

**A G E N D A**  
**CITY COUNCIL MEETING**  
**MONDAY, APRIL 4, 2022**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

Call to Order.

Pledge of Allegiance.

Roll Call.

(mot) 1. Adoption of Agenda.

(mot) 2. Approving minutes from March 21, 2022

3. Recognitions and Awards.

(mot) 4. \*Consent Agenda

Licenses:

Massage Therapist: Melissa Offner Mandler, Brownsdale

Right of Way: KNC Concrete, Hayward

Right of Way: MTC Services, LLC, Medford

Taxi Driver: Scott Farnsworth, 1908 4<sup>th</sup> Avenue NE

Temporary Liquor: Austin Area Commission for the Arts on April 29 & 30, 2022

Temporary Liquor: Pacelli Catholic Schools on April 30, 2022

Tree Service: Michael Carstens, 2016 6<sup>th</sup> Ave NE

Claims:

a. Pre-list of bills

b. Financial and Credit Card Reports.

**PUBLIC HEARINGS:**

(res) 5. Reviewing a tax abatement application from Bigelow & Lennon Construction.

a. Approval or denial of abatement.

(res) 6. Public hearing on street improvements on 5<sup>th</sup> Avenue NW (40<sup>th</sup> Street NW to Dead End) and 40<sup>th</sup> Street NW (Oakland Ave West to 5<sup>th</sup> Avenue NW) Project 22-108.

a. Resolution ordering improvement and approving plans and specifications.

**BID OPENINGS AND AWARDS:**

(res) 7. Receiving bids for asphalt street reconstruction.

a. Awarding bid.

(res) 8. Receiving bids for asphalt mill & overlay and full depth reclamation.

a. Awarding bid.

(res) 9. Receiving bids for taxiway joint repair.

a. Awarding bid.

- 10. Receiving bids for taxilane construction.
- (res) a. Awarding bid.
- (res) b. Approving engineering inspection services for taxilane construction.

**PETITIONS AND REQUESTS:**

- (mot) 11. Authorizing the City to act as the fiscal agent for the Cedar River Farmer's Market for 2022.
- (res) 12. Setting a public hearing for May 2, 2022 for street improvement project assessments.
- (mot) 13. Setting a public hearing for May 2, 2022 for review of a proposed spending plan for unobligated tax increment funds.
- (res) 14. Approval of the Reconveyance of Forfeited Lands to the State of Minnesota.
- (res) 15. Approving a contract with WHKS for 2022 inflow and infiltration projects.
- (res) 16. Declaring the property at 709 Oakland Avenue West a hazardous structure.
- (res) 17. Declaring the property at 711 Oakland Avenue West a hazardous structure.
- 18. Granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at the following locations:
  - (mot) a. 1206 5<sup>th</sup> Street NW, Mehling Properties, LLC
  - (mot) b. 1506 6<sup>th</sup> Street NW, Luchsinger Property
  - (mot) c. 305 1<sup>st</sup> Avenue SW, Serrano Property

**CITIZENS ADDRESSING THE COUNCIL**

**HONORARY COUNCIL MEMBER COMMENTS**

**REPORTS AND RECOMMENDATIONS:**

City Administrator  
City Council

- (mot) Adjourn to **Monday, April 18, 2022** at 5:30 pm in the Council Chambers.

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



M I N U T E S  
CITY COUNCIL MEETING  
March 21, 2022  
5:30 PM  
Council Chambers

MEMBERS PRESENT: Mayor King. Council Members Paul Fischer, Rebecca Waller, Jason Baskin, Oballa Oballa, Michael Postma, 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, Human Resources Director Trish Wiechmann, Public Works Director Steven Lang, Assistant City Engineer Mitch Wenum

STAFF APPEARING ELECTRONICALLY: Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, City Attorney Craig Byram, Park Supervisor Randy Hofner, Nature Center Director Luke Reese, Greg Bell and City Clerk Ann Kasel

APPEARING IN PERSON: Austin Daily Herald, Austin Packer Dance Team, Coach Kayla Seller, Joe Sunderman, Kim Underwood, Helen Jahr, Gretchen Ramlo

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

Moved by Council Member Fischer, seconded by Council Member Postma, approving the agenda as amended with an updated resolution for item 12b. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, approving Council minutes from March 7, 2022. Carried.

#### AWARDS AND RECOGNITIONS

Mayor King recognized the Austin Packer Dance Team for their first-place finish at state. Coach Kayla Sellers thanked the town for their support.

Mayor King recognized Joe Sunderman and Don Tomlinson for their years of service with the City and congratulated them on their retirements. Joe Sunderman thanked the City for the opportunity and is looking forward to retirement.

#### CONSENT AGENDA

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

Licenses:

Exempt Gambling (bingo): Mower County Veteran's Council on July 3 & 4, 2022  
Exempt Gambling (raffle): United Catholic Schools Foundation on June 17, 2022  
Mobile Food: La Borinqua, Albert Lea  
Mobile Food: Solem Concessions, Inc., 19192 540<sup>th</sup> Avenue  
Right of Way: Consolidated Communications Enterprise Services, Inc., Mattoon, IL  
Right of Way: Senrick Custom Homes, Rochester

Claims:

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

Events:

Stepping Out for Autism Walk and 5K on May 1, 2022

Carried.

## PETITIONS AND REQUESTS

Planning and Zoning Administrator Holly Wallace reviewed an annexation request from Tom and Heidi Anderson. They own 2702 4<sup>th</sup> Drive SW and have petitioned the City to be annexed for access to City sewer. The resolution would need to be approved by the City and the Township and will be brought into the City as R-1 zoning.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution approving an annexation in Austin Township for Tom and Heidi Anderson. Carried 7-0.

## PUBLIC HEARINGS

A public hearing was held for street improvement assessments for 21<sup>st</sup> Avenue NE (8<sup>th</sup> Drive NE to 14<sup>th</sup> Street NE), Project 22-101. The amount to be assessed is \$111,865.15 at 3.75% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 22, 2022 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the cost of Project 22-101. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting resolution adopting the assessment roll for Project 22-101. Carried 7-0.

A public hearing was held for street improvement assessments for 9<sup>th</sup> Street NW (10<sup>th</sup> Avenue NW to 12<sup>th</sup> Avenue NW) and 10<sup>th</sup> Street NW (8<sup>th</sup> Avenue NW to 13<sup>th</sup> Avenue NW), Project 22-102. The amount to be assessed is \$252,390.65 at 3.75% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 22, 2022 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution declaring the cost of Project 22-102. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting resolution adopting the assessment roll for Project 22-102. Carried 7-0.

A public hearing was held for street improvement assessments for 3<sup>rd</sup> Avenue NE (Oakland Place NE to 19<sup>th</sup> Street NE), Project 22-103. The amount to be assessed is \$226,047.79 at 3.75% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 22, 2022 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Oballa, adopting a resolution declaring the cost of Project 22-103. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting resolution adopting the assessment roll for Project 22-103. Carried 7-0.

A public hearing was held for street improvement assessments for 3<sup>rd</sup> Street NE (16<sup>th</sup> Avenue NE to 18<sup>th</sup> Avenue NE), Project 22-104. The amount to be assessed is \$145,940.29 at 3.75% for 15 years. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 22, 2022 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Postma, seconded by Council Member Poshusta, adopting a resolution declaring the cost of Project 22-104. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting resolution adopting the assessment roll for Project 22-104. Carried 7-0.

A public hearing was held for street improvement assessments for 5<sup>th</sup> Avenue SW (27<sup>th</sup> Street SW to 19<sup>th</sup> Street SW) and 16<sup>th</sup> Street SW (16<sup>th</sup> Avenue SW to 19<sup>th</sup> Avenue SW), Project 22-106.

Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 22, 2022 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution declaring the cost of Project 22-106. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting resolution adopting the assessment roll for Project 22-106. Carried 7-0.

A public hearing was held for street improvement assessments for 7<sup>th</sup> Avenue SW (23<sup>rd</sup> Street SW to 14<sup>th</sup> Street SW), 11<sup>th</sup> Avenue SW (10<sup>th</sup> Avenue SW to 18<sup>th</sup> Street SW) and 23<sup>rd</sup> Street SW (9<sup>th</sup> Avenue SW to Dead End), Project 22-107. Assistant City Engineer Mitch Wenum stated the specific details of each project were presented at the February 22, 2022 improvement hearings and notices were mailed to each property owner with the exact assessment amount and payment options.

There were no public comments.

Moved by Council Member Postma, seconded by Council Member Oballa, adopting a resolution declaring the cost of Project 22-107. Carried 7-0.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting resolution adopting the assessment roll for Project 22-107. Carried 7-0.

#### PETITIONS AND REQUESTS (continued)

Director of Administrative Services Tom Dankert stated the City of Austin switched from a self-insured program to a PEIP program in 2019. He stated as part of the HRA/HSA plan, the City is required to contribute \$750 for single coverage or \$1,500 for family coverage annually to an account. City staff recently discovered that the contributions were being paid out of the employee's premiums, thereby overcharging the employees. Mr. Dankert proposed that the City refund the overcharged amount to the employees and adopt a new resolution with the corrected insurance premiums.

Moved by Council Member Baskin, seconded by Council Member Oballa, adopting a resolution approving modified 2022 insurance rates. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adopting a resolution approving a health insurance reimbursement to employees from 2019-2021. Carried 7-0.

Director of Administrative Services Tom Dankert requested the Council approve 2021 budget carryovers into the 2022 budget year. He stated the items were not purchased in 2021 and would

go into the 2022 purchase year. Also on the resolution is the funding for the health insurance premium refunds as discussed earlier for 2022 City contributions.

Moved by Council Member-at-Large Austin, seconded by Council Member Baskin, adopting a resolution approving budget adjustment number 2. Carried 7-0.

Moved by Council Member Postma, seconded by Council Member Oballa, appointing Camden Harp to the Planning Commission, term expiring 12/31/22. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 711 6<sup>th</sup> Avenue SE, Nelson Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Oballa, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 204 12<sup>th</sup> Street SE, Beddow Property. Carried.

Mayor King started off the discussion on the need for an interim Park and Rec director. He stated due to personnel issues, the name of the person proposed as the interim director by the Park and Rec Board should not be mentioned. He stated he would not take public comment since the discussion is not a public hearing and the Council discussion should focus on if there is a need for an interim director.

Council Member-at-Large Austin stated the Park and Rec board is in charge of the department and if they feel the need to appoint an interim director then the Council should allow it. He questioned if the City Administrator has the authority to appoint himself the interim director and if that causes conflict with labor grievances.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, to allow testimony on the matter from the Park and Rec board and public. Carried 7-0.

City Attorney Craig Byram stated the City Administrator has authority under the charter to appoint himself as the interim director, subject to the Council's approval.

Council Member Waller stated an interim director is needed because the hiring is not going to be a 4 week timeline as projected. She stated the board would like more time to review the candidates to find the right individual for the job.

Council Member Baskin asked what has changed since the meeting with Kevin and the administration department, why couldn't Craig Clark handle those decisions and what decisions are going to be made by interim director.

Council Member-at-Large Austin noted the plan set forth by administration was never presented to the Park and Rec board. He also stated he didn't see how Mr. Clark would have enough time to take on the interim director position.

Council Member Fischer stated he doesn't see the need for the interim director in the month of March.

Council Member Postma stated he is hopeful that the position will be filled soon and there won't be a need for a interim director. However, he stated if the process drags on for an extended amount of time then he would see a greater need for the position.

Council Member-at-Large Austin noted he would like to interview internal and external candidates for the position and would like to take time to choose a quality candidate.

Council Member Baskin stated he is not opposed to interim director if the vacancy is not filled quickly.

Mayor King stated the culture of communication needs to be better in the Park and Rec department.

Helen Jahr, Chair of the Park and Rec Board, 406 8<sup>th</sup> Place NW, stated there was no communication from Kevin as to who was going to be the point person after Kevin's departure. The Board was hoping Craig Clark and Mayor King would show up to Kevin's last board meeting for communication on the subject. She also stated she contacted HR Director Trish Wiechmann to ask for past precedence when former director Denny Maschka passed away. At that time, Kim Underwood was appointed by the Park and Rec board and confirmed by the Council as an interim director.

Gretchen Ramlo, 1908 Oak Tree Lane, Unit 8, stated Park and Rec is going into the busiest time of the year with summer programming and needs to have a point person in charge.

Kim Underwood, 88308 258<sup>th</sup> Street, stated March is a very busy time of year planning for summer activities and a team of people is needed to get things done. Someone is needed to serve as the point of contact for staff and the board.

After additional discussion, moved by Council Member Waller, seconded by Council Member-at-Large Austin, to approve the appointment of an interim Park and Rec director as stated at the March 11, 2022 Park and Rec board meeting. Motion failed 3-4 with Council Member Oballa abstaining and Mayor King breaking the tie. Council Members Baskin, Postma, Fischer and Mayor King voted nay.

#### CITIZENS ADDRESSING THE COUNCIL

Maxine Tasker stated she would like the Council to make an exception to have chickens in her home.

City Administrator Craig Clark stated chickens are not allowed in the City.

Police Chief David McKichan stated exceptions to the laws cannot be made.

Meg Bartz, 206 12<sup>th</sup> Street SE stated she came in late on the meeting and was wondering about the disposition on 204 12<sup>th</sup> Street SE for junk removal.

Mayor King stated the Council initiated action to clean up the property.

Greg Bell, 1004 10<sup>th</sup> Street NW, inquired what the status of the tree trimmer hiring is.

Human Resources Director Trish Wiechmann stated tree trimmers and reclassified as park maintenance.

Mr. Bell asked why the former positions weren't reinstated since they are in the contract.

Mayor King stated administration would have a meeting with Mr. Bell.

Council Member Poshusta stated she has talked to the employees and they don't know what they are supposed to be doing.

## REPORTS

Council Member Baskin stated he was disappointed with both Park and Rec conversations tonight.

Council Member-at-Large Austin stated communication needs to improve in administration.

Council Member Waller stated she is disappointed in the Council's decision. She stated she wanted to improve communication in the department.

Council Member Postma is looking forward to a fresh start with a new director in Park and Rec.

Mayor King stated there needs to be some significant leadership in Park and Rec.

City Administrator Craig Clark stated there may be a grant coming for Creekside Business Park.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adjourning the meeting to April 4, 2022. Carried.

Adjourned: 7:16 p.m.

Approved: April 4, 2022

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

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



## HOUSING TAX ABATEMENT APPLICATION

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

Property Owner / Applicant:

Bigelow & Lennon Construction

Current Address:

211 1<sup>st</sup> St SW Byron, MN 55920

Telephone:

507-775-7068

E-Mail:

jill@bigelowlennon.com

Has applicant ever defaulted on property taxes?

☐ Yes☒ No

If Yes, provide details on separate page(s).

Are property taxes current?

☒ Yes☐ No

Proposed Project:

☒ New Construction☐ Replacement of housing unit

Project Type:

☒ Single Family☐ Duplex☐ Multi-family

Project Address:

801 24<sup>th</sup> Ave NW Austin, MN 55912

Project Legal Description:

Lot 9, Block 1 North Pointe Addition

Parcel Number:

34.509.0090

Estimated Project Valuation:

\$ 320,000.00

Applicant Statement:

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

We would like to continue to provide new housing for residents of Mower County.Attach building plans, site map, parcel information and parcel number. (Include letter of consent from property owner if subject to purchase agreement.)

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

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

Construction  
Certification

Signature

Date

Signature of Applicant(s)

Date

FOR OFFICE USE ONLY:

ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

☐ City or ☐ Township of

Date:

School District of

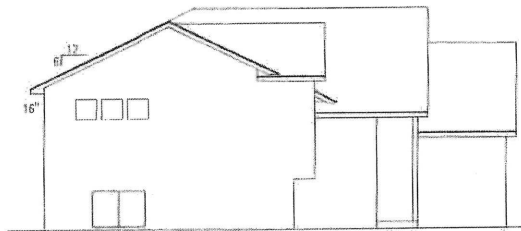
Date:

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

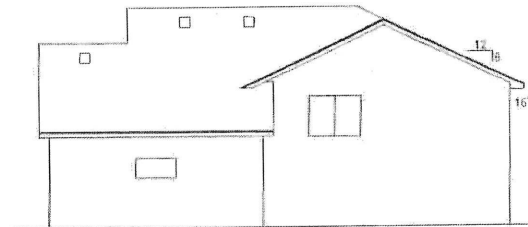
Please submit completed applications to:

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

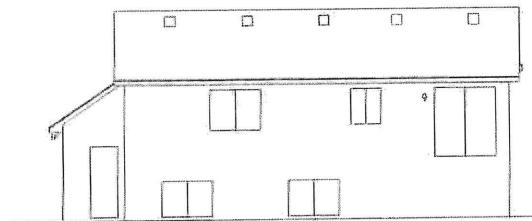




SIDE ELEVATION  
SCALE=1/8"



SIDE ELEVATION  
SCALE=1/8"



REAR ELEVATION  
SCALE=1/8"



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

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

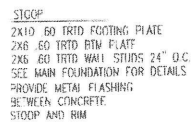
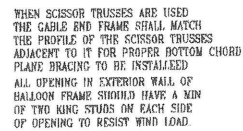
THIS SET OF PLANS IS THE PROPERTY OF BIGELOW AND LENNON CONSTRUCTION, LLC. IT IS TO BE USED FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BIGELOW AND LENNON CONSTRUCTION, LLC.

Date	Date	Date

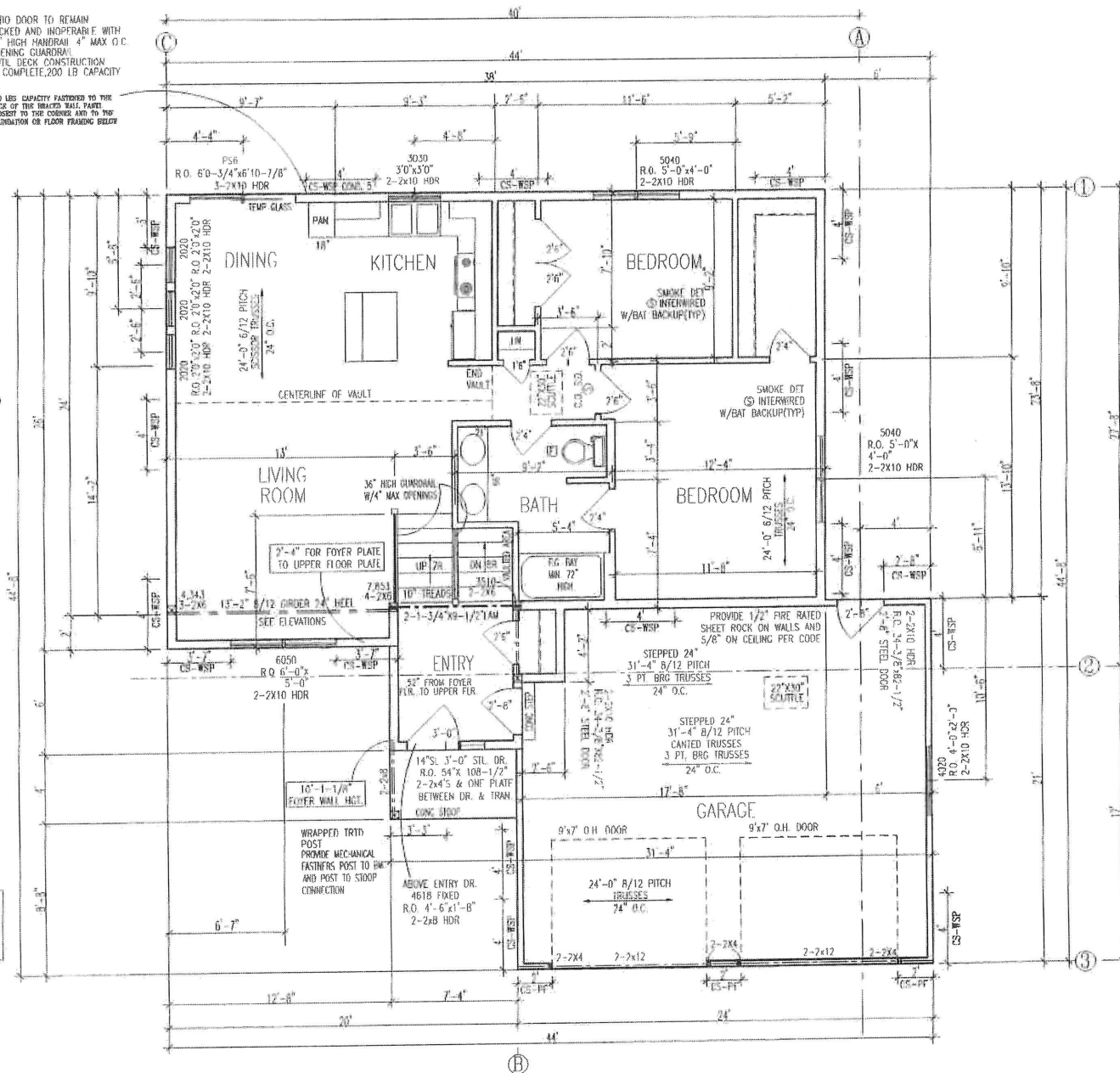
These plans have been reviewed and approved for construction as shown. Additional changes will require a change order form.

Bigelow / Lennon


800 LBS CAPACITY FASTENED TO THE  
EDGE OF THE BRACED WALL, PANEL  
CLOSEST TO THE CORNER AND TO THE  
FOUNDATION OR FLOOR FRAMING BELOW



VERIFY ALL ROUGH OPENINGS  
WITH ANDERSEN WINDOW  
SUPPLIER 200 SFRIS SLIDER



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

[illegible]

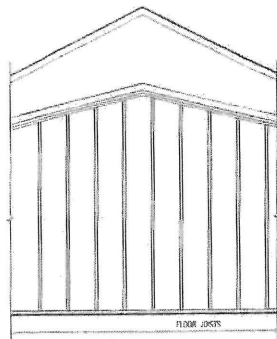


DISCRPTION: MAIN FLOOR

BRACED PANEL LENGTH TABLE BASED ON WIND SPEED (<90mph)									
BRACED WALL LINE	BRACING METHOD TABLE R02-10-41	BRACED WALL LINE SPACING	BRACING LENGTH (FEET)	PROPORTION FACTOR CONNECTION	ROOF TO EAVE TOTAL	WALL HEIGHT TOTAL	NUMBER BRACED WALL LINES	BRACING LENGTH (FEET)	PROVIDED BRACING LENGTH
①	CS-WSP	26 FT.	4.7'	1.0	1.0	0.00	1.3	5.48'	12'-0"
②	CS-WSP	26 FT.	4.7'	1.0	1.0	0.90	1.3	5.48'	14'-4"
③	CS-WSP	20 FT.	3.5'	1.0	1.0	0.05	1.3	4.32'	6'-0"

DISCRPTION: MAIN FLOOR

BRACED PANEL LENGTH TABLE BASED ON WIND SPEED (<90mph)									
BRACED WALL LINE	BRACING METHOD TABLE R02-10-41	BRACED WALL LINE SPACING	BRACING LENGTH (FEET)	PROPORTION FACTOR CONNECTION	ROOF TO EAVE TOTAL	WALL HEIGHT TOTAL	NUMBER BRACED WALL LINES	BRACING LENGTH (FEET)	PROVIDED BRACING LENGTH
A	CS-WSP	42 FT.	6.3'	1.0	1.0	0.90	1.3	7.37'	20'-0"
B	CS-WSP	26 FT.	4.4'	1.0	1.0	0.90	1.3	5.14'	12'-0"
C	CS-WSP	42 FT.	6.3'	1.0	1.0	0.90	1.3	7.37'	12'-0"



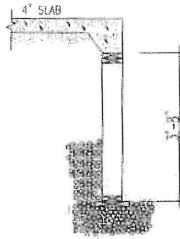
WHEN SCISSOR TRUSSES ARE USED THE GABLE END FRAME SHALL MATCH THE PROFILE OF THE SCISSOR TRUSSES ADJACENT TO IT FOR PROPER BOTTOM CHORD PLANE BRACING TO BE INSTALLED ALL OPENING IN EXTERIOR WALL OF BALLOON FRAME SHOULD HAVE A MIN. OF TWO KING STUDS ON EACH SIDE OF OPENING TO RESIST WIND LOAD

#### WALL BRACING NOTES: CS-WSP

1. ALL WALLS SHALL BE CONTINUOUSLY SHEATHED WITH WOOD STRUCTURAL PANELS
2. CS-WSP ON PLANS INDICATE AREAS OF BRACED PANELS
3. BRACED PANELS SHALL BE CONSTRUCTED WITH 16" O.C STUDS TOP PLATE FASTENED TO SOLID FRAMING WITH 8d NAILS 6" O.C. BOTTOM PLATES FASTENED TO SOLID FRAMING W/ 3-16d NAILS 16" O.C. 7/16" OSB SHEATHING (24/16 INDEX) FASTENED W/ 8d COMMON NAILS 6" O.C. ON EDGES AND 12" O.C. IN FIELD
4. ANY OTHER TYPE OF BRACING METHOD SHALL BE INDICATED ON PLAN AND SEPARATE DETAIL WILL BE PROVIDED.

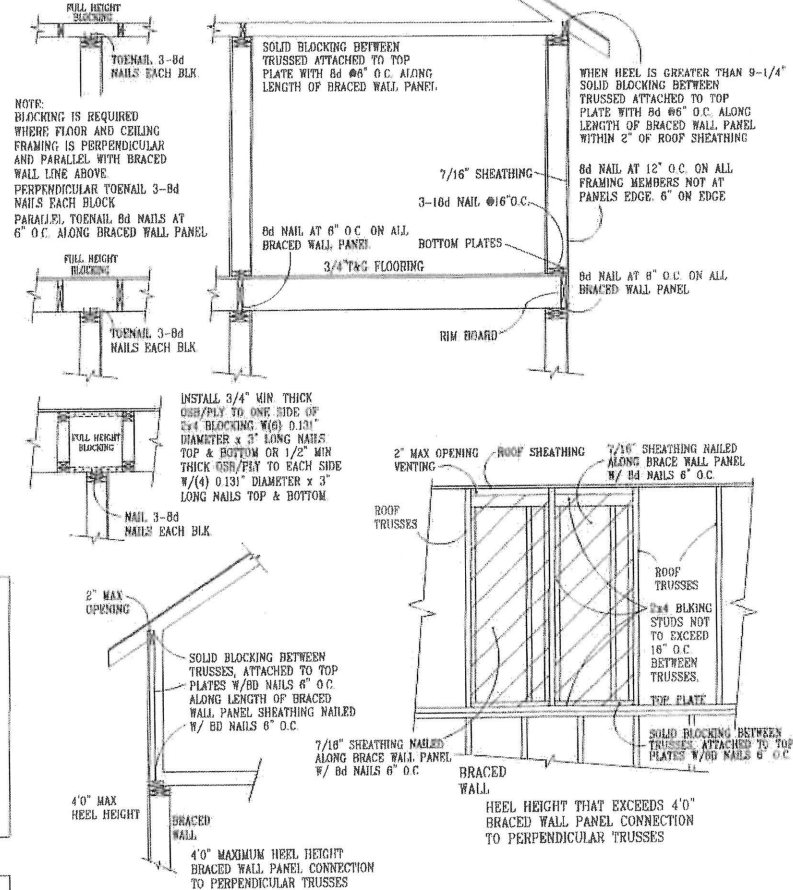
#### GB INTERIOR BRACED WALL

PLATE FASTENED TO FLOOR W/ 3-16d NAILS @ 16" O.C. FULL HEIGHT BLOCKING 16" O.C. 3-8d NAILS EACH BLOCK 7" SCREWED GRID ON ROCK



#### STOOP

2X10 .60 TRID FOOTING PLATE  
2X6 .60 TRID BTM PLATE  
2X6 .60 TRID WALL STUDS 24" O.C.  
SEE MAIN FOUNDATION FOR DETAILS  
PROVIDE METAL FLASHING  
BETWEEN CONCRETE  
STOOP AND RIM



DO NOT SCALE DRAWING  
ALL DIMENSIONS SHALL BE  
AS SHOWN UNLESS NOTED  
OTHERWISE  
ALL DIMENSIONS SHALL BE  
IN FEET AND INCHES  
UNLESS NOTED OTHERWISE  
ALL DIMENSIONS SHALL BE  
IN FEET AND INCHES  
UNLESS NOTED OTHERWISE

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## **PURCHASE AGREEMENT**

DATE: **February. 1st 2022**

**Austin, MN**

The undersigned, Austin HRA hereinafter referred to as "Sellers" hereby agrees to sell to the Bigelow Lennon Construction, hereinafter referred to as "Purchaser", and Purchaser agrees to purchase and acquire from Sellers, the real estate located at Austin, Minnesota, situated in the County of Mower, State of Minnesota, (hereinafter the "premises") and legally described as follows, :

*A lot described as Lot 9 Block 1 North Pointe Addition located in the City of Austin (PIN # 34.509.0090)*

For a purchase price of \$18,500.00 subject to the conditions as set forth in Exhibit A

**Eighteen Thousand, five hundred dollars and 00/100 (\$18,500.00) and includes the conditions set forth in the attached Exhibit A**

Which shall be due and payable on the date of closing.

Buyer will be responsible for all normal closing costs.

Subject to performance by the buyer, the seller agrees to execute and deliver a Warranty Deed conveying marketable title to said premises subject only to the following exceptions:

- (a) Building and zoning laws, ordinances, State and Federal regulations
- (b) Restrictions relating to use or improvement of the premises without effective forfeiture provision.
- (c) Reservation of any minerals or mineral rights to the State of Minnesota.
- (d) Utility and drainage easement, which do not interfere with, present improvements.
- (e) Rights of tenants as follows: unless specified, not subject to tenancies.

Payment of real estate taxes attributable to the premises shall be pro-rated between the parties as of the date of closing. Seller agrees to pay all levied special assessments and special assessments certified to the taxes due and payable in the year of closing. Seller shall pay on the date of closing all special or pending assessments.



Seller covenants that the property has no buildings and all debris will be removed from the premises prior to the possession date. The electrical service extension and both sewer/water have been extended to this property.

The seller further agrees to deliver possession not later than the date of closing provided that all conditions of this agreement have been complied with. Unless otherwise specified, this sale shall be closed on or before March 15th, 2022

In the event this property is destroyed or substantially damaged by fire or any other cause before the closing date, this agreement shall become null and void, at the purchaser's option, and all monies paid hereunder shall be refunded to him.

The seller shall, within a reasonable time after approval of this agreement furnish an abstract of title, or a Registered Property Certificate, certified to the date to include property searches covering bankruptcies, and State and Federal judgments and liens. The buyer shall be allowed ten days after receipt thereof for examination of said title and the making of any objection thereto, said objections to be made in writing or deemed to be waived. If any objections are so made the seller shall be allowed 120 days to make such title marketable. Pending correction of title the payments hereunder required should be postponed, but upon correction of title and within 10 days after written notice to the buyer, the parties shall perform this agreement according to its terms.

If said title is not marketable and is not made so within 30 days from the date of written objections thereto as above provided, this agreement shall be null and void, at the option of the buyer, and neither principal shall be liable for damages hereunder to the other principal. All money heretofore paid by the buyer shall be refunded. If the title to said property be found marketable or made so within said time, and said buyer shall default in any of the agreements, then, and in that case, the seller may terminate this contract and on such termination all the payments made upon this contract shall be retained by said seller and said agency, as their respective interests may appear, as liquidated damages, time being of the essence herein.

This provision shall not deprive either party of the right of enforcing the specific performance of the contract provided such contract shall not be terminated as aforesaid, and provided action to enforce such specific performance shall be commenced within six months after such right of action shall arise.

This contract contains the entire agreement between the parties, and neither party has relied upon any verbal or written representations agreements or understandings not set forth herein, whether made by any agent or party hereto.

The delivery of all papers and monies shall be made at the office of:

Hoversten Law Office  
807 Oakland Ave. W.  
Austin, MN 55912

I, the undersigned, owner of the above land, do hereby approve the agreement and the sale thereby made.

Austin HRA

Seller: \_\_\_\_\_




Seller: \_\_\_\_\_

The Bigelow Lennon Construction hereby agrees to purchase the said property for the price and upon the terms mentioned, and subject to all conditions herein expressed.

Bigelow Lennon Construction

By: \_\_\_\_\_



By: \_\_\_\_\_



## EXHIBIT A

Seller (Austin HRA) is selling the property based on the following conditions:

- If Bigelow Lennon Construction does not start construction by 2024 the property will revert to the Austin HRA and Bigelow Lennon Construction will be responsible for all closing costs

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

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

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, April 4, 2022 at 5:30 p.m. to consider a tax abatement request from Bigelow & Lennon Construction, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City's portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$8,879. The subject property is located at 801 24<sup>th</sup> Avenue NW, Austin, Minnesota and is legally described as:

Lot 9, Block 1, North Pointe, City of Austin, County of Mower

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

Publish: March 23, 2022

## **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 9, Block 1, North Pointe 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 4th day of April, 2022.

Yeas

Nays

ATTEST:

APPROVED

---

City Recorder

---

Mayor



# 2022 Street Reconstruction

40<sup>th</sup> Street NW

5<sup>th</sup> Avenue NW

Asphalt Paving





# Project Location

## **40<sup>th</sup> Street NW**

From Oakland Ave W to 5<sup>th</sup> Ave NW

## **5<sup>th</sup> Avenue NW**

From 40<sup>th</sup> St NW to Dead End





# Project Background

- **2015** – 40<sup>th</sup> Street & 5<sup>th</sup> Avenue NW annexed into City of Austin
- **2016-2019** – Planning for sanitary sewer extension project. Paving was considered during this time, but was not included with sanitary sewer project
- **Summer 2020-Spring 2021** – Sanitary sewer project constructed
- **Summer 2021** – City received requests from some residents to pave gravel roads
- **December 2021** – Survey sent to property owners asking for their opinion on whether or not to pave streets. 12-Yes, 16-No
- **January 2022** – Based on the survey results, the City Council directed engineering department to continue planning for a paving project in 2022
- **January 2022-Present** – Engineering Dept developed plans, bid the project, and calculated assessment costs



# Existing Conditions





# Project Scope

- Add thin layer of aggregate base
- Grade the existing gravel and aggregate base to create crown in the road
- Pave 4" of asphalt pavement 20'-22' wide
- Restore shoulders with black dirt and seed





# Project Schedule & Costs

- **Schedule**

- Start Date – June 13, 2022
- Completion Date – July 1, 2022
- Construction is expected to be completed over a 3 week period, weather permitting

- **Impacts**

- There will be access to driveways throughout the project

- **Bids**

- Bids Opened on March 8<sup>th</sup>
- Low Bidder – Ulland Brothers: \$159,035.00



# Assessments

- 100% of project costs would be assessed to adjacent property owners
- The project costs were divided by 28 units.
  - 21 properties assigned 1 unit
  - 1 property assigned 2 units (based on number of sewer services)
  - 1 property assigned 5 units (based on number of sewer services)
- $\$159,035.00 / 28 = \underline{\$5,679.82 \text{ per unit}}$
- Assessment amounts would not be adjusted by project cost overruns/underruns



# Assessment Payment Options

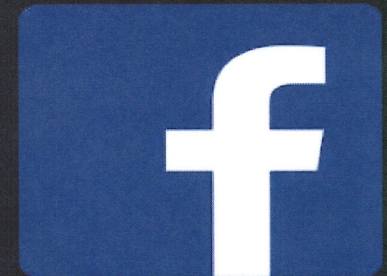
## **Assessment bills will be sent out late August/early September**

1. Pay the amount in full by October 28, 2022, without interest.
2. Pay at least 50% of the amount by October 28, 2022, without interest. The remainder will be added to your taxes, spread out over 15 years, with 3.75% interest.
3. Do not pay anything by October 28, 2022. The entire balance will be added to your property taxes, spread out over 15 years, with 3.75% interest.
4. If an individual is over the age of 65, financially qualifies, and lives on the property, the assessment may be deferred with interest until the property is sold.



# Project Updates

- Project updates and information will be posted in the following locations
- City of Austin Website – Weekly Project Updates
  - [www.ci.austin.mn.us/public-works/city-construction-projects](http://www.ci.austin.mn.us/public-works/city-construction-projects)
- City of Austin, Minnesota Facebook Page
  - [www.facebook.com/cityofaustinmn](http://www.facebook.com/cityofaustinmn)
- Flyers handed out door to door





# Questions?





**RESOLUTION NO.**

**RESOLUTION ORDERING IMPROVEMENT,  
APPROVING PLANS AND SPECIFICATIONS  
AND ORDERING ADVERTISEMENT FOR BIDS**

**WHEREAS**, pursuant to the resolution adopted by the City Council on the 18th day of January, 2022 and upon duly published notice as required by law, a hearing was held on the 4th day of April, 2022, at which time all persons were given an opportunity to be heard on the making of the following improvement:

- 1) **5<sup>th</sup> Avenue NW & 40<sup>th</sup> Street NW      22108**
  - a. 5<sup>th</sup> Avenue NW – 40<sup>th</sup> Street NW to Dead End
  - b. 40<sup>th</sup> Street NW – Oakland Avenue West to 5<sup>th</sup> Avenue NW

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

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

1. The foregoing improvement is hereby ordered to be made as proposed in the resolution adopted by the City Council on the 3rd day of January, 2022.
2. Plans and specifications prepared by City Engineer Steven Lang pursuant to the Council resolution are hereby approved and shall be filed by the City Recorder.
3. The City Recorder shall prepare and cause to be inserted in the official paper of the City of Austin and in the Construction Bulletin advertisement for the bids on the construction of this improvement, together with other projects pursuant to such approved plans and specifications. This advertisement shall be published as required by law, shall specify the work to be done and shall state when bids will be opened and when it will be considered by the City Council. No bids will be considered unless sealed and filed with the City Recorder and accompanied by a bid bond, cashiers check, or certified check payable to the City of Austin for five percent of the amount of such bid.

Approved by a vote of yeas and nays this 4th day of April, 2022.

Yeas

Nays

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

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



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

## Memorandum

**To:** Mayor & Council  
**From:** Mitch Wenum, PE  
**Date:** March 31, 2022  
**Subject:** Bids – Asphalt Street Reconstruction  
CP 22102, CP 22103 & CP 22104

The City of Austin received bids for asphalt street reconstruction on March 24, 2022. Streets being reconstructed on this project are 9<sup>th</sup> Street NW, 10<sup>th</sup> Street NW, 3<sup>rd</sup> Avenue NE and 3<sup>rd</sup> Street NE. A total of 23 blocks will be reconstructed. Work will consist of pavement removal, sanitary sewer and storm sewer improvements, asphalt paving, and sidewalk replacement. The bids are summarized below.

<b>Contractor</b>	<b>Total Bid Amount</b>
Ulland Brothers, Inc.	\$2,791,657.15
Engineer's Estimate	\$2,953,392.25

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

Fund 49 – Capital Improvement Fund	\$ 2,443,512.15
Fund 61 – WWTP Fund	\$ 147,350.00
Fund 67 – Stormwater Utility Fund	\$ 200,795.00



**RESOLUTION NO.**

**AWARDING BID FOR ASPHALT STREET RECONSTRUCTION**

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

2022 Asphalt Street Reconstruction Projects

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

<b>Contractor</b>	<b>Bid</b>
Ulland Brothers, Inc.	\$2,791,657.15
Engineer's Estimate	\$2,953,392.25

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

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

2022 Asphalt Street Reconstruction Projects

Passed by a vote of yeas and nays this 4th day of April, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

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



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

## Memorandum

**To:** Mayor & Council  
**From:** Mitch Wenum, PE  
**Date:** March 31, 2022  
**Subject:** Bids – Asphalt Mill & Overlay and Full Depth Reclamation  
CP 22106 & CP 222107

The City of Austin received bids for asphalt street mill & overlay and full depth reclamation on March 30, 2022. Streets included on this project are 16<sup>th</sup> Street SW, 5<sup>th</sup> Avenue SW, 7<sup>th</sup> Avenue SW, 11<sup>th</sup> Avenue SW and 23<sup>rd</sup> Street SW. The bids are summarized below.

Contractor	Total Bid Amount
Ulland Brothers, Inc.	\$360,438.75
Engineer's Estimate	\$336,540.00

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

Fund 49 – Capital Improvement Fund      \$ 360,438.75

**RESOLUTION NO.**

**AWARDING BID FOR ASPHALT STREET MILL & OVERLAY AND  
FULL DEPTH RECLAMATION**

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

Mill & Overlay and Full Depth Reclamation Projects

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

<b>Contractor</b>	<b>Bid</b>
Ulland Brothers, Inc.	\$360,438.75
Engineer's Estimate	\$336,540.00

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

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

Mill & Overlay and Full Depth Reclamation Projects

Passed by a vote of yeas and nays this 4th day of April, 2022.

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 Lang, PE  
**Date:** March 31<sup>st</sup>, 2022  
**Subject:** Quotes – Taxiway Joint Repair  
CP 22314

The City of Austin received quotes for the repair of taxiway joints on March 25<sup>th</sup>, 2022. Work will consist of milling out the existing joints 7-inches wide and replacing with compacted asphalt material. The project was bid with a base amount for the taxiway and alternates for the apron and hangar taxilanes. We solicited quotes from 4 local asphalt contractors.

The bids are summarized below.

Contractor	Base Bid	Alt 1	Alt 2	Total Bid
Ulland Brothers, Inc.	\$88,121.10	\$20,005.80	\$11,862.80	\$119,989.70
Rochester Asphalt Inc.	\$255,650.00	\$61,200.00	\$36,680.00	\$353,530.00
Rochester Sand & Gravel	No Quote			
Seykora Asphalt Maintenance	No Quote			
Engineer's Estimate	\$67,375.00	\$14,200.00	\$7,790.00	\$89,365.00

The project is proposed to be funded using the new Bipartisan Infrastructure Law dollars with an Airport Improvement Grant, which will cover 90% of the total costs. The remaining 10% at this time will be covered with local funds, but we are currently waiting on a decision from the State to determine if they will cover 5%, reducing the local match to 5%. I would recommend awarding the project to Ulland Brothers, Inc. for the base bid and alternates 1 & 2, contingent upon receipt of an FAA grant. If you have any questions, please contact me.

### Project Budget Summary

	90% BIL/AIG	10% Local	Total
Engineering	\$ 14,670.00	\$ 1,630.00	\$ 16,300.00
Construction	\$107,990.73	\$ 11,998.97	\$119,989.70
Admin (City)	\$ 450.00	\$ 50.00	\$ 500.00
Total	\$123,110.73	\$ 13,678.97	\$136,789.70



Taxiway Pavement Joints, 5-inches Wide





**RESOLUTION NO.**

**AWARDING BID – TAXIWAY JOINT REPAIR AT THE AUSTIN  
MUNICIPAL AIRPORT**

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

Taxiway Joint Repair at the Austin Municipal Airport

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

<b>Contractor</b>	<b>Base Bid</b>	<b>Alt. #1</b>	<b>Alt #2</b>	<b>Total</b>
Ulland Brothers, Inc.	\$88,121.10	\$20,005.80	\$11,862.80	\$119,989.70
Rochester Asphalt, Inc.	\$255,650.00	\$61,200.00	\$36,680.00	\$353,530.00

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

**AND, WHEREAS**, Contingent upon the receipt of an FAA grant.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Austin, Minnesota that the bid of Ulland Brothers., Inc. is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Ulland Brothers, Inc. for the base bid plus alternatives 1 & 2 in the name of the City of Austin for the following:

Taxiway Joint Repair at the Austin Municipal Airport

Contingent upon the receipt of an FAA grant.

Passed by a vote of yeas and nays this 4th day of April, 2022.

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 Lang, PE  
**Date:** March 31<sup>st</sup>, 2022  
**Subject:** Bids – Taxilane Construction  
CP 22315

The City of Austin received bids for taxilane construction on March 25<sup>th</sup>, 2022. The project will consist of the construction of a new taxilane for future T-Hangar construction. Work will include site grading, placement of aggregate base, asphalt pavement and turf restoration.

The bids are summarized below.

<u>Contractor</u>	<u>Total Bid</u>
Ulland Brothers, Inc.	\$324,920.00
Rochester Asphalt Inc.	\$779,915.00
Engineer's Estimate	\$423,936.50

The project is proposed to be funded using Airport Improvement Program (AIP) dollars, which will cover 90% of the total costs. The remaining costs will be covered with 5% State participation and 5% Local match. I would recommend awarding the project to Ulland Brothers, Inc. for the taxilane construction, contingent upon receipt of an FAA grant. If you have any questions, please contact me.

### Project Budget Summary

	90% AIP	5% State	5% Local	Total
Engineering Design	\$ 47,160	\$ 2,620	\$ 2,620	\$ 52,400
Engineering Inspection	\$ 68,760	\$ 3,820	\$ 3,820	\$ 76,400
Construction	\$ 292,428	\$ 16,246	\$ 16,246	\$ 324,920
Admin (City)	\$ 1,350	\$ 75	\$ 75	\$ 1,500
Total	\$ 409,698	\$ 22,761	\$ 22,761	\$ 455,220



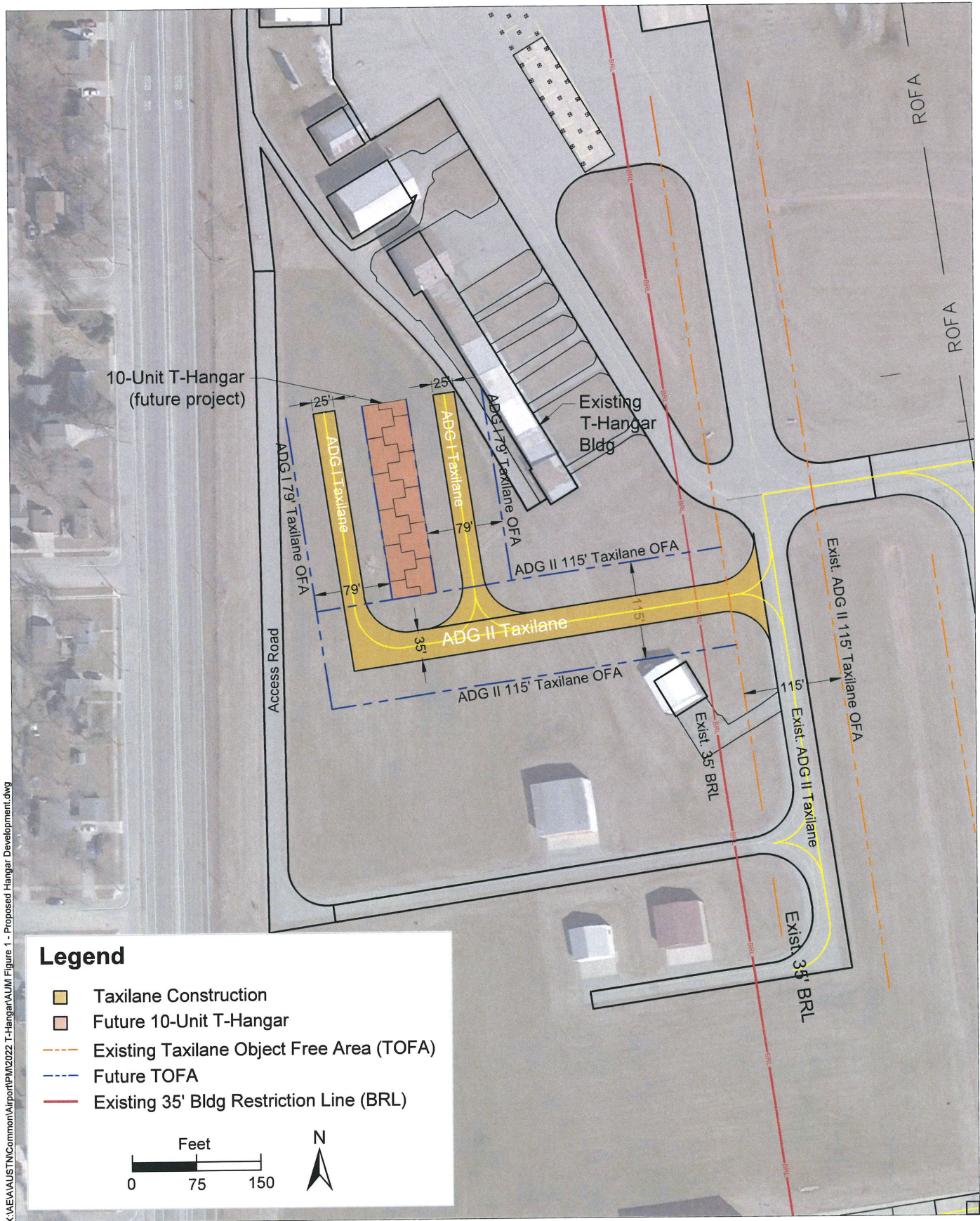


## Proposed Taxilane Construction

## Attachment D

Austin Municipal Airport  
Austin, Minnesota

Proposed Taxilane Construction for T-Hangar Development  
02/2022; AUSTN Common





**RESOLUTION NO.**

**AWARDING BID – TAXILANE CONSTRUCTION AT THE AUSTIN  
MUNICIPAL AIRPORT**

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

Taxilane Construction at the Austin Municipal Airport

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

<b><u>Contractor</u></b>	<b><u>Base Bid</u></b>
Ulland Brothers, Inc.	\$324,920.00
Rochester Asphalt, Inc.	\$779,915.00

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

**AND WHEREAS**, the project is contingent upon the receipt of an FAA grant.

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

Taxilane Construction at the Austin Municipal Airport

Contingent upon the receipt of an FAA grant.

Passed by a vote of yeas and nays this 4th day of April, 2022.

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:** February 2, 2022  
**Subject:** Airport Federal Project Funding Breakdown (AIP & BIL)

City staff has worked with our airport consultant, SEH to develop a 2-phase project for construction of a T-Hangar and connecting taxilanes. The first phase of the project is to construct the necessary taxilanes. This work will include site grading, placement of aggregate base, asphalt pavement, turf restoration, surveying, material testing and FAA documentation. The project is planned for construction in the fall of 2022.

SEH has provided a project scope and proposal to complete the following:

- 1) Construction administration
- 2) Construction observation
- 3) Project closeout and FAA reporting
- 4) Project management
- 5) Material testing
  - a. This will be completed by subconsultant Braun Intertec

The total cost for this construction management is \$76,400. The engineering services are proposed to be funded using Airport Improvement Program (AIP) dollars, which will cover 90% of the total costs. The remaining costs will be covered with 5% State participation and 5% Local match. I would recommend approval of these construction management services to SEH. Please let me know if you have any questions.

### Project Budget Summary

	90% AIP	5% State	5% Local	Total
Engineering Design	\$ 47,160	\$ 2,620	\$ 2,620	\$ 52,400
<b>Engineering Inspection</b>	<b>\$ 68,760</b>	<b>\$ 3,820</b>	<b>\$ 3,820</b>	<b>\$ 76,400</b>
Construction	\$ 292,428	\$ 16,246	\$ 16,246	\$ 324,920
Admin (City)	\$ 1,350	\$ 75	\$ 75	\$ 1,500
Total	\$ 409,698	\$ 22,761	\$ 22,761	\$ 455,220

RESOLUTION NO.

APPROVING A CONTRACT FOR ENGINEERING CONSTRUCTION INSPECTION SERVICES  
FOR THE TAXILANE CONSTRUCTION AT THE AUSTIN MUNICIPAL AIRPORT

WHEREAS, the City of Austin has awarded a bid to Ulland Brothers for Taxilane construction at the Austin Municipal Airport; and

WHEREAS, the City of Austin desires to hire a contractor for the inspection of the project along with construction management services; and

WHEREAS, SEH, Inc has provided a quote in the amount of \$76,400 for these services;  
and

WHEREAS, the Engineering Department recommends extending the contract to SEH, Inc.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves the agreement for contract with SEH, Inc. in the amount of \$76,400 and authorizes the Mayor and City Recorder to execute all contract documents.

Passed by a vote of yeas and nays this 4th day of April, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor



## 2022 Update

### 2021 Season Recap

1. Stats
  - a. Average number of vendors: 18
  - b. Average weekly customers: 300
  - c. Total vendor revenue for year: \$35,100 (based on weekly vendor averages)
2. Grants Received
  - a. \$9,320: Mower County SHIP. Used for signage, feather flags, shed, handwashing station, tables, chairs
  - b. \$21,442: SE MN Realtors. Used for musicians/sound techs, electricity/improvements, utilities, garbage, etc. Some remaining funds
3. Year End Financials
  - a. Total Revenue: \$34,635
  - b. Total Expenses: \$23,965
  - c. Started 2022 with \$10,670

### 2022 Season

1. Board
  - a. Board Directors include:
    - i. Don Smith (Vice Chair; Master Gardener w/ U of MN Extension & Retired Physician)
    - ii. Nicole Cizik (Secretary; Accounting Dept. Hormel Foods)
    - iii. Ashley Donicht (Treasurer; Accounting Dept. Hormel Foods)
  - b. Board Chair & 2nd Vice Chair remain open
  - c. Vendor Representatives on the Board:
    - i. Craig Davis (Our Farm Fresh)
    - ii. Margaret Andree (Dobbins Creek Farm)
    - iii. Tom Nechedomu (Behind the Breadbox)
2. Grants
  - a. \$10,000 SEMAC Grant (in partnership with the Culture & Arts Commission) to fund larger regional bands coming to the CRFM once a month
  - b. Applied for the \$50,000 MDA Good Food Access Program Equipment & Physical Improvement Grant
  - c. Will apply for the \$250,000 USDA Farmers Market and Local Food Promotion Program when the grant cycle opens
3. Season
  - a. May 19th - October 20th (end date weather determinate)
  - b. The board voted to change the date of the market to Thursdays
  - c. New time is 4-7pm (starting at 3 was deemed to early)
  - d. After Labor Day when daylight decreases hours will switch to 4-6pm
4. Community Garden
  - a. Anonymous community member has come forward to express interest in a community learning & mental health garden at the market site
  - b. Dolans is drawing up a plan for what this space could look like east of the car lot
5. Ask
  - a. City of Austin to remain our fiscal agent/nonprofit host for 2022 season until nonprofit status is attained

## RESOLUTION SETTING HEARING ON PROPOSED ASSESSMENTS

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

1) **5<sup>th</sup> Avenue NW & 40<sup>th</sup> Street NW**

Project #  
**22108**

- a. 5<sup>th</sup> Avenue NW – 40<sup>th</sup> Street NW to Dead End
- b. 40<sup>th</sup> Street NW – Oakland Avenue West to 5<sup>th</sup> Avenue NW

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

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

1. A hearing shall be held on the 2<sup>nd</sup> day of May, 2022 in the City Hall Council Chambers at 5:30 pm to pass upon such proposed assessment, and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The city clerk is hereby directed to cause a notice of hearing on proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement. The city clerk shall cause mail notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The owner of any property so assessed may pay his or her assessment at any time prior to certification of the assessment on such property without interest if the entire assessment is paid no later than October 31. He or she may at any time thereafter pay to the city the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made.

Passed by a vote of yeas and nays this 4th day of April, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

**NOTICE OF PUBLIC HEARING**

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

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Austin, Mower County, State of Minnesota, will hold a public hearing on Monday, May 2, 2022, at approximately 5:30 P.M. at the City Council Chambers in City Hall, 500 4th Avenue NE, Austin, Minnesota, relating to the City's proposed written spending plan (the "Spending Plan") authorizing and detailing the transfer of unobligated tax increment, pursuant to the temporary authority provided under Minnesota Statutes, Section 469.176, subdivision 4n. Copies of the Spending Plan are on file and available for public inspection at the office of the City Recorder at City Hall.

All interested persons may appear at the hearing and present their views orally or prior to the meeting in writing. Any person wishing to monitor the meeting from a remote location should do so by tuning in to Charter Channel 180. Anyone not able to do so, or anyone wishing to address the council should contact Ann Kasel at (507) 437-9943 to make arrangements in advance.

BY ORDER OF THE CITY COUNCIL OF  
THE CITY OF AUSTIN, MINNESOTA

/s/ \_\_\_\_\_  
City Recorder



**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE RECONVEYANCE OF  
FORFEITED LAND BACK TO THE STATE OF MINNESOTA**

WHEREAS, the City of Austin received the following described land via tax forfeiture deed from the State of Minnesota in 1993:

A parcel of property, 60 feet North & South by 100 feet East & West, of the old Chicago & North-Western Railroad right-of-way lying immediately adjacent to & west of the westerly end of 10<sup>th</sup> Avenue SE, as said avenue runs between Kaufman and Kaufman 2<sup>nd</sup> Additions in the City of Austin, Mower County, Minnesota; and

WHEREAS, the property was designated for use as a “public street” within the time frame as required by Minnesota Statutes; and

WHEREAS, there are no current plans by the City of Austin to develop the parcel as a “public street;” and

WHEREAS, since the intended purpose for the property has not been met, the law requires the City either convey the property back to the State of Minnesota or purchase it for fair market value; and

WHEREAS, the City of Austin desires to convey the property back to the State of Minnesota.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, MINNESOTA that the Mayor and City Recorder shall be authorized to execute the Reconveyance of Forfeited Lands to the State of Minnesota deed and convey the property back to the State of Minnesota.

Passed by a vote of Yeas and Nays this 4th day of April, 2022.

Yeas

Nays

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

#966

STATE OF MINNESOTA  
DEPARTMENT OF REVENUE

## CONVEYANCE OF FORFEITED LANDS

(Issued pursuant to Minnesota Statutes, Section 282.01, Subdivision 1)

**THIS INDENTURE**, made this 12th day of November, 1993, between the State of Minnesota, as party of the first part, and The City of Austin, a Governmental Subdivision, as party of the second part, **WITNESSETH**:

**WHEREAS**, the land hereinafter described was duly forfeited to the State of Minnesota to be held in trust in favor of the taxing districts for the nonpayment of taxes, and,

**WHEREAS**, pursuant to Minnesota Statutes Section 282.01, Subdivision 1a, the party of the second part has applied to the Commissioner of Revenue for the conveyance of lands hereinafter described to be used by it exclusively to facilitate the extension of 10th Avenue S.E. Westerly to 4th Street S.E., and,

**WHEREAS**, unless not required under Minnesota Statutes Section 282.01, Subdivision 1b(b), the Board of County Commissioners of the County of Mower, State of Minnesota, has recommended to the Commissioner of Revenue by resolution adopted on the 12th day of October, 1993, that such conveyance be made,

**NOW, THEREFORE**, the State of Minnesota, pursuant to said laws and in consideration of the premises, does hereby grant or convey unto the party of the second part, all the tracts or parcels of land lying and being in the County of Mower, State of Minnesota, described as follows, to-wit:

A parcel of property, 60 feet North & South by 100 feet East & West, of old Chicago & North-Western Railroad right-of-way lying immediately adjacent to & west of the westerly end of 10th Avenue S.E., as said avenue runs between Kaufman and Kaufman 2nd Additions in the City of Austin, Mower County, Minnesota,

Further, the lands conveyed by this deed are not eligible for enrollment in a State of Minnesota funded program providing compensation for conservation of marginal land or wetlands.

**TO HAVE AND TO HOLD THE SAME**, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the said party of the second part so long as it shall continue to use said land for the purpose aforesaid, and upon condition that if such use shall cease said land shall revert to the party of the first part as provided by law.

**THE GRANTOR CERTIFIES** that the Grantor does not know of any wells on the described real property. The State of Minnesota is issuing this deed for the county and other taxing jurisdictions and in reliance on the Auditor's certification stating no wells are located on the above described property.

**IN TESTIMONY WHEREOF**, the State of Minnesota, party of the first part, has caused this deed to be executed in its name in the City of St. Paul, Ramsey County, Minnesota, the day and year first above written.

In presence of:

Deane Rogge  
Sharon Constantine

STATE OF MINNESOTA  
MORRIS J. ANDERSON  
Commissioner of Revenue

By:

Michael P. Wandmacher

STATE OF MINNESOTA )  
 ) ss.  
County of Ramsey )

On this 12th day of November, 1993, before me personally appeared MICHAEL P. WANDMACHER, the duly appointed representative of the Commissioner of Revenue of the State of Minnesota, to me known to be the person who executed the foregoing conveyance in behalf of the State of Minnesota, and acknowledged that he executed the same as the free act and deed of said state pursuant to the statutes in such case made and provided.

Deane S. Rogge





Form approved by the Attorney General's Office.

THIS INSTRUMENT WAS DRAFTED BY:  
Minnesota Department of Revenue  
600 N. Robert St.  
St. Paul, MN 55101  
(651) 556-3000

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN  
THIS INSTRUMENT SHOULD BE SENT TO:

County Auditor  
Mower County  
201 First Street NE  
Austin, MN 55912

## Approval

The undersigned, acting for the Commissioner of Revenue of the State of Minnesota, under delegation of authority duly filed with the Secretary of State, does hereby approve the foregoing conveyance to the State of Minnesota.

Dated: \_\_\_\_\_

STATE OF MINNESOTA

\_\_\_\_\_  
Commissioner of Revenue

By: \_\_\_\_\_  
The duly appointed delegate of the Commissioner of  
Revenue, for these purposes.

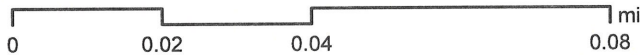
STATE OF MINNESOTA )  
                                  )ss.  
COUNTY OF RAMSEY )

This Approval was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_,  
the duly appointed delegate of the commissioner of revenue for these purposes.

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Date





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

**Mower County Public GIS**

Date/Time: 3/31/2022 8:32 AM



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

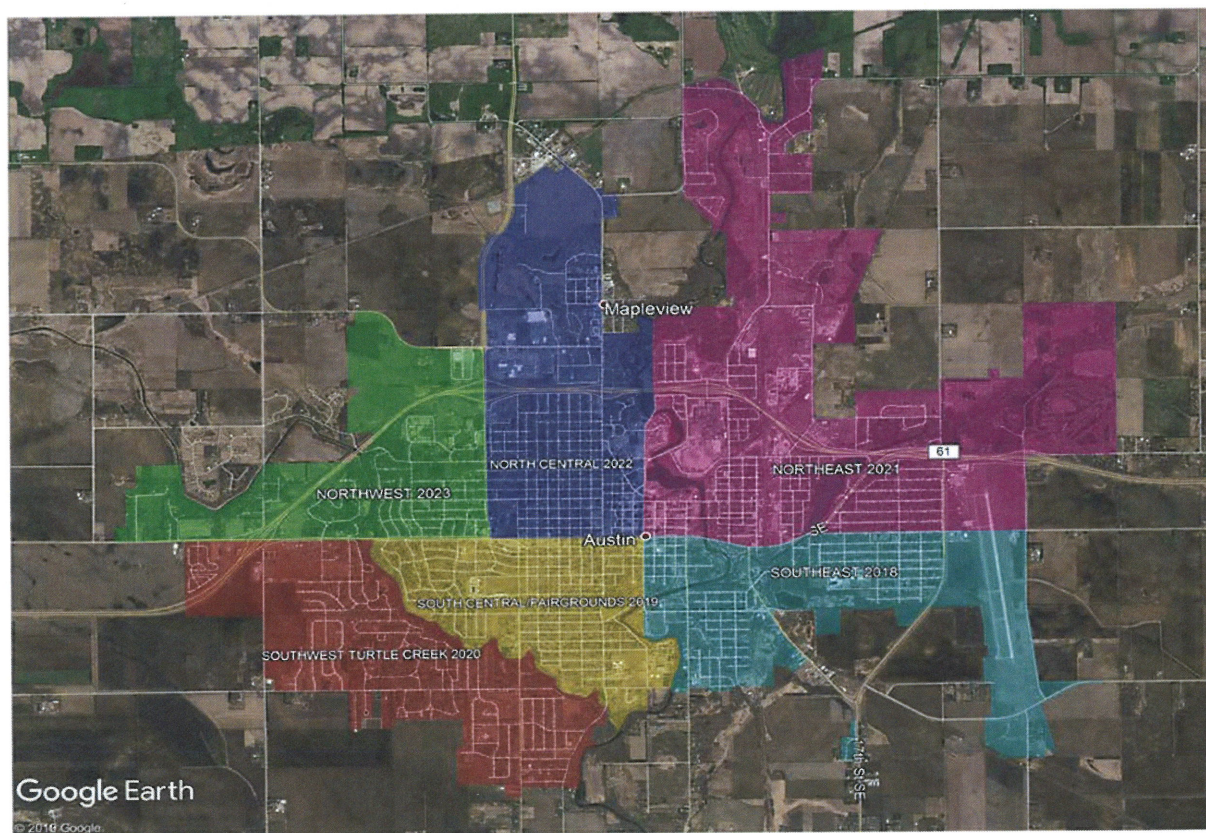


Steven J. Lang, P.E.  
City Engr./Public Works Dir.  
507-437-9949  
Fax 507-437-7101  
slang@ci.austin.mn.us

## Memorandum

**To:** Mayor & Council  
**From:** Steven J. Lang, P.E.  
**Date:** March 31, 2022  
**Subject:** Inflow & Infiltration Implementation Plan  
2022 North Central Sector

We implemented our 'Infiltration/Inflow' or 'I/I' program in 2018. To date we have completed work in the SE, SW, SW and NE sectors. The goal of the program is to reduce clear water from entering the sanitary sewer system through cracks in the sewer mains and manholes, and from private sources such as sump pumps, seepage collection systems (beaver drains), defective service laterals, and roof drains. Removing this clear water will reduce sewage handling and treatment costs, minimize sanitary sewer overflows, and extend the life of upgrades made to the sewer system and treatment facilities and help to keep us in compliance with the MPCA.





This is a 6-year project with specific sectors identified on the map. The North Central sector is planned for 2022. Work again will consist of televising, sump pump inspections, manhole inspections, smoke testing and management/analysis of all the data. The 2022 North Central area has about 2300 structures for sump pump inspections and 140,000 feet of sanitary sewer for inspection. These numbers are up slightly from previous sectors in the SE, SWC and SW.

We have received a proposal from WHKS in the amount of \$292,260 to continue their work in the North Central sector for 2022, televising will be a separate additional contract. Work will include the following:

	<u>2022</u>
• Project Management & Meetings	\$ 6,000
• Background and Data Review	\$ 2,000
• Manhole Inspections	\$ 46,500
• Smoke Testing	\$ 34,500
• Dye Testing	\$ 2,500
• CCTV Coordination & Review	\$ 42,000
• Sump Pump Inspection	\$151,760
• Analysis, Report & GIS Mapping	\$ 7,000
• Sanitary Sewer Televising CCTV	\$ 0 <i>(to come later on a separate contract)</i>
	\$292,260

The sump pump inspection program was cancelled for the SW Sector in 2020 due to the pandemic. We are now working to catch up, so sump pump inspections will be started this year in the NE Sector and when complete will carry over into the North Central Sector this fall.

I would recommend moving forward with WHKS for year five of the sanitary sewer I&I reduction project. This project will be funded using sanitary sewer user fees. If you have any questions, please feel free to contact me.

CIP Budget			
Year	Sector	Estimated Cost	Actual Cost
2018	<del>Southeast</del>	<del>\$350,000</del>	<del>\$351,000</del>
2019	<del>South Central</del>	<del>\$400,000</del>	<del>\$397,265</del>
2020	<del>SW Turtle Creek</del>	<del>\$350,000</del>	<del>\$304,950</del>
2021	<del>Northeast</del>	<del>\$400,000</del>	<del>\$410,880</del>
2022	<b>North Central</b>	<b>\$400,000</b>	
2023	Northwest	<u>\$350,000</u>	
		\$2,250,000	

RESOLUTION NO.

APPROVING A CONTRACT FOR SUMP PUMP AND I & I PROJECTS  
IN THE NORTH CENTRAL QUADRANT

WHEREAS, the Engineering Department has requested a proposal for a sanitary sewer inspection services as part of the infiltration and inflow reduction project; and

WHEREAS, the project would include sump inspections, manhole inspections, televising and smoke testing in the "North Central" sector of the City of Austin; and

WHEREAS, the City of Austin has received a proposal from WHKS in the amount of \$292,260; and

WHEREAS, the Engineering Department recommends extending the contract to WHKS.

NOW THEREFORE, BE IT RESOLVED, that the Austin City Council approves the agreement for contract with WHKS in the amount of \$292,260 for a sump pump inspection & I & I project in the "North Central" sector of the City of Austin.

Passed by a vote of yeas and nays this 4th day of April, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

City of Austin  
Zoning Department



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

## Memorandum

**To:** Mayor and City Council

**Cc:** Charles and Lois Fawver  
1805 14<sup>th</sup> St SW Austin, MN 55912

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

**Re:** Hazardous Structure located at 709 Oakland Ave W, Austin MN 55912

**Date:** March 30, 2022

---

May I ask the City Council to review and approve this resolution classifying the property located at 709 Oakland Ave W, Austin, Minnesota, as hazardous pursuant to Minnesota Statutes 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!

City of Austin  
Building Department



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

July 9<sup>th</sup>, 2021

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

RE: Housing Violations at 709 Oakland Ave W, Austin, MN 55912

Dear Charles:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on October 2<sup>nd</sup>, 2018 . July 9<sup>th</sup>, 2021 to check for progress at this site, and the following issues need to be resolved:

1. **Repair/ Replace broken windows**
2. **Repair/ Replace roof decking**
3. **Repair fascia**
4. **Protective treatment on siding**

**No progress has been made**

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

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

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

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have



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

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

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

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

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,

A handwritten signature in black ink, appearing to read "Brent Johnson", with a long horizontal flourish extending to the right.

Brent Johnson  
Zoning Inspector

City of Austin  
Building Department



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

October 3<sup>rd</sup>, 2018

Charles Fawver  
609 Oakland Ave W  
Austin, MN 55912

RE: Housing Violations at 709 Oakland Ave W, Austin, MN 55912

Dear Charles:

The City of Austin Planning and Zoning Department has observed a violation of City Code on October 2<sup>nd</sup>, 2018 your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. **Repair/ Replace broken windows**
2. **Repair/ Replace roof decking**
3. **Repair fascia**
4. **Protective treatment on siding west side of house**

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

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Johnson", with a long horizontal flourish extending to the right.

Brent Johnson  
Zoning Inspector





TIME STAMP

July 9, 2021  
10:32 AM





**August 11, 2021**  
**9:50 AM**









**March 30, 2022**  
**9:46 AM**



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

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING  
LOCATED AT 709 OAKLAND AVE W AUSTIN, MINNESOTA  
OWNED BY CHARLES AND LOIS FAWVER.**

**WHEREAS**, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 709 Oakland Ave W to be a hazardous building for the following reasons:

- 1. Repair/ Replace broken windows**
- 2. Repair/ Replace roof decking**
- 3. Repair fascia**
- 4. Protective treatment on siding**

**WHEREAS**, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on October 3<sup>rd</sup>, 2018 and July 9<sup>th</sup>, 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**
  - 2. Repair/ Replace roof decking**
  - 3. Repair fascia**
  - 4. Protective treatment on siding**
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 \_\_\_\_\_, 2022

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

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor



City of Austin  
Zoning Department



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Fax: 507-437-7101  
[www.ci.austin.mn.us](http://www.ci.austin.mn.us)

## Memorandum

**To:** Mayor and City Council

**Cc:** Charles and Lois Fawver  
1805 14<sup>th</sup> St SW Austin, MN 55912

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

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

**Date:** March 30, 2022

---

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

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

Thank You!

City of Austin  
Building Department



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

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

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

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

Dear Charles:

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

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

**No progress has been made**

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

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

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof 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.

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

Sincerely,



A handwritten signature in black ink, appearing to read "Brent Johnson", with a long horizontal flourish extending to the right.

Brent Johnson  
Zoning Inspector

City of Austin  
Building Department



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

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

Charles Fawver  
609 Oakland Ave W  
Austin, MN 55912

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

Dear Charles:

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Johnson", written over a horizontal line.

Brent Johnson  
Zoning Inspector

BJ/ag





TIME STAMP

June 2, 2021  
10:42 AM





TIME STAMP 

**June 2, 2021**  
**10:43 AM**





TIME STAMP 

June 2, 2021  
10:43 AM



TIME STAMP 

June 2, 2021  
10:42 AM









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

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

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

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

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

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

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



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

Passed by a vote of Yeas and Nays this \_\_\_\_\_ day of \_\_\_\_\_, 2022

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

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

City of Austin  
Zoning Department



500 Fourth Avenue N.E.  
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## Memorandum

**To:** Mayor and City Council

**Cc:** Mehling Properties LLC  
1206 5<sup>th</sup> St NW, Austin, MN 55912

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

**Re:** Accumulation of Refuse and Junk  
At 1206 5<sup>th</sup> St NW, Mehling Properties LLC

**Date:** April 1, 2022

---

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 1206 5<sup>th</sup> St 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



City of Austin  
Zoning Department



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

April 1, 2022

Mehling Properties LLC  
1206 5<sup>th</sup> St NW  
Austin, MN 55912

RE: Zoning Violations at 1206 5<sup>th</sup> St NW, Austin, MN

Dear Sir or Madam:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 30, 2022 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", is written over a horizontal line.

Brent Johnson  
Zoning Inspector





March 30, 2022  
10:35 AM

1206 5th St NW



City of Austin  
Zoning Department



500 Fourth Avenue N.E.  
Austin, Minnesota 55912-3773  
Phone: 507-437-9950  
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## Memorandum

**To:** Mayor and City Council

**Cc:** Jonathan Luchsinger, 1506 6<sup>th</sup> St NW, Austin, MN 55912

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

**Re:** Accumulation of Refuse and Junk  
At 1506 6<sup>th</sup> St NW, Luchsinger Property

**Date:** April 1, 2022

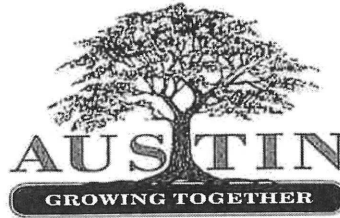
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May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 1506 6<sup>th</sup> St NW. The property owner has been notified of this violation to the City Code Sections 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

City of Austin  
Zoning Department



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

March 10<sup>th</sup>, 2022

Jonathan Luchsinger  
1506 6<sup>th</sup> St NW  
Austin, MN 55912

RE: Zoning Violations at 1506 6<sup>th</sup> St NW, Austin, MN 55912

Dear Jonathan:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 10<sup>th</sup>, 2022 at this site and the following issues need to be resolved:

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

The violation of Austin City Code Sections 10.01 Subd 2 & 3, 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 10.14, 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



March 30, 2022  
10:37 AM

1506 6th St 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](http://www.ci.austin.mn.us)

## Memorandum

**To:** Mayor and City Council

**Cc:** Edgar Serrano  
301 4<sup>th</sup> Ave NE Austin, MN 55912

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

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

**Date:** April 1, 2022

---

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 305 1<sup>st</sup> Ave SW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin  
Zoning Department



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

March 7<sup>th</sup>, 2022

Edgar Serrano  
301 4<sup>th</sup> Ave NE  
Austin, MN 55912

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

Dear Edgar:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on March 7<sup>th</sup>, 2022 at this site and the following issues need to be resolved:

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

The violation of Austin City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6, 10.33 Subd. 2(C) and 11.01 Subd. 93 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 10.14, Subd. 4  
NOTICE AND ABATEMENT.**

E. Whenever a public officer or other person charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City,



the City enforcement officer shall notify in writing the owner or occupant of the premises of such fact and order that such nuisance be terminated and abated.

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

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

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

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

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

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

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

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

**City Code Section 11.01 Subd. 93 Yard, Front**

C. In the case of corner lots, a **FRONT YARD** of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard or half the depth required generally for front yards in the district shall be provided on the other frontage.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brent Johnson", with a long horizontal flourish extending to the right.

Brent Johnson  
Zoning Inspector





March 30, 2022  
9:50 AM

305 1st Ave SW