

A G E N D A
CITY COUNCIL MEETING
MONDAY, MAY 16, 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 May 2, 2022

3. Recognitions and Awards.
FFA Group Recognition

(mot) 4. *Consent Agenda

Licenses:

Food: Lawlasoe Market, LLC, 208 South Main Street

Mobile Business: Poncho & Mara's Cocinita, 1009 10th Avenue SW

Mobile Business: Sunny's Ice Cream & Mexican Food, 1013 5th Ave NE

Sign installer: Scenic Sign Corp., Sauk Rapids

Temporary Liquor: Pacelli Catholic Schools on June 17, 2022

Claims:

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

Event Applications:

Freedom Festival on July 3-4, 2022

PUBLIC HEARING:

(res) 5. Public hearing on the reassessment of repurchased forfeited property.
a. Adopting assessment roll.

BID OPENINGS AND AWARDS:

(mot) 6. Receiving bids for the Oakland Avenue Trail project.
a. Rejecting bid.

(res) 7. Receiving bids for the Senior Center parking lot project.
a. Awarding bid.

(res) 8. Receiving bids for pavement striping.
a. Awarding bid.

PETITIONS AND REQUESTS:

- (res) 9. Approving an on-sale liquor license for Bicabut, Inc. dba Bakery Lounge dba the Downtown Grill.
- (mot) 10. Appointing Stephen Juenger as the honorary council member – June to August 2022.
- (res) 11. Approving a resolution in support of funding for the I 90 bridge projects.
- (res) 12. Accepting donations to the City of Austin.
- 13. Reviewing a sign appeal from Blu Water Brew, LLC dba Scooter's Coffee.
 - (mot) a. Approve or deny sign appeal.
- 14. Reviewing a lot variance request from Michael Arens.
 - (mot) a. Approve or deny variance request.
- 15. Reviewing a deck variance request from Ralph Donkers.
 - (mot) a. Approve or deny variance request.
- 16. 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. 1019 8th Avenue NE, Graham Property.
 - (mot) b. 1107 4th Avenue NW, Fernando Property.
 - (mot) c. 1309 30th Avenue NE, Oelker & Jarrett Property.
 - (mot) d. 600 11th Avenue NW, Sletten Property.

CITIZENS ADDRESSING THE COUNCIL

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Monday, June 6, 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
May 2, 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, Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, City Attorney Craig Byram and Library Director Julie Clinefelter

APPEARING IN PERSON: Housing and Redevelopment Director Taggert Medgaarden, Jason Culbert, Julianne Roller (via zoom), Susan Strandberg, Tim Sorgine, Austin Daily Herald

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

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

Moved by Council Member Oballa, seconded by Council Member Fischer, approving Council minutes from April 18, 2022. Carried.

AWARDS AND RECOGNITIONS

Discover Austin Director Nancy Schnable reviewed the 2021 year and did an overview of the 2022 year for Discover Austin. She noted they added a VW Beetle named Petunia to the Discover Austin team.

CONSENT AGENDA

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

Licenses:

Exempt Gambling: American Legion on August 9-14, 2022

Exempt Gambling: Marcusen Park Baseball Association on September 1, 2022

Food: N'nyaw Grocery Store, 404 1st Street NW

Mobile Business: Classic Kitchen, 22133 State Highway 56

Mobile Business: Mimi's Cones, 1208 10th Avenue SW
Mobile Business: Stagecoach BBQ & Grill, 205 W. Main Street, Brownsdale
Right of Way: Lamont Concrete, LLC, 56837 180th Street
Tree Service: Green Tree Outdoor Services, Fountain

Claims:

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

Event Applications:

Independence Day Parade on July 4, 2022

Carried.

PUBLIC HEARINGS

A public hearing was held for the proposed written spending plan for tax increment financing (redevelopment) district no. 11. Director of Administrative Services Tom Dankert stated the proposed pending plan to use funds from tax increment plan 11 that aren't needed for another project for affordable housing. There is approximately \$548,000 in the fund.

Jason Culbert, 211 2nd Street SE asked if the funds would be used in the southeast neighborhood near where he lives.

Mr. Dankert stated the spending of the funds could go to the area near his home.

There were no other public comments.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution approving a written spending plan for tax increment financing (redevelopment) district no. 11.
Carried 7-0.

A public hearing was held for a proposed five year tax abatement request from Caleb Tsetse for a single family home proposed at 1805 18th Drive NE. The home has an approximate value of \$757,000 and meets the criteria for the tax abatement program.

There were no public comments.

Moved by Council Member Baskin, seconded by Council Member Oballa, approving a five year tax abatement application from Caleb Tsetse. Carried 7-0.

A public hearing was held for street improvement assessments on 5th Avenue NW (40th Street NW to dead end) and 40th Street NW (Oakland Avenue West to 5th Avenue NW), Project 22108. The amount to be assessed is \$159,035.00 at 3.75% for 15 years. Assistant City Engineer Mitch

Wenum presented the project and the proposed assessments. He stated the City will be paving a gravel road.

There were no public comments.

Moved by Council Member Fischer, seconded by Council Member Baskin, adopting a resolution declaring the cost of Project 22108. Carried 7-0.

Moved by Council Member-at-Large Austin, seconded by Council Member Postma, adopting a resolution adopting the assessment roll for Project 22108. Carried 7-0.

BID OPENING

The City received bids for the 40th Street NW and 5th Avenue NW paving project. The following bids were received:

Contractor	Total
Ulland Brothers, Inc.	\$159,035

Assistant City Engineer Mitch Wenum stated the roads are currently gravel and will be paved. He recommended awarding the bid to Ulland Brothers, Inc.

Moved by Council Member Fischer, seconded by Council Member Oballa, awarding the bid for the 40th Street NW and 5th Avenue NW paving project to Ulland Brothers, Inc. Carried 7-0.

The City received bids for the Cedar River siphon replacement project. The following bid was received:

Contractor	Total
Elcor Construction	\$1,757,953.10

Public Works Director Steven Lang stated the project would involve the replacement of the 100 year old siphons under the Cedar River. He stated the engineer's estimate for the project is \$580,000 and since the only bid came in three times over that amount, he recommended rejecting all bids for the project. He stated the project will be rebid in the future.

Moved by Council Member Postma, seconded by Council Member Fischer, rejecting bids for the Cedar River siphon replacement project. Carried.

PETITIONS AND REQUESTS

City Administrator Craig Clark requested the Council approve a contract with Bird Rides, Inc. for 75 rentable scooters in Austin. The scooters would be at no cost to the City and a local attendant is responsible for the units. The scooters can operate on the roadways.

Police Chief David McKichan noted he talked to the Albert Lea police department and they did not have any major issues.

Julianne Roller with Bird Scooters stated all riders must be 18 or older. She stated they will be partnering with local community businesses for location placement.

Moved by Council Member Postma, seconded by Council Member Oballa, adopting a resolution approving a contract with Bird Rides, Inc. Carried 7-0.

Housing and Redevelopment Director Taggart Medgaarden reviewed the 1st and 3rd Apartments proposal. He stated the HRA is partnering with Three Rivers Community Action to develop a 40-unit affordable housing project east of the post office. The project is contingent upon being awarded housing tax credits and would also receive a \$600,000 contribution from the Hormel Foundation, \$250,000 from Mower County and TIF funding from the City of Austin.

Susan Strandberg with Three Rivers Community Action stated they work as a non-profit housing developer for affordable housing. She stated the design had been modified to accommodate a neighboring property that did not to participate in the project. She stated the tax credits will be applied for in July and the announcement will be made in December if the project is awarded. She stated the project scores very high with all the local community contributions.

Council Member Poshusta stated she supports the project but will need to abstain from the voting due to the fact she works for the management company on the project. She also thanked Taggart for his work on the project.

Jason Culbert, 211 2nd Street SE, stated he is the property owner on the block that has not participated in the project. He stated he would like to receive an offer on his property and has concerns about privacy, light pollution, crime and traffic.

Mayor King stated property owners were given the option to sell for the project and the City has not kicked anyone out. He noted that accommodations are being made on the project to make it more private for the Culbert property. He told Mr. Culbert to speak with Mr. Medgaarden.

Mr. Dankert noted the TIF funding would be paid back over 26 years.

Mr. Culbert stated the project could be bigger with his property.

Mayor King stated the HRA offered to do an appraisal on the property in the past.

Mr. Dankert stated the project was developed and planned without the property included in the project.

Moved by Council Member Postma, seconded by Council Member Oballa, adopting a resolution in support for the 1st and 3rd Apartments tax credit application. Carried 6-0 with Council Member Poshusta abstaining.

Moved by Council Member Oballa, seconded by Council Member Postma, adopting a resolution in support for the 1st and 3rd Apartments additional funding. Carried 6-0 with Council Member Poshusta abstaining.

Moved by Council Member Baskin, seconded by Council Member Oballa, adopting a resolution approving letter in support from the Mayor for the tax credit application. Carried.

Director of Administrative Services Tom Dankert reviewed the preservation of the right to establish a redevelopment district on the proposed apartment development site. He stated if the tax credits are not received then the proposed resolutions would preserve the ability to establish a redevelopment district for the area.

Moved by Council Member Poshusta, seconded by Council Member Oballa, adopting a resolution finding that parcels are occupied by structurally substandard buildings. Carried 7-0.

Moved by Council Member Oballa, seconded by Council Member Poshusta, adopting a resolution authorizing reimbursement from tax increment pursuant to an interfund loan for advance of certain HRA costs in connection with a tax increment financing district within municipal development district no. 1. Carried 7-0.

Administrative Services Director Tom Dankert requested the Council approve participation in the Office of the State Auditor's 2022 voluntary performance measurements program. The City would be eligible to receive additional LGA from the State for participation.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting resolution affirming participation in the Office of the State Auditor's Voluntary 2022 Performance Measurements Program. Carried 7-0.

Director of Administrative Services Tom Dankert stated the City has a planned parking lot replacement project at the Senior Center in the summer of 2022 and the Senior Center has requested additional work to create a patio. The Senior Center will cover the costs for the patio. In addition, the estimated cost of the project has increased. Mr. Dankert requested a Council motion approving the additional work and costs on the project.

Moved by Council Member Poshusta, seconded by Council Member Baskin, approving additional funding for the Senior Center parking lot and sidewalk replacement project. Carried.

City Administrator Craig Clark requested the Council approve a contract with Flashing Thunder Fireworks for the 4th of July celebration.

Moved by Council Member Fischer, seconded by Council Member Oballa, adopting a resolution approving contract with Flashing Thunder Fireworks. Carried 7-0.

Public Works Director Steven Lang stated the City/County annual electronics recycling event will take place on May 14, 2022 from 9 am to 2 pm. He requested the Council approve \$500 for advertising and the use of a fork lift. He noted the City is looking for volunteers for the event.

Moved by Council Member Postma, seconded by Council Member Oballa, approving the City's participation in the 2022 Electronics Recycling Event. Carried.

City Administrator Craig Clark stated the City applied for a EDA grant for infrastructure in Creekside Business Park with an estimated total project cost of \$4,375,000. The original grant was a 20% local match but the grant came back with a 50% match. Mr. Clark requested an additional \$546,250 to cover the 50% grant match.

Moved by Council Member Baskin, seconded by Council Member Fischer, adopting a resolution authorizing the request for qualifications for a United States Economic Development administration study. Carried 7-0.

Moved by Council Member Baskin, seconded by Council Member-at-Large Austin, designating election judges and polling places for 2022 elections. Carried 7-0.

Moved by Council Member Postma, 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 804 1st Avenue NW, Padilla Property. Carried.

Moved by Council Member Fischer, seconded by Council Member Baskin, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 808 1st Avenue NW, Gallardo Property. Carried.

Moved by Council Member Oballa, 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 1605 12th Street SW, Rivera Property. Carried.

CITIZENS ADDRESSING THE COUNCIL

Tim Sorgine, 505 11th Avenue NW, has concerns about the stop signs at the intersection of 6th Avenue and 10th Drive SE. He stated drivers are not noticing the signs and there are accidents there.

Brad Prentis, 1103 5th Place SE, stated that people are running the stop sign at the intersection.

REPORTS

Council Member Baskin thanked City staff for the amount of work preparing for the City Council meeting.

Council Member Postma thanked City Clerk Ann Kasel on her election judge training.

Moved by Council Member Fischer, seconded by Council Member Oballa, adjourning the meeting to May 16, 2022. Carried.

Adjourned: 6:46 p.m.

Approved: May 16, 2022

Mayor: _____

City Recorder: _____

Right of Way Permit



Permit Type: Community Festival

Permit Number: 2022-104

Applicant Information		Organization Information	
Primary Name	Mark Bliese	Organization Name	Austin Enhancement Group, Inc.
Primary Phone	507-219-0129	Organization Address	PO Box 3
Primary Cell		Organization City	Austin
Primary Email	bliesemark@gmail.com	Organization State	MN
Alternate Name	Taylor Bliese	Organization Zipcode	55912
Alternate Phone	507-219-1249		
Alternate Cell			
Alternate Email	tbliese@gmail.com		

Permit Information			
Event Title	Freedom Festival		
Event Type	Community	Approximate Number of Participants	5,000
Event Start Date	July 3, 2022	Event Start Date	July 4, 2022
Description of Event and Expected Volume	Various Family Friendly Dance, Music, Inflatables, Bingo, Food. 85-90dB, 1w/1m		
Event Start Time	12:00	Event End Time	23:00
Alcoholic Beverages Available	Yes	Licensed Establishment(s) Serving Alcohol	VFW, Gravity Storm
Location of Alcohol Services	Beer Garden/s	Types of Alcohol being Served	Strong Beer
Traffic Control Barricades Needed for Street/Lane Closure?	Yes	Will Traffic Control Barricades be Provided by Applicant or City?	City
Portion of Street Width Being Used			

Engineering Department					
Determination	Approved	Date of Approval	April 26, 2022	Approved By	Mitch Wenum
Comments	City to provide barricades in locations as requested				

Police Department					
Determination	Approved	Date of Approval	May 3, 2022	Approved By	David McKichan
Comments	We will work with the organizer more as the event approaches, so far plans have been reviewed and OK with us				

City Clerk					
Determination	Approved	Date of Approval	April 26, 2022	Approved By	Ann Kasel
Comments	Liquor licenses need to be approved separately. Not approved as part of this application.				

Final Determination	Approved
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Disclaimer: The City is only reviewing and approving activities and installations intended to occur within the ROW and not in any way approving or providing comment on any activity that may occur on private property, the Permittee or Registrant is solely responsible for any and all entries, activities, or installations upon private property.

Area #1 – 4th St SW and 9th Place SW

Four type III Barricades from City of Austin (see inserted picture). With sandbags. To remain in place from 10AM Sunday until Tuesday AM. Road will be completely shut down for east bound traffic.



Area #2 – 9th Place SW and 2nd Drive SW

Four Single A-frame barricades (see inserted picture) with sandbags. No traffic from 2nd Dr SW onto 9th Place SW.



Area #3 – 9th Place SW near food court

Four Single A-frame barricades to be used to stop west bound traffic. Moved as needed.



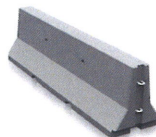
Area #4 – 9th Place SW and Main St S.

Four A-Frame barricades as in previous years. Moved as needed to allow event traffic.



Area #5 – 1st ST SW / Cul De Sac / Handicapped Parking Lot

Jersey barriers or equivalent to stop all vehicular traffic into park. This is our main problem area as it is generally unstaffed and somewhat remote leading to a high level of vehicles

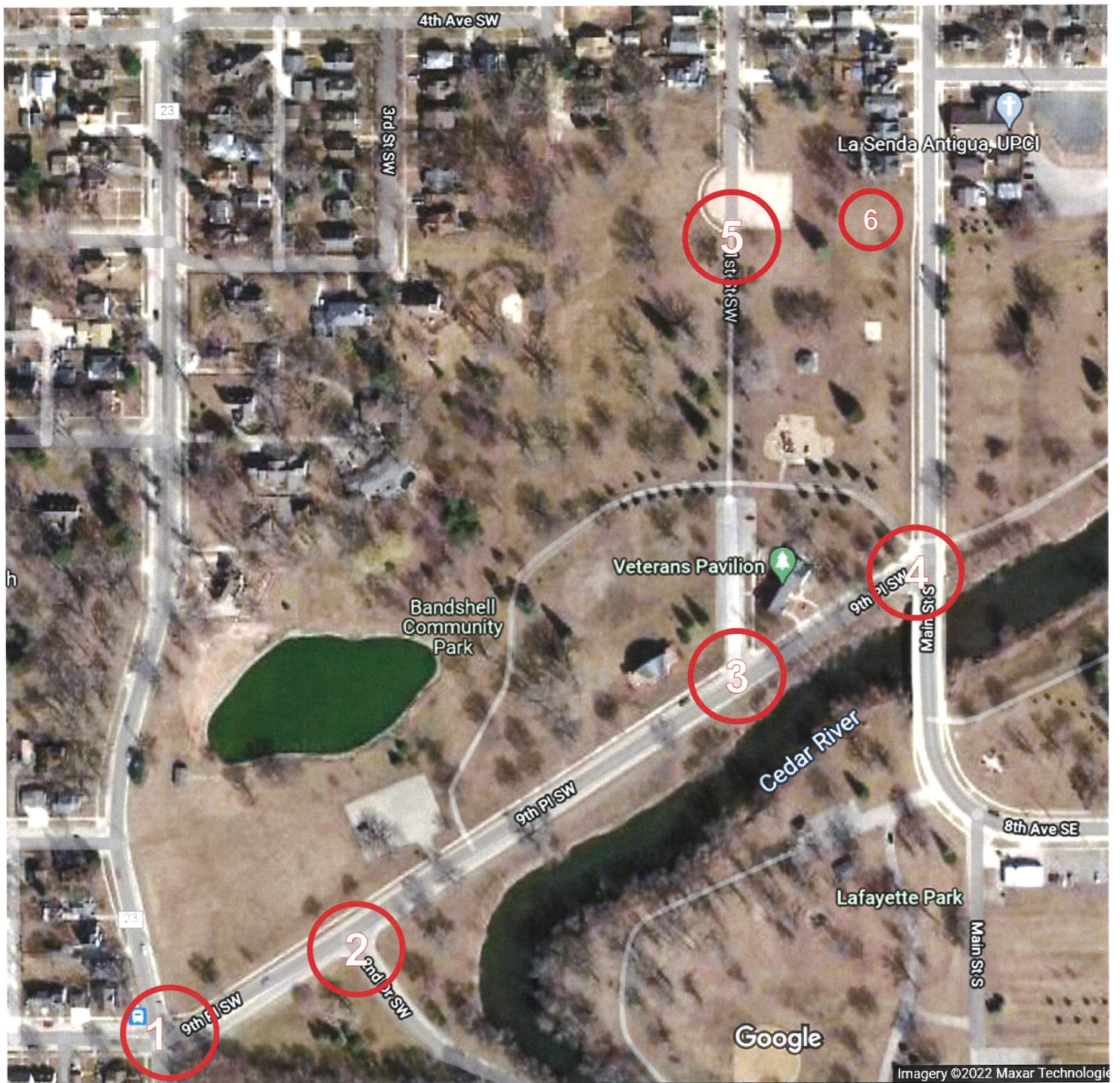


jumping the curb and driving on the grass.

Area #6 – Craft Vendor and Food Concession Worker Parking Area

Vendor and Concession Worker Parking lot determined by snow fence or delineators with caution tape, size to be determined. Window parking passes required and will be supplied.

Not Shown on Map, but still needed, is the standard parking area marked off on the east side of South Main near the Dog Park for general public parking as in years past.



City of Austin
Ann M. Kasel, City Clerk



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

Memorandum

To: Mayor & Council
From: Ann M. Kasel
Date: May 11, 2022
Subject: Reassessment of forfeited property

Mower County sold properties at their forfeiture auction last fall. The attached resolution proposes to reassess each property for the assessments that were cancelled with the tax forfeiture. Notice of the hearing was sent to the property owners and published in the paper.

Please let me know if you have any questions.

RESOLUTION NO.

ADOPTING REASSESSMENT OF FORFEITED TAX PROPERTY

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed on all objections to the proposed assessment for the reassessment of forfeited tax property for special assessments that were cancelled by forfeiture.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment and that the amount of such expense shall constitute and be a lien in favor of the City of Austin and against the land involved hereby considered and passed. This assessment is made pursuant to M.S. §429.071, Subd. 4.
2. Such assessment shall be payable in equal annual installments extending over ten (10) years, the first of the installments to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. The first installment shall be added interest on the entire assessment from July 1, 2022 until December 31, 2023. To each subsequent installment when due shall be added interest one (1) year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, except that no interest shall be charged if the entire assessment is paid within 30 days from the date of this resolution. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st of the payment year.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the proper tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.

Passed by a vote of yeas and nays this 16th day of May, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

Extra Days
Code
Fund -

Resolution No.

Reassessment of Forfeited Tax Property
Interest at 3.75% from July 1, 2022
10 years

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<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Amanda Gunderson 34.165.0680	Lot 34	3	Crane 2nd	\$1,599.31
Steven and Barbara Race 34.340.0170	Lot 1 & .1 Ac old RR ROW on the W. side of Lot 1	2	Kaufman 2nd	\$4,249.91
Hammond Realty & Investments, LLC 34.365.1750	Lot 12	8	Kenwood Park	\$2,098.79
Cesar Chavez and Lidia Montano 34.600.0040	N 1/2 Lot 1	3	Railroad	\$17,516.16
Cesar Chavez and Lidia Montano 34.600.0420	N. 80 ft Lot 10	7	Railroad	\$4,583.74
Larry Schwie 34.600.0940	Lot 6	10	Railroad	\$17,142.82
Aaron Johnson 34.790.0410	Lot 4	4	Woodlawn Park	\$24,641.34
Joe Byers 34.895.0330	.44 Ac S 1/2 SW 1/4 E OL 24 of Norman Park 2nd		33-103-18	\$14,804.18
Total Assessment Prepayments Total to be Assessed				\$86,636.25

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: May 12, 2022
Subject: Bids – Oakland Avenue W Trail
CP 22303

The City of Austin received bids for the construction of the Oakland Avenue W trail on May 11, 2022. The trail is proposed to be constructed from 25th Street SW to I-90 along the south side of Oakland Ave W.

The bids are summarized below.

Contractor	Total Bid Amount
Ulland Brothers, Inc.	\$292,845.00
Engineer's Estimate	\$185,350.00

The bids came in much higher than anticipated, and exceed the \$150,000 budgeted for the project. The high bid prices are likely due to increasing material costs and the volume of work already planned by contractors this summer. We believe there are modifications that can be made to the plans to make the project more economical and still be constructed this summer.

We recommend that the City Council reject the bids. We would then modify the plans, and request quotes from additional contractors, hopefully resulting in costs that are close to our budgeted funds. If you have any questions, please contact me.

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: May 12, 2022
Subject: Bids – Senior Center Parking Lot Improvements
CP 22307

The City of Austin received bids for improvements to the Senior Center parking lot and sidewalks. Work will consist of the following:

- Mill and overlay of the asphalt pavement in the parking lot
- Drainage improvements
- Replacement of deficient city sidewalk panels
- Replacement of all sidewalk on the south side of the building
- Construction of a concrete patio

The bids are summarized below.

Contractor	Total Bid Amount
Ulland Brothers, Inc.	\$113,945.00
Engineer's Estimate	\$107,100.00

City crews will complete the drainage improvements. Mower County Seniors, Inc will contribute funds for the patio improvements. The remaining costs would be funded by the Building Fund.

We recommend awarding the project to Ulland Brothers, Inc. If you have any questions, please contact me.

Mower County Seniors, Inc.	\$ 14,050.00
Building Fund	\$ 99,895.00
City In-Kind Services	\$ 20,255.00 (Not included in bid amount)

RESOLUTION NO.

AWARDING BID FOR SENIOR CENTER PARKING LOT IMPROVEMENTS

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

Senior Center Parking Lot Improvements

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

<u>Contractor</u>	<u>Bid</u>
Ulland Brothers, Inc.	\$113,945.00
Engineer's Estimate	\$107,100.00

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:

Senior Center Parking Lot Improvements

Passed by a vote of yeas and nays this 16th day of May, 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: May 12, 2022
Subject: Bids – Pavement Striping

In 2021, due to a vacancy in the Sign & Traffic Department, we hired a contractor to paint the centerlines of city streets. We found that the contractor was very efficient and now allows the new person in the Sign & Traffic Department to work on other backlogged work. So we have solicited bids for mainline pavement striping again in 2022. Quotes for centerline striping of city streets were received on May 12, 2022. Work will consist of centerline striping of approximately 25 miles of roadway with the following:

- Dashed yellow
- Solid yellow
- Dashed white
- Solid white

The bids are summarized below.

<u>Contractor</u>	<u>Quote</u>
Traffic Marking Service	\$ 8,919.90
Sir Lines-A-Lot	\$10,541.70
Warning Lites	\$14,596.20

We would recommend awarding the project to Traffic Marking Service. The work will be funded through the Sign & Traffic Department. If you have any questions, please contact me.

Miscellaneous pavement striping will be completed by the Street Dept. staff, such as;

- Crosswalks
- Turn Arrows
- Yellow Curb (No Parking)
- Parking Lots

Sign & Traffic Department 43170.6309 \$ 8,919.90

RESOLUTION NO.

AWARDING BID FOR PAVEMENT STRIPING

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

Pavement Striping

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

<u>Contractor</u>	<u>Bid</u>
Traffic Marking Service	\$ 8,919.90
Sir Lines-A-Lot	\$10,541.70
Warning Lites	\$14,596.20

AND, WHEREAS, it appears Traffic Marking Service is the lowest responsible bidder.

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

Pavement Striping

Passed by a vote of yeas and nays this 16th day of May, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

GRANTING LICENSE FOR SALE OF ON-SALE HARD LIQUOR AND
SUNDAY HARD LIQUOR ON-SALE

WHEREAS, the persons hereinafter named have applied to the City Council at Austin, Minnesota, for licenses to sell Hard Liquor On-Sale and Sunday Hard Liquor On-Sale, at the respective addresses herein mentioned at Austin, Minnesota; and

WHEREAS, after due investigation it appears said applicants for said licenses for sale of Hard Liquor On-Sale have complied with all the provisions of the law relative thereto and are entitled to have licenses issued to each of them for the above described purposes at the hereinafter named addresses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Austin does hereby grant licenses for the sale of Hard Liquor On-Sale to the following licensees at the following locations in Austin, Minnesota, which licenses shall commence June 1, 2022, and expire December 31, 2022:

Bicabut, Inc.	dba Bakery Lounge dba the Downtown Grill
	113 2nd Avenue NE

Passed by a vote of yeas and nays this 16th day of May, 2022

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Craig Clark,
City Administrator



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

TO: Honorable Mayor and City Council Members

FROM: Craig D. Clark, Administrator

RE: Minnesota Dept. of Transportation resolution of support for I-90 bridge funding

As was mentioned at a recent Council meeting, when MNDOT staff and consultant support were present, that they are interested in applying for federal funding for the I-90 bridge projects which will be undergoing refurbishment or reconstruction within Austin.

Support letters are a part of their grant application process and demonstrate local approval. As a result, I have included a draft letter for the Mayor (Exhibit 1), which provides you some further background, as well as a Council resolution (Exhibit 2) of support as well. This letter and resolution would be a part of the funding request to the U.S. Department of Transportation's Multimodal Project Discretionary Grant (MPDG) Opportunity open to State DOT's nationwide.

Please let me know if you have any questions.

Council action is requested to approve the resolution included as Exhibit 2 authorizing the Mayor to sign City Recorder to attest the resolution.

RESOLUTION NO.

RESOLUTION OF SUPPORT FOR A MULTIMODAL PROJECT DISCRETIONARY GRANT APPLICATION FOR THE I-90 AUSTIN BRIDGES IMPROVEMENT & MOBILITY PROJECT

WHEREAS, the Multimodal Project Discretionary Grant “MPDG” Opportunity provides dedicated, discretionary funding for transportation infrastructure projects of significant national or regional impacts or to improve and expand the surface transportation infrastructure in rural areas; and

WHEREAS, the United States Department of Transportation is soliciting applications for \$2.85 billion in FY 2022 MPDG opportunity funds, authorized by the Bipartisan Infrastructure Law, of which up to \$1 billion will be made available for the Mega program, up to \$1.55 billion will be made available for the INFRA program, and up to \$300 million will be made available for the Rural funding opportunities program; and

WHEREAS, the FY 2022 MPDG round will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64355), and will focus on supporting projects that improve safety, economic strength and global competitiveness, equity, and climate and sustainability consistent with the Department’s strategic goals; and

WHEREAS, eligible projects for MPDG include surface transportation capital projects including highway, bridge, or other road projects as well as public transportation projects, passenger and freight rail transportation projects, port infrastructure investments, and intermodal projects; and

WHEREAS, the minimum award for MPDG funds under INFRA small project category is \$5 million; and

WHEREAS, Minnesota Department of Transportation (MnDOT) is seeking funds to replace or rehabilitate nine bridges along Interstate 90; reconstruct associated roadway improvements; and to construct a network of multimodal trails and sidewalks; and

WHEREAS, the proposed improvements will improve the state of good repair of the existing structures, improve the mobility and safety of surrounding corridors, accommodate future growth and support economic development opportunities, and construct multimodal connections that will remove the existing barrier in regional connectivity; and

WHEREAS, the project is identified in the City of Austin’s 2022 Capital Improvement Plan; and

WHEREAS, the City of Austin will provide funding towards the local match and partner with MnDOT to contribute to the overall local match and project funding as identified in the MPDG application, which includes the use of funding programmed for maintenance, secured funding through other grant programs, and additional program funding as applicable; and

NOW THEREFORE BE IT RESOLVED, that the City of Austin supports and approves the application towards FY 2022 MPDG Opportunity for MnDOT’s I-90 Austin Bridges Improvement & Mobility Project.

Passed by a vote of yeas and nays this 16th day of May, 2022

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

From the Office of the Mayor



500 Fourth Avenue NE
Austin, Minnesota 55912-3773
Phone: 507-437-9965
Fax: 507-434-7197
www.ci.austin.mn.us

May 17, 2022

Pete Buttigieg
United States Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

RE: Letter of Support for the 2022 MPDG Program: I-90 Austin Bridges Improvement & Mobility Project in Austin, MN

Dear Secretary Buttigieg:

I am writing in support of the Minnesota Department of Transportation's (MnDOT) application for funding through the United States Department of Transportation's Multimodal Project Discretionary Grant (MPDG) Opportunity. The MPDG funding would facilitate completion of the long-planned replacement/rehabilitation of nine bridges along the Interstate 90 (I-90) corridor in the city of Austin, MN. The Project also improves roadway connections along the corridor to address safe operations of vehicular and freight traffic as well as constructs new multimodal connections across I-90 to bridge the existing barriers in connectivity in the region.

I-90 is the longest interstate highway in the US and traverses through 13 states, connecting several urban and rural communities. The project provides multimodal connectivity to the thriving industrial community, housing development of various densities, employment centers, medical facilities, and retail/commercial/tourist destinations. As one of the fastest growing regions in south central Minnesota, infrastructure improvements in Austin are critically needed so residents and visitors of all backgrounds, incomes, and abilities may access jobs, healthcare, and housing.

The existing bridges along the I-90 project corridor are at the end of their useful design life, which causes several operational and safety issues for the roadway users, freight haulers, and businesses along the corridor. These issues include structurally deficient and/or functionally obsolete bridges with poor deck condition and geometry, insufficient vertical clearances, and significant scour conditions at under water piers, among others. There are also significant crash and congestion issues due to narrow bridges, insufficient sight lines, and traffic queuing. The

From the Office of the Mayor



500 Fourth Avenue NE
Austin, Minnesota 55912-3773
Phone: 507-437-9965
Fax: 507-434-7197
www.ci.austin.mn.us

absence of ADA accessible multiuse paths across I-90 is a huge barrier to multimodal connectivity for the community. The project will address all the transportation challenges noted above and will result in a cohesive network of multimodal alternatives that support diverse community needs. Additionally, the project aligns with USDOT's strategic goals and statutory project requirements of the MPDG opportunity.

These projects are of high impact for the City of Austin and our business owners, general public and traveling visitors. These bridges are in high traffic areas and therefore of high visibility and ensure a connected roadway system that is in sore need of upgrade. The rehabilitation/replacement of nine bridges, associated roadway improvements, and construction of new multimodal connections along the project corridor will strengthen our system of transport and contribute to growth in our region, including the anticipated growth of the City of Austin for many decades to come.

I support MnDOT's application for the funding of the I-90 Austin Bridges Improvement & Mobility Project and look forward to the infrastructure investment in our region through the Bipartisan Infrastructure Law. Please give this 2022 MPDG funding proposal your full consideration and if I can answer any questions, please do not hesitate to contact me. I may be reached at (507) 437-9453.

Sincerely,

Steve King
Mayor
City of Austin, MN

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$350	Jason Linnett Disc Golf Club	Disc Golf

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

Passed by a vote of yeas and nays this 16th day of June, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

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



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

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Recommendation for Variance Requested by:
Blu Water Brew LLC d/b/a Scooter's Coffee
3303 South 228th Ave Cir
Elkhorn, NE 68022

Date: May 11, 2022

At the May 10, 2022, meeting of the Austin Planning Commission, the Commission reviewed a variance request from Scooter's Coffee regarding their sign package for a proposed store at 1400 4th St. NW.

City code allows a limited number of signs and requires that they face a public right of way. Scooter's Coffee proposes two signs on the North (Hardees) and South (residences) sides of the building that are in excess of the number allowed and do not face a public row.

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

Ayes – 4 Nays – 3

The Planning Commission made the following findings regarding this request:

1. There are exceptional or extraordinary circumstances applicable to the property or to the intended use that do not apply generally to other property in the same vicinity and zoning district.
2. The variance is necessary for the preservation and enjoyment of substantial property right possessed by other property in the same vicinity and zone, but which is denied to the property in question;
3. The strict application of the ordinance would constitute an undue hardship; and
4. The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.

PETITIONER Blu Water Brew, LLC d/b/a Scooter's Coffee
3303 South 228th Ave. Cir.
Elkhorn, NE 68022

LOCATION: 1400 4th St SW

**CURRENT LAND
USE AND ZONING:** Community Business "B-2"

**SURROUNDING
LAND USES:** North - Community Business District (B-2)
South - Residential Office District (R-O) and Single Family District (R-1)
West - Community Business District (B-2)
East - Single Family District (R-1)

**REQUESTED
ACTION:** The petitioner is building a new drive through only coffee shop. They have a sign package for their franchise that includes signs on every aspect of the building, however our sign code limits the number of signs in the B-2 District to one wall and one freestanding and requires they be oriented to a public right of way versus a neighboring parcel. The petitioner agreed to eliminate one of the three non-compliant sign #2 (facing East), leaving signs #3 and #4, which face Hardees to the North and a Residential District to the South respectively. The proposed signs are each approximately 65 sq. ft. or 18' x 4' and are internally lit. Signs #1, #5, #6 and #7 are compliant.

**APPLICABLE
ORDINANCE
PROVISION:**

https://codelibrary.amlegal.com/codes/austinnm/latest/austin_mn/0-0-0-12497

Schedule IV: B-2 and B-3 Zones

1. Permitted signs:

- a. Signs permitted in Schedule I, as regulated therein;
- b. For each occupant of a building, one freestanding sign and one canopy or fascia (wall), projecting, roof or awning sign fronting each street or alley bounding the property on which the sign is located shall be allowed. There shall be one projecting sign for each entrance. In addition, one sidewalk sandwich board sign for each parcel;

(billboard and sandwich board sections removed for brevity, see link above for entire code)

2. Requirements:

- a. No more than one freestanding sign shall be permitted per occupant;
- b. The maximum height of freestanding sign shall be 25 feet;
- c. The maximum area of a freestanding sign shall be 100 square feet. Double-faced signs shall be counted as one sign;
- d. Roof signs shall in no case exceed a height above the roof equal to a distance of the height of the elevation of the building upon which the sign is located, but in no case shall this height exceed 20 feet from the highest point of a roof to the top of the sign and shall not exceed 300 square feet in area;
- e. Entrance projecting signs shall not exceed two square feet and cannot extend beyond 30 inches in total;
- f. No awning shall have a projection over public property or right-of-way greater than 48 inches;
- g. Signs attached to an awning or incorporated as part of an awning shall not exceed eight square feet in area and any written or printed text located thereon shall not exceed nine inches in height; and

(Ord. 619, passed 7-7-14)

§ 2.55 SIGN CODE BOARD OF APPEALS.

Planning Commission shall review and make a recommendation to the Board of Appeals/Council based on the following standard:

- E. The Board of Appeals may grant a variance only if the petitioner proves that:
1. There are exceptional or extraordinary circumstances applicable to the property or to the intended use that do not apply generally to other property in the same vicinity and zoning district.

There are several drive thru businesses in this area, which are compliant, however, the petitioner has pointed to Subway as an example of a business with a sign that faces the drive thru rather than the public row. There are a small number of businesses in the community that have been granted a variance/appeal and in some cases the ordinance may have been applied inconsistently. Subway was built in 2008 and is not compliant with code due to the sign facing Cheers. Hardees was built in 2015 and is compliant with code.

2. The variance is necessary for the preservation and enjoyment of substantial property right possessed by other property in the same vicinity and zone, but which is denied to the property in question.

The Petitioner wishes to maintain the franchise design. There is some inconsistency prior to 2015, as noted earlier.

3. The strict application of the ordinance would constitute an undue hardship; and

The property/business will be identifiable as Scooter's Coffee with or without signs #3 and #4. Sign #5 is 12 feet tall and will face North and South traffic.

4. The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity or zone in which the property is located.

The property immediately adjacent to Scooter's (to the South) is zoned R-O and is positioned as possible office and housing. There is a nuisance and aesthetic concern from a city perspective.

Ref: https://codelibrary.amlegal.com/codes/austinmn/latest/austin_mn/0-0-0-11918

Attached: Scooter's Coffee application with sign package and Subway photos.

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)

CITY OF AUSTIN



Street Location of Property: 1400 4th Street SW, Austin, MN 55912

Legal Description of Property: NW 1/4 SE 1/4 SECTION 34-T103N-R18W

Owner: Name Blu Water Brew. LLC dba Scooter's Coffee Phone 402-630-5297

Address 3303 South 228th Ave. Cir.

City Elkhorn

State NE

Zip 68022

Type of Request: ☒ Variance ☐ CUP ☐ IUP ☐ Rezone ☐ Other

Applicable to Section 4.50 Sign Code of the Austin City Zoning Ordinance, as amended

Description of Request Requesting signs to be installed on the new Scooter's Coffee kiosk per the attached plan. It appears the variance is needed for signs #3 and #4 on the sides of the building.

Reason for Request From the franchise perspective, the logo is necessary to provide and keep branding consistent. While the round logo on the front of the building is an important factor for business recognition, its lettering doesn't provide the greatest readability. The "Scooter's Coffee Drive-Thru" letters on the sides of the building are what primarily get read as cars drive up and down the street. This would be similar to the long and narrow building Subway occupies just a block down the street with signs on three sides of the building. Photos of this have been provided in the attached packet.

Present Zoning Classification Schedule IV: B-2 and B3 Zones

Existing Use of the Property New construction of a coffee kiosk

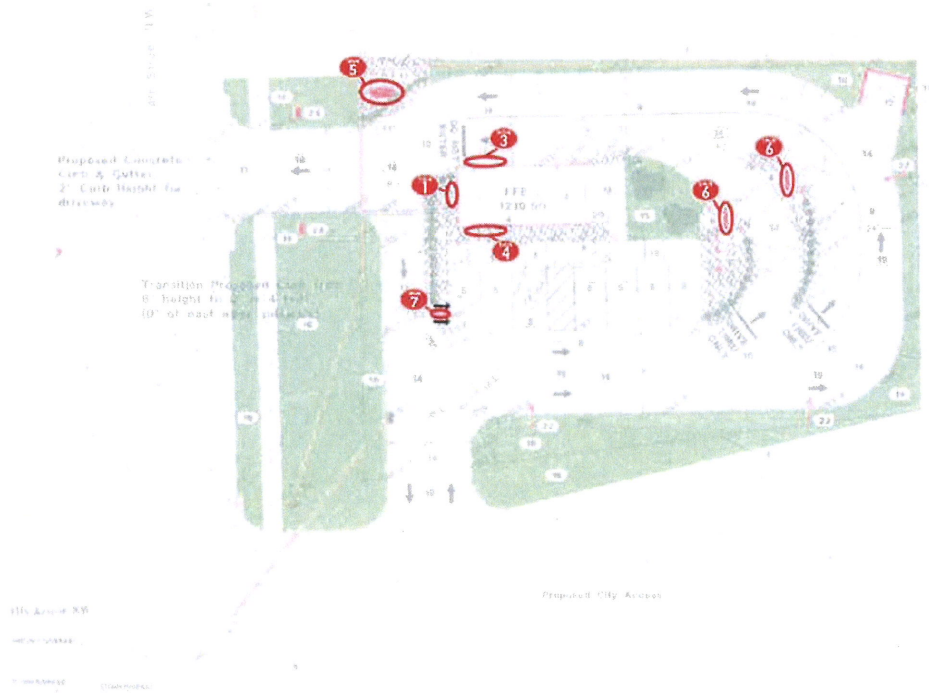
Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? ☒ No ☐ When?


Signature of Applicant  Date 3-22-2022

Approved ☐ Denied ☐ by the Planning Commission on (date)

Approved ☐ Denied ☐ by the Common Council

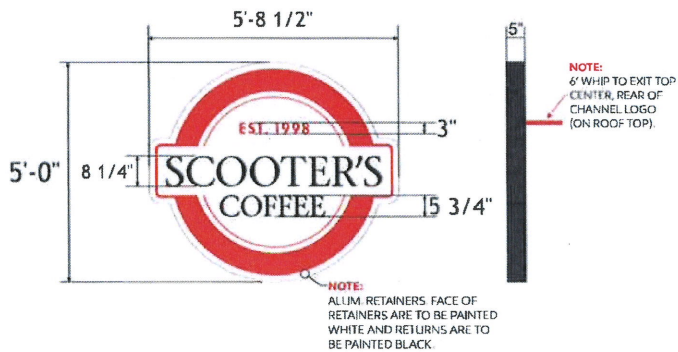
Comments



Scale:		SITE PLAN		SALES PERSON: andye nelson		DATE: 03.08.22		INSPECTED BY:		SCOOTER'S		NOTICE:	
 Omaha Neon Sign Co., Inc.		DRAWING #: 129360-1 PROJECT ID: 27141		DRAWN BY: wes stephens		Revised: DATE: 03.22.22		COFFEE DRIVE-THRU 1400 4th St NW Austin, MN 55912		The sign is intended to be installed in accordance with the requirements of Article 803 of the Minnesota Statutes, Chapter 169A, and any other applicable local codes. The sign is not to be installed in a manner that obstructs the view of the driver or the pedestrian.		The sign is intended to be installed in accordance with the requirements of Article 803 of the Minnesota Statutes, Chapter 169A, and any other applicable local codes. The sign is not to be installed in a manner that obstructs the view of the driver or the pedestrian.	



ILLUMINATED CHANNEL LOGO(s)
FLUSH MOUNTED



EACH CHANNEL LOGO SQ FOOTAGE: **28.55 sq. ft.**

SCOOTER'S COFFEE DRIVE-THRU
Illuminated Channel Logo

RETURNS: 5 inch Deep, 0.030 Bk. Pre-finished Aluminum
BACKS: 0.63 White Pre-Finished Aluminum
FACES: 3/16 inch White Acrylic
VINYL: (as noted)
RETAINERS: Alum. Post Top: Top: White Face - Black Return
ILLUMINATION: White Hardley LED's

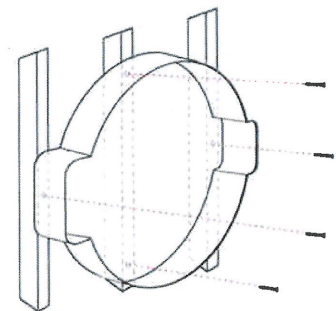
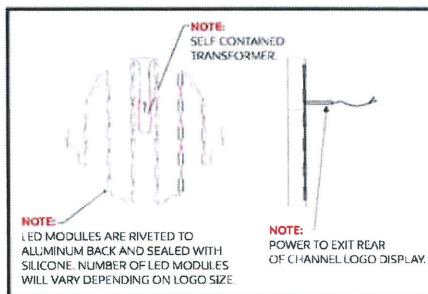
3M Series Z30
TRANSPARENT FILM

LT. TOMATO RED
3344

BLACK
3345

Scale: 1/2" = 1'-0"

CHANNEL LOGO(s)



1700 W. 12th Street - Omaha NE 68130
402.341.8017 402.341.8044 fax
The Buyer will be responsible for obtaining all necessary permits and approvals from the local authority having jurisdiction. Omaha Neon Sign Co., Inc. and its employees are not responsible for any damage to property or persons caused by the use of the sign.

DRAWING #: 129360-3
PROJECT ID: 27141

SALES PERSON: andy nelson
DRAWN BY: wes stephens

DATE: 03.08.22
Revised:
DATE: 03.22.22

INSPECTED BY:

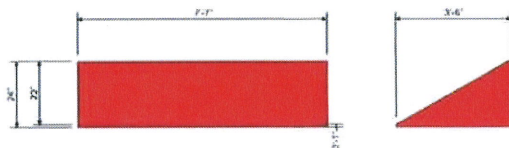
SCOOTER'S COFFEE DRIVE-THRU
1400 4th St NW
Austin, MN 55912

NOTICE:
The sign is intended to be installed on a building. The sign is not to be used as a structural component. The sign is not to be used as a fire escape. The sign is not to be used as a fire escape.

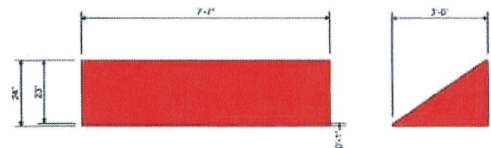
Signature: _____ Date: _____
Signature: _____ Date: _____

This sign is intended to be installed on a building. The sign is not to be used as a structural component. The sign is not to be used as a fire escape. The sign is not to be used as a fire escape.

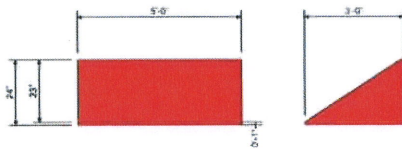
all awnings are mounted 9'-6" from grade to bottom of awning. (unless otherwise noted)



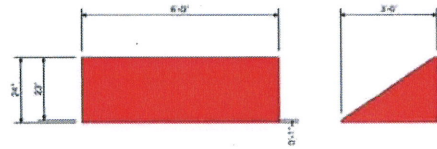
ELEVATION 1 - DRIVE THRU



ELEVATION 2 - SIDE



ELEVATION 3 - BACK



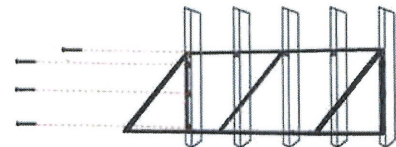
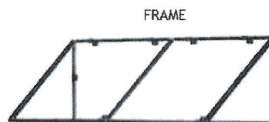
ELEVATION 4 - FRONT

SCOOTER'S
COFFEE DRIVE-THRU

Awning Display

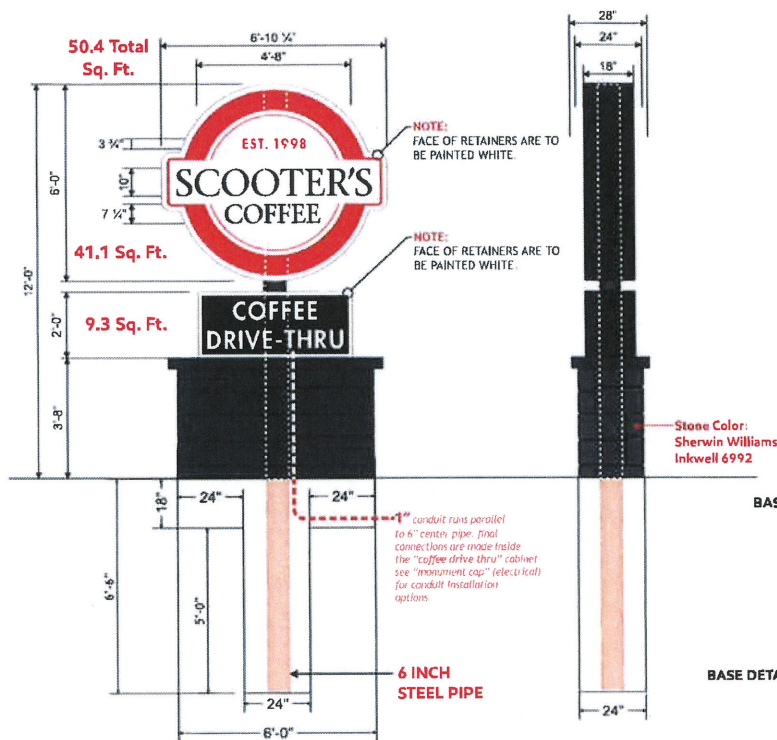
FRAME: 1 1/2" x 1" ALUM. Sq. TUBE FRAME (Painted Black)
SKIN: LOGO RED SLIVERELLA MATERIAL #6066-0000
GRAPHICS: (As Noted)

INSTALLATION:
 PANEL IS TO BE MOUNTED TO FASCIA USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE)
 14GA. Z-CLIPS - #12 SELF TAPPING TEKs - 3/16" O x 1 1/2" TAP CONS TO EXISTING FASCIA.



NOTE: AWNING FRAMES FLUSH MOUNTED TO WALL W/ 14 TEK (O.R. WOOD/METAL) FASTENERS AND SIGN TECH "Z" CLIPS - NUMBER OF PENETRATIONS DEPENDENT ON STUD PLACEMENT.

<p>Scale: 3/8" = 1'-0"</p> <p>Omaha Neon Sign Co., Inc.</p> <p>1320 N 15th Street - Omaha NE 68102 402.341.8071 - 402.341.2864 fax This document and material representing the work of Omaha Neon Sign Co., Inc. are the property of Omaha Neon Sign Co., Inc. and shall not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Omaha Neon Sign Co., Inc.</p>	<p>NONILLUMINATED AWNING(s)</p> <p>DRAWING # : 129360-4 PROJECT ID: 27141</p>	<p>SALES PERSON: andye nelson DATE: 03.08.22 DRAWN BY: wes stephens Revised: DATE: 000000</p>	<p>REQUESTED BY: SCOOTER'S COFFEE DRIVE-THRU 1400 4th St NW Austin, MN 55912</p>	<p>NOTICE: This sign is intended to be installed in accordance with the requirements of the City of Omaha, Nebraska. The sign is the property of Omaha Neon Sign Co., Inc. and shall not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Omaha Neon Sign Co., Inc.</p>	<p>RECEIVED</p>
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D/F MONUMENT SIGN DISPLAY: 12' HEIGHT

SIGN 5

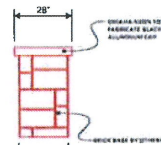
1 SCOOTER'S COFFEE DRIVE-THRU Monument Sign Display (Primary)

FABRICATED FROM .055 ALUMINUM PAINTED WHITE OVER AN INTERIOR ANGLE FRAME WITH WHITE PRE-TENSIONED ALUMINUM SKIN. RETAINERS ARE TO BE ALUMINUM PAINTED WHITE. FACES ARE TO BE WHITE LEXAN WITH 3M VINYL GRAPHICS APPLIED TO THE FIRST SURFACE (AS NOTED). INTERNAL ILLUMINATION WITH ONE (1) ROW OF W1 HANLEY PHOSPHOR LED LIGHTING. CABINET IS TO BE MOUNTED TO SINGLE POLE STRUCTURE (AS NOTED).

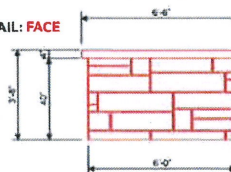
2 SCOOTER'S COFFEE DRIVE-THRU Monument Sign Display (Secondary)

FABRICATED FROM EC-FRAME (EXTRUDED ALUMINUM) AND WILL HAVE ALUMINUM SKIN PAINTED CABINET AND RETAINERS ARE TO BE PAINTED WHITE. FACE(S) IS TO BE 3/16" WHITE PLEXIGLAS (#793) WITH 3M VINYL GRAPHICS APPLIED TO THE FIRST SURFACE. INTERNAL ILLUMINATION WITH WHITE HANLEY PHOSPHOR S/S LEDS. CABINET IS TO BE MOUNTED TO POLE STRUCTURE USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE).

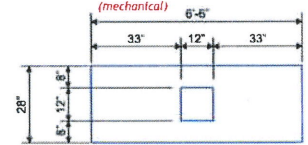
BASE DETAIL: SIDE



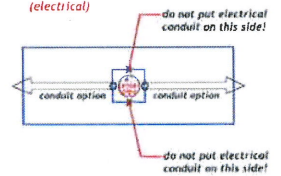
BASE DETAIL: FACE



TOP VIEW - MONUMENT CAP (mechanical)



TOP VIEW - MONUMENT CAP (electrical)



Scale: 3/8" = 1'-0"

MONUMENT/POLE SIGN(s)



15401 N 15th Ave, Omaha NE 68111
402.341.1001 - 402.341.1004 fax
www.omahaneon.com

DRAWING # : 129360-6
PROJECT ID: 27141

SALES PERSON: andye nelson
DRAWN BY: wes stephens

DATE: 03.08.22
Revised:
DATE: 000000

INSPECTED BY:

SCOOTER'S COFFEE DRIVE-THRU
1400 4th St NW
Austin, MN 55912

NOTICE:
This sign is intended to be installed in accordance with the National Electric Code and other applicable local codes. The installer is responsible for obtaining all necessary permits and approvals.

This sign is intended to be installed in accordance with the National Electric Code and other applicable local codes. The installer is responsible for obtaining all necessary permits and approvals.



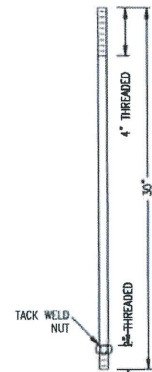
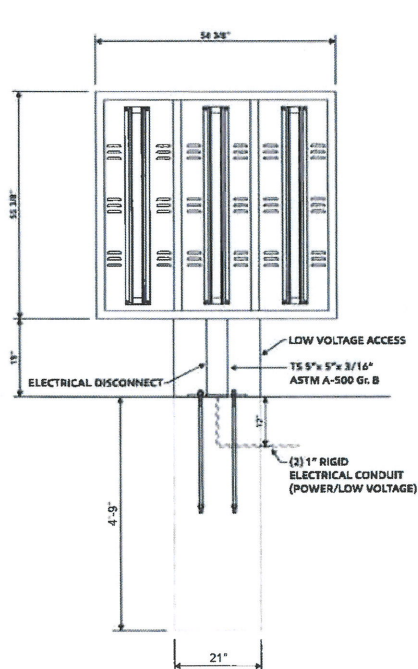
QTY. 2

MENU BOARD DISPLAY
Scooter's Coffee
Project U19

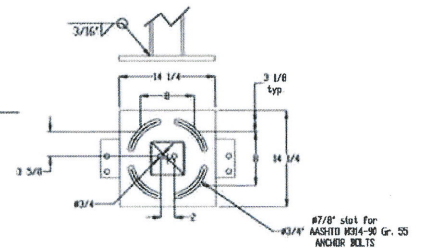
Ref#GK-18-536r2 • Aug. 21, 2018

ILLUMINATED DRIVE-THRU SYSTEM:

- LED LIGHTING
- MOUNTED TO EXISTING PIPE AND FOOTING AS SHOWN
- GRAPHICS ARE CHANGEABLE



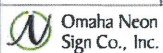
ANCHOR BOLT DETAIL
#3/4" AASHTO M314-90 Gr. 2 STEEL
CAN USE EITHER STYLE ANCHOR BOLT



BASE PLATE DETAIL
3/4" AASHTO M314-90 Gr. 2 STEEL

Scale:

MENU BOARD



1320 N. 18th Street - Omaha NE 68102
402.541.8077 - 402.541.8088 fax
Email: design@omahaneon.com, sales@omahaneon.com
Omaha Neon Sign Co., Inc. is an Equal Opportunity Employer.
Omaha Neon Sign Co., Inc. is an Equal Opportunity Employer.

DRAWING #: 12936D-7
PROJECT ID: 27141

SALES PERSON: andy nelson
DRAWN BY: wes stephens

DATE: 03.08.22
Revised:
DATE: 000000

INSPECTED BY:

SCOOTER'S
COFFEE DRIVE THRU
1400 4th St NW
Austin, MN 55912

NOTICE:

By signing this drawing, the Designer warrants that the design complies with the applicable codes and standards of the jurisdiction in which it is to be used. The Designer also warrants that the design is the original work of the Designer and that it does not infringe on the rights of any third party.

Scale: _____ Date: _____
Drawn by: _____ Date: _____

This drawing is intended to be used as a guide only. It is not to be used as a basis for construction. The contractor is responsible for obtaining all necessary permits and for ensuring that the construction complies with all applicable codes and standards. The contractor is also responsible for ensuring that the construction is completed in a timely and efficient manner.



ILLUMINATED D/F DIRECTIONAL SIGN DISPLAY

FOOTING DETAIL
DEPTH: 42 inches
WIDTH: 12 inches
TYPE: AUGURED
STEEL SIZE: 3 Inch Std.

NOTE: TO BE VERIFIED.

3M Series 230
REFLECTIVE FILM
LT. TOWARD RED
BLACK

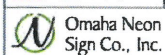
SCOOTER'S
COFFEE DRIVE-THRU
Directional Sign Display

INTERIOR FRAME: 1 Inch Angle Iron
CABINET COLOR: .063 Aluminum Painted Black
TRIM-CAP: 1 Inch Black
FACE MATERIAL: 3/16" White Plexiglas
GRAPHICS: Applied Vinyl Graphics (as noted)
ILLUMINATION: White Hamley LED's

CABINET IS TO BE MOUNTED IN CUSTOMER SPECIFIED LOCATION USING PROPER HARDWARE AND FASTENERS (NON-CORROSIVE)

Scale: 3/4" = 1'-0"

DIRECTIONAL(s)



1510 N 18th Street - Omaha NE 68102
402.341.8077 - 402.341.1354 fax
This design is an estimate. Approval by the client is required for any changes to the design. Omaha Neon Sign Co., Inc. is not responsible for any errors or omissions in this design.

DRAWING # : 129360-B
PROJECT ID: Z7141

SALES PERSON: andye nelson
DRAWN BY: wes stephens

DATE: 03.08.22
Revised:
DATE: 03.22.22

INSPECTED BY:

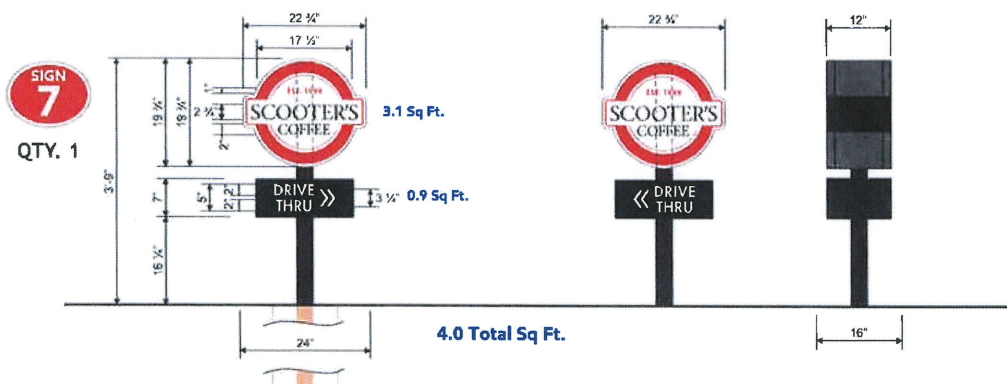
SCOOTER'S
COFFEE DRIVE-THRU
1400 4th St NW
Austin, MN 55912

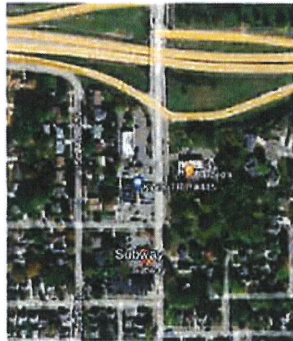
NOTICE:

By submitting this drawing to the client, the client agrees to hold the designer harmless for any errors or omissions in this design. The client also agrees to hold the designer harmless for any damages or injuries resulting from the use of this design.

Signature: _____ Date: _____
Signature: _____ Date: _____

This page is intended to be completed by the client. The client should sign and date this page and return it to the designer. The client's signature and date are required for the designer to proceed with the project.





Subway

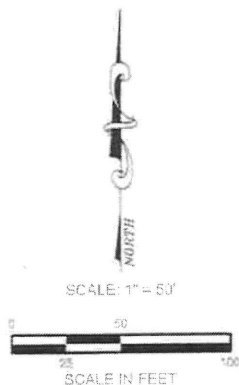
Build-your-own sandwich chain
1309 4th St NW, Austin, MN 55912
(507) 433-1633
restaurants.subway.com



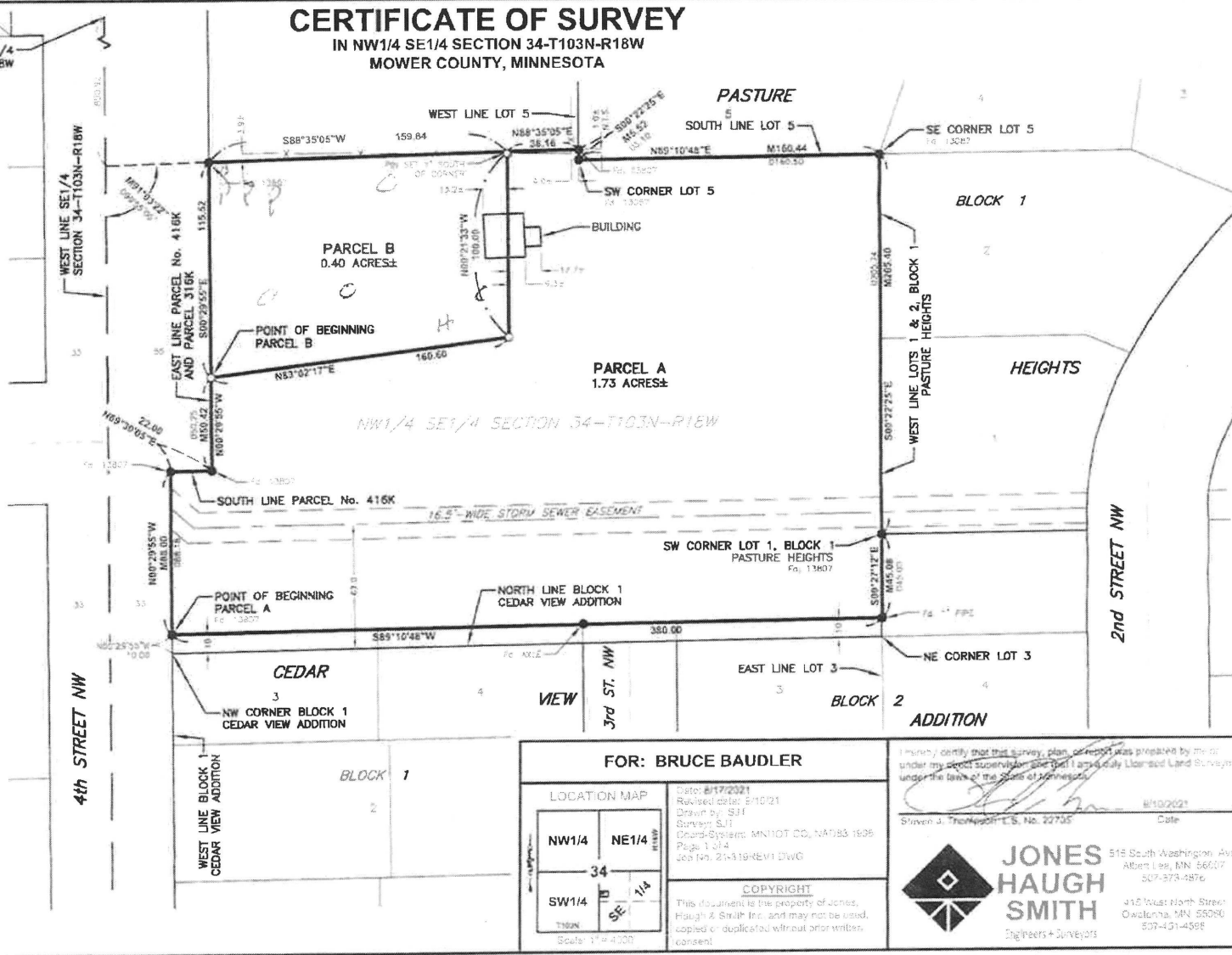
CERTIFICATE OF SURVEY

IN NW1/4 SE1/4 SECTION 34-T103N-R18W
MOWER COUNTY, MINNESOTA

NW CORNER SE1/4
SECTION 34-T103N-R18W

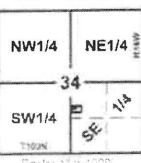


LEGEND:
 ○ = 5/8 inch x 16 tooth brass monument
 (Capless SUT 22705)-Placed
 ● = non-stake monument-Found
 M=Measured Distance & Angle
 G=Given Distance & Angle
 N, S, E, W=Not to Scale
 ---=PVC Fencing



FOR: BRUCE BAUDLER

LOCATION MAP



Date: 8/17/2021
 Revised date: 8/10/21
 Drawn by: SJH
 Surveyed by: SJH
 Check-System: MN101 CO, NAD83 1608
 Page: 1 of 4
 Job No: 21-419REV1 DWG

COPYRIGHT

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

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

Steven J. Thompson, L.S. No. 22705
 Date: 8/10/2021

JONES HAUGH SMITH
 Engineers & Surveyors

515 South Washington Ave.
 Albert Lea, MN 56007
 507-373-4876
 412 West North Street
 Owatonna, MN 55050
 507-431-4368

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



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

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Recommendation for Variance Requested by:
Michael Arens
906 17th St SW
Austin MN 55912

Date: May 11, 2022

At the May 10, 2022, meeting of the Austin Planning Commission, the Commission reviewed a request from Michael Arens regarding his property at 1910 6th Ave NW. The Petitioner is requesting a variance from Austin City Code Section 11.023, requiring a 60 foot minimum frontage for residential lots.

The petitioner is trying to sell his property and became aware of an encroachment by the neighboring home at 1908. The parties were completely unaware of the problem, and to resolve the issue, Arens agreed to sell 10 feet of 1910 to the owner of 1908 (encroaching house). This will result in the Arens property, at 1910, having 50 feet of frontage rather than 60 feet.

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

Ayes – 7 Nays – 0

The Planning Commission made the following findings regarding this request:

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

Petitioner: Michael Arens
906 17th St SW
Austin, MN 55912

Location of Property: 1910 6th Ave NW
Austin, Minnesota 55912

Legal Description: In Outlot 6, E1/2 NE1/4 NW1/4 & NW1/4 NE1/4 Section 4-T102N-R18W,
Austin, Mower County, Minnesota

Current Land Use and Zoning Classification: R-1 Single-Family Residence District

Surrounding Land Use: All residential

Requested Action: The Petitioners propose transferring 10 feet of their property to their neighbor at 1908 6th Ave NW to resolve the issue of an approximately 7 foot encroachment of the neighbor's house onto the Petitioners' property. The respective parties were unaware of the encroachment until the Petitioners tried to sell their parcel.

The transfer of the 10 feet from 1910 to 1908 will result in a 50 foot frontage, however a 60 foot minimum is required. The Petitioners are asking for a variance from the 60 foot frontage requirement to resolve the encroachment issue and any problems that may arise from a non-conforming parcel.

Staff Report and Recommendations: If the Planning Commission chooses to recommend the approval of this requested variance, it should consider the following:

In making a recommendation to City Council, the Planning Commission must determine whether the variance requested meets the statutory requirements for granting a variance which are:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*
2. *The variance is consistent with the comprehensive plan.*
3. *The applicant has established that there are practical difficulties in complying with the provision and that the property owner proposes to use the property in a reasonable manner not permitted by the provision.*
 - *The plight of the landowner is due to circumstances unique to the property not created by the landowner.*
 - *The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

- *The variance will not alter the essential character of the surrounding area.*

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

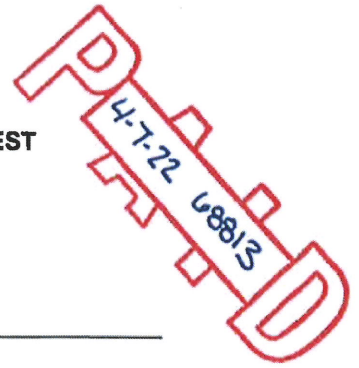
Attachments:

1. Aerial of subject property
2. Survey with proposed split/transfer

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)

CITY OF AUSTIN



Street Location of Property: 1910 6th Ave NW

Legal Description of Property: see attached

Owner: Name Michael Arens Phone (507) 219-9652

Address 906 17th St. SW

City _____ State _____ Zip _____

Type of Request: _____ Variance X CUP _____ IUP _____ Rezone _____ Other _____

Applicable to Section _____ of the Austin City Zoning Ordinance, as amended

Description of Request _____

Lot size variance to 50 feet

Reason for Request _____

needed to get to neighbor due to
encroachment

Present Zoning Classification _____

Existing Use of the Property Residential

Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been
previously sought? NO When? _____

Signature of Applicant Michael Arens Date 4/7/22

Approved _____ Denied _____ by the Planning Commission on _____ (date)

Approved _____ Denied _____ by the Common Council

Comments _____

Online Mapping

Private Member
Mower County, MN

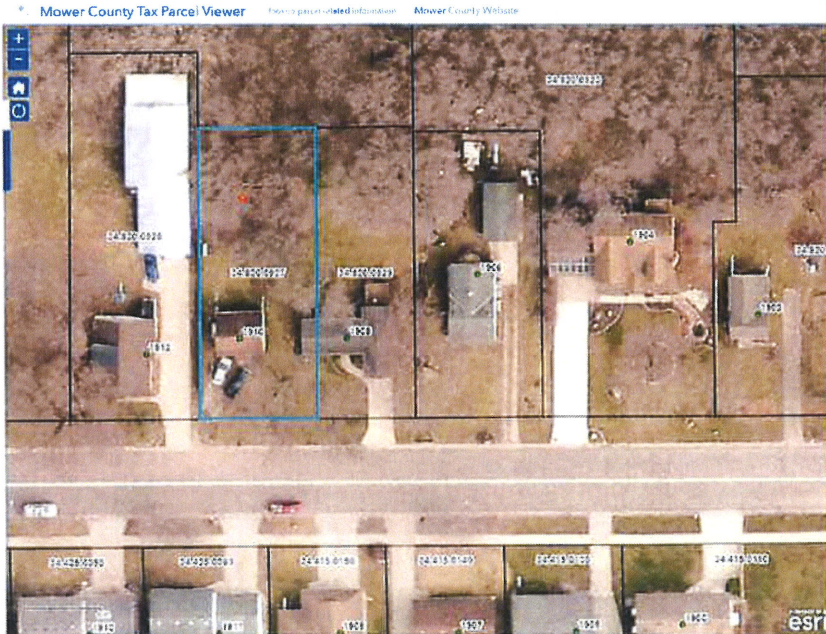
Summary

Access tax parcels integrated with tax and value information, pay taxes, and view statements.

[View Full Details](#)

Details

- Application
Web Mapping Application
- November 19, 2021
Date Updated
- June 8, 2020
Published Date
- Public
Anyone can see this content
- Custom License
[View license details](#)



Locate Property

34-020-0027 ARENS MICHAEL L

Property Detail

Parcel ID/PIN: 34-020-0027
Physical Addr: 1910 6TH AVE NW
AUSTIN MN 55912
GIS Acres: 0.21
Deeded Acres: 0.21
Property Class: RESIDENTIAL

Current Owner:
ARENS MICHAEL L
906 17TH ST SW
AUSTIN MN 55912
Ownership Type: Individual

Tax Legal:
SubdivisionName: OUT LOT 4-102-18
SubdivisionCd: 34820 W60FT E110FT
S150FT OL6

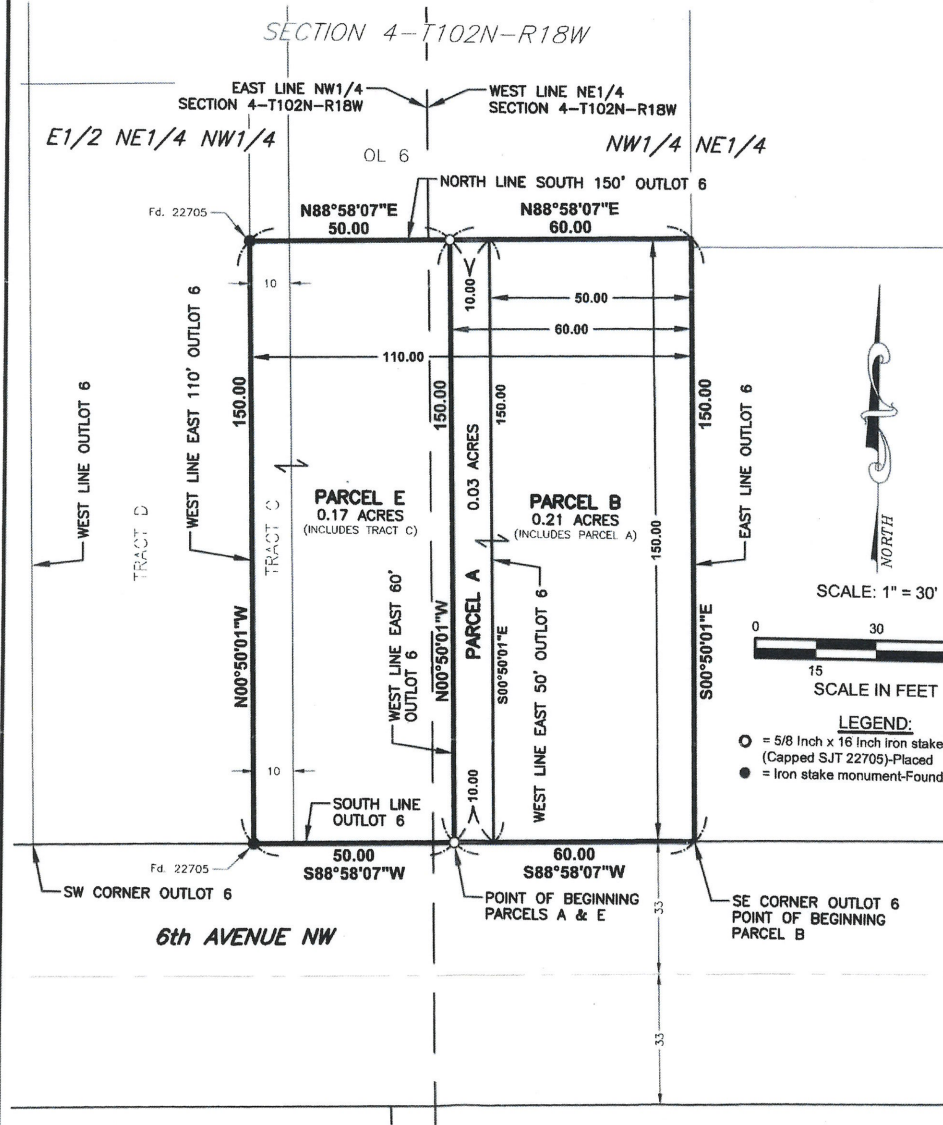
[Property Report](#)

[Lookup More Property Details](#)

Financial Detail

Tax Due	\$ 970.00
Penalty Due	\$ 0.00
Fee Due	\$ 0.00
Interest Due	\$ 0.00
Total Balance Due	\$ 970.00

CERTIFICATE OF SURVEY **IN OUTLOT 6, E1/2 NE1/4 NW1/4 & NW1/4 NE1/4 SECTION 4-T102N-R18W** **AUSTIN, MOWER COUNTY, MINNESOTA**



PREPARED LEGAL DESCRIPTION

PARCEL A:

All that part of the Outlot 6 in E1/2 NE1/4 NW1/4 & NW1/4 NE1/4 Section 4-T102N-R18W, Mower County, Minnesota; described as follows:

Commencing at the southeast corner of said Outlot 6; thence South 88°58'07" West a distance of 60.00 feet; on an assumed bearing on the south line of said Outlot 6, to the west line of the east 60.00 feet of said Outlot 6 which is the point of beginning;

thence North 00°50'01" West a distance of 150.00 feet on the west line of said east 60.00 feet, to the north line of the south 150.00 feet of said Outlot 6;

thence North 88°58'07" East a distance of 10.00 feet on said north line, to the west line of the east 50.00 feet of said Outlot 6;

thence South 00°50'01" East a distance of 150.00 feet on the west line of said east 50.00 feet, to said south line;

thence South 88°58'07" West a distance of 10.00 feet on said south line, to the point of beginning.

PARCEL B:

All that part of the Outlot 6 in E1/2 NE1/4 NW1/4 & NW1/4 NE1/4 Section 4-T102N-R18W, Mower County, Minnesota; described as follows:

Beginning at the southeast corner of Outlot 6;

thence South 88°58'07" West a distance of 60.00 feet; on an assumed bearing on the south line of said Outlot 6, to the west line of the east 60.00 feet of said Outlot 6;

thence North 00°50'01" West a distance of 150.00 feet on the west line of said east 60.00 feet, to the north line of the south 150.00 feet of said Outlot 6;

thence North 88°58'07" East a distance of 60.00 feet on said north line, to the east line of said Outlot 6;

thence South 00°50'01" East a distance of 150.00 feet on said east line, to the point of beginning.

PARCEL E:

All that part of the Outlot 6 in E1/2 NE1/4 NW1/4 & NW1/4 NE1/4 Section 4-T102N-R18W, Mower County, Minnesota; described as follows:

Commencing at the southeast corner of said Outlot 6; thence South 88°58'07" West a distance of 60.00 feet on an assumed bearing on the south line of said Outlot 6, to the west line of the east 60.00 feet of said Outlot 6 which is the point of beginning;

thence South 88°58'07" West a distance of 50.00 feet on said south line, to the west line of the east 110.00 feet of said Outlot 6;

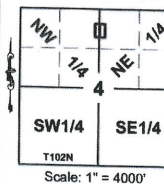
thence North 00°50'01" West a distance of 150.00 feet on the west line of said East 110.00 feet, to the north line of the south 150.00 feet of said Outlot 6;

thence North 88°58'07" East a distance of 50.00 feet on said north line, to the west line of said east 60.00 feet;

thence South 00°50'01" East a distance of 150.00 feet on the west line of said east 60.00 feet, to the point of beginning.

FOR: MICHAEL ARENS

LOCATION MAP



Date: 3/25/2022
 Revised date: -
 Drawn by: SJT
 Survey: SJT
 Coord-System: MNDOT CO. NAD83 1996
 Page 1 of 1
 Job No: 22-075.DWG

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

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

Steven J. Thompson
 Steven J. Thompson, L.S. No. 22705
 Date: 3-31-22



**JONES
 HAUGH
 SMITH**
 Engineers + Surveyors

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

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

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

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

On Friday April 22nd 2022, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

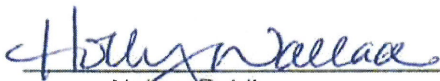
Arens - Variance
See attached list

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

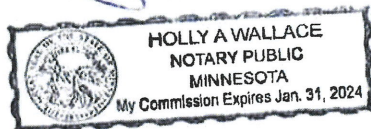


Lauren K Bakken

Subscribed and sworn to before me
This 22nd Day of April 2022.



Notary Public



Aren's Variance Mailing List

34.415.0200 Alexander Cifuentes Bartolon 1900 5th Ave NW
34.415.0190 Sherrie Carlson 1902 5th Ave NW
34.415.0180 Rhonda Alberts 1904 5th Ave NW
34.415.0170 Peggy Morgan 1906 5th Ave NW
34.415.0160 Eloisa Bautista Castro 1908 5th Ave NW
34.420.0060 Me Reh 1808 5th Ave NW
34.420.0050 HRA 1809 6th Ave NW Mailing- 308 2nd Ave NE
34.420.0040 Gregory & Debra Huckaby 1914 5th Ave NW
34.415.0110 Liliana Ramirez 1903 6th Ave NW
34.415.0130 Robert Shatek 1905 6th Ave NW
34.415.0140 Timi & Kristina Delamater 1907 6th Ave NW
34.415.0150 David Mueller 1909 6th Ave NW
34.425.0060 Christopher Harber 1911 6th Ave NW
34.425.0050 Matthew Moritz 1913 6th Ave NW
34.425.0040 Kelli Hamer 1915 6th Ave NW
34.425.0030 Heather Dudycha 1917 6th Ave NW
34.820.0919 Charles & Leslie Meyer 1902 6th Ave NW Mailing- 1904 6th Ave NW
34.820.0923 Charles & Leslie Meyer 1904 6th Ave NW
34.820.0929 Karen Buhr 1908 6th Ave NW
34.820.0927 Michael Arens 1910 6th Ave NW Mailing- 906 17th St SW
34.820.0928 Benjamin & Jill Earl 1912 6th Ave NW
34.820.0930 James & Vicky King 1907 8th Ave NW

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



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

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Recommendation for Variance Requested by:
Ralph Donkers
1101 1st Ave SW
Austin MN 55912

Date: May 11, 2022

At the May 10, 2022, meeting of the Austin Planning Commission, the Commission reviewed a request from Ralph Donkers regarding his property at 1101 1st Ave SW. The Petitioner is requesting a variance from Austin City Code Section 11.105 D(2), requiring a 12.5 foot side yard on a second frontage/corner lot. The home is located in a B-2, community business district and single family residential is also non-conforming in this district.

The petitioner wishes to add a 18' x 8' deck, approximately 2 feet in height, on the East side of his home.

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

Ayes – 7 Nays – 0

The Planning Commission made the following findings regarding this request:

1. The requested variance is in harmony with the general purposes and intent of the zoning ordinance.
2. The variance, if granted, would not alter the essential character of the locality in which the property is situated.
3. There are circumstances unique to the property not created by the landowner.
4. The landowner intends to use the land in a reasonable manner not permitted by the ordinance.
5. That the proposed deck improves the livability and safety of the structure, without increasing the number of dwelling units contained within the structure.

Petitioner: Ralph and Barb Donkers
1101 1st Ave SW
Austin, MN 55912

Location of Property: 1101 1st Ave SW
Austin, Minnesota 55912

Legal Description: Lot 1, Block 15, Galloway's Addition to West Park, Austin, Mower County, Minnesota

Current Land Use and Zoning Classification: "B-2" Community Business Residence District
Single-Family Residence (non-conforming use)

Surrounding Land Use: North – Commercial - "B-2" District
South – Residential - "R-1" District
East - Commercial - "B-2" District
West - Commercial - "B-2" District

Requested Action: There are two items to consider in making a recommendation:

1. Whether the variance request meets the criteria required for granting a variance.
2. Does this proposed deck improve the livability and safety of the structure, without increasing the number of dwelling units contained within the structure. (non-conforming use)

The petitioner has requested a variance from City Code Section 11.2.04 requiring a 12.5 foot corner yard setback for structures in residential districts.

This variance has been requested to enable the petitioner to add a deck on the corner side yard of his home, along 10th St SW. The deck may include a roof at some point, so that should also be considered.

Residential uses in a B-2 district are not permitted, therefore the use is non-conforming. See Section 11.6.02 (in part) below, note that 4 (f) describes additions to residential structures:

(A) Nonconformities and Preexisting Lots, Structures, and Uses

(1) Purpose. It is the purpose of this section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses will be operated and maintained. It is necessary and consistent with the establishment of zoning districts that nonconforming buildings, structures and uses not be permitted to continue without restriction.

Furthermore, it is the intent of this section that all nonconforming uses shall eventually brought into conformity.

- (f) An expansion may be made to a structure used as a residence that constitutes a nonconforming land use when such expansion improves the livability and safety of the structure, and does not increase the number of dwelling units contained within the structure. Construction and alteration of a garage or accessory building is also permitted if said construction or alteration otherwise complies with the building standards applicable to the underlying zoning district, and the use of the building is consistent with the nonconforming land use in question.

Staff Report and

Recommendations: If the Planning Commission chooses to recommend the approval of this requested variance, it should consider the following:

In Austin, projections into front yards (and corner side yards) are limited, encouraging deck construction in rear and interior side yards. The side yard setback is 12.5 feet. The petitioner wishes to add an 8 foot deck, leaving a 4 foot space between the house and sidewalk. The deck height will be approximately 2 feet.

There is an overhang and patio that extend across a portion of the South end of the corner side yard. The deck would start at that point and extend 18 feet along the side of the house, which would be approximately 45 feet from the intersection or 30 feet from the North property line. Therefore there should not be any visual obstruction. The driveway is located on the South side of the lot.

In making a recommendation to City Council, the Planning Commission must determine whether the variance requested meets the statutory requirements for granting a variance which are:

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

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

Attachments:

1. Aerial of subject property
2. dimensions of deck and photo of side of house

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

(This form should be filled out in duplicate by typing or printing in ink)

CITY OF AUSTIN

Street Location of Property: 1101 12th Ave. SW.
Legal Description of Property: Galloway Addition to West Park
Lot 001 Block 015 subdivision cd 34275

Owner: Name Ralph Barb Donkers Phone 507-440-016
Address 1101 - 12th Ave. SW.
City Austin State MN Zip 55912

Type of Request: ☒ Variance ☐ CUP ☐ IUP ☐ Rezone ☐ Other

Applicable to Section To install deck of the Austin City Zoning Ordinance, as amended

Description of Request To install a 8' deck
on side of house

Reason for Request for better use of deck

Present Zoning Classification B1

Existing Use of the Property Home

Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? No When? _____

Signature of Applicant Ralph Donkers Date 3-29-2022

Approved _____ Denied _____ by the Planning Commission on _____ (date)

Approved _____ Denied _____ by the Common Council

Comments _____

Date: 3/31/2022 - 3:46 PM

Design ID: 301353092178

Estimated Price: \$2,210.88

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

MENARDS

Design & Buy™ DECK

How to recall and purchase your design at home:

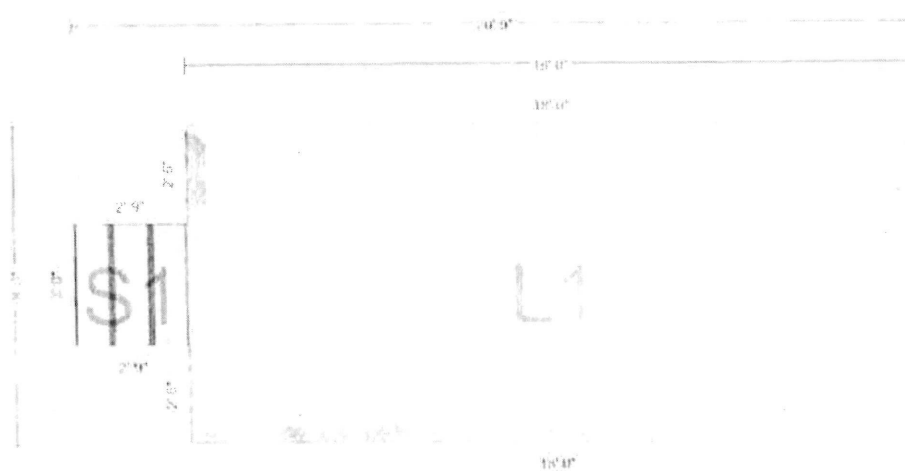


OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Deck Designer
3. Recall your design by entering Design ID: 301353092178
4. Follow the on-screen purchasing instructions

How to purchase your design at the store:

1. Enter Design ID: 301353092178 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions



Deck Side Color Legend

Open Side/No Railing	Railing
Unattached Walls	Attached Walls

Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

Estimated Price: \$2,210.88

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met.

This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest. Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

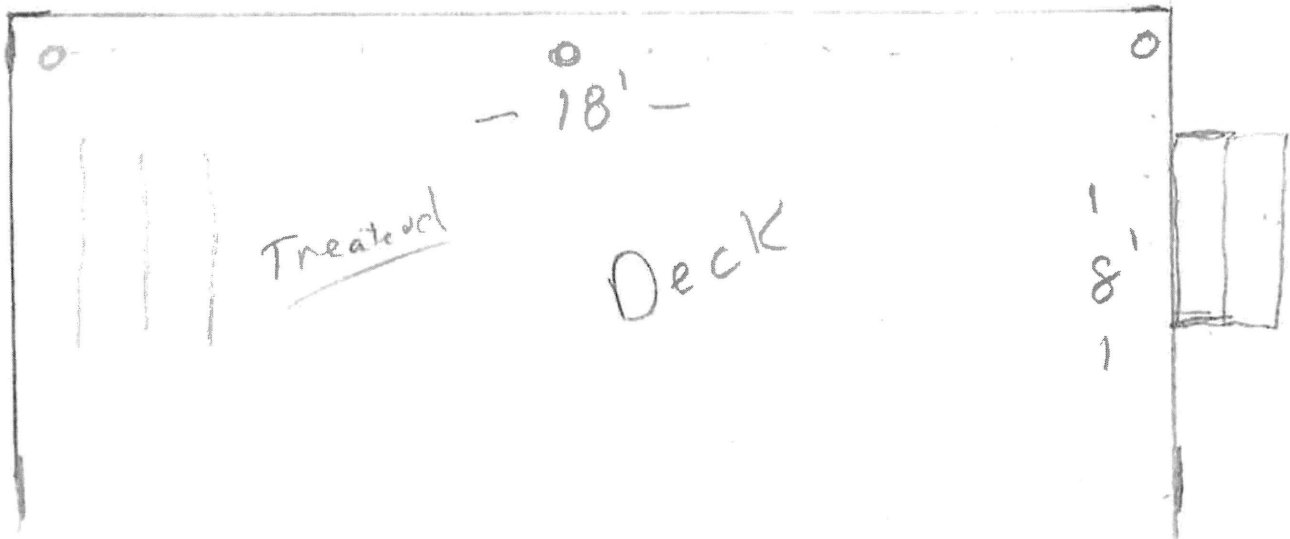
For other design systems search "Design & Buy" on Menards.com

1101-12th Ave. SW

side walk 62"

LAWN

50"



House

2x8 joist



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

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

On Friday April 22nd 2022, acting on behalf of the City Planning Commission, I deposited in the United States Post Office in Austin, Minnesota copies of the attached notice of a hearing, enclosed in sealed envelopes, with postage thereon fully prepaid, address to the following persons at the addresses appearing below their respective names:

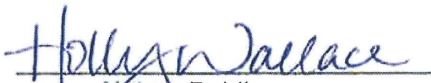
Donkers - Variance
See attached list

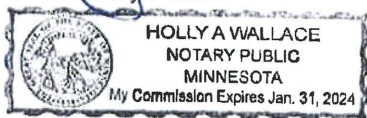
There is delivery service by United States mail between the place of mailing and the places so addressed.



Lauren K Bakken

Subscribed and sworn to before me
This 22nd Day of April 2022.



Notary Public


Donkers' Variance Mailing List

34.275.0240 Manuel Ambriz Meza 206 9th St SW
34.275.0210 Derek Warrington 1004 2nd Ave SW Mailing- 1613 W Richway Dr Albert Lea MN 56007
34.275.0200 Gary Olson 1006 2nd Ave SW Mailing- 2703 4th Ave NW
34.275.0190 Gene Dornink 1010 2nd Ave SW Mailing- 74427 170th Ave Hayfield MN 55940
34.275.0180 Joshua Konken 1012 2nd Ave SW
34.275.0360 Austin Hinkle 1100 2nd Ave SW
34.275.0350 MK Property LLC 1102 2nd Ave SW Mailing- 1476 NW 36th St Owatonna MN 55060
34.275.0340 Ryan Anderson & Carolyn Able 1104 2nd Ave SW Mailing- 62402 220th St
34.275.0330 Tiffany Gwilt 1106 2nd Ave SW
34.275.0320 Ralph Donkers 1108 2nd Ave SW Mailing- 1101 1st Ave SW
34.275.0310 Amber Bennett 1110 2nd Ave SW
34.560.0230 Matthew Bluhm 1111 2nd Ave SW
34.460.0220 Julie Novak 402 4th Ave NW
34.560.0210 James Zschunke 1107 2nd Ave SW
34.560.0200 James Schafer 1105 2nd Ave SW Mailing- 1401 17th Dr SW
34.560.0190 Troy Anderson 1103 2nd Ave SW
34.560.0170 Paula Gayle 300 10th St SW
34.560.0060 Joel & Carla Cecil 1011 2nd Ave SW
34.560.0050 James Goudy 1009 2nd Ave SW
34.275.0370 Roasario Cruz Garcia 1201 1st Ave SW
34.275.0300 Donkers 1111 1st Ave SW Mailing- 1101 1st Ave SW
34.275.0290 Donkers 201 11st St SW Mailing- 1101 1st Ave SW
34.275.0280 Donkers 1107 1st Ave SW Mailing- 1101 1st Ave SW
34.275.0270 Donkers 1105 1st Ave SW Mailing- 1101 1st Ave SW
34.275.0260 New Age Properties 1103 1st Ave SW Mailing- 303 27th Dr NW
34.275.0250 Ralph Donkers 1101 1st Ave SW
34.275.0170 Emmanuel Musa 703 11th Ave SW
34.275.0160 Larry Baldwin 1009 1st Ave SW Mailing- 2902 County Dr U Decatur NE 68020

34.275.0150 Martha Castro 1007 1st Ave SW

34.275.0140 Raygor Homes LLC 1005 1st Ave SW Mailing- 326 N Franklin Ave Ames IA 50014

34.275.0130 John Wells 1003 1st Ave SW

34.275.0120 Katie Schwanke 200 9th St SW

34.785.0130 Greg Meyer 1110 1st Ave SW Mailing- 1110 1st Ave SW PO BOX 428

34.785.0140 Grey Meyer 1106 1s Ave SW Mailing- 1110 1st Ave SW PO BOX 428

34.785.0160 Trevor Peterson 110 10th St SW

34.785.0170 Evergreen Ventures LLC 106 10th St SW Mailing- 326 N Franklin Ave Ames IA 50014

34.785.0220 Mcdonalds USA 1010 1st Ave SW Mailing- 2700 National Dr Ste 100 Onalaska WI 54650

34.785.0270 Charles Fawver 1000 1st Ave SW Mailing- 1805 14th St SW

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Cynthia Graham
1019 8th Ave NE, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1019 8th Ave NE, Graham Property

Date: May 13, 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 1019 8th Ave NE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 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 21st, 2022

Cynthia Graham
1019 8th Ave NE
Austin, MN 55912

RE: Zoning Violations at 1019 8th Ave NE Austin, MN 55912

Dear Cynthia:

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 April 19th, 2022 at this site and the following issues need to be resolved:

1. Remove all junk from property
2. Recreational vehicle is parked shall not be occupied

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

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

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

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

B. Public nuisances affecting health

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

D. Public nuisances affecting peace and safety.

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

City Code Section 10.33 Subd. 1 (G)

Operable equipment for transportation of people, goods or material and equipment ordinarily used for recreational purposes. Including shall be, by way of example and not limitation,

automobiles, trucks, pick-up trucks, trailers, marine crafts, snowmobiles, all terrain vehicles, motor homes, pick-up campers, buses, and camping trailers.

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

- B. The number of vehicles permitted for outside parking in rear yard and side yard areas shall be limited as follows:
 - 1. Two currently registered passenger vehicles registered to the licensed owner/occupant of the residence may be parked in the rear or side yard areas.
 - 2. In addition to currently registered passenger vehicles, two recreational vehicles may be temporarily stored in the rear yard. If a recreational vehicle is of a type which is required to be registered, it must be currently registered.
- 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.
- E. A recreational vehicle which is parked shall not be occupied nor be provided with separate utility hook-ups.

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

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

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

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

ASSESSMENT. If the cost of abating said nuisance is not paid in full to the City Recorder before September 1, next, then on or before September 1, next, following the abatement of the

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

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

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

Sincerely,

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

Brent Johnson
Zoning Inspector



May 11, 2022

9:59 AM

1019 8th Ave NE

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Carmen Fernando
1107 4th Ave NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 1107 4th Ave NW, Fernando Property

Date: May 13, 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 1107 4th Ave NW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

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 27th, 2022

Carmen Fernando
1107 4th Ave NW
Austin, MN 55912

RE: Zoning Violations at 1107 4th Ave NW, Austin, MN 55912

Dear Carmen:

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 April 27th, 2022 at this site and the following issues need to be resolved:

1. **Remove all junk/garbage from property**
2. **Each container shall be watertight and contain all refuse which may accumulate between collections or other disposal**
3. **Garbage shall be collected or otherwise lawfully disposed of, at least once each week during the year**

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

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

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

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

City Code Section 10.01 Subd 4. Containers

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

demolition site: stone, sod, earth, concrete, building materials unless placed in covered garbage cans, automobile parts, except tune-up parts, inflammable liquids, tree trunk sections over four inches in diameter. Tires and white goods need not be accepted as refuse by licensed garbage haulers, but shall be disposed of at the depository as designated by the County Board.

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

C. *Placement.*

1. Garbage containers shall be placed in a driveway or open area outside of the garage or where public alley - garbage shall be placed adjacent to the alley, easily accessible for pickup to be made. Other refuse - properly bagged or bundled such as leaves, clippings or brush shall be placed by the curb of the street or by the alley for collection. Containers must be placed properly for pickup prior to 5:30 a.m. on the day of collection to insure service.

2. At the request of the garbage hauler, garbage containers may be placed on boulevard, curbside or other convenience place in front yard for collection, but the containers shall not be permitted to remain on curbside or in front yard for more than 24 consecutive hours.

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.

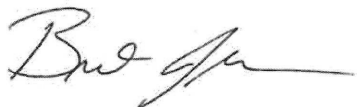
City Code Section 10.14, Subd. 6:

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



May 11, 2022
10:49 AM

1107 4th Ave NW

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Scott Oelker & Nina Jarrett
1309 30th Ave NE, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk and Vehicles
At 1309 30th Ave NE, Oelker & Jarrett Property

Date: May 13, 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 1309 30th Ave NE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 and 10.33 Subd.1(G), Subd.2(B-1) 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 22nd, 2022

Scott Oelker & Nina Jarrett
202 W Richway Dr
Albert Lea, MN 56007

RE: Zoning Violations at 1309 30th Ave NE, Austin, MN 55912

Dear Scott & Nina:

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 April 20th, 2022 at this site and the following issues need to be resolved:

1. **Remove all junk from property including concrete slabs**
2. **Provide current registration for all vehicles, and must be operable. Remove from property or store in an enclosed structure**
3. **No parking on front yard areas, must be on approved surface material**

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

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

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

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

B. Public nuisances affecting health

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

D. Public nuisances affecting peace and safety.

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

City Code Section 10.33 Subd. 1 (G)

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

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

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

1. Two currently registered passenger vehicles registered to the licensed owner/occupant of the residence may be parked in the rear or side yard areas.
2. In addition to currently registered passenger vehicles, two recreational vehicles may be temporarily stored in the rear yard. If a recreational vehicle is of a type which is required to be registered, it must be currently registered.

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

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

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

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

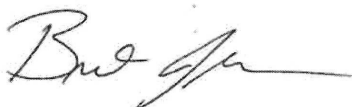
ASSESSMENT. If the cost of abating said nuisance is not paid in full to the City Recorder before September 1, next, then on or before September 1, next, following the abatement of the nuisance, the City Recorder shall list the total unpaid charges along with other such charges, as well as other charges for current services to be assessed under Minnesota Statutes 429.101

against each separate lot or parcel to which charges are attributable. The Council may then spread the charges against such property under that statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

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

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

Sincerely,

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

Brent Johnson
Zoning Inspector



May 11, 2022

10:07 AM

1509 30th Ave NE

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Michael Sletten
600 11th Ave NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 600 11th Ave NW, Sletten Property

Date: May 13, 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 600 11th Ave NW. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

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 27th, 2022

Michael Sletten
600 11th Ave NW
Austin, MN 55912

RE: Zoning Violations at 600 11th Ave NW Austin, MN 55912

Dear Michael:

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 April 27th, 2022 at this site and the following issues need to be resolved:

Remove all junk from property

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

City Code Section 10.14, 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

CC:NC Real Estate LLC



600 11th Ave NW