

A G E N D A
CITY COUNCIL MEETING
MONDAY, OCTOBER 3, 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 September 19, 2022
- 3. Recognitions and Awards
- (mot) 4. *Consent Agenda

Licenses:

Right of Way: Concrete Cowboy, Brownsdale
Sidewalk Café: Gravity Storm Brewery, 309 North Main Street
Sign Installer: 3 Rivers Sign, LLC, Onalaska, Wisconsin

Claims:

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

Events:

Click or Treat on October 29, 2022
Hometown Christmas on November 25, 2022

PUBLIC HEARINGS:

- 5. Public hearing on sanitary sewer assessments.
 - a. Declaring the cost of the assessments.
 - b. Adopting the assessment roll.
- (res) 6. Public hearing on assessments for miscellaneous sidewalk and driveway projects.
 - a. Declaring the cost of the assessments.
 - b. Adopting the assessment roll.
- (res) 7. Public hearing on assessments for snow removal.
 - a. Adopting assessment roll
- (res) 8. Public hearing on assessments for garbage and junk removal.
 - a. Adopting assessment roll.
- (res) 9. Public hearing on assessments for weed and grass removal.
 - a. Adopting assessment roll.

10. Public hearing on assessments for administrative citations.

- (res) a. Adopting the assessment roll – Park and Rec.
- (res) b. Adopting the assessment roll – Zoning.
- (res) c. Adopting the assessment roll – Rental Housing.
- (res) d. Adopting the assessment roll – Sump Pump.
- (res) e. Adopting the assessment roll – Building Dept.

11. Public hearing on assessments for unpaid vacant property fees.

- (res) a. Adopting the assessment roll.

12. Public hearing on assessments for tree removal.

- (res) a. Adopting the assessment roll.

13. Public hearing on hazardous housing abatements.

- (res) a. Adopting the assessment roll.

14. Public hearing on forfeited property reassessments.

- (res) a. Adopting the assessment roll.

15. Public hearing for unpaid street repair assessments.

- (res) a. Adopting the assessment roll.

PETITIONS AND REQUESTS:

(res) 16. Approving the renewal of the tax abatement program through December 31, 2025.

(mot) 17. Authorizing the City Recorder to sign a waiver stating the City does not waive statutory tort limits.

(res) 18. Approving a noise study with SRF Consulting Group.

(res) 19. Setting a public hearing on October 17, 2022 for the assessment of a sanitary sewer property.

(res) 20. Declaring the property at 1017 10th Avenue SW a hazardous structure.

(res) 21. Declaring the property at 1203 11th Avenue NW a hazardous structure.

CITIZENS ADDRESSING THE COUNCIL

REPORTS AND RECOMMENDATIONS:

City Administrator

City Council

(mot) Adjourn to **Monday, October 17, 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
September 19, 2022
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Human Resources Director Trish Wiechmann, Public Works Director Steven Lang, Fire Chief Jim McCoy, Planning and Zoning Administrator Holly Wallace, City Attorney Craig Byram

APPEARING IN PERSON: Austin Daily Herald, Joan Hanson, Joed Davis, Laura Helle

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

Added to the agenda:

4. Licenses: Edible THC: One Stop Food Mart, 902 12th Street SW
Edible THC: Hari Food Mart, 709 21st Street NW

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

Moved by Council Member Baskin, seconded by Council Member Fischer, approving Council minutes from September 6, 2022. Carried.

AWARDS AND RECOGNITIONS

Joan Hanson, Executive Director Mower County Senior Center thanked the City for their help with the parking lot project at their facility.

CONSENT AGENDA

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

Licenses:

Edible THC: Apollo Superette, 901 West Oakland Avenue
Edible THC: Apollo III, 3011 West Oakland Avenue

Edible THC: Austin Tobacco, 1004 18th Avenue NW, Suite C

Edible THC: Superior Cannabis, 125 North Main Street

Massage Therapist: Serena Hubbell, 1101 Oakland Ave West

Edible THC: One Stop Food Mart, 902 12th Street SW

Edible THC: Hari Food Mart, 709 21st Street NW

Claims:

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

Event Applications:

Homecoming Parade on September 23, 2022

Fire Station Open House on October 12, 2022

Carried.

PETITIONS AND REQUESTS

Mayor King welcomed Alexander Stoltz as the new honorary council member.

Moved by Council Member Poshusta, seconded by Council Member Fischer, appointing Alexander Stoltz as the Honorary Council Member through December 5, 2022. Carried.

Administrative Services Director Tom Dankert requested the Council set the preliminary 2023 tax levy at \$8,283,000. The levy will be certified to the County and cannot be increased after September 30th. He stated the budget is set at \$39,812,447 for 2023. Mr. Dankert requested the Truth in Taxation Hearing be set for December 7, 2022.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adopting a resolution adopting a proposed tax levy and budget for 2023 and setting the Truth In Taxation hearing for December 7, 2022. Carried 6-1 with Council Member Fischer voted nay.

The Council reviewed an amended sidewalk café ordinance. Administrative Services Director Tom Dankert reviewed the ordinance stated the Council approved removing the food requirement for sidewalk cafés at their August 15th work session.

Moved by Council Member Postma, seconded by Council Member Baskin, for preparation of the sidewalk café ordinance. Carried.

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

The Council reviewed an ordinance for liquor updates. Administrative Services Director Tom Dankert reviewed the ordinance stating that the legislature recently adopted new laws and the City needs to update their code. One of the laws allows baseball teams to hold on-sale wine

licenses and the other allows breweries to sell additional sizes of off-sale containers. In addition, the Council recently recommended to change the hours of Sunday on-sale liquor from 10:00 a.m. to 8:00 a.m. Mr. Dankert noted there is a separate ordinance which would allow liquor sales at Packer Arena.

Moved by Council Member Fischer, seconded by Council Member Baskin, for preparation of the liquor ordinances. Carried.

Moved by Council Member-at-Large Austin, seconded by Council Member Postma, for adoption and publication of the first liquor ordinance. Carried 7-0.

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

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

Administrative Services Director Tom Dankert requested the Council authorize the City of Austin to be the fiscal agent for the Community Band which would allow them to be eligible for additional funding.

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a resolution allowing the City of Austin to be the fiscal agent for the Community Band. Carried 7-0.

Director of Administrative Services Tom Dankert requested \$47,600 of 2022 fund balance for pool repairs and painting. The three pool vessels need to be repaired, prepared, painted and caulked this fall so they will not have any additional damage over the winter. In addition, he requested savings from the 2022 CIP be reallocated to a security system monitoring system for the pool.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, authorizing \$47,600 of 2022 fund balance for pool repairs and reallocating 2022 CIP funds for a pool security system. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, adopting a resolution approving a contract with Austin MN Junior Hockey, LLC. Carried 7-0.

Public Works Director Steven Lang stated the public hearing was held at the September 6, 2022 for the municipal consent requirement of the I-90 Austin Bridges Project. He stated there has been a \$25 million federal grant for the project but that will not impact the City's cost for the project. He requested the Council approve the proposed layouts for the bridge projects.

Council Member Baker questioned the cost of a welcome sign as part of the project.

Mr. Lang stated the sign is an estimate and may change as part of the project. He noted that the Hormel Foundation has committed to cover a large portion of the aesthetic improvements.

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a resolution providing municipal consent for the I-90 Austin Bridges Improvement Project. Carried 7-0.

Public Works Director Steven Lang requested the Council accept a grant through the State of Minnesota which would allow Federal funds to be routed to the City for the Taxiway joint repair and taxi lane projects at the Austin Municipal airport.

Moved by Council Member Postma, seconded by Council Member Baskin, adopting a resolution accepting a MnDot Airport grant for a taxiway joint repair project. Carried 7-0.

Moved by Council Member Baskin, seconded by Council Member Waller, adopting a resolution accepting a grant for a MnDot Airport grant for a taxilane project. Carried 7-0.

Planning and Zoning Administrator Holly Wallace reviewed a fence appeal from Madlain Vander who is proposing a 6 foot privacy fence on her corner lot. The City ordinance requires a 12.5 foot setback from the property fence. The Planning Commission reviewed the matter at their September 13th meeting and recommended approval by a 6-0 vote with the condition that the fence be installed at an angle near the driveway to allow for more visibility.

Moved by Council Member Baker, seconded by Council Member Fischer, approving a fence appeal from Madlain Vander. Carried.

Moved by Council Member Fischer, seconded by Council Member Waller, granting the Planning and Zoning Department the power to contract for the removal of junk and/or illegally stored vehicles at 600 11th Street NE, Alvarez-Babastro 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 1011 4th Street SW, Nystel Property. Carried.

REPORTS

Joed Davis thanked the Council for the adoption of the sidewalk café. She questioned if she can serve business in the alleyway also.

City Attorney Craig Byram stated the ordinance adopted only applies to the sidewalk and the alley would need to be discussed.

City Administrator Craig Clark stated Senators Smith and Klobachar were recently in Austin.

Council Member Poshusta enjoyed the Hormel and KSMQ concerts.

Council Member Postma concurred and also thanked the Human Rights Commission for Welcoming Week.

Council Member Baskin thanked the Austin Fire Department for their school outreach.

Moved by Council Member-at-Large Austin, seconded by Council Member Waller, adjourning the meeting to October 3 2022. Carried.

Adjourned: 6:01 p.m.

Approved: October 3, 2022

Mayor: _____

City Recorder: _____



Community Festival Event Permit

Permit Type: Community Festival

Permit Number: 2022-135

Applicant Information		Organization Information	
Primary Name	Taylor Bliese	Organization Name	Austin Enhancement Group
Primary Phone	5072191249	Organization Address	PO Box 3
Primary Cell		Organization City	Austin
Primary Email	tbliese@gmail.com	Organization State	MN
Alternate Name	Mark Bliese	Organization Zipcode	55912
Alternate Phone	5072190129		
Alternate Cell			
Alternate Email	bliesemark@gmail.com		

Permit Information			
Event Title	Hometown Christmas		
Event Type	Community Christmas Kick-off Celebration (In short, the former Christmas in the City event now under AEG)	Approximate Number of Participants	500
Event Start Date	November 25, 2022	Event Start Date	November 25, 2022
Description of Event and Expected Volume	Austinaires, vocal performers, recorded Christmas music		
Event Start Time	17:30	Event End Time	20:30
Alcoholic Beverages Available	No	Licensed Establishment(s) Serving Alcohol	
Location of Alcohol Services		Types of Alcohol being Served	
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			

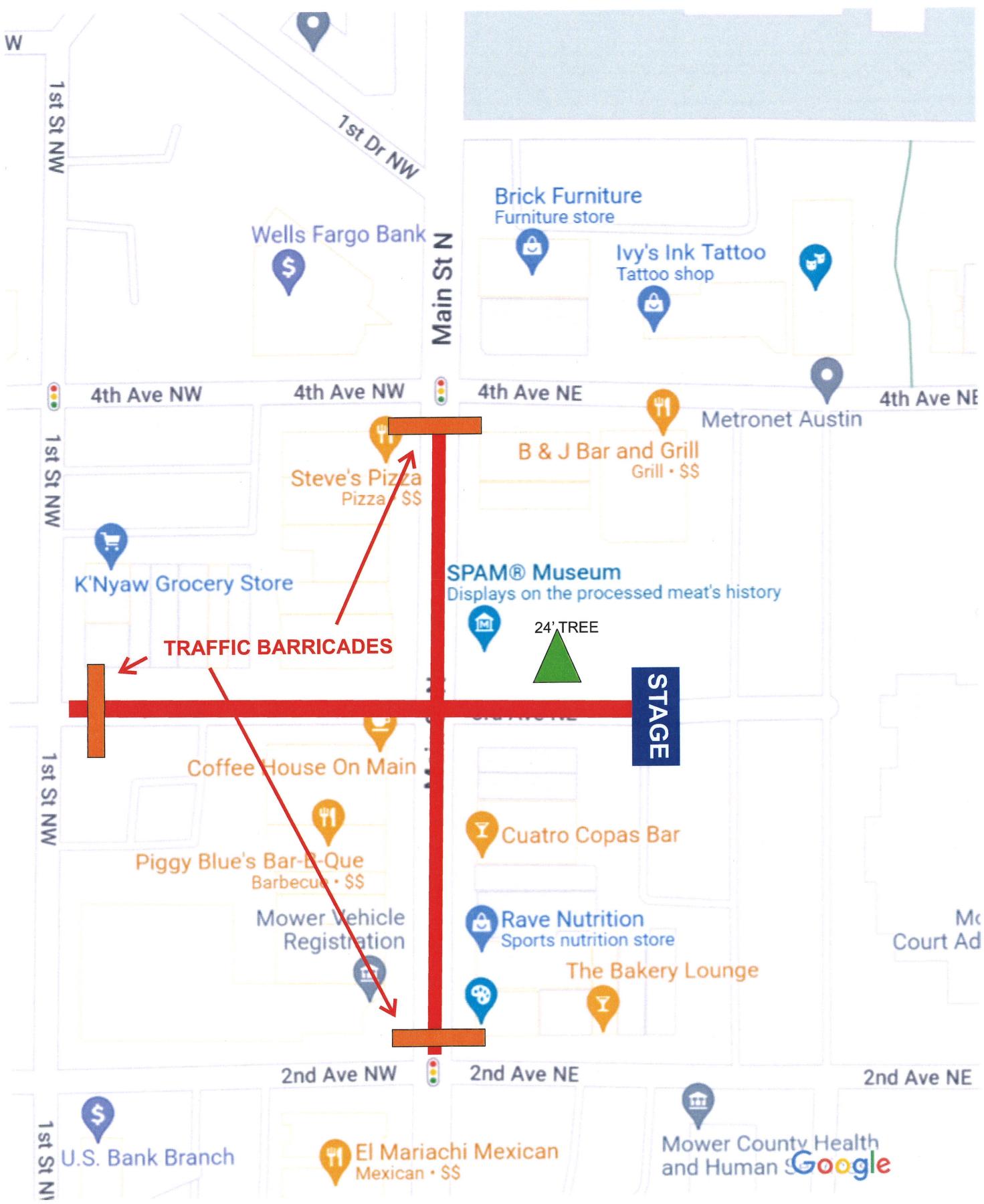
Engineering Department					
Determination	Approved	Date of Approval	September 19, 2022	Approved By	Mitch Wenum
Comments	City to provide barricades in locations as requested				

Police Department					
Determination	Approved	Date of Approval	September 19, 2022	Approved By	David McKichan
Comments					

City Clerk					
Determination	Approved	Date of Approval	September 19, 2022	Approved By	Ann Kasel
Comments					

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





Street/Special Event Permit

Permit Type: Street or Special Event

Permit Number: 2022-136

Applicant Information		Organization Information	
Primary Name	Bob Hartman	Organization Name	Austin Area Chamber of Commerce
Primary Phone	(507) 383-6904	Organization Address	329 Main St S #102
Primary Cell	(715) 409-9474	Organization City	Austin
Primary Email	Robert.hartman@ksmq.org	Organization State	MN
Alternate Name	Lisa Deyo	Organization Zipcode	55912
Alternate Phone	(507) 396-8660		
Alternate Cell	(507) 440-7046		
Alternate Email	sweetreadsbooks@gmail.com		

Permit Information

Event Title	Click or Treat		
Event Description	Downtown trick or treating for kids with a straw bale maze at the intersection of 3rd Ave NW and Main Street, photographers, and street musician.		
Event Start Date	October 29, 2022	Event Start Date	October 29, 2022
Approximate Number of Participants	1,000		
Event Start Time	11:00	Event End Time	13:00
Portion of Street Width Being Used	Streets to be blocked off: Main Street from 4th Ave NW to 1st Ave NW and 3rd Ave NW from 1st St NW to 1st St NE		
Traffic Control Barricades Needed for Street/Lane Closure?	Yes	Will Traffic Control Barricades be Provided by Applicant or City?	City

Engineering Department					
Determination	Approved	Date of Approval	September 22, 2022	Approved By	Mitch Wenum
Comments	City to provide barricades in locations as requested				

Police Department					
Determination	Approved	Date of Approval	September 26, 2022	Approved By	David McKichan
Comments					

City Clerk					
Determination	Approved	Date of Approval	September 22, 2022	Approved By	Ann Kasel
Comments					

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.

RESOLUTION NO.

**RESOLUTION DECLARING COST TO BE ASSESSED
AND ORDERING PREPARATION OF PROPOSED ASSESSMENT**

WHEREAS, the City Council has approved the project for sanitary sewer improvements.

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

1. The portion of the cost to be assessed against the benefited property owners is declared to be \$94,950.00.
2. Assessments shall be payable in equal annual principal installments extending over a period of ten (10) years, the first of the installments to be payable on or before the first Monday in January, 2023, and shall bear interest at the rate of 4% per annum from November 1, 2022.
3. The City Clerk, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and shall file a copy of such proposed assessment in the City Clerk's Office for public inspection.
4. The City Recorder shall upon completion of such proposed assessment, notify the Council thereof.

Passed by the Austin City Council this 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

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 following local improvement:

Sanitary Sewer Improvements

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 against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement and the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual principal 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 4 percent per annum. The first installment shall be added interest on the entire assessment from November 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 by October 31 of the assessing year. 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 property tax list of the County and such assessment shall be collected and paid over the same manner as other municipal taxes.

Passed by the Austin City Council this 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

Resolution No.

61 extra days
Fund -49480.4204

Sanitary Sewer Project
Interest at 4% starting November 1, 2022
10 years

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
Richard & Diane Kiker 34.137.0070	Lots 7 & 10 of Out Lot 2 N $\frac{1}{2}$ NW $\frac{1}{4}$		Cedar Dale	16,700.00
Nathan Conner 34.839.0050	Out Lot 5 in W $\frac{1}{2}$ Exc. W. 111'		23-103-18	16,700.00
Emery & Enid Thompson 34.876.0090	W. 331' N. 408' S. 903' E $\frac{1}{2}$ NE $\frac{1}{4}$ 3.1 Ac.		6-102-18	14,950.00
Joe & Mary Davidson 34.876.0140	E. 330' N. 165' S. 660' SW $\frac{1}{4}$ NE $\frac{1}{4}$ 1.25 Ac.		6-102-18	14,950.00
Troy & Tammy Ellison 34.876.0250	N. 120' N. 20 Rds. S. 70 Rds. E. 20 Rods SW $\frac{1}{4}$ NE $\frac{1}{4}$.92 Ac.		6-102-18	14,950.00
Lorri Hultgren & c/o Bruce Mlenar 34.916.0340	S $\frac{1}{2}$ Out Lot 15 1.16 Ac.	Ramsey Park 26-103-18		16,700.00

Total Assessment: \$94,950

RESOLUTION NO.

**RESOLUTION DECLARING COST TO BE ASSESSED
AND ORDERING PREPARATION OF PROPOSED ASSESSMENT**

WHEREAS, the City Council has approved miscellaneous sidewalk and driveway projects.

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

1. The portion of the cost to be assessed against the benefited property owners is declared to be \$8,850.72.
2. Assessments shall be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable on or before the first Monday in January, 2023, and shall bear interest at the rate of 3.75% per annum from November 1, 2022.
3. The City Recorder, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and shall file a copy of such proposed assessment in the City Recorder's Office for public inspection.
4. The City Recorder shall upon completion of such proposed assessment, notify the Council thereof.

Passed by a vote of yeas and nays this 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

RESOLUTION NO.

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 following local improvement:

2022 Miscellaneous Sidewalk and Driveway Projects

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement and the amount of the assessment levied against it.
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 from November 1, 2022. The first installment shall be added interest on the entire assessment from November 1, 2022 until December 31, 2022. To each subsequent installment when due shall be added interest one 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 by October 31st of the assessing year. 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 property 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 3rd day of October, 2022

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Miscellaneous Sidewalk and Driveway Improvements
Interest at 3.75% starting November 1, 2022

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Wayne Goodnature 34.045.0060	LOT 1	2	Baudler East View	\$854.62
George Sanford 34.045.0130	LOT 9	2	Baudler East View	\$585.15
Amanda Gunderson 34.190.0940	OUT LOT 47 EXC N150FT		Decker Acres	\$160.51
Patricia Huber 34.190.0970	N150FT OUT LOT 47		Decker Acres	\$72.80
James Erickson 34.190.2330	OUT LOT 116 EXC N1/2		Decker Acres	\$846.45
Wade Detwiler 34.490.0620	LOT 16	5	Nob Hill 2nd	\$1,564.80
Angela Srisomphou 34.540.0110	LOT 2	2	Old Oaks 1st	\$141.45
Susan Waldee 34.540.0120	LOT 4 & S60FT LOT 3	2	Old Oaks 1st	\$276.75
Twyla Balstad 34.545.0070	LOTS 7 & 8	1	Old Oaks 2nd	\$812.50
Gary Opsahl 34.630.0140	LOT 14	1	Schleusner & Hartson	\$130.00
Darrin Cassidy 34.630.0150	LOT 15	1	Schleusner & Hartson	\$130.00
Daniel Miller 34.630.0230	LOT 3	2	Schleusner & Hartson	\$195.00
Mitchell Peterson 34.630.0240	LOT 4	2	Schleusner & Hartson	\$1,527.56

61 Extra Days
Fund – 49000
Code 49000.4204

Resolution No.

Miscellaneous Sidewalk and Driveway Improvements
Interest at 3.75% starting November 1, 2022
10 years

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Jerome Wing 34.630.0820	LOT 4	5	Schleusner & Hartson	\$552.26
Michael Huffman 34.630.0840	LOT 6	5	Schleusner & Hartson	\$265.20
Alan Stark 34.630.0870	LOT 9	5	Schleusner & Hartson	\$210.67
Nancy Van Houten 34.745.0010	LOT 1 & W11.4FT LOT 2	1	Tollerud	\$525.00
			Total Assessment	\$8,850.72
			Prepayments	
			Balance to Assess	

RESOLUTION NO.

RESOLUTION ADOPTING 2022 ASSESSMENTS FOR SNOW REMOVAL

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for snow removal.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for removal of snow from the sidewalks in front of and adjacent to the premises named therein 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.
2. Such assessment shall be payable in one installment to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 through December 31, 2023.
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 by October 31, 2022.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

Interest at 3.75% starting November 1, 2022
1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition/Section</u>	<u>Total</u>
Lilia Danojog 34.050.0310	Lot 11 & Lot 12 Exc Belt Line	3	Herman Baudler	202.15
Lawrence Johnson 34.100.1010	Lot 10	12	Bolcoms	97.18
Lawrence Johnson 34.100.1020	Lot 11	12	Bolcoms	97.18
Rodney Nordeng 34.105.0840	Lot 1	9	Browns	182.00
Les Colbert 34.160.0340	Lot 1	4	Crane 1st	97.50
Ajullu Obub 34.250.0150	Lot 1	3	Embassy	113.10
Lacey Chase 34.365.0910	Lot 9	5	Kenwood Park	91.00
Callie Clark C/O James Simental 34.365.0940	Lot 12	5	Kenwood Park	91.00
Douglas Swenson 34.365.0950	Lot 13	5	Kenwood Park	91.00
Maverick Dueenes 34.365.1640	Lot 1 & W 1/2 Lot 2	8	Kenwood Park	105.95
Christie McDowell 34.365.1680	Lot 5	8	Kenwood Park	91.00
Arvid Lau 34.365.1690	Lot 6	8	Kenwood Park	91.00
John Ernst 34.365.2190	Lot 26	9	Kenwood Park	91.00

61 Extra Days
Fund 11
Code – 43260-4202

Resolution No.

Snow Removal Assessment
2022

Page 2

Interest at 3.75% starting November 1, 2022

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition/Section</u>	<u>Total</u>
Alexandra Pierce 34.495.0140	Lot 8	2	Norman Miller	94.25
Property Owner 34.600.1320	Lot 6 & 7	13	Railroad	169.00
Chad Remmers 34.600.1520	Lot 13 & 14	14	Railroad	91.00
Mirna Valle 34.600.3160	Lot 11	27	Railroad	97.50
Property Owner 34.695.0420	Lot 8	10	Sterling 2nd	169.00
Brian Ward 34.795.0460	Lot 5	4	Yates & Lewis	143.65
Lindsey Weatherly 34.795.3070	Lot 4	27	Yates & Lewis	93.60
Joe Ortega 34.900.0080	S 148.5' W 49.5' E 330' N 1/2 SW 1/4, EXC W 4' & EXC S 22'	34-103-18		95.23
			Total Assessment Prepayments Balance to be Assess	\$2,394.30

RESOLUTION NO.

**2022 ASSESSMENT FOR ABATING THE NUISANCE OF
GARBAGE & DEBRIS**

WHEREAS, pursuant to City Code Chapter 10.01, Subdivision 6, the Planning and Zoning Administrator of the City of Austin has heretofore given due notice to the property owner whose land is hereinafter described that garbage, junk and debris was placed upon the property hereinafter described, and that said garbage, junk and debris was not removed within the required time as stated in the notice; and

WHEREAS, said garbage and debris was not removed within said time and said Planning and Zoning Administrator caused the same to be removed and has made his report to the City of Austin as to the expense of such removal and such expense has been paid by the City of Austin.

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

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.
2. Such assessment shall be payable in one installment to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.5 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 until December 31, 2023.
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 by October 31, 2022.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

61 Extra Days
Fund - 11
Code -

Garbage & Junk Removal Assessment
2022

Interest at 3.75% starting November 1, 2022
1 year

Resolution No.

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition/Section</u>	<u>Total</u>
Jonathan Luchsinger 34.120.0240	Lot 10 Exc. HWY	2	Carlotto	\$330.23
HPMN4, LLC 34.245.0460	S. 175' Lot 8	1	Elmwood	\$558.88
James Baldus 34.285.0440	W. 27' Lot 5	6	Goebel	\$147.31
William & Deborah Wakefield 34.520.1180	N. 50' Lots 18, 19 & 20 Exc. RR	6	Oak Park	\$1,562.00
Selma Kosut 34.630.1170	Lot 19	6	Schleusner & Hartson	\$146.01
Batikare Borere 34.635.0090	Lot 4	2	Shaw Acres	\$315.00
Charles W Beddow, Jr. 34.640.0390	Lot 26 & Tri Piece on W. Adj.	3	Slaven	\$756.68
Cynthia Graham 34.850.0070	E. 50' W. 150' OL 2			\$1,051.41
	Total Assessment Prepayments Balance to be Assess			\$4,867.52

RESOLUTION NO.

ADOPTING 2022 ASSESSMENTS FOR WEED & GRASS CUTTING

WHEREAS, the Weed Inspector of the City of Austin has heretofore given due notice to the property owners whose land is hereinafter described that noxious weeds and shrub and bush obstructions are growing upon the property hereinafter described, in the form provided by the Commissioner of Agriculture, and that said weeds must be cut down or eradicated within seven days from the issuance of the notice; and

WHEREAS, said weeds were not cut down, destroyed or eradicated within said time and said Weed Inspector caused the same to be cut down or otherwise destroyed or eradicated, and has made his/her report to the City of Austin as to the expense of such eradication and such expense has been paid by the City of Austin; and

WHEREAS, pursuant to proper notice duly given as required by law, the City Council has met and heard and passed upon all objections to the proposed assessment for weed removal.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for the cutting of weeds and grass on the premises named therein 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.
2. Such assessment shall be payable in one installment to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 until December 31, 2023.
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 by October 31, 2022.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

61 Extra Days
Fund – 11
Code - 43260-4202

Grass & Weed Mowing Assessment
2022

Interest at 3.75% starting November 1, 2022
1 year

Resolution No.

Page 1

Property Owner	Legal Description	Block	Addition	Total
Marilee Benson 34.075.0530	Lot 5	17	Bel-Air 3rd	160.63
Metro Fibernet, LLC 34.095.0020	Lot 3 & S. ½ Lot 2	1	Berry	155.00
Christopher May 34.100.1930	Lot 5	17	Bolcoms	315.63
Jimmie & Evelyn Allgood 34.165.0070	Lot 8	1	Crane 2nd	160.63
Austin Long 34.175.0050	Out Lot 5		Crestwood Hills 1st	155.00
Nicholas Barrington 34.190.0160	Out Lot 8		Decker Acres	200.00
RPD Properties, LLC 34.190.1290	N. 150' Out Lot 64		Decker Acres	930.63
Cindy Stewart 34.190.2420	S. 150' of Out Lot 120		Decker Acres	150.00
Jacqueline Orth 34.190.2490	Out Lot 124 Exc. N ½		Decker Acres	515.63
Daniel & Joy Rouse 34.193.0420	Lot 21	2	Dinsmoor Acres	380.00
Grace Trowbridge 34.235.0560	Lot 8	4	Elmhurst	160.63
Antonio Hernandez 34.240.0430	Lots 9 & 10	8	Elmhurst	328.00
Ryan & Carolyn Anderson	Lot 10	15	Galloway Addition to West Park	155.00

Grass & Weed Mowing Assessment
2022
Interest at 3.75% starting November 1, 2022
1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
34.275.0340				
RPD Properties, LLC 34.285.0550	Lot 4	7	Goebel	160.63
Jesica Alfaro Hernandez 34.295.0220	Lot 22	1	Gregg Johnson	173.00
Hammond Realty & Investments, LLC 34.365.1750	Lot 12	8	Kenwood Park	155.00
Stacy Petersen 34.365.3900	Lot 21	16	Kenwood Park	177.50
Brian & Mary Leuning 34.385.0070	Lot 5	1	Lake Park	155.00
Abram Albee 34.385.0720	Lot 4	6	Lake Park	160.63
Aguilar Sandoval 34.385.1430	S. 54' N. 100' E 162.8'	11	Lake Park	155.00
Michael Dodge 34.460.0250	Lots 1 & 2	5	Morgans	470.63
Craig Hollerud 34.469.0260	Lot 12	3	Nelson 1st	155.00
Philip & Amy Riley 34.540.0070	Lot 8 & N. 2' E. 62' Lot 7	1	Old Oaks 1st	173.00
Keyshawn Rajaphone 34.560.0130	Weseman's Rear of Block 2	2	Orchard Park	155.00
Connor Kubista 34.570.0370	Lot 12	7	Palmers	155.00
Pamela Billings	Lot 6	1	Plunkett Subdivision	310.63

Interest at 3.75% starting November 1, 2022

Property Owner	Legal Description	Block	Addition	Total
34.595.0060	W. 54 1/2' Lot 5	2	Plunkett	155.00
Michelle Swanson Companies 34.595.0150	Lots 1 & 2	9	Railroad	160.63
NC Real Estate LLC 34.600.0680	Lot 8 Exc. N. 70'	9	Railroad	315.63
Robert Werner 34.600.0790	Lot 20 & 21	18	Railroad	155.00
NC Real Estate LLC 34.600.2070	Lot 19	6	Schleusner and Hartson	200.00
Selma Kosut 34.630.1170	Lot 4	1	Sheedys 2nd	725.00
Nathan Pierson 34.639.0040	W132' Lot 29	3	Slaven	177.50
Isossou Tella 34.640.0410	Lot 5	4	Yates & Lewis	698.76
Brian Ward 34.795.0460	Lot 5 & Vac. Alley Adj. on West	1	Zunk	155.00
Brian & Mary Leuning 34.805.0050	Lot 6 & Vac. Alley Adj. on West	1	Zunk	155.00
Ruth Gilbertson 34.805.0060	Out Lot 7	6	4-102-18	155.00
Lynda Edwards 34.820.0600	Part of OL 9 & 10 in NW 1/4		11-102-18	200.00
Michelle Nystel 34.835.0080	E. 50' W 150' Out Lot 2			200.00
Cynthia Graham				35-103-18

61 Extra Days
Fund – 11
Code - 43260-4202

Resolution No.

Grass & Weed Mowing Assessment
2022

Page 4

Interest at 3.75% starting November 1, 2022
1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Robert Dahlke 34.870.0150	E. 92' W 198' N. 303' N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$	4-102-18		200.00
Roger & Sons of Austin, LLC 34.870.0155	S. $\frac{1}{2}$ W. 2 Ac. E. 6 Ac. N.E. $\frac{1}{4}$ N.W. $\frac{1}{4}$ N.E. $\frac{1}{4}$ Exc. S. 32' HWY	4-102-18		560.00
Scott Oelkers 34.916.0150	W $\frac{1}{2}$ Out Lot 8 1.19 Ac.	Ramsey Park 26-103-18		192.50
Harlan Griese 34.916.0250	E. 120' S. 300' Out Lot 13 NW $\frac{1}{4}$ NE $\frac{1}{4}$	Ramsey Park 26-103-18		224.38
Bernadette Stephens 34.916.0300	S $\frac{1}{4}$ Out Lot 14	Ramsey Park 26-103-18		330.63
	TOTAL ASSESSMENT			\$11,282.83

RESOLUTION NO.**RESOLUTION ADOPTING ASSESSMENTS FOR ADMINISTRATIVE
CITATIONS – PARK AND REC**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for administrative citations in Austin.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for administrative citations 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.
2. Such assessment shall be payable in equal annual installments extending over one (1) year, to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 through December 31, 2023.
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 by October 31, 2022. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st to 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 property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

61 Extra Days

Code – 45010.5011

Resolution No.

2022 Administrative Citations – Park and Rec
Interest at 3.75% starting on November 1, 2022

Property OwnerLegal DescriptionBlockAddition/SectionTotal

Christopher May

34.100.1930

Jonathan Luchsinger

34.120.0240

Nancy Mizuno

34.137.0080

Lot 8 OF Out Lot 2 N $\frac{1}{2}$ N.W. $\frac{1}{4}$ OLD
08.045.0080

Jimmy & Evelyn Allgood

34.165.0070

Lot 8

1

Cedar Dale

Cindy Stewart

34.190.1290

N. 150' Out Lot 64
S.150' Out Lot 120

RPD Properties LLC

34.190.2420

Out Lot 124 Exc. N $\frac{1}{2}$
Out Lot 124 Exc. N $\frac{1}{2}$

Jacqueline Orth

34.190.2490

Lot 21
Lot 21

Daniel & Joy Rouse

34.193.0420

Out Lot 124 Exc. N $\frac{1}{2}$
Out Lot 124 Exc. N $\frac{1}{2}$

Grace Trowbridge

34.235.0560

Lot 8
Lot 8

Luis Hernandez

34.240.0430

Lots 9 & 10
Lots 9 & 10

Lot 22
Lot 22

Jessica Alfaro Hernandez

34.295.0220

Lot 12
Lot 12

Hammond Realty & Investments LLC

34.365.1750

Lot 5
Lot 5

Lot 12
Lot 12

Brian & Mary Leuning

Lot 5
Lot 5

Lake Park
Lake Park

\$ 275.00
\$ 275.00

Elmhurst
Elmhurst

\$ 125.00
\$ 125.00

Gregg Johnson
Gregg Johnson

\$ 275.00
\$ 275.00

Kenwood Park
Kenwood Park

\$ 125.00
\$ 125.00

Carlotto
Carlotto

\$ 275.00
\$ 275.00

Bolcoms
Bolcoms

\$ 125.00
\$ 125.00

Crane 2nd
Crane 2nd

\$ 300.00
\$ 300.00

Decker Acres
Decker Acres

\$ 275.00
\$ 275.00

Decker Acres
Decker Acres

\$ 475.00
\$ 475.00

Dinsmoor
Dinsmoor

\$ 125.00
\$ 125.00

Elmhurst
Elmhurst

\$ 175.00
\$ 175.00

61 Extra Days

Code – 45010.5011

2022 Administrative Citations – Park and Rec
Interest at 3.75% starting on November 1, 2022

Resolution No.
1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition/Section</u>	<u>Total</u>
34.385.0070				
Chang Chen 34.420.0010	Lot 11	1	McCourt	\$ 150.00
Charles Fawver 34.440.0300	Lot 10	3	Miller Ellis	\$ 125.00
Michael Dodge 34.460.0250	N. 1/2 Lots 1 & 2	5	Morgans	\$ 275.00
Craig Hollerud 34.469.0260	Lot 12	3	Nelson 1st	\$ 125.00
William & Deborah Wakefield 34.520.1180	N. 50' Lots 18, 19, 20 Exc. RR	6	Oakpark	\$ 150.00
Philip & Amy Riley 34.540.0070	Lot 8 & N. 2' E. 62' Lot 7	1	Old Oaks	\$ 125.00
Philip Matter 34.570.0350	Lot 11	7	Palmers	\$ 125.00
Connor Kubista 34.570.0370	N. 50' Lot 12	7	Palmers	\$ 125.00
Thin Blue Line Real Estate, LLC 34.575.0260	Lots 18, 19, & 22	1	Parker & Brown	\$ 300.00
Pamela Billings 34.595.0060	Lot 6	1	Plunkett	\$ 2,025.00
Robert Werner 34.600.0790	Lot 8 Exc. N. 70'	9	Railroad	\$ 875.00
NC Real Estate LLC 34.600.2070	S. 48' Lots 20 & 21 & OF E. 1/2 Lot 19	18	Railroad	\$ 125.00
Selma Kosut	Lot 19	6	Schleusner & Hartson	\$ 125.00

61 Extra Days

Resolution No.

Code – 45010.5011

2022 Administrative Citations – Park and Rec
Interest at 3.75% starting on November 1, 2022

1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition/Section</u>	<u>Total</u>
Aaron & Kelly Osman 34.755.0240	Lot 14	2	Weseman & Miller	\$ 125.00
Brian Ward 34.795.0460	Lot 5	4	Yates & Lewis	\$ 175.00
Cynthia Graham 34.850.0070	Out Lot 2			\$ 125.00
Robert Dahlke 34.870.0150	E. 92' W. 198' N. 303' N.E. 1/4 N.W. 1/4 N.E. 1/4	4-102-18		\$ 125.00
Roger & Sons of Austin, LLC 34.870.0155	W. 3 AC. NE 1/4 NW 1/4 NE 1/4 LYING S. OF EXTENDED N. LINE 7TH AVE NW BK 474-14	4-102-18		\$ 300.00
Harlan Griese 34.916.0250	E. 120' S. 300' Out Lot 13 NW 1/4 NE 1/4 .83 AC.	Ramsey Park 26-103-18	\$ 125.00	
Bernadette Stephens 34.916.0300	SE 1/4 Out Lot 14 .58 AC.	Ramsey Park 26-103-18	\$ 150.00	
	TOTAL			\$9,990.00

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENTS FOR ADMINISTRATIVE
CITATIONS – ZONING**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for administrative citations in Austin.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for administrative citations 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.
2. Such assessment shall be payable in equal annual installments extending over one (1) year, to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 through December 31, 2023.
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 by October 31, 2022. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st to 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 property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

2022 Administrative Citations – Zoning Violations & Vacant Property Citations
Interest at 3.75% starting on November 1, 2022

1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Zacarias Torres Alejo 34.100.0180	Lot 5	3	Bolcoms	\$ 150.00
Matthew Brede 34.105.0640	Lot 5	7	Browns	\$ 825.00
Lee Lindquist 34.115.1520	Lot 9	10	Martin Bustad 1st	\$ 400.00
Jonathan Luchsinger 34.120.0240	Lot 10 Exc. HWY	2	Carlotto	\$ 125.00
James Kluth 34.170.0060	Lot 6	1	Crane 3rd	\$ 125.00
Elena Rodriguez 34.190.2730	S. 183' OL 137		Decker Acres	\$ 60.00
Dustin & Crystal Dennison 34.285.0440	W. 27' Lot 5	6	Goebel	\$ 375.00
Kelvin Hoffman & Lydia Gross 34.335.0240	Lot 18	2	Kaufman	\$ 125.00
Manuel & Maria Franco 34.340.0650	Lot 3	6	Kaufman 2nd	\$ 150.00
Eric Kniefel 34.365.0680	Lot 17	4	Kenwood Park	\$ 1,925.00
John & Dereen Ernst 34.365.2190	Lot 26	9	Kenwood Park	\$ 450.00
John & Dereen Ernst 34.365.2790	Lot 1	12	Kenwood Park	\$ 275.00
Aung Myint	Lot 25	12	Kenwood Park	\$ 125.00

61 Extra Days
Code – 41910.5011

Resolution No.

2022 Administrative Citations – Zoning Violations & Vacant Property Citations
Interest at 3.75% starting on November 1, 2022

1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
34.365.3030	Lot 30	12	Kenwood Park	\$ 175.00
Brock Tufte 34.365.3080	Lot 12 & E. ½ Lot 24	13	Kenwood Park	\$ 150.00
Armando Cifuentes & Trina Engler 34.365.3310	W. 125' Lot 5	4	Lake Park	\$ 125.00
Scott & Tina Granle 34.385.0520	Lot 4	5	Lake Park	\$ 125.00
Thomas Bednar 34.385.0560	N. 400.80' Lot 1 Exc. N 275' W. 209.30' & Exc. Approx S. 56.31' N. 400.80' E. 136.56'	1	Milwaukee Roundhouse	\$ 125.00
Lakeside Properties 34.447.0010	N½ Lots 1 & 2	5	Morgans	\$ 275.00
Michael Dodge & Heidi Hughes 34.460.0250	Lot 17	1	Oak Park	\$ 125.00
Alton Nelson 34.520.0140	N. 50' Lots 18, 19, 20 Exc. RR	6	Oak Park	\$ 1,625.00
William & Deborah Wakefield 34.520.1180	Lot 3 & N. 15' Lot 4 Exc. N. 6.73' W. 94.78' Lot 3 & Exc. N. 12.27' E. 60' Lot 3 Parcel B	7	Palmers	\$ 675.00
Argus Nelson Properties LLC 34.570.0271	Lots 14 & 15	1	Parker & Brown	\$ 125.00
Thin Blue Line Real Estate LLC 34.575.0200	W ½ LOTS 1 & 2	2	Parker & Brown	\$ 125.00
Edgar Serrano 34.575.0270	Lot 10	6	Rochford	\$ 150.00
Brianna Enfield 34.620.0980				

Resolution No.

61 Extra Days
Code – 41910.5011

2022 Administrative Citations – Zoning Violations & Vacant Property Citations
Interest at 3.75% starting on November 1, 2022

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Trevor & April Andree 34.630.1170	Lot 19	6	Schleusner & Hartson	\$ 1,225.00
Charles Beddow, Jr. 34.640.0390	Lot 26 & Tri Piece on W. Adj.	3	Slaven	\$ 275.00
Chelsea Miller 34.735.0160	Lot 16	9	Sun Valley	\$ 125.00
Kyle Diggins 34.755.0380	Lot 14	3	Weseman & Miller	\$ 275.00
Michael Sletten 34.790.0310	Lot 7 Exc. N. 43'	3	Woodlawn Park	\$ 125.00
Mary Clayton 34.790.0490	Lot 11	4	Woodlawn Park	\$ 125.00
Roberto & Victoria Padilla 34.795.0030	W. 45' Lots 1 & 2	1	Yates & Lewis	\$ 125.00
Everardo Ramirez Gallardo 34.795.0130	W. 45' E. 90' Lot 10 & S. 36" W. 45' E. 90' Lot 9	1	Yates & Lewis	\$ 275.00
Mark Raimann 34.795.0160	E. 90' S. 61.3'	2	Yates & Lewis	\$ 275.00
Suzanne Iverson 34.795.0560	E $\frac{1}{2}$ Lots 1 & 2	5	Yates & Lewis	\$ 1,625.00
Ketoria Greene 34.795.1630	Lot 8	15	Yates & Lewis	\$ 125.00
Carmen Fernando 34.795.3460	Lot 8	30	Yates & Lewis	\$ 125.00
Robert Ruble 34.795.3750	Lot 10	32	Yates & Lewis	\$ 125.00

Resolution No.

61 Extra Days
Code – 41910.5011

2022 Administrative Citations – Zoning Violations & Vacant Property Citations
Interest at 3.75% starting on November 1, 2022

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
El Patron Mexican Grill of Austin LLC 34.795.3920	W. 45' Lots 1&2	34	Yates & Lewis	\$ 275.00
Ramon & Rosa Paez 34.795.4650	Lot 12	39	Yates & Lewis	\$ 125.00
Eugene & Janetta Bumgarner 34.795.5350	Lot 3 Exc. S 1' W 11 1/2'	45	Yates & Lewis	\$ 125.00
Cynthia Graham 34.830.0070	E. 50' W. 150' OL 2		35-103-18	\$ 125.00
NC Real Estate LLC 34.880.0270	N. 60' S. 39' W. 180' SW 1/4 SW 1/4 SW 1/4 .25 Ac.	10-102-18		\$ 125.00
Abel Balbuena Rivera 34.880.0270	N. 60' S. 396' W. 180' SW 1/4 SW 1/4 SW 1/4 .25 Ac.	10-102-18		\$ 550.00
Joe Ortega 34.900.0080	S. 148.5' W. 49.5' E. 330' N 1/2 SW 1/4 Exc. W. 4' & Exc. S. 22'	34-103-18		\$ 275.00
Nina Jarett & Scott Oelkers 34.916.0150	W 1/2 OL 8	Ramsey Park 26-103-18		\$ 125.00
Advanced Building Movers of Rochester LLC 34.916.0220	Out Lot 11 Exc. 1 Ac. & S 1/2 Out Lot 12	Ramsey Park 26-103-18		\$ 125.00
				\$ 15,585.00

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENTS FOR ADMINISTRATIVE
CITATIONS – RENTAL HOUSING**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for administrative citations in Austin.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for administrative citations 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.
2. Such assessment shall be payable in equal annual installments extending over one (1) year, to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 through December 31, 2023.
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 by October 31, 2022. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st to 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 property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

2022 Administrative Citations – Rental Violations
Interest at 3.75% starting on November 1, 2022
1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Daniel and Karrie Maloney 34.011.1030	Lot 2 Exc. N. 152.5' & Exc. S. 100' & Exc. W. 147.32' N 159.20' S. 259.20'	8	Austin Homesteads	\$ 150.00
Mark Raimann 34.165.0330	Lot 35	1	Crane 2nd	\$ 125.00
Mark Raimann 34.245.0190	50' N. & S. X 150' E. & W. in S.W. Cor. OUT LOT 8		Elmwood	\$ 125.00
Ryan Anderson & Carolyn Able 34.275.0340	Lot 10	15	Galloway	\$ 225.00
Mark Raimann 34.600.1390	Lots 4 & 3 Exc. W. 35'	14	Railroad	\$ 125.00
Mark Raimann 34.785.1200	Lot 4 E 1/2 Lot 5	12	West Park	\$ 125.00
Mark Raimann 34.795.0160	E. 90' S. 61.3'	2	Yates&Lewis	\$ 125.00
Mark Raimann 34.795.2830	Lot 4	25	Yates&Lewis	\$ 125.00
Mark Raimann 34.795.3050	Lot 2	27	Yates&Lewis	\$ 125.00
			Total Assessment	\$1250.00

RESOLUTION NO.**RESOLUTION ADOPTING ASSESSMENTS FOR ADMINISTRATIVE
CITATIONS – SUMP PUMP VIOLATIONS**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for administrative citations in Austin.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for administrative citations 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.
2. Such assessment shall be payable in equal annual installments extending over one (1) year, to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 through December 31, 2023.
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 by October 31, 2022. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st to 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 property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

Resolution No.

61 Extra Days
Code – 43000.5011

2022 Administrative Citations – Sump Pump Violations
Interest at 3.75% starting on November 1, 2022

1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition/Section</u>	<u>Total</u>
Karen Kay Nei 34.190.1180	N. ½ Out Lot 59 Exc. E. 10'		Decker Acres	\$ 125.00
Cindy Stewart 34.190.2420	S. 150' Out Lot 120		Decker Acres	\$ 125.00
Abram & Jillian Albee 34.550.0100	Lots 3 & 4 Exc. E 35'	2	Olson	\$ 250.00
Abram & Jillian Albee 34.550.0100	Lots 3 & 4 Exc. E 35'	2	Olson	\$ 250.00
Ruth Gilbertson 34.805.0060	Lot 6 & Vac Alley Adj. on West	1	Zunk	\$ 125.00

TOTAL ASSESSMENT: \$875.00

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENTS FOR ADMINISTRATIVE
CITATIONS – BUILDING VIOLATIONS**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for administrative citations in Austin.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for administrative citations 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.
2. Such assessment shall be payable in equal annual installments extending over one (1) year, to be payable on the first Monday in January 2022, and shall bear interest at the rate of 3.5 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2021 through December 31, 2022.
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 by October 29, 2021. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st to 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 property 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 4th day of October, 2021.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

Resolution No.

61 Extra Days
Code – 41910.5011

2022 Administrative Citations – Building Violations
Interest at 3.75% starting on November 1, 2022

1 year

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Matthew Brede 34.105.0640	Lot 5	7	Browns	\$ 825.00
Dustin & Crystal Dennison 34.285.0440	W. 24' Lot 5	6	Goebel	\$ 2,875.00
Scott & Tina Granle 34.385.0520	W. 125' Lot 5	4	Lake Park	\$ 325.00
Anna Marie Rauen 34.385.1330	Lot 4	10	Lake Park	\$ 125.00
Michael Dodge & Heidi Hughes 34.460.0250	N. 1/2 Lots 1 & 2	5	Morgans	\$ 625.00
Jason Wiedemann 34.600.2190	Lots 12 & 13	19	Railroad	\$ 125.00
Charles Beddow Jr 34.640.0390	Lot 26 & TRI PIECE ON W ADJ	3	Slaven	\$ 125.00
Charles & Lois Fawver 34.785.0680	Lot 9	7	West Park	\$ 125.00
Suzanne Iverson 34.795.0560	E. 1/3 Lots 1 & 2	5	Yates & Lewis	\$ 125.00
	Total Assessment			\$5,275.00

RESOLUTION NO.

**RESOLUTION ADOPTING ASSESSMENTS FOR UNPAID VACANT
PROPERTY FEES**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for administrative citations in Austin.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for administrative citations 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.
2. Such assessment shall be payable in equal annual installments extending over one (1) year, to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 through December 31, 2023.
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 by October 31, 2022. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st to 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 property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

Resolution No.

61 Extra Days
Code – 41910.5011

Unpaid Vacant Property Fees
Interest at 3.75% starting on November 1, 2022

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
David Milton 34.105.0100	Lot 12	1	Browns	\$120.00
Mark Raimann 34.105.0370	Lot 3	5	Browns	\$120.00
David Milton 34.105.1630	N. 75' Lot 9	15	Browns	\$120.00
Jonathan Luchsinger 34.120.0240	Lot 10 Exc. Hwy	2	Carlotta	\$120.00
Shawn Clow 34.165.0060	Lot 7	1	Crane 2nd	\$120.00
Victor Vargas Palma 34.165.0170	Lots 18 & 19, Exc. Belt Line	1	Crane 2nd	\$120.00
Karen Kay Nei 34.190.1180	N. 1/2 Out Lot 59 Exc. E. 10'		Decker Acres	\$120.00
Charles Fawver 34.193.0150	E. 20' Lot 15 & Lot 16	1	Dinsmoor Acres	\$120.00
Charles Fawver 34.193.0170	Lot 17	1	Dinsmoor Acres	\$120.00
John & Dereen Ernst 34.220.0060	Lot 6	1	East Garfield	\$120.00
John & Dereen Ernst 34.365.1900	Lot 27	8	Kenwood	\$120.00
John & Dereen Ernst 34.365.2190	Lot 26	9	Kenwood	\$120.00
John & Dereen Ernst 34.365.2790	Lot 1	12	Kenwood	\$120.00
Brock Tufte	Lot 30	12	Kenwood	\$120.00

Resolution No.

61 Extra Days
Code – 41910.5011

Unpaid Vacant Property Fees
Interest at 3.75% starting on November 1, 2022

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Michael Dodge 34.460.0250	N. ½ Lots 1 & 2	5	Morgans	\$120.00
Craig Hollerud 34.469.0260	Lot 12	3	Nelsons 1st	\$120.00
Karen & Mahlon Schneider 34.510.0090	Out Lot 9 Exc. Tri Pcs in S.W. Cor & N.E. Cor, Out Lot A & Loand Adj on W. to Cntr of Creek, S. of N. ½ N.W. ¼		North Strevierling	\$120.00
Cesar Chavez & Lidia Montano 34.570.0120	S. ½ Lots 5 & 6	4	Palmers	\$120.00
Charles Fawver 34.785.0530	Lot 5	6	West Park	\$120.00
Charles Fawver 34.785.0540	Lot 6	6	West Park	\$120.00
Charles Fawver 34.795.1440	Lot 3	14	Yates & Lewis	\$120.00
Robert Dahlke 34.870.0150	E. 92' W. 198' N. 303' N.E. ¼ N.W. ¼ N.E. ¼	4-102-18		\$120.00
	Total Assessment			\$2,640.00

RESOLUTION NO.

RESOLUTION ADOPTING ASSESSMENT FOR TREE REMOVAL

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for tree removal.

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

1. Such proposed assessments, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessments made to defray the expenses of tree and brush removal 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.
2. Such assessments shall be payable in one installment to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 through December 31, 2023.
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 by October 31, 2022.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property 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 3rd of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

92 Extra Days
Fund 11
Code – 43260-4202

Resolution No.

Page 1

Tree Removal Assessment
Interest at 3.75% starting November 1, 2022
1 year

Property Owner

Leonard A. Armstrong
34.365.3370
Jack L. Clark
34.600.0070
Robert F. Ford III
34.600.0160
Brandon Gonzalez
34.635.0150

Legal Description

Block

Addition/Section

Total

<u>Legal Description</u>	<u>Block</u>	<u>Addition/Section</u>	<u>Total</u>
Lot 30	13	Kenwood Park	\$1,060.00
N 1/2 Lot 3	3	Railroad	\$715.00
S 1/2 Lot 1	4	Railroad	\$1,040.00
Lot 10	2	Shaw Acres	\$2,560.00
Total Assessment			

RESOLUTION NO.**RESOLUTION ADOPTING ASSESSMENTS FOR THE ABATEMENT OF
HAZARDOUS HOUSING**

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the abatement of hazardous housing in Austin.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment made to defray the expenses for the abatement of hazardous housing 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.
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. This installment shall be added interest on the entire assessment from November 1, 2022 through 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 by October 31, 2022. The remaining principal balance may be paid at any time to the City Clerk with interest accrued to December 31st to 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 property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

Hazardous Housing Assessment

2022

Interest at 3.75% starting November 1, 2022
10 years

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition/Section</u>	<u>Total</u>
Hammond Realty 34.365.1750	Lot 12	8	Kenwood Park	\$ 15,087.77
Phillip & Amy Riley 34.540.0070	Lot 8 & N. 2' E. 62' Lot 7	1	Old Oaks 1 st	\$ 21,561.35
Cynthia Graham 34.850.0070	E. 50' W.150' Out Lot 2		35-103-18	\$ 3,279.25
			TOTAL	\$39,928.37

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 November 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

Extra Days
Code
Fund -

Resolution No.

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

Page 1

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total Amount</u>
American Real Estate Recovery, LLC 34.095.0090	S½ of Lot 3 and N. 15.6' Lot 4	2	Berry	\$ 25,081.25
Tammy Quirindongo 34.165.0070	Lot 8	1	Crane 2nd	\$ 23,234.14
Supreme Resolutions Property Solutions, LLC C/O Alonso Hammond & Kristi Gilbertson Lot 6 34.595.0060		1	Plunkett	\$ 37,279.07
Zachary Downey 34.751.0120	Lot 11	2	Villa San Fernando	\$ 22,803.29
Matt Rahlf/Advance Building Movers 34.916.0250	E. 120' S. 300' Out Lot 13 Out Lot N.W. ¼ N.E. 1/4	Ramsey Park 26-103-18 \$	23,506.46	
Matt Rahlf/Advance Building Movers 34.916.0300	S.E. 1/4 Out Lot 14	Ramsey Park 26-103-18 \$	30,229.73	
	Total Assessment Prepayments Total to be Assessed		\$162,133.94	

RESOLUTION NO.

RESOLUTION ADOPTING 2022 ASSESSMENTS FOR UNPAID STREET REPAIRS

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for snow removal.

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

1. Such proposed assessment, a copy which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment on the premises named therein 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.
2. Such assessment shall be payable in one installment to be payable on the first Monday in January 2023, and shall bear interest at the rate of 3.75 percent per annum. This installment shall be added interest on the entire assessment from November 1, 2022 through December 31, 2023.
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 by October 31, 2022.
4. The City Clerk shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property 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 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

Resolution No.

61 Extra Days
Fund – 49000
Code 49000.4204

Unpaid Sidewalk and Street Repairs
Interest at 3.75% starting November 1, 2021
1 years

<u>Property Owner</u>	<u>Legal Description</u>	<u>Block</u>	<u>Addition</u>	<u>Total</u>
Dale Arett 34.190.3820	OL 195 Exc. N33 ft and S150 ft			\$749.84
Steven Harrington 34.715.0450	Lot 8	4	Steverling	\$4,471.34
			Total Assessment	\$5,221.18
			Prepayments	
			Balance to Assess	

City of Austin
500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
www.ci.austin.mn.us



Craig D. Clark, MPA
City Administrator
507-437-9941
craigc@ci.austin.mn.us

TO: Honorable Mayor and City Council Members
FROM: Craig D. Clark, Administrator
RE: Housing Tax Abatement

As you may recall, the City Council adopted a pilot program in August of 2016 which had a roughly three-year period for application that would provide five years of tax abatement for any new single or multi-family housing. A copy of an updated policy is included as Exhibit 1 and would provide for a renewal of the program starting January 1, 2023 and expiring December 31, 2025.

The original approval followed the Mayor's Ad Hoc Committee (a broad coalition of community stakeholders) that made several recommendations among them a proposal to adopt an abatement program to grow our housing stock which had been anemic and otherwise not shown the desired level of new housing production we need. Austin Public School District and Mower County Board of Commissioners also approved the pilot program and joined the City as each entity is required to approve any tax abatements. This made the program stronger and demonstrated a broad commitment to encouraging housing starts.

To date the City has approved 65 housing tax abatements, though not all of them ultimately moved forward with construction. However, we have had several individuals who have built indicate they would have built outside of Austin/Mower County as well as seeing several "spec" homes that were constructed without a known buyer. Speculation homes would be unlikely to have been built without this incentive and certainly helped move these along towards construction.

With the approved abatements that moved forward we had a total estimated value of the homes' construction cost of nearly \$23.9 million. The valuation is

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Craig D. Clark, MPA
City Administrator
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often lower than the cost of construction but this represents an important addition for our tax base as well as increasing the availability of other affordable units within the community when they move on to paying taxes after the abatement period.

While the results of the abatement program don't have a direct link to increased production, we do have continued clarity that there continues to be a significant demand for housing at all levels in the community.

The demand continues and with a significantly aging housing stock (51% were built prior to the 1950s) it is clear many homes are challenged. Each nuisance property that has been demoed is one more home that is not eligible for affordable housing and needs an eventual home to replace those which have been removed. To keep pace with our roughly 9,000 homes we need production of 90 homes per year assuming a home will last 100 years to keep a static housing stock. We have a current and pending problem if production does not increase and without that our long-term tax base as a community can be threatened.

Mower County and Austin Public Schools both have indicated support and are moving forward with the renewal of the tax abatement program for another three-year period.

Council Action is requested to approve the renewal of the Austin Homes Initiative program, for three years, from January 1, 2023 and lasting through December 31, 2025 for a five year period for any newly constructed single-family or multi-family home for the increased value solely from the construction improvements.



Austin Home Initiative
for New Construction
of Single and Multi-family Homes
Effective January 1, 2023

Intent

The purpose of the Austin Home Initiative for new construction of single and multi-family homes is to provide incentives to encourage the construction of new owner-occupied and rental residential housing units and to encourage the replacement of dilapidated housing structures within the City of Austin between January 1, 2023 and December 31, 2025.

Tax Abatement Availability

Minnesota Statute §469.1813 Subdivision 8 places limitations on tax abatement. In any given year, the total amount of taxes abated by a municipality shall not exceed 10% of the net tax capacity (NTC) of the political subdivision for the taxes payable year to which the abatement applies, or (2) \$200,000, whichever is greater.

Eligible Participants

Any person who constructs a new single family home, duplex, or multi-family complex and who files application material and seeks formal approval from appropriate local jurisdiction between January 1, 2023 and December 31, 2025 may be eligible to receive 100% tax abatement of the City's share of increased real estate taxes as a result of building newly constructed housing or a home, for a period of five (5) years provided all of the following criteria are met:

1. The property is located within Austin boundaries and zoned properly for the proposed development project.
2. The applicant shall not have received other local financial assistance (tax increment financing/TIF, Workforce Housing, SCDP).
3. Project is built to any and all applicable zoning and building codes adopted at the time the building/zoning permit is obtained.
4. Property taxes are current and paid on time and in full. Failure to keep property taxes current shall result in revocation of the tax abatement for each year taxes are not current.
5. Program approvals must be obtained prior to the start of construction of the new housing/home.

The real estate taxes to be abated shall be for up to the full amount of the real estate taxes collected due to the added tax base of the newly constructed housing/home annually. The current value of the property is not eligible for the abatement, will not be abated as part of this program, and is further defined as the "original value." Any eligible abatement years are calculated on the tax increase due to a value increase over the original value.

Partially constructed housing may result in an abatement in the first abatement year that may be significantly less than the following years. This will still be considered one of the five years of eligible abatement.

In the event the property owner refuses access to County Assessor staff to perform an appraisal for tax assessment purposes, the tax abatement shall expire for the remaining term of the abatement period.

The abatement period will begin in the tax year the property realizes a value increase over the original value due to the construction of the housing project. In the event construction has not commenced within one year of approval, the abatement is eliminated and the property owner will need to reapply in accordance with this policy.

This abatement will transfer with the sale of the property for the balance of the five-year abatement period.

This abatement will not include voter-approved property tax referendums.

This abatement does not apply to, or include, existing and/or new assessments to the property.

The City shall provide the awarded abatement payment following payment of due real estate taxes annually. One single payment shall be made to the owner of the record at the time of the payment by December 30 for that calendar year.

Application

The statute requires the City to approve each abatement application. Thus, all applications will be considered on a “first come, first served” basis. The acceptance of new applications will be contingent upon the availability of funds and Council approval.

A complete application for abatement shall consist of the following:

- * A letter requesting abatement for eligible projects addressed to the City Administrator, County Coordinator and the School Superintendent.
- * Legal description of the subject property, including address and property identification number.
- * A set of construction plans for the proposed project, including site plan; and
- * Submission of a copy of the building/zoning permit once received.
- * Applicant shall sign a statement to the effect that no construction has started. For the purposes of this provision, construction shall be determined by the issuance of a building permit before approval of the City Council.

Upon submittal of a completed application, the City Council shall schedule a date to consider an application. The date shall not exceed 30 days from the date of the submitted application. After consideration, the Council will adopt a resolution outlining the details of the abatement program.

Each taxing entity retains its individual authority on property tax abatements. The City is solely responsible for its share of property tax abatements, and this policy does not allow the City to abate County, Township or School District property taxes.

RESOLUTION NO.

**AUTHORIZING THE EXTENDING THE
AUSTIN HOME INITIATIVE**

WHEREAS, the Mayor of the City of Austin convened an Ad Hoc Housing Committee to study housing issues in the City; and

WHEREAS, one of the Committee's recommendations was to establish a program that would offer tax incentives for new construction of residential homes between August 1, 2016 and December 31, 2019 to spur new construction; and

WHEREAS, the City Council adopted resolution 15242 on August 1, 2016 which established the Austin Home Initiative and offered a 5-year tax abatement for eligible homes constructed through December 31, 2019; and

WHEREAS, the City Council adopted resolution 15954 on December 2, 2019 which extended the Austin Home Initiative through December 31, 2022; and

WHEREAS, the City Council desires to extend the program for an additional three years, through December 31, 2025; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Austin does hereby authorize the extension of the Austin Home Initiative through December 31, 2025.

Passed by a vote of Yeas and Nays this 3rd day of October, 2022.

YEAS:

NAYS:

ATTEST:

APPROVED:

City Recorder

Mayor

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



Phone: 507-437-9940
www.ci.austin.mn.us

MEMO

TO: Mayor and City Council
TD

FROM: Thomas Dankert
Director of Administrative Services

DATE: October 3, 2022

SUBJECT: Insurance Waiver for 2023
U:\Word\2022\Miscellaneous\Insurance Waiver for 2023.doc

Attached you will find a waiver form that is required by our insurance carriers, League of Minnesota Cities. We are required to pass a motion authorizing the City Recorder/Treasurer to sign the waiver indicating the City does not waive the statutory tort limits. This identifies the maximum amount a claimant could receive for a single occurrence to which the statutory limits apply to \$500,000. Also, the total all claimants would be able to receive from any single event would be limited to \$1,500,000.

If the City waives these limits, it could expose us to greater loss in the event we were to be sued under for any event that falls under this statute. However, claims to which the statutory municipal tort limits do not apply are not affected by this decision.

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



LIABILITY COVERAGE – WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before the member's effective date of coverage. Return completed form to your underwriter or email to pstech@lmc.org.

The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- *If the member does not waive the statutory tort limits, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.*
- *If the member waives the statutory tort limits and does not purchase excess liability coverage, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.*
- *If the member waives the statutory tort limits and purchases excess liability coverage, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.*

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name:

City of Austin

Check one:

The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).

The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: October 3, 2022

Signature: _____ Position: Director of Administrative Services

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: September 28, 2022
Subject: I-90 Bridge Replacement Project
 Noise Study – Pasture Heights Neighborhood

We have received a proposal from SRF Consulting Group to complete a traffic noise analysis to support an application to the MnDOT Greater Minnesota Standalone Noise Barrier Program. The study area is the Pasture Heights neighborhood, located south of Interstate 90 (I-90) from 4th Street NW to the Cedar River. The proposal is attached for your review and the scope of work is summarized as follows:

- Field measurements of existing traffic noise levels at two residents in the southeast quadrant of the I-90 and 4th Street interchange.
- Digitize a noise model input file for the proposed I-90 and 4th Street single point urban interchange.
- Prepare a loudest hour noise analysis. The purpose of the loudest hour noise analysis is to determine the time of day and associated vehicle mix resulting in the loudest traffic noise levels. The traffic characteristics and vehicle mix from the loudest hour analysis will be used with the evaluation of a noise wall in the southeast quadrant of I-90 and 4th Street.
- Prepare the noise wall analysis for one noise wall in the southeast quadrant of I-90 and 4th Street NW. Includes identifying noise level reductions with the modeled noise wall and noise wall cost effectiveness.
- Prepare a technical memorandum presenting results of the traffic noise analysis, including cost effectiveness results of the modeled noise wall and figure illustrating the modeled noise wall location.
- Assist the City with preparing the Greater Minnesota Standalone Noise Barrier Program application form.

Council action is requested to consider the SRF proposal in the amount of \$11,350 for the traffic noise analysis. If approved, costs for the project would be paid via Street Fund 49.

Please feel free to contact me if you have any questions.

Pasture Heights Addition
South side of I90, 4th St. NW to Cedar River

Aerial View



Side View





SRF No. 13678.00

September 29, 2022

Steven Lang, P.E.
City Engineer/Director of Public Works
City of Austin
500 Fourth Avenue Northeast
Austin, MN 55912-3773

Subject: Proposal for Professional Services for Standalone Noise Barrier Program
City of Austin, Minnesota

Dear Steven Lang:

Based on your request, SRF Consulting Group, Inc. (SRF) is pleased to submit this proposal to provide professional services for traffic noise analysis in support of an application by the City of Austin to the Minnesota Department of Transportation (MnDOT) under the Greater Minnesota Standalone Noise Barrier Program.

Scope of Services

We propose to carry out the services described as follows:

- Field measurements of existing traffic noise levels at two residences in the southeast quadrant of the Interstate 90 (I-90) and 4th Street interchange.
- Digitize a noise model input file for the proposed I-90 and 4th Street single point urban interchange (SPUI).
- Prepare a loudest hour noise analysis. The purpose of the loudest hour noise analysis is to determine the time of day and associated vehicle mix resulting in the loudest traffic noise levels. The traffic characteristics and vehicle mix from the loudest hour analysis will be used with the evaluation of a noise wall in the southeast quadrant of I-90 and 4th Street.
- Prepare the noise wall analysis for one noise wall in the southeast quadrant of I-90 and 4th Street. Includes identifying noise level reductions with the modeled noise wall and noise wall cost effectiveness. Includes cost estimate of potential noise wall along the southeast ramp at 4th Street.
- Prepare a technical memorandum presenting results of the traffic noise analysis, including cost-effectiveness results of the modeled noise wall and a figure illustrating the modeled noise wall location. The tech memo will also include an analysis of the benefits received by each receptor in the neighborhood.
- Assist the City with preparing the Greater Minnesota Standalone Noise Barrier Program application form.

Assumptions

Assumptions regarding the proposed traffic noise analysis are as follows:

- One-hour field measurement (L_{eq}) of existing traffic noise levels at two residences. City staff will coordinate with property owners to obtain access permission.
- Existing traffic noise levels for the Greater Minnesota Standalone Noise Barrier Program application form to be prepared using MnDOT's flat earth noise level estimating spreadsheet.
- City staff to confirm age of residential units in southeast quadrant of I-90 and 4th Street interchange (i.e., majority of residences constructed prior to 1997).
- Noise modeling to be completed using TNM version 2.5.
- Noise modeling includes the proposed I-90 and 4th Street single point urban interchange design. Design files (e.g., alignments, geometrics, profiles) to be obtained from preliminary design studies completed as part of the I-90 Austin Bridges Project (SP 5009-34).
- Loudest hour analysis assumes noise modeling of traffic characteristics and vehicle mix for three one-hour periods of the day. Traffic volumes and vehicle mix to be obtained from MnDOT District 6 and/or studies completed as part of the I-90 Austin Bridges Project (SP 5009-34).
- Assumes evaluating one noise wall and adjacent residential receptors in the southeast quadrant of the I-90 and 4th Street interchange, between 4th Street and the Cedar River.
- Noise wall reasonableness (i.e., MnDOT noise reduction design goal and noise wall cost effectiveness) will follow thresholds identified in the 2017 MnDOT Noise Requirements.
- Assumes one virtual meeting with City staff to review noise wall analysis results and technical memorandum.

Schedule

We will complete this work within a mutually agreed-upon time schedule

Basis of Payment/Budget

We propose to be reimbursed for our services on an hourly basis for the actual time expended. Other direct project expenses such as printing, supplies, reproduction, etc., will be billed at cost and mileage will be billed at the current allowable IRS rate for business miles. Invoices are submitted on a monthly basis for work performed during the previous month. Payment is due within 35 days.

Based on our understanding of the project and our scope of services, we estimate the cost of our services to be \$11,350.00, which includes both time and expenses.

Changes in Scope of Services

It is understood that if the scope or extent of work changes, the cost will be adjusted accordingly. Before any out-of-scope work is initiated, however, we will submit a budget request for the new work and will not begin work until we receive authorization from you.

Standard Terms and Conditions

The attached Standard Terms and Conditions (Attachment A), together with this proposal for professional services, constitute the entire agreement between the Client and SRF and supersede all prior written or oral understandings. This agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

Acceptance/Notice to Proceed

A signed copy of this proposal, mailed or emailed to our office, will serve as acceptance of this proposal and our notice to proceed. The email address is dnelson@srfconsulting.com.

We appreciate your consideration of this proposal and look forward to working with you on this project. Please feel free to contact us if you have any questions or need additional information.

Sincerely,

SRF CONSULTING GROUP, INC.



Dave Nelson, P.E.
Project Director, Civil Design

btd/dpn/jwm



Brett Danner
Senior Project Manager, Environmental Planning

Attachment A: Standard Terms and Conditions

Approved: City of Austin

(signature)

Name _____

Title _____

Date _____

This cost proposal is valid for a period of 90 days. SRF reserves the right to adjust its cost estimate after 90 days from the date of this proposal.

ATTACHMENT A

STANDARD TERMS AND CONDITIONS

The Standard Terms and Conditions together with the attached Proposal for Professional Services constitute the entire Agreement between the CLIENT and SRF Consulting Group, Inc. ("SRF") and supersede all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

1. STANDARD OF CARE

- a. The standard of care for all professional services performed or furnished by SRF under this Agreement will be the care and skill ordinarily used by members of SRF's profession practicing under similar circumstances at the same time and in the same locality. SRF makes no warranties, expressed or implied, under the Agreement or otherwise, in connection with SRF's service.
- b. The CLIENT shall be responsible for, and SRF may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by CLIENT to SRF pursuant to this Agreement. SRF may use such requirements, reports, data, and information in performing or furnishing services under this Agreement.

2. INDEPENDENT CONTRACTOR

All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the CLIENT and SRF and not for the benefit of any other party. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the CLIENT or SRF. SRF's services under this Agreement are being performed solely for the CLIENT's benefit, and no other entity shall have any claims against SRF because of this Agreement or the performance or nonperformance of services hereunder.

3. PAYMENT TO SRF

Invoices will be prepared in accordance with SRF's standard invoicing practices and will be submitted to the CLIENT by SRF monthly, unless otherwise agreed. Invoices are due and payable within thirty-five (35) days of receipt. If the CLIENT fails to make any payment due SRF for services and expenses within forty-five (45) days after receipt of SRF's invoice thereafter, the amounts due SRF will be increased at the rate of 1-1/2% per month (or the maximum rate of interest permitted by law, if less). In addition, SRF may, after giving seven days written notice to the CLIENT, suspend services under this Agreement until SRF has been paid in full of amounts due for services, expenses, and other related charges.

4. OPINION OF PROBABLE CONSTRUCTION COST

Any opinions of costs prepared by SRF represent its judgment as a design professional and are furnished for the general guidance of the CLIENT. Since SRF has no control over the cost of labor, materials, market condition, or competitive bidding, SRF does not guarantee the accuracy of such cost opinions as compared to contractor or supplier bids or actual cost to the CLIENT.

5. INSURANCE

SRF will maintain insurance coverage for Workers' Compensation, General Liability, Automobile Liability and Professional Liability and will provide certificates of insurance to the CLIENT upon request.

6. INDEMNIFICATION AND ALLOCATION OF RISK

To the fullest extent permitted by law, SRF agrees to indemnify and hold harmless the CLIENT, their officers, directors and employees against all damages, liabilities or costs (including reasonable attorneys' fees and defense costs) to the extent caused by SRF's negligent acts under this Agreement and that of its subconsultants or anyone for whom SRF is legally liable.

7. TERMINATION OF AGREEMENT

Either party may at any time, upon seven days prior written notice to the other party, terminate this Agreement. Upon such termination, the CLIENT shall pay to SRF all amounts owing to SRF under this Agreement, for all work performed up to the effective date of termination.

8. OWNERSHIP AND REUSE OF DOCUMENTS

All documents prepared or furnished by SRF pursuant to this Agreement are instruments of service, and SRF shall retain an ownership and property interest therein. Reuse of any such documents by the CLIENT shall be at CLIENT's sole risk; and the CLIENT agrees to indemnify, and hold SRF harmless from all claims, damages, and expenses including attorney's fees arising out of such reuse of documents by the CLIENT or by others acting through the CLIENT.

9. USE OF ELECTRONIC MEDIA

- a. Copies of Documents that may be relied upon by the CLIENT are limited to the printed copies (also known as hard copies) that are signed or sealed by SRF. Files in electronic media format of text, data, graphics, or of other types that are furnished by SRF to the CLIENT are only for convenience of the CLIENT. Any conclusion or information obtained or derived from such electronic files will be at the user's sole risk.

- b. When transferring documents in electronic media format, SRF makes no representations as to long-term compatibility, usability, or readability of documents resulting from the use of software application packages, operating systems, or computer hardware differing from those used by SRF at the beginning of this Assignment.
- c. If there is a discrepancy between the electronic files and the hard copies, the hard copies govern.
- d. Because data stored in electronic media format can deteriorate or be modified inadvertently or otherwise without authorization of this data's creator, the party receiving electronic files agrees that it will perform acceptance tests or procedures within sixty (60) days, after which the receiving party shall be deemed to have accepted the data thus transferred. Any errors detected within the sixty (60) day acceptance period will be corrected by the party delivering the electronic files. SRF shall not be responsible to maintain documents stored in electronic media format after acceptance by the CLIENT.

10. FORCE MAJEURE

SRF shall not be liable for any loss or damage due to failure or delay in rendering any service called for under this Agreement resulting from any cause beyond SRF's reasonable control.

11. ASSIGNMENT

Neither party shall assign its rights, interests or obligations under this Agreement without the express written consent of the other party.

12. BINDING EFFECT

This Agreement shall bind, and the benefits thereof shall inure to the respective parties hereto, their legal representatives, executors, administrators, successors, and assigns.

13. SEVERABILITY AND WAIVER OF PROVISIONS

Any provisions or part of the Agreement held to be void or unenforceable under any laws or regulations shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon the CLIENT and SRF, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision. Non-enforcement of any provision by either party shall not constitute a waiver of that provision, nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

14. SURVIVAL

All provisions of this Agreement regarding Ownership of Documents and Reuse of Documents, Electronic Media provisions, Indemnification and Allocation of Risk, and Dispute Resolution shall remain in effect.

15. DISPUTE RESOLUTION

CLIENT and SRF agree to use their best efforts to resolve amicably any dispute. In the event that a dispute cannot be resolved, upon the joint concurrence of the parties to the selection of a mediator, the dispute will be submitted to mediation.

16. CONTROLLING LAW

The laws of the state of Minnesota govern this Agreement. Legal proceedings, if any, shall be brought in a court of competent jurisdiction in the county where the Project is located.

17. SITE SAFETY

SRF shall not at any time supervise, direct, control or have authority over or charge of, nor be responsible for, the construction means, methods, techniques, sequences or procedures, or for safety and security precautions and programs in connection with the work performed by any Contractor for the Project, nor for any failure of any Contractor to comply with laws and regulations applicable to such Contractor's work, since these are solely the Contractor's rights and responsibilities. SRF shall not be responsible for the acts or omissions of any Contractor or Owner, or any of their agents or employees, or of any other persons (except SRF's own employees and consultants), furnishing or performing any work for the Project, except as specifically outlined in SRF's scope of services.

18. GOVERNMENT DATA PRACTICES AND INTELLECTUAL PROPERTY RIGHTS.

SRF shall comply with the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as it applies to: (1) all data provided by the Client pursuant to this Agreement; and (2) all data, created, collected, received, stored, used, maintained, or disseminated by SRF pursuant to this Agreement. SRF is subject to all the provisions of the Minnesota Government Data Practices Act, including but not limited to the civil remedies of Minnesota Statutes Section 13.08, as if it were a government entity. In the event SRF receives a request to release data, SRF will immediately notify the Client. The Client will give SRF instructions concerning the release of the data to the requesting party before the data is released.

RESOLUTION NO.

**APPROVING AN NOISE STUDY CONTRACT
WITH SRF CONSULTING GROUP FOR THE PASTURE HEIGHTS NEIGHBORHOOD**

WHEREAS, the City of Austin had a request from residents in the Pasture Heights Neighborhood for a noise study to be completed as part of the Interstate 90 bridge reconstruction project; and

WHEREAS, the State of Minnesota has denied funding for the noise study as part of the reconstruction project; and

WHEREAS, the City Council recommended the completion of the noise study at their September 19, 2022 work session; and

WHEREAS, SRF Consulting group has submitted a proposal to the City for the noise study in the amount of \$11,350; and

WHEREAS, City staff recommends awarding the contract to SRF Consulting Group.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Austin does hereby approve a noise study contract with SRF Consulting Group for the Pasture Heights Neighborhood.

Passed by a vote of Yeas and Nays this 3rd day of October, 2022.

YEAS:

NAYS:

ATTEST:

City Recorder

APPROVED:

Mayor

RESOLUTION NO.

RESOLUTION SETTING HEARING ON PROPOSED ASSESSMENTS

WHEREAS, by resolution passed by the Council, the City Clerk is directed to prepare proposed assessments on the cost of the following projects:

Sanitary Sewer

AND, WHEREAS, the City Clerk has notified the Council that such proposed assessments have been completed and filed in the office for public inspection.

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

1. A hearing shall be held on the 17th day of October, 2022 in the City Hall Council Chambers at 5:30 pm to pass upon such proposed assessments, and at such time and place all persons owning property affected by such improvements will be given an opportunity to be heard with reference to such assessments.
2. The City Clerk is hereby directed to cause a notice of hearing on proposed assessments to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the improvement. The City Clerk shall cause mail notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.
3. The owner of any property so assessed may pay his or her assessment at any time prior to certification of the assessment on such property with interest accrued to the date of payment to the City, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessments. He or she may at any time thereafter pay to the City the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made.

Passed by a vote of yeas and nays this 3rd day of October, 2022.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: John & Dereen Ernst
808 10th Ave SW Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure located at **1017 10th Ave SW, Austin MN 55912**

Date: **September 28, 2022**

May I ask the City Council to review and approve this resolution classifying the property located at 1017 10th Ave SW, Austin, Minnesota, as hazardous pursuant to Minnesota Statues 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!



June 28th, 2022

John & Dareen Ernst
808 10th Ave SW
Austin, MN 55912

RE: Housing Violations at 1017 10th Ave SW Austin, MN 55912

Dear John & Dareen:

The City of Austin Planning and Zoning Department has observed a violation of City Code on June 27th, 2022 your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. Repair/Replace roof decking/shingles on house
2. Repair/Replace broken windows on house
3. Protective treatment on exterior wood surfaces on house

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

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

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

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

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

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

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

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

Sincerely,



Brent Johnson
Zoning Inspector

TIME STAMP L

**September 28, 2022
11:02 AM**

TIME STAMP



**September 28, 2022
11:02 AM**

TIME STAMP L

June 27, 2022
7:42 AM

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING
LOCATED AT 1017 10TH AVE SW AUSTIN, MINNESOTA
OWNED BY JOHN & DEREEN ERNST.**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 1017 10th Ave SW to be a hazardous building for the following reasons:

- 1. Repair/Replace roof decking/shingles on house**
- 2. Repair/Replace broken windows on house**
- 3. Protective treatment on exterior wood surfaces on house**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on June 28th, 2022 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 to 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
 - 1. Repair/Replace roof decking/shingles on house**
 - 2. Repair/Replace broken windows on house**
 - 3. Protective treatment on exterior wood surfaces on house**
 - 4. Exterior and interior must be brought up to current code**
 - 5. Or demolish house- Permit required**
2. The repairs listed above must be made within 30 days after the order is served upon the record owner and in compliance with applicable codes, regulations and permits.
3. The City Council further orders that unless such corrective action is taken, the building(s) is/are ordered to be razed, the foundation(s) filled and the property left free of debris in compliance with all applicable codes, regulations and permits. The structures must be removed within 20 days after the initial 30 day repair period has expired.
4. If corrective action is not taken and an answer is not served within 20 days as specified in Minn. Stat. Section 463.18, a motion for summary enforcement of this order will be made to the District Court of Mower County.
5. In accordance with Minn. Stat. Section 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 14 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.

6. The City Council further orders that if the city is compelled to take any corrective action herein, all necessary costs expended by the city will be assessed against the real estate concerned and collected in accordance with Minnesota Statutes, Section 463.22, 463.161 and 463.21.
7. The Mayor, City Recorder, City Attorney and other officers and employees of the City are authorized and directed to take such action, prepare, sign and serve such papers as are necessary to comply with this order and to assess the costs thereof against the real estate described above for collection along with taxes.
8. The city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. Sections 463.15 to 463.261.

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

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor

**City of Austin
Zoning Department**



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

Memorandum

To: Mayor and City Council

Cc: Dustin & Crystal Dennison
1203 11th Ave NW
Austin, MN 55912

James Baldus
301 11th St NE
Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure located at **1203 11th Ave NW, Austin MN 55912**

Date: **September 28, 2022**

May I ask the City Council to review and approve this resolution classifying the property located at 1203 11th Ave NW, Austin, Minnesota, as hazardous pursuant to Minnesota Statues 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!



April 1st, 2021

Dustin & Crystal Dennison
1203 11th Ave NW
Austin, MN 55912

RE: Housing Violations at 1203 11th Ave NW, Austin, MN 55912

Dear Dustin & Crystal:

The City of Austin Planning and Zoning Department has observed a violation of City Code on March 30th, 2021 your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. Weather proof exterior surface of house
2. Protective treatment on window and door trim

The violation of International Property Maintenance Code Sections 304.2 & 304.6 were found. These Property Maintenance Code Sections read as follows:

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

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

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

Sincerely,

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

Brent Johnson
Zoning Inspector



May 4th, 2021

James Baldus
301 11th St NE
Austin, MN 55912

RE: Housing Violations at 1203 11th Ave NW, Austin, MN 55912

Dear James:

The City of Austin Planning and Zoning Department has observed a violation of City Code on March 30th, 2021 your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. Weather proof exterior surface of house
2. Protective treatment on window and door trim

The violation of International Property Maintenance Code Sections 304.2 & 304.6 were found. These Property Maintenance Code Sections read as follows:

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

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

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

Sincerely,

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

Brent Johnson
Zoning Inspector



April 4th, 2022

Dustin & Crystal Dennison
1203 11th Ave NW
Austin, MN 55912

RE: Housing Violations at 1203 11th Ave NW, Austin, MN 55912

Dear Dustin & Crystal:

The City of Austin Planning and Zoning Department has observed a violation of City Code on March 30th, 2021 and April 4th, 2022 your property. An investigation of this complaint was conducted on at this site, and the following issues need to be resolved:

1. Weather proof exterior surface of house
2. Protective treatment on window and door trim on house
3. Repair/Replace roof decking on house

(No progress has been made)

The violation of International Property Maintenance Code Sections 304.2 & 304.6 were found. These Property Maintenance Code Sections read as follows:

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

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

shall not be discharged in a manner that creates a public nuisance.

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within **30 days** of the date of this letter, or the City of Austin will take further action in efforts to resolve these violations. Council generally meets the first and third Mondays of every month. You will be fined a minimum of **\$400**, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,



Brent Johnson
Zoning Inspector

CC: James Baldus



**September 28, 2022
11:18 AM**

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING
LOCATED AT 1203 11TH AVE NW AUSTIN, MINNESOTA
OWNED BY (CONTRACT BUYER) DUSTIN & CRYSTAL DENNISON AND (DEED HOLDER)
JAMES BALDUS.**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 1203 11th Ave NW to be a hazardous building for the following reasons:

- 1. Weather proof exterior surface of house**
- 2. Protective treatment on window and door trim on house**
- 3. Repair/Replace roof decking on house**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on April 1st, 2021, May 4th, 2021 and April 4th, 2022 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 to 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
 - 1. Weather proof exterior surface of house**
 - 2. Protective treatment on window and door trim on house**
 - 3. Repair/Replace roof decking on house**
 - 4. Exterior and interior must be brought up to current code**
 - 5. Or demolish house- Permit required**
2. The repairs listed above must be made within 30 days after the order is served upon the record owner and in compliance with applicable codes, regulations and permits.
3. The City Council further orders that unless such corrective action is taken, the building(s) is/are ordered to be razed, the foundation(s) filled and the property left free of debris in compliance with all applicable codes, regulations and permits. The structures must be removed within 20 days after the initial 30 day repair period has expired.
4. If corrective action is not taken and an answer is not served within 20 days as specified in Minn. Stat. Section 463.18, a motion for summary enforcement of this order will be made to the District Court of Mower County.
5. In accordance with Minn. Stat. Section 463.24, the owner or occupant must remove all personal property and/or fixtures that will reasonably interfere with the work within 14 days. If the property and/or fixtures are not removed and the city enforces this order, the city may sell personal property, fixtures, and/or salvage materials at a public auction after three days posted notice.

6. The City Council further orders that if the city is compelled to take any corrective action herein, all necessary costs expended by the city will be assessed against the real estate concerned and collected in accordance with Minnesota Statutes, Section 463.22, 463.161 and 463.21.
7. The Mayor, City Recorder, City Attorney and other officers and employees of the City are authorized and directed to take such action, prepare, sign and serve such papers as are necessary to comply with this order and to assess the costs thereof against the real estate described above for collection along with taxes.
8. The city attorney is authorized to proceed with the enforcement of this order as provided in Minn. Stat. Sections 463.15 to 463.261.

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

YEAS _____ NAYS _____

ATTEST:

APPROVED:

City Recorder

Mayor