Inc. (SEH) for the engineering consulting services for the design and bidding services on the Waste Water Treatment Plant expansion project.

Passed by a vote of yeas and nays this 20st day of September, 2021.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

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, petitioned by Baudler
Date: September 16, 2021

Please find for your review a proposal for dividing property at 1400 4th St NW into two proposed parcels.

This proposed subdivision has been reviewed by city and AU staff. An agreement was proposed by the city and signed by the petitioner, that limits access of 4th Street (see proposed resolution). No other concerns were noted. The property owner believes the lot split will facilitate sale and/or development of the lot.

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 petitioners, Bruce and Anita Baudler, have requested a waiver of the platting requirements under Section 13.40 of the Austin City Code in order to accommodate marketing and development of the following property, described as;

See Attached Exhibit "A" Legal Description.

WHEREAS, this area is well defined and will create 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 with the condition that an Extinguishment of Access agreement be executed to clarify and control access to 4th Street NW, should the parcels be developed.

See Attached Exhibit "B" Extinguishment of Access

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 20th day of September 2021.

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

Exhibit "A"

AUGUST 27, 2021

LEGAL DESCRIPTION

NW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 34-T103N-R18W

MOWER COUNTY, MINNESOTA

BRUCE BAUDLER

PARCEL A

All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of Block 1, Cedar View Addition as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence North 00°29'55" West a distance of 10.00 feet on an assumed bearing on the northerly extension of the west line of said Block 1, to the point of beginning;

thence North 00°29'55" West a distance of 88.00 feet on said northerly extension, to the south line of Parcel No. 416K as described in the NOTICE OF LIS PENDENS recorded in the office of said Mower County Recorder in Book 9 of Miscellaneous, Page 575;

thence North 89°30'05" East a distance of 22.00 feet on said south line, to the east line of said Parcel No. 416K;

thence North 00°29'55" West a distance of 50.42 feet on the east line of said Parcel 416K and the east line of Parcel No. 316K in said NOTICE OF LIS PENDENS;

thence North 83°02'17" East a distance of 160.60 feet;

thence North 00°21'33" West a distance of 100.00 feet, to the intersection of a line at an angle of 91°03'22" from the west line of the SE1/4 of said Section 34, measured from south to east and which is 850.92 feet south of the northwest corner of said SE $\frac{1}{4}$;

thence North 88°35'05" East a distance of 38.16 feet on said line, to the west line of Lot 5, Block 1, Pasture Heights as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence South 00°22'25" East a distance of 5.52 feet on said west line, to the southwest

corner of said Lot 5;

thence North 89°10'48" East a distance of 160.44 feet on the south line of said Lot 5, to the southeast corner thereof;

thence South 00°22'25" East a distance of 205.40 feet on the west line of Lots 1 & 2 in said Pasture Heights, to the southwest corner of said Lot 1;

thence South 00°27'12" East a distance of 45.08 feet on the northerly extension of the east line of Lot 3, Block 2 of said Cedar View Addition, to a point 10.00 feet north of the northwest corner of said Lot 3;

thence South 89°10'48" West a distance of 380.00 feet, parallel with and 10.00 feet north of said Cedar View Addition, to the point of beginning;

subject to easements of record.

AUGUST 27, 2021

LEGAL DESCRIPTION

NW $\frac{1}{4}$ SE $\frac{1}{4}$ SECTION 34-T103N-R18W

MOWER COUNTY, MINNESOTA

BRUCE BAUDLER

PARCEL B

All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of Block 1, Cedar View Addition as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence North 00°29'55" West a distance of 10.00 feet on an assumed bearing on the northerly extension of the west line of said Block 1; thence North 00°29'55" West a distance of 88.00 feet on said northerly extension, to the south line of Parcel No. 416K as described in the NOTICE OF LIS PENDENS recorded in the office of said Mower County Recorder in Book 9 of Miscellaneous, Page 575; thence North 89°30'05" East a distance of 22.00 feet on said south line, to the east line of said Parcel No. 416K; thence North 00°29'55" West a distance of 50.42 feet on the east line of said Parcel 416K and the east line of Parcel No. 316K in said NOTICE OF LIS PENDENS, to the point of beginning;

thence North 83°02'17" East a distance of 160.60 feet;

thence North 00°21'33" West a distance of 100.00 feet, to the intersection of a line at an angle of 91°03'22" from the west line of the SE1/4 of said Section 34, measured from south to east and which is 850.92 feet south of the northwest corner of said SE $\frac{1}{4}$;

thence South 88°35'05" West a distance of 159.84 feet on said line, to said east line;

thence South 00°29'55" East a distance of 115.52 feet on said east line, to the point of beginning.

Exhibit "B"

Extinguishment of Access

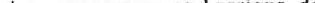
Bruce Baudler and Anita Baudler, married to each other, residing at 23218 25th Street N, Phoenix, Arizona 85024, for and in consideration of the approval of a minor subdivision shown on the attached Exhibit A, to them in hand paid by the City of Austin, Minnesota, a municipal corporation, hereby convey and warrant unto said City of Austin, Minnesota, its successors and assigns, all existing or potential common law or statutory easement of access, to the premises shown on Exhibit A as Parcel B, located in Mower County, Minnesota, as further described as follows:

All right of access, being the right of ingress to and egress from said Parcel B to and from 4th Street NW, except as follows:

- A. By way of and over and across Parcel A as depicted on Exhibit A, to a point that is directly across from and in line with an extension of 13th Avenue NW where such extension would intersect with the east line of Parcel A; or
- B. At such location and with such restrictions in design and traffic pattern as may be approved, from time to time, by the City Engineer for the City of Austin.

it being the intention herein and hereby to forever extinguish all existing or potential common law, or statutory easement or right of access between said Parcel B and 4th Street NW, including any access now existing, by virtue of a stipulation or as a condition contained in or attached to an award of damages, or created or excepted in purchase instruments or however or otherwise existing, except as above provided.

Grantors are the fee title owners, to the exclusion of all others including any holders of any liens or encumbrances (e.g., mortgages), of Parcel A and Parcel B as depicted and described herein and have the lawful right and authority to convey the easement herein granted.

Grantors, for themselves and their heirs, administrators, executors, successors, and assigns, do hereby release the City of Austin, Minnesota, its successors and assigns, from all claims for any and all damages resulting to either said Parcel A or said Parcel B by reason of the extinguishment of said easement or right of access. 

Dated: 9/14, 2021

Bruce Baudler
Bruce Baudler

Dated: _____, 2021

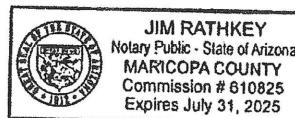
Anita Baudler

State of Arizona)
Maricopa County) ss.
)

On 9-14-2021, 2021, before me personally appeared Bruce Baudler and Anita Baudler, *sp*
married to each other, to me known to be the persons described in and who executed the foregoing
instrument, and being duly sworn acknowledged that they executed the same as their free act and deed.

(Stamp)

Notary Public



Extinguishment of Access

Bruce Baudler and Anita Baudler, married to each other, residing at 23218 25th Street N, Phoenix, Arizona 85024, for and in consideration of the approval of a minor subdivision shown on the attached Exhibit A, to them in hand paid by the City of Austin, Minnesota, a municipal corporation, hereby convey and warrant unto said City of Austin, Minnesota, its successors and assigns, all existing or potential common law or statutory easement of access, to the premises shown on Exhibit A as Parcel B, located in Mower County, Minnesota, as further described as follows:

All right of access, being the right of ingress to and egress from said Parcel B to and from 4th Street NW, except as follows:

- A. By way of and over and across Parcel A as depicted on Exhibit A, to a point that is directly across from and in line with an extension of 13th Avenue NW where such extension would intersect with the east line of Parcel A; or
- B. At such location and with such restrictions in design and traffic pattern as may be approved, from time to time, by the City Engineer for the City of Austin.

it being the intention herein and hereby to forever extinguish all existing or potential common law, or statutory easement or right of access between said Parcel B and 4th Street NW, including any access now existing, by virtue of a stipulation or as a condition contained in or attached to an award of damages, or created or excepted in purchase instruments or however or otherwise existing, except as above provided.

Grantors are the fee title owners, to the exclusion of all others including any holders of any liens or encumbrances (e.g., mortgages), of Parcel A and Parcel B as depicted and described herein and have the lawful right and authority to convey the easement herein granted.

Grantors, for themselves and their heirs, administrators, executors, successors, and assigns, do hereby release the City of Austin, Minnesota, its successors and assigns, from all claims for any and all damages resulting to either said Parcel A or said Parcel B by reason of the extinguishment of said easement or right of access.

Dated: _____, 2021

Bruce Baudler

Dated: 9-15-21, 2021

Anita Baudler
Anita Baudler

MINNESOTA
State of Arizona)
)
) ss.
)

On SEP. 15, 2021, before me personally appeared Bruce Baudler and Anita Baudler,
married to each other, to me known to be the persons described in and who executed the foregoing
instrument, and being duly sworn acknowledged that they executed the same as their free act and deed.

(Stamp)

Charles E. Fawver
Notary Public

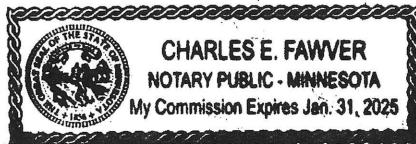


Exhibit A
Minor Subdivision Establishing Parcel A and Parcel B

The Property prior to subdivision is described as follows:

All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of Block 1, Cedar View Addition, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence north 00°29'55" west a distance of 10.00 feet, on an assumed bearing, on a northerly extension of the west line of said Block 1, to the point of beginning;

thence north 00°29'55" west a distance of 88.18 feet, on a northerly extension of the west line of said Block 1, to the south line of Parcel No. 416K as described in the NOTICE OF LIS PENDENS recorded in the office of the Mower County Recorder in Book 9 of Miscellaneous at page 575 (said Parcel No. 416K is fully described below).

thence north 89°30'05" east a distance of 22.00 feet, on the south line of said Parcel No. 416K, to a point 55.00 feet east of the west line of the SE $\frac{1}{4}$ of Section 34 - T103N - R18W;

thence north 00°29'55" west a distance of 165.77 feet, on the east line of said Parcel No. 416K and the east line of Parcel No. 316K, as described in said NOTICE OF LIS PENDENS recorded in said Book 9 Miscellaneous at page 575 (said Parcel No. 316K is fully described below), to the point of intersection with a line drawn at an angle of 90°55' from the west line of said SE $\frac{1}{4}$ measured from south to east from-a point thereon, which is 850.92 feet south of the northwest corner of said SE $\frac{1}{4}$ Section 34;

thence north 88° 35'05" east a distance of 198.00 feet, on an easterly extension of the last described line, to a point on the west line of Lot 5, Block 1 in Plat of Pasture Heights, as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence south 00°22'25" east a distance of 5.10 feet, on the west line of said Lot 5, to the southwest corner thereof;

thence north 89°10'48" east a distance of 160.50 feet, on the south line of said Lot 5 to the southwest corner thereof;

thence south 00°22'25" east a distance of 205.74 feet, on the west line of Lots 1 & 2 in Block 1 of said Plat of Pasture Heights to the southwest corner of Block 1, in said Plat of Pasture Heights;

thence south 00°27'12" east a distance of 45.00 feet, on a northerly extension of the east line of Lot 3, Block 2, of said Plat of Cedar View Addition, to a point 10.0 feet north of the northeast corner of said Lot 3, Block 2, Cedar View Addition;

thence south $89^{\circ}10'48''$ west a distance of 380.00 feet, on a line parallel with and 10.0 feet north of the north line of said Cedar View Addition, to the point of beginning;

subject to easements of record.

Following subdivision, **Parcel A** is described as follows:

All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of Block 1, Cedar View Addition as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence North $00^{\circ}29'55''$ West a distance of 10.00 feet on an assumed bearing on the northerly extension of the west line of said Block 1, to the point of beginning;

thence North $00^{\circ}29'55''$ West a distance of 88.00 feet on said northerly extension, to the south line of Parcel No. 416K as described in the NOTICE OF LIS PENDENS recorded in the office of said Mower County Recorder in Book 9 of Miscellaneous, Page 575;

thence North $89^{\circ}30'05''$ East a distance of 22.00 feet on said south line, to the east line of said Parcel No. 416K;

thence North $00^{\circ}29'55''$ West a distance of 50.42 feet on the east line of said Parcel 416K and the east line of Parcel No. 316K in said NOTICE OF LIS PENDENS;

thence North $83^{\circ}02'17''$ East a distance of 160.60 feet;

thence North $00^{\circ}21'33''$ West a distance of 100.00 feet, to the intersection of a line at an angle of $91^{\circ}03'22''$ from the west line of the SE $\frac{1}{4}$ of said Section 34, measured from south to east and which is 850.92 feet south of the northwest corner of said SE $\frac{1}{4}$;

thence North $88^{\circ}35'05''$ East a distance of 38.16 feet on said line, to the west line of Lot 5, Block 1, Pasture Heights as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota;

thence South $00^{\circ}22'25''$ East a distance of 5.52 feet on said west line, to the southwest corner of said Lot 5;

thence North $89^{\circ}10'48''$ East a distance of 160.44 feet on the south line of said Lot 5, to the southeast corner thereof;

thence South $00^{\circ}22'25''$ East a distance of 205.40 feet on the west line of Lots 1 & 2 in said Pasture Heights, to the southwest corner of said Lot 1;

thence South 00°27'12" East a distance of 45.08 feet on the northerly extension of the east line of Lot 3, Block 2 of said Cedar View Addition, to a point 10.00 feet north of the northeast corner of said Lot 3;

thence South 89°10'48" West a distance of 380.00 feet, parallel with and 10.00 feet north of said Cedar View Addition, to the point of beginning;

subject to easements of record.

Following subdivision, **Parcel B** is described as follows:

All that part of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34-T103N-R18W, Mower County, Minnesota; described as follows:

Commencing at the northwest corner of Block 1, Cedar View Addition as the same is platted and recorded in the office of the County Recorder of Mower County, Minnesota; thence North 00°29'55" West a distance of 10.00 feet on an assumed bearing on the northerly extension of the west line of said Block 1; thence North 00°29'55" West a distance of 88.00 feet on said northerly extension, to the south line of Parcel No. 416K as described in the NOTICE OF LIS PENDENS recorded in the office of said Mower County Recorder in Book 9 of Miscellaneous, Page 575; thence North 89°30'05" East a distance of 22.00 feet on said south line, to the east line of said Parcel No. 416K; thence North 00°29'55" West a distance of 50.42 feet on the east line of said Parcel 416K and the east line of Parcel No. 316K in said NOTICE OF LIS PENDENS, to the point of beginning;

thence North 83°02'17" East a distance of 160.60 feet;

thence North 00°21'33" West a distance of 100.00 feet, to the intersection of a line at an angle of 91°03'22" from the west line of the SE $\frac{1}{4}$ of said Section 34, measured from south to east and which is 850.92 feet south of the northwest corner of said SE $\frac{1}{4}$;

thence South 88°35'05" West a distance of 159.84 feet on said line, to said east line;

thence South 00°29'55" East a distance of 115.52 feet on said east line, to the point of beginning.

Descriptions from NOTICE OF LIS PENDENS
Recorded in Book 9 Miscellaneous at Page 575

The above references to **Parcel 416K** as described in the NOTICE OF LIS PENDENS recorded in Book 9 Miscellaneous at Page 575 is a parcel described as follows:

All that part of the following described tract:

That part of the north half of the southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$) of section 34 township 103 north., range 18 west, described as follows: Commencing 19 rods north of the southwest corner of said north half of the southeast quarter; thence north on the quarter line 10 rods; thence east 25 rods; thence south 10 rods; thence west 25 rods to the place of beginning;

which lies westerly of a line run parallel with and distant 55 feet easterly of the west line of the southeast quarter (SE $\frac{1}{4}$) of said section 34;

containing 0.08 acre, more or less, in addition to the existing highway.

The above references to **Parcel 316K** as described in the NOTICE OF LIS PENDENS recorded in Book 9 Miscellaneous at Page 575 is a parcel described as follows:

The westerly 55 feet of the following described tract:

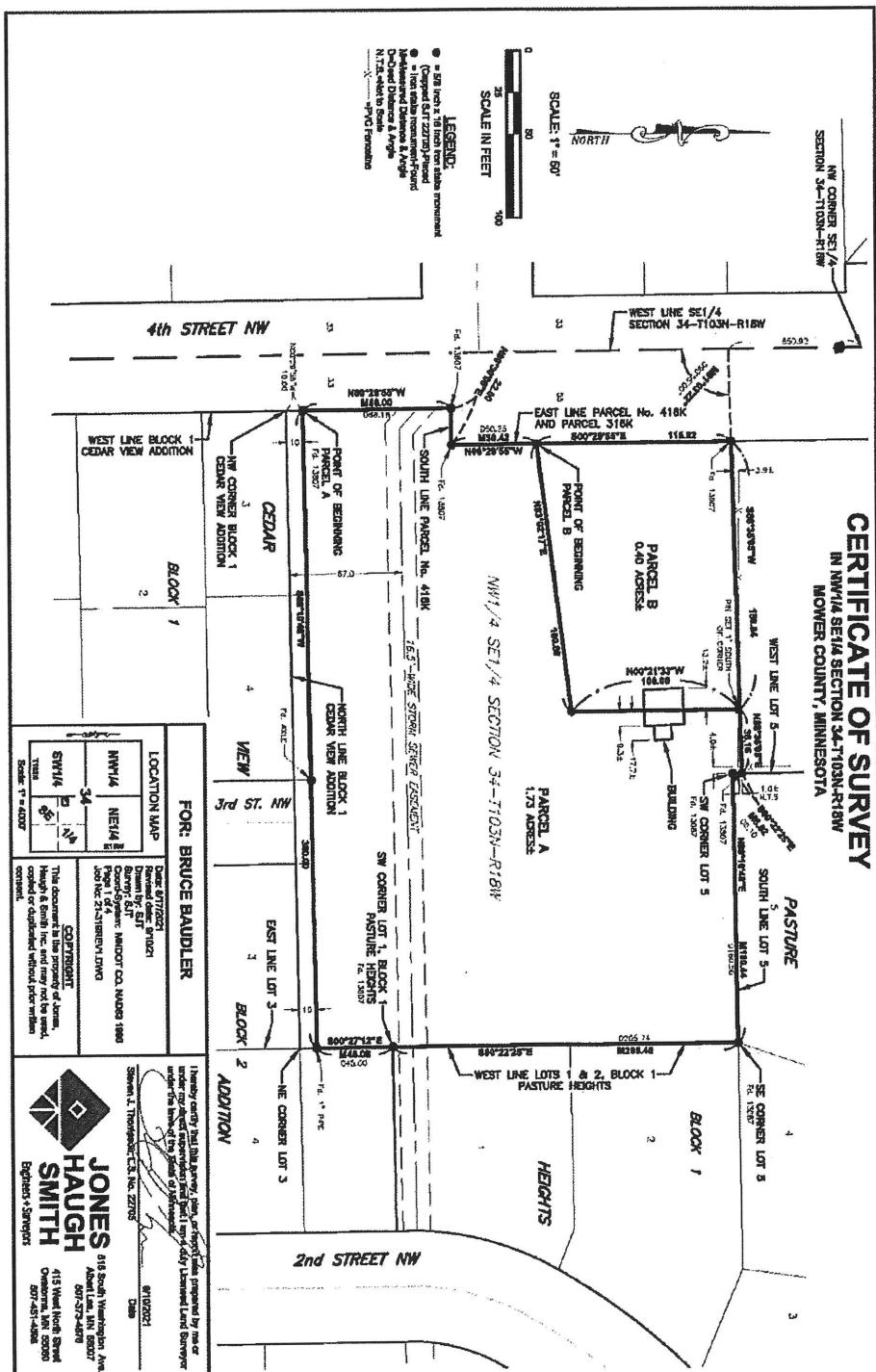
That part of the northwest quarter of the southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of section 34, township 103 north, range 18 west, lying north of the south 29 rods thereof and southerly of a line run parallel with and distant 50 feet southerly of the following described line: From a point on the east line of said section 34, distant 300.28 feet south of the east quarter corner thereof., run westerly at an angle of 88°51' with said east section line (measured from north to west) for 658.91 feet; thence deflect to the left at an angle of 3°08' for 1123.38 feet; thence deflect to the left at an angle of 90° for 12 feet to the point of beginning of the line to be described; thence deflect to the right at an angle of 90° for 36.5 feet; thence deflect to the left on an 18°00' curve (delta angle 40°12') for 223.33 feet; thence on tangent to said curve for 40.17 feet; thence deflect to the right on a 15°00' curve (delta angle 42°30') for 283.33 feet; thence on tangent to said curve for 290.18 feet and there terminating;

containing 0.13 acre, more or less, in addition to the existing highway;

together with all right of access, being the right of ingress to and egress from that portion of the above described tract, not acquired herein, to Trunk Highway No. 391 extending along the northerly 100 feet of said tract.

Drawing Depicting Parcel A and Parcel B

For illustrative purposes, the following is a depiction of Parcel A and Parcel B, all being a part of the Property prior to subdivision.



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



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

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Recommendation for Variance Requested
by: William Starman, 600 27th Ave NE,
Austin MN 55912

Date: September 14, 2021

At the September 14, 2021, meeting of the Austin Planning Commission, the Commission reviewed a request from Bill Starman for a variance from the requirements of Austin City Code Section 11.01, subd. 1, regulating square footage of accessory structures.

The parcel the petitioner wishes to use for the solar installation is under one acre and currently has two detached structures. The petitioner proposes to add a 495 sq. ft. solar panel array to the rear of his property. The allowed square footage for lots under one acre is 1,000 sq. ft. The petitioner would exceed the square footage allowance by about 751 sq. ft. Petitioner's lot coverage would be less than the allowed coverage of 40%.

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

Ayes - 6 Nays - 0

This recommendation comes with the following findings of the Planning Commission regarding this request:

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

PETITIONER: William Starman
600 27th Ave NE
Austin, MN 55912

LEGAL DESCRIPTION: See attached application.

CURRENT LAND USE AND ZONING

CLASSIFICATION: "R-1" Single-Family Residence District
Residence.

SURROUNDING ZONING:

North - Residential -	"R-1" District
South - Residential -	"R-1" District
East - Residential -	"R-1" District
West - Residential -	"R-1" District

REQUESTED ACTION:

The petitioner wishes to add an approx.. 495 sq. ft. solar installation consisting of one solar array 11' by 45'.

RELEVANT CODE PROVISION:

Section 11.30, Subd. 1. **Purpose.** The R-1 district is established to encourage the preservation of residential neighborhoods characterized by single-family buildings on medium sized lots and to preserve undeveloped lands for similar types of residential development by permitting a minimum of auxiliary non-residential uses.

Section 11.01, Subd. 1. **ACCESSORY USE OR STRUCTURE.**

The use or structure subordinate to the principal use of the land or a building on the same lot or adjoining lot and serving a purpose customarily incidental to the principal use or structure; or any structural addition to the manufactured home which includes awnings, cabanas, carports, porches, gazebos, ramadas, storage cabinets and similar appurtenant structures. **The aggregate area of ACCESSORY STRUCTURES in residential districts shall not exceed 1,000 square feet for lots less than one acre in size and 1,584 square feet for lots equal to or greater than one acre. The maximum number of accessory structures per lot shall be limited to two, and exterior finishes shall be similar to that of the primary structure on the property. Further, for lots less than one acre in size, the maximum dimensions for an accessory structure shall be 26 feet by 38 feet with a maximum height of 20 feet; and for lots equal to or greater than one acre in size, the maximum dimensions for an accessory structure shall be 36 feet by 44 feet, with a maximum height of 25 feet.**

§ 11.84 SOLAR ENERGY INSTALLATIONS.

Subd. 1. *Purpose.* In order to accommodate the renewable energy needs of residents and businesses and enhance the sustainability of local energy production and consumption, while protecting the public health, safety and general welfare of the community, the city finds that these regulations are necessary in order to:

- A. Allow property owners the opportunity to capture their on-site solar energy resource;
- B. Allow small-scale solar distributed generation that can provide support to the local electric grid;
- C. Enhance the economic use of local resources and foster the development of solar energy businesses in the city;
- D. Minimize adverse visual effects of solar energy installations through careful design and siting standards; and
- E. Encourage distributed generation that fully integrates into the municipal electric utility to protect the utility's distribution system, protection and control schemes, and maintain existing levels of safety and reliability to customers.

Subd. 2. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. **BUILDING INTEGRATED SOLAR.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

B. **GROUND- OR POLE-MOUNTED SOLAR ENERGY SYSTEM.** A solar energy system mounted on a rack or pole that rests on the ground or on a foundation, and is not connected to a building except by the electric system.

C. **ROOF- AND BUILDING-MOUNTED SOLAR ENERGY SYSTEM.** A solar energy system mounted on top of the finished surface of a building roof or another component of the finished building surface.

D. **SOLAR COLLECTOR SURFACE.** The surface and framing of a solar collector, excluding the rack, rail, or other device upon which the collector is mounted.

E. **SOLAR ENERGY SYSTEM.** A mechanical or electrical device whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Subd. 3. *Permitted accessory use.* Solar energy systems are allowed as an accessory use in all zoning classifications where

structures of any sort are allowed, subject to certain requirements as set forth below.

A. *Height.* Solar energy systems must meet the following height requirements:

1. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district, except that for solar installations on flat roofs or roofs with minimal slope (under 10%) solar installations shall be exempt from height limitations consistent with § [11.75](#), Subd. 2, Subpar. C of this chapter. Regardless of height limitations, solar energy systems shall not extend more than three feet above the peak of a pitched roof, and shall not extend more than ten feet above the roof surface of flat roofs or roofs with minimal slope (under 10%).

2. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

B. *Set-back.* Solar energy systems are required to meet set-back standard for the district in which the systems are located, except as provided below:

1. Solar energy systems mounted on the primary building or garage are allowed to extend into a required side or rear yard consistent with § [11.75](#), Subd. 4, Subpar. A, Item 6. Measurements of encroachment are made from the edge of the collector or the collector support system, whichever extends nearest to the adjacent property line.

2. For roof-mounted solar energy systems the collector surface and mounting devices shall not extend beyond the exterior perimeter of the building's roof, except as such extensions are building-integrated systems, designed to serve as an awning or canopy. Exterior piping for solar hot water systems or electrical conduit or other electric components shall be allowed to extend beyond the perimeter of the building on a side or rear yard exposure.

3. Ground-mounted solar energy systems may be located within the rear or side yard areas, but in no case will they be less than five feet from any property line when oriented at minimum design tilt. Solar energy systems shall not be permitted in the required front yard or easement areas.

4. *Clearance to electric lines.* Electric lines passing over the collector must have a minimum clearance of ten feet, or most recent standard in the National Electric Safety Code.

C. *Coverage.* Ground-mounted solar energy systems are subject to accessory use coverage limitations of § [11.01](#), Subd. 1, except that solar energy installations shall not count toward the maximum number of accessory structures and are not required to have exterior finishes similar to the primary structure. Coverage shall be calculated as the square footage of ground under the system when at the solar energy system's minimum design tilt.

D. *Visibility.* Building or roof-mounted solar energy systems shall be designed to blend into the architecture of the building, as viewed from the front public right-of-way. Solar energy systems that meet the following design standards shall be in compliance with the visibility requirements:

1. On pitched roofs located in residential districts, the solar collectors shall not extend above the peak of the roof.
2. On pitched roofs on a corner lot, roof-mounted systems shall be flush-mounted.
3. The solar collector shall not extend beyond the edge of the finished roof.
4. Building-integrated solar energy systems meet the visibility standard.
5. Solar energy systems not meeting the above design standards shall require a conditional use permit.

E. *Approved solar components.* Electric solar energy system components must have a UL listing and solar hot water systems must have an SRCC rating.

F. *Compliance with state codes.* All active solar energy systems shall meet approval of the relevant code officials, consistent with the most currently adopted State of Minnesota Building Code, National Electric Code, National Electric Safety Code and Plumbing Code.

Subd. 4. *Restrictions on solar energy systems limited.* No homeowners' agreement, covenant, common interest community standard, or other contract between multiple property owners, created as of May 31, 2013, shall prohibit property owners from installing solar energy systems for the capture of direct sunlight. Design review conducted by a common interest community as applied to proposed solar energy installations within the CIC may reasonably require mitigation of visual impacts but may not preclude solar development within the CIC.

**Existing accessory structures = 28 x 30 storage: 840 sq. ft.
16 x 26 storage: 416 sq. ft.
Approx. 1256 sq. ft. (existing non-conforming)**

**Proposed accessory structure = 495 sq. ft.
Total accessory structures if granted = 1751 sq. ft.
Allowed accessory = 1000 sq. ft.
Variance request = 495 sq. ft. in addition to non-conformity**

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

1. *The variance is in harmony with the general purposes and intent of the zoning code.*
2. *The variance is consistent with the comprehensive plan.*

3. *The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision.*
 - *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
 - *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*
 - *The variance will not alter the essential character of the surrounding area.*

Staff notes: Solar installations are not counted toward the accessory structure maximum (2 allowed). However, the total square footage limit does apply. The total square footage allowed for accessory structures on properties greater than 1 acre is 1584 and 1000 sq. ft. for less than 1 acre.

The Starman property is less than one acre.

The planned installation will generate more energy than the petitioner will need. The petitioner has applied to Austin Utilities to connect to the grid and to be paid for excess energy generated.

Economic considerations alone shall not constitute an undue hardship, if a reasonable use of the property exists under the terms of the ordinance.

This is a recommendation to council. The planning commission may recommend approval, approval with conditions or denial of the variance.

Motion example: Motion to approve/deny/approve (with conditions-state conditions) the requested variance of .

Attachment: Building application and aerial of property with setbacks and site plan.

City of Austin
500 4th Avenue NE
Phone 507-437-9950
Fax 507-437-7101

Permit No. _____

Building Official
Office of City Engineer

APPLICATION

Job Site Address: 600 27th Ave NE
Property Owner: William Starman

Business Name: _____

Contractor:
Name: Min Solar Inc
Address: 1402 Whispering Hills Dr
St. Charles, MN 55972

License No: EA767560 Est. Value: \$6,000 Applied For: _____

Clerk: _____ Zone: _____
Flood Zone: _____

Width (Ft) 11 FT
Height (Ft) 10 FT

Length (Ft) 45FT
Total Sq.Ft. 495

Constructed of: Steel I-beams
Front Yard Setback: 135 FT

Left Side Yard Setback: 70FT
Right Side Yard Setback: 65FT

Rear Yard Setback: 15 FT

Plumbing Contractor: _____

Heating Contractor: _____

Description: Below Ground
Mounted Solar Array

Receipt No: _____
Receipt Date: _____

Fees:

Building Fee: _____

Plan Check Fee: _____

Zoning Review Fee: _____

State Surcharge: _____

Storm Sewer Availability Charge: _____

Investigation Fee: _____

TOTAL AMOUNT: _____

Separate permits are required for electrical, plumbing, heating, ventilation or air conditioning. This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provision of any other state or local law regulating construction or the performance of construction.

APPLICANT'S SIGNATURE: Ralph DATE: 8/08/21

ZONING OFFICIAL'S APPROVAL: _____ DATE: _____

BUILDING OFFICIAL'S APPROVAL: _____ DATE: _____

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

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

On August 13th, 2021, acting on behalf of the Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

Starman Solar Variance
See attached list

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

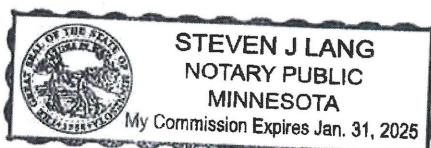


Lauren K. Heiny

Subscribed and sworn to before me
This 13th day of August, 2021.



Notary Public



Starman Affidavit of Mailing List

Steven and Lana Clark – 2706 5th PL NE Austin MN 55912

James and Vickie Davis- 700 27th Ave NE Austin MN 55912

Glenn and Judy Medgaarden- 2715 5th St NE Austin MN 55912

Scott A Fox- 504 29th Ave NE Austin MN 55912

Martin Johnson- 601 10th St NW Austin MN 55912 (600 29th Ave NE)

Lyndon R Leining- 703 27th Ave NE Austin MN 55912

North

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Property Line Setbacks: Road Centerline 92FT, North Property 135FT, South Property 15FT, West Property 70FT, East Property 65FT

Solar Array Dimensions: 45ft Long x 11ft Wide x 10ft High (495 Sq FT)

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: Roque Vasquez-Cruz & Abelina Aguilar
1006 5th Ave NE, Austin MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure located at **1006 5th Ave NE, Austin MN 55912**

Date: **September 16, 2021**

May I ask the City Council to review and approve this resolution classifying the property located at 1006 5th Ave NE 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!



March 28, 2018

Abelina Aguilar & Roque Vasquez-Cruz
1006 5th Ave NE
Austin, MN 55912

RE: Housing Violations at 1006 5th Ave NE, Austin, MN

Dear Abelina & Roque:

The City of Austin Planning and Zoning Department has observed a violation of City Code on March 23, 2018 your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. Repair or remove garage

The violation of International Property Maintenance Code Sections 304.1-304.7 were found. These Property Maintenance Code Sections read as follows:

EXTERIOR STRUCTURES

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

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.

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

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

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

August 6th, 2021

Roque Vasquez-Cruz &
Abelina Aguilar
1006 5th Ave NE
Austin, MN 55912

RE: Housing Violations at 1006 5th Ave NE, Austin, MN 55912

Dear Roque & Abelina:

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 August 6th, 2021 at this site, and the following issues need to be resolved:

1. Repair/Replace broken windows on garage
2. Repair/Replace roof decking on garage
3. Repair/Replace side door on garage, maintain in good condition
4. Protective treatment/ weatherproof exterior of garage
5. Unsafe due to exterior walls not plumb, not capable of supporting all nominal loads on garage

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

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects
6. Foundation systems that are not firmly supported by footings, are not plumb and

free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exception:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

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 drainage 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.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

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 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

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING
LOCATED AT 1006 5TH AVE NE AUSTIN, MINNESOTA
OWNED BY ROQUE VASQUEZ-CRUZ & ABELINA AGUILAR.**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 1006 5th Ave NE to be a hazardous building for the following reasons:

- 1. Repair/Replace broken windows on garage**
- 2. Repair/Replace roof decking on garage**
- 3. Repair/Replace side door on garage, maintain in good condition**
- 4. Protective treatment/ weatherproof exterior of garage**
- 5. Unsafe due to exterior walls not plumb, not capable of supporting all nominal loads on garage**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on March 28th, 2018 and August 6th, 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 broken windows on garage**
 - 2. Repair/Replace roof decking on garage**
 - 3. Repair/Replace side door on garage, maintain in good condition**
 - 4. Protective treatment/ weatherproof exterior of garage**
 - 5. Unsafe due to exterior walls not plumb, not capable of supporting all nominal loads on 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:

City Recorder

Mayor

TIME STAMP 5

August 6, 2021
9:26 AM



TIME STAMP

August 6, 2021
9:26 AM

TIME STAMP 

September 15, 2021
10:51 AM





September 15, 2021
10:51 AM

TIME STAMP



TIME STAMP



**September 15, 2021
10:51 AM**

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Advanced Building Movers of Rochester LLC
71164 220th Ave, Hayfield, MN 55940

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse, Junk & Illegally Stored Vehicles
At 1405 28th Ave NE, Advanced Building Property

Date: September 17, 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 1405 28th Ave 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 and 10.33 Subd.1&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 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**

September 2nd, 2021

Advanced Building Movers of Rochester LLC
71164 220th Ave
Hayfield MN 55940

RE: Zoning Violations at 1405 28th Ave NE, Austin, MN 55912

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on September 1st, 2021 at this site and the following issues need to be resolved:

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

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

City Code Section 10.14, Subd. 1(B):

JUNK. All scrap metal, rags, batteries, paper, trash, rubber tires, debris, waste, wood, and/or construction materials not used in connection with a building or which is carried as inventory in an on-going construction business at a lawful place of business, dismantled vehicles, machinery and appliances or parts thereof and parts of vehicles, glass, tinware, plastic, aluminum and/or steel cans, old or discarded household goods, household furnishings or furniture, hardware or appliances. Neatly stacked firewood located so as to comply with the setback requirements as set forth in Chapter 11 and in accordance with side yard or rear yard setback requirements shall not be considered junk.

City Code Section 10.14, Subd. 4. Notice and abatement.

B. Public nuisances affecting health

5. Accumulations of manure, refuse, junk or other debris;

D. Public nuisances affecting peace and safety.

16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

City Code Section 10.33 Subd. 1 (G)

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

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

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

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

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

NOTICE AND ABATEMENT.

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

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

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

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

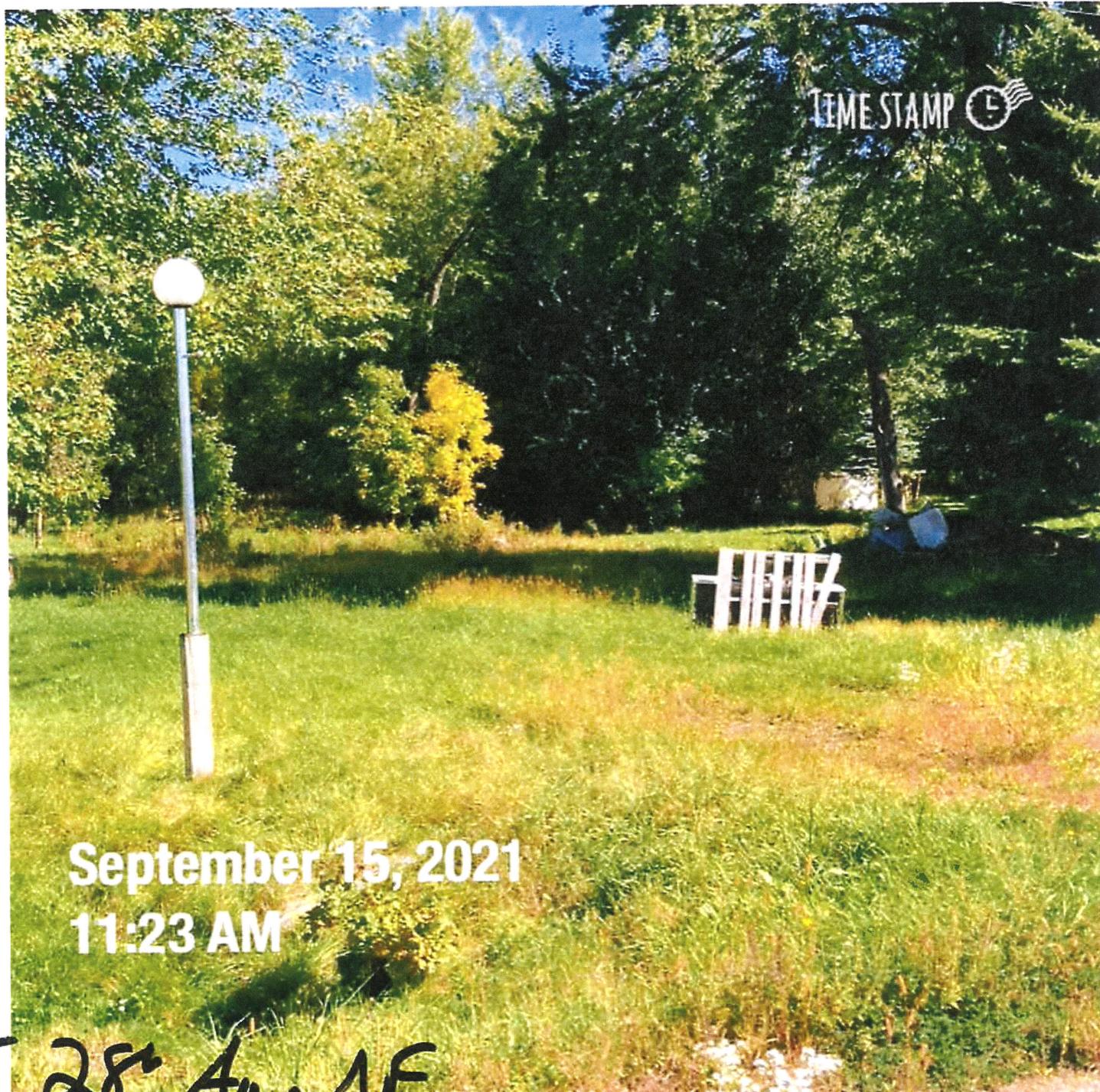
Please resolve the City Code violations within **10 days** of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending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

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

Sincerely,



Brent Johnson
Zoning Inspector



September 15, 2021
11:23 AM

1405 28th Av NE



1405



September 15, 2021
11:25 AM

1405

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: Trevor & April Andree
1802 3rd St NE, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Illegal Storage of Vehicles
At 1802 3rd St NE, Andree Property

Date: September 17, 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 1802 3rd St NE. 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

August 5th, 2021

Trevor & April Andree
1802 3rd St NE
Austin, MN 55912

RE: Zoning Violations at 1802 3rd St NE, Austin, MN 55912

Dear Trevor & April:

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 August 4th, 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.

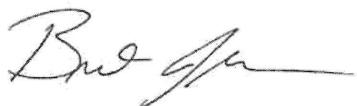
City Code Section 10.14, Subd. 6:

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,



Brent Johnson
Zoning Inspector

CC: Selma Kosut



1802 3rd st NE



1802

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: Brianna Enfield
501 13th Ave SW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 501 13th Ave SW, Enfield Property

Date: September 17, 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 501 13th Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

September 17, 2021

Brianna Enfield
501 13th Ave SW
Austin, MN 55912

RE: Zoning Violations at 501 13th Ave SW, Austin, MN

Dear Brianna:

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 September 15, 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.

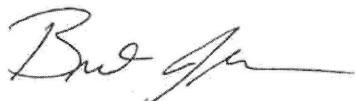
Subd. 5. Administrative citation

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,

A handwritten signature in black ink, appearing to read "Brent Johnson".

Brent Johnson
Zoning Inspector



City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Ketorra Greene
909 3rd Ave NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 909 3rd Ave NW, Greene Property

Date: September 17, 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 909 3rd Ave NW. 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



August 25th, 2021

Ketorra Greene
909 3rd Ave NW
Austin, MN 55912

RE: Zoning Violations at 909 3rd Ave NW, Austin, MN 55912

Dear Ketorra:

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 August 24th, 2021 at this site and the following issues need to be resolved:

1. Remove all junk/garbage from property
2. Water tight container required to receive all refuse between collections

The violation of Austin City Code Sections 10.01 Subd 2, 3 & 4, 10.14 Subd.1(B) 4 and 10.14 Subd.4-6 were found. These City Code sections read as follows:

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

City Code Section 10.01 Subd 3. Deposit of garbage or refuse. It is unlawful:

D. For any person to deposit anywhere within the city any refuse in a manner that it may be carried or deposited by the elements upon any public place or any other premises within the city;

City Code Section 10.01 Subd. 4. *Containers.*

A. *General requirement.* Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections or other disposal. All normal accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of Subpar. B. Tree limbs under four inches in diameter in five-foot lengths and tied in bundles not to exceed 60 pounds, bundles of newspapers, cardboard or magazines tied securely not to exceed 60 pounds. Furniture, rugs and carpeting will be accepted by a licensed hauler if notified 24 hours in advance of regular pickup time. The following articles will not be accepted as refuse and must be deposited at a designated demolition site: stone, sod, earth, concrete, building materials unless placed in covered garbage cans, automobile parts, except tune-up parts, inflammable liquids, tree trunk sections over four inches in

diameter. Tires and white goods need not be accepted as refuse by licensed garbage haulers, but shall be disposed of at the depository as designated by the County Board.

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

City Code Section 10.14, Subd. 1(B):

JUNK. All scrap metal, rags, batteries, paper, trash, rubber tires, debris, waste, wood, and/or construction materials not used in connection with a building or which is carried as inventory in an on-going construction business at a lawful place of business, dismantled vehicles, machinery and appliances or parts thereof and parts of vehicles, glass, tinware, plastic, aluminum and/or steel cans, old or discarded household goods, household furnishings or furniture, hardware or appliances. Neatly stacked firewood located so as to comply with the setback requirements as set forth in Chapter 11 and in accordance with side yard or rear yard setback requirements shall not be considered junk.

City Code Section 10.14, Subd. 4. Notice and abatement.

B. Public nuisances affecting health

5. Accumulations of manure, refuse, junk or other debris;

D. Public nuisances affecting peace and safety.

16. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies or other material in a manner conducive to the harboring of rats, mice, snakes or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from accumulation;

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

NOTICE AND ABATEMENT.

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

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

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

City Code Section 10.14, Subd. 5:

RECOVERY OF COST. The owner of the premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including

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

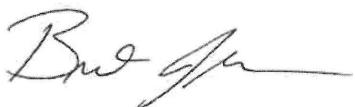
City Code Section 10.14, Subd. 6:

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

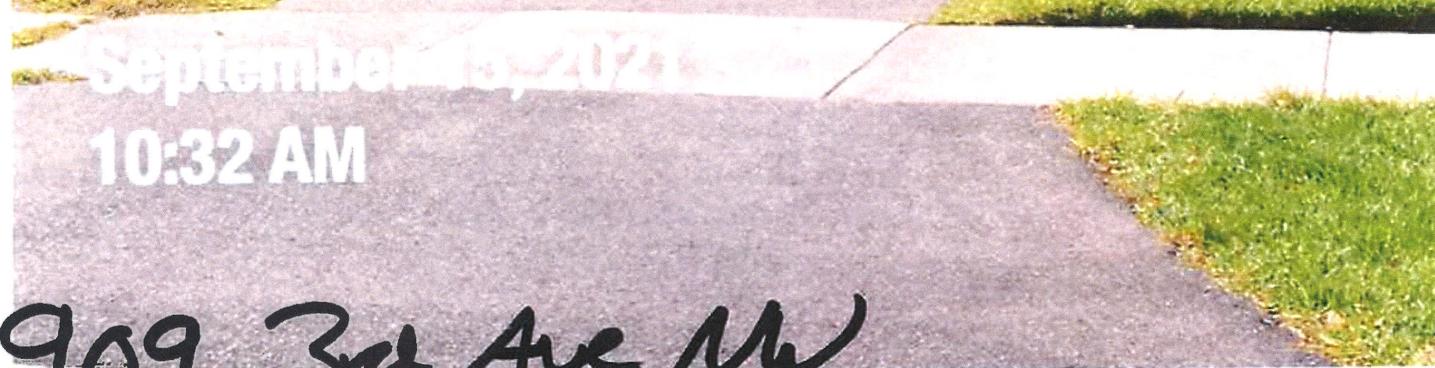
Please resolve the City Code violations within **10 days** of the date of this letter, or the matter will be referred to the Austin City Council for corrective action. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending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

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

Sincerely,



Brent Johnson
Zoning Inspector



909 3rd Ave NW

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Robert Ruble
51718 170th St, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk and Illegally Stored Vehicles
At 1921 Oakland Ave E, Ruble Property

Date: September 17, 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 1921 Oakland Ave E. Per City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 and 10.33 Subd. 1&2. This is a repeat offense. (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**

September 17, 2021

Robert Ruble
51718 170th St
Austin, MN 55912

RE: Zoning Violations at 1921 Oakland Ave E, Austin, MN

Dear Sir:

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 September 15, 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



September 15, 2021
11:06 AM

1921 Oakland Av E



September 15, 2021
11:06 AM

1921

TIME STAMP



1921