

A G E N D A
CITY COUNCIL MEETING
MONDAY, APRIL 17, 2023
5:30 P.M.
COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Roll Call.

(mot) 1. Adoption of Agenda.

(mot) 2. Approving minutes from April 3, 2023.

3. Recognitions and Awards.

(mot) 4. *Consent Agenda

Licenses:

Mobile Business: Erin's Street Bistro, Albert Lea

Sign Installer: Scenic Sign, Sauk Rapids

Claims:

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

PUBLIC HEARINGS:

5. Public hearing for a five-year tax abatement for New Horizon Homes, LLC.

(res) a. Approve or deny tax abatement.

6. Public hearing for a five-year tax abatement for Bigelow & Lennon Construction.

(res) a. Approve or deny tax abatement.

BID AWARDS:

7. Receiving bids for bituminous street reconstruction on 7th Avenue and 19th Drive NE.

(res) a. Awarding bid.

8. Receiving bids for concrete street reconstruction on 1st Street NW.

(res) a. Awarding bid.

PETITIONS AND REQUESTS:

(res) 9. Accepting donations to the City of Austin.

(mot) 10. Approving City participation in the electronics recycling event on May 13, 2023.

- 11. Reviewing an interim use permit renewal for Nikola and Christopher Baumann.
(mot) a. Approve or deny IUP.
- 12. Reviewing a variance request from Nikola and Christopher Baumann.
(mot) a. Approve or deny variance request.
- (res) 13. Declaring the property at 1005 8th Avenue NE a hazardous structure.
- (mot) 14. Granting the Planning and Zoning Department authorization to remove junk and/or illegally stored vehicles at 406 1st Avenue SE, Morales/Castandena Property.

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

- (mot) Adjourn to **Monday, May 1, 2023** 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
April 3, 2023
5:30 PM
Council Chambers

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

MEMBERS ABSENT: None

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, Planning and Zoning Administrator Holly Wallace, and City Attorney Craig Byram

APPEARING IN PERSON: Austin Daily Herald, KAUS Radio, Honorary Council Member Denver Ritz

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

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

Moved by Council Member Fischer, seconded by Council Member Baker, approving Council minutes from March 20, 2023. Carried.

AWARDS AND RECOGNITIONS

The Mayor introduced Denver Ritz as the new Honorary Council Member for the next six council meetings.

Mayor King read a proclamation in support of the Minnesota Orchestra, Common Chords Orchestra Week

CONSENT AGENDA

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

Licenses:

Commercial Hauler: Harter's Disposal of Minnesota, LLC, LaCrosse
Food: Compass Group USA, Inc., 1101 Main Street South
Food: The Sunny Spot, LLC, 107 11th Avenue NE

Residential Hauler: Harter's Disposal of Minnesota, LLC, LaCrosse
Right of Way: Midwest Diversified Utilities, Ellendale
Sign Installation: Hutch & Sons Builders, PO Box 632
Temporary Liquor: Mower County Historical Society on April 25, 2023
Temporary Liquor: Pacelli Catholic Schools on April 29, 2023
Temporary Liquor: Gravity Storm Brewery at Nature Center on April 11, 2023

Claims:

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

Event Applications:

Father's Day Bike Show on June 18, 2023
Independence Day Parade on July 4, 2023

Carried.

BID OPENINGS AND AWARDS

The City received the following bids for asphalt emulsion oil:

<u>Contractor</u>	<u>Bid</u>
Henry G. Meigs	\$ 54,450
Flint Hills Resources	No bid

Public Works Director Steven Lang noted we have reduced the amount of oil to be used by about half for the chip sealing program based on our review of the 2023 projects.

Moved by Council Member Fischer, seconded by Council Member Poshusta, awarding the bid for asphalt emulsion oil to Henry G. Meigs. Carried 7-0.

The City received the following bids for bituminous materials:

<u>Contractor</u>	<u>Base Bid</u>	<u>Mileage</u>	<u>Total Bid</u>
Ulland Brothers, Inc.	\$ 290,250	\$ 36,000	\$ 326,250
Rochester Sand and Gravel	No bid		

Public Works Director Steven Lang noted we base the total final bid using a mileage calculation since the City hauls this from the vendor's site.

Moved by Council Member Baker, seconded by Council Member Fischer, awarding the bid for bituminous materials to Ulland Brothers, Inc. Carried 7-0.

The City received the following bids for asphalt street mill and overlay projects:

<u>Contractor</u>	<u>Bid</u>
Ulland Brothers, Inc.	\$ 338,828.95
Rochester Sand and Gravel	\$ 420,534.10
Engineer's Estimate	\$ 427,287.50

Public Works Director Steven Lang noted the streets included in this project are 3rd Avenue SW, 21st Street SW, 22nd Street SW and Hormel Drive.

Moved by Council Member Baker, seconded by Council Member Postma, awarding the bid for asphalt street mill and overlay projects to Ulland Brothers, Inc. Carried 7-0.

The City received the following bids for asphalt street reconstruction projects:

<u>Contractor</u>	<u>Bid</u>
Ulland Brothers, Inc.	\$ 1,895,750.82
Rochester Sand and Gravel	\$ 2,084,734.35
Elcor Construction	\$ 2,137,950.50
R.A.W. Construction	\$ 2,173,174.25
Engineer's Estimate	\$ 1,967,790.50

Public Works Director Steven Lang noted the streets included in this project are 5th Avenue NW, 6th Avenue NW, 20th Street NW, 2nd Street SW, 10th Avenue SW, and 11th Avenue SW.

Moved by Council Member Postma, seconded by Council Member Fischer, awarding the bid for asphalt street reconstruction projects to Ulland Brothers, Inc. Carried 7-0.

PETITIONS AND REQUESTS

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

Public Works Director Steven Lang requested the Council adopt a resolution approving the second agreement extension for the fixed-based operator at the Austin Municipal Airport that would run through April 2028.

Council Member Baskin questioned if there are others that do the same fixed base operator overseeing airports. Mr. Lang noted yes, there are several companies/individuals that do this for other area airports including, Rochester, Owatonna, Albert Lea, and Waseca.

Moved by Council Member Postma, seconded by Council Member Fischer, approving the second extension of the agreement for the fixed base operator at the Austin Municipal Airport. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a contract with WHKS for the northwest sector of the I & I program. Mr. Lang noted this is the last sector to be completed in our program, which started back in 2018.

Moved by Council Member Baker, seconded by Council Member Fischer, adopting a resolution approving a contract with WHKS for the northeast sector of the I & I program. Carried 7-0.

Public Works Director Steven Lang requested the Council approve a contract with SRF for sanitary sewer design on Hwy 218 & 14th Street NW. Mr. Lang stated this sewer was originally directionally bored underneath Hwy 218/14th Street. However, we have had multiple maintenance issues as the sewer line has settled, and now would be the ideal time to fix the problem while the bridge projects are underway.

Moved by Council Member Baker, seconded by Council Member Baskin, adopting a resolution approving a contract with SRF for sanitary sewer design for Hwy 218 & 14th Street NW. Carried 7-0.

City Administrator Clark noted the contract with Director of Administrative Services allows for Council to approve up to 3% of the prior year's salary for exceptional performance pay. Mr. Clark noted the efforts on KSMQ, the PFA loan for the wastewater treatment plant, budget and reduced tax levy as accomplishments this last year and recommends the \$4,140.86 of exceptional performance pay.

Moved by Council Member-at-Large Austin, seconded by Council Member Fischer, adopting a resolution approving the exceptional performance pay for the Director of Administrative Services. Carried 7-0.

City Administrator Clark discussed a proposed resolution in support of the opioid settlement in the multistate settlements with the State of Minnesota. We are requested to approve the resolution in support such that the State of Minnesota can then receive its share of the proceeds. These proceeds are then passed down to Minnesota counties for efforts to combat the opioid crisis.

Moved by Council Member Fischer, seconded by Council Member Postma, adopting a resolution approving the proposed opioid settlement. Carried 7-0.

Motion by Council Member Baker, seconded by Council Member Baskin, appointing Geoff Smith to the Austin Port Authority Board with a term expiring December 31, 2026. Carried 7-0.

HONORARY COUNCIL MEMBER COMMENTS

Honorary Council Member Denver Ritz thanked Council for the opportunity to learn.

REPORTS

Public Works Director Steven Lang City noted we have sent out a noise barrier survey to residents in the affected area and have scheduled a meeting at 4:30 in the council chambers on April 12 for any council members that are interested.

Public Works Director noted in Cresthaven Addition we have a leak in the force main (27th Street NW) that was constructed about 30 years ago. We have now repaired the force main three different times and it appears rock that had been used to backfill on top of the pipe has created holes. We do not have this budgeted for an estimated \$75,000 repair but wanted to ensure council knew about it in case they receive calls.

Council Member Poshusta thanked Council Member Baker for his work on the noise barrier and the email he sent out. Council Member Poshusta wished everybody a Happy Easter.

Council Member Baskin wished all of the spring sports participants good luck.

Council Member Baker thanked Mr. Lang for his work with the neighbors in the sound barrier area. Council Member Baker noted if the City does get any money from the opioid settlement, let's spend it wisely as Council Member Baker noted he had a sister that died from opioids. Lastly, we approved a much-deserved contractually required payment to Mr. Dankert, which was a good thing, but we shouldn't have to do this in a public meeting for the one employee having to prove his/her worth in a public meeting every year, and we should review this process as this is not fair for anybody that is involved. Let's look at this contract to do this in a more civil manner.

Council Member Postma noted the position Discover Austin received funding from the City of Austin for is paying off with additional success for next year. The HRA met this week, with things still going well on the affordable housing complex. A few minor things exist after the first two environmental study's that we hope to take care of without having to do a third study. Finally, on April 12, the Hometown Food Security Project is working on a community action plan from 8:00 am to 12:00 pm.

Council Member Helle noted the Culture and Arts Commission continues to work on bringing in a group to do justice, equity, diversity, and inclusion training through comedy. Mower County has committed to one training session. City department heads can choose to send their employees or not. The 4th Avenue Fest is being moved to June 7 to take advantage of the usage of the municipal pool. Parks, Recreation, and Forestry have another emerald ash borer meeting on April 13 at 6:30 at Izaak Walton Cabin. There is also another program called Tree Steward Training to be held all day at the Nature Center on Saturday April 15. Finally, occasionally I get comments from citizens about the city finances and is everything above board, and Council Member Helle noted she can resoundingly assure our citizens that we have things really buttoned down and we follow the policies and procedures.

Mayor King noted he joined the board with the Southeast Minnesota League of Municipalities, noting that he received many positive comments about Craig Clark and his efforts at the Capital

to testify and help the causes of southern Minnesota. Mayor King also noted the meeting last week with a Portuguese delegation.

Moved by Council Member Baker, seconded by Council Member Fischer, adjourning the meeting to April 17, 2023. Carried.

Adjourned: 6:00 p.m.

Approved: April 17, 2023

Mayor: _____

City Recorder: _____

HOUSING TAX ABATEMENT APPLICATION

(Application Period 1-1-2023 through 12-31-2025)

Property Owner / Applicant: New Horizon Homes LLC - Jon Blaine
 Current Address: 25388 670th St. Kasson, MN. 55944
 Telephone: 507-250-3069 E-Mail: NewHorizonHomes.Jon@gmail.com

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

PROJECT		(check all that apply)	
Single-Family		Multi-family Complex	
<input checked="" type="checkbox"/> New Construction ("stick build")	<input type="checkbox"/> Modular	<input type="checkbox"/> Duplex	<input type="checkbox"/> Townhomes
<input type="checkbox"/> Manufactured on permanent foundation	<input type="checkbox"/> Shouse	<input type="checkbox"/> Apartment Building	<input type="checkbox"/> Other:
Is this an application for a replacement of an existing housing unit on the same parcel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is this application for an existing housing unit you intend to move to this parcel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If YES, where is the unit being relocated from? <input type="checkbox"/> Outside Mower County OR <input type="checkbox"/> Within Mower County but currently unlivable</i>			
Project Address: 1803 18 th XXXX Drive NE Place			
Project Legal Description: Lot 3 Block 1 Nature Ridge Third			
Parcel Number: 34.468.0030	Estimated Project Valuation: \$ 550,000.00		

Attach building plans, site plan, certification from zoning entity that housing project complies with zoning regulations and there are no outstanding land use issues. (Include letter of consent from property owner if subject to purchase agreement or include a copy of the purchase agreement.)

I / We as applicant(s) for the Housing Tax Abatement submit this application having read the policy and understand the provisions as outlined including, but not limited to, the potential of a partial abatement in year one, due to % of completion on January 2nd, there are not any non-compliance or non-conformity outstanding land use issues on the parcel, construction must commence within one year of the approval, assessors cannot be refused access to the property for assessment purposes and the abatement is awarded annually following full payment of real estate taxes due.

Jon Blaine

3-19-23

Date

Signature of Applicant(s)

FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Date:

Mower County

City or Township of

Date:

School District of

Date:

Disclaimer: Each taxing entity makes its own decision on approval or denial of application for tax abatement. Applications must comply with all requirements of the policy/program as outlined in the policy/program guidelines and build within allotted timeframe or tax abatement offer will be automatically terminated.

Please submit completed application with attachments to:

Mower County Administration
 201 1st Street NE, Suite 9, Austin MN 55912
 507-437-9549
 Office Hours: M-F 8 a.m. - 4:30 p.m.
 deniseb@co.mower.mn.us

Notice – City of Austin Housing Projects
 This application must be approved prior to the building permit being issued by the City of Austin.

PROGRESSIVE PLAN DESIGN LLP

RESIDENTIAL ARCHITECTURE

714 County Rd 3 NW Byron MN 55920

(507)775-8677 progressiveplandesign@gmail.com

LOT.3 BLK.1
SUBDIVISION:NATURE RIDGE 3RD

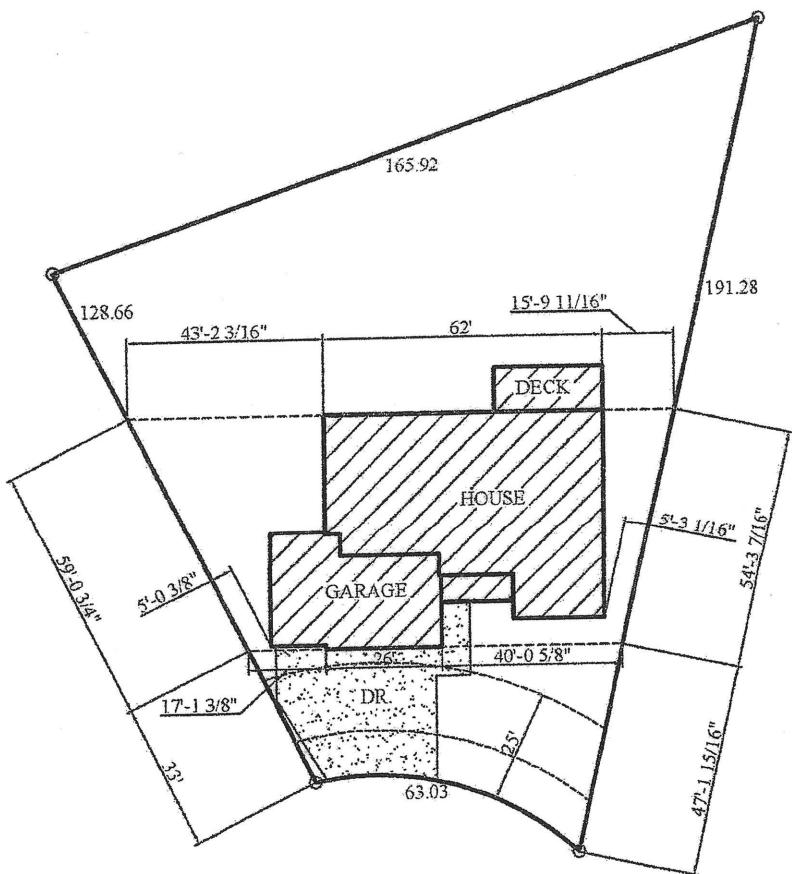
CITY:AUSTIN STATE: MN

CONTRACTOR: NEW HORIZON

CUSTOMER: LOT#3



SCALE: 1" = 40'



PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE

PRINTED BY: PROGRESSIVE PLAN DESIGN LLP
PRINTED ON: 100% RECYCLED PAPER
PRINTED IN: 4 COLOURS
PRINTED BY: PROGRESSIVE PLAN DESIGN LLP

Date:

Customer/Contractor Signature:

OWNER: NATURE RIDGE 3RD LOT#3(OLSON)

CONTRACTOR: NEW HORIZON HOMES LLC

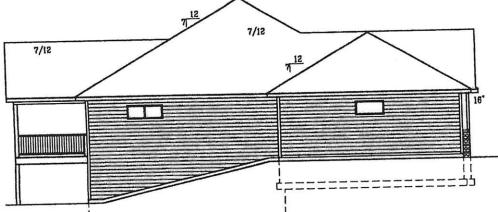
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3/7/23

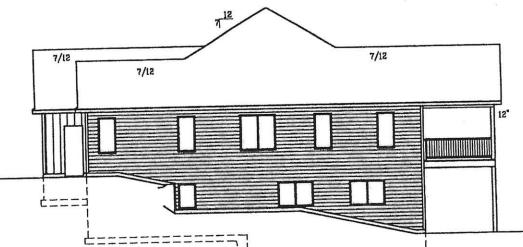
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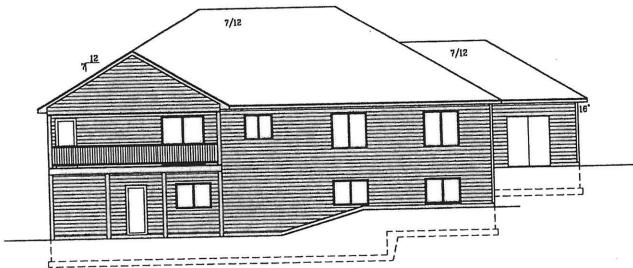
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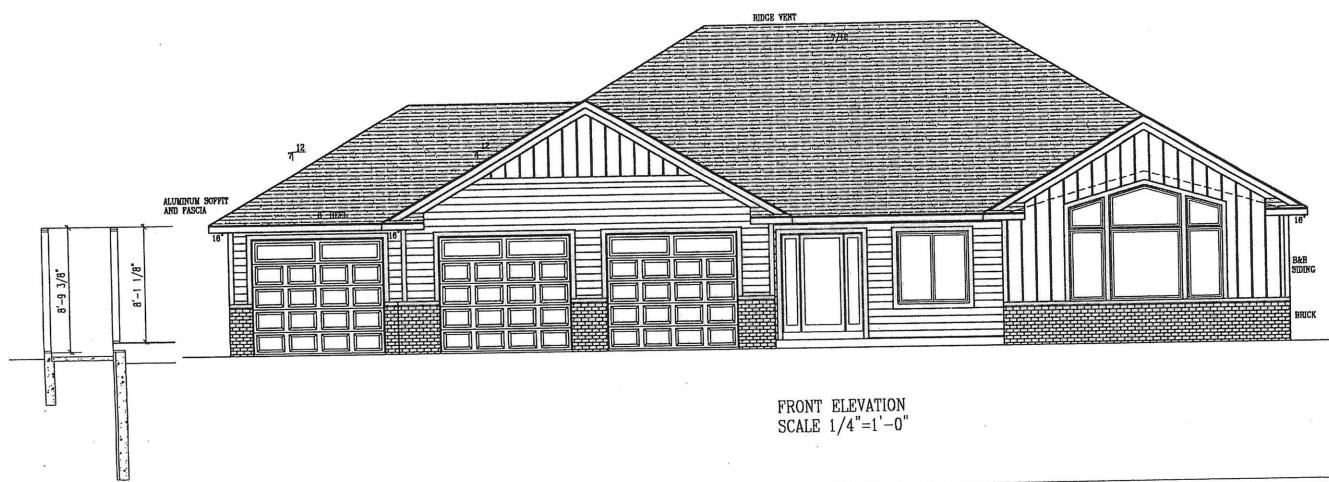
LEFT ELEVATION
SCALE 1/8"=1'-0"



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



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



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

PROGRESSIVE PLAN
DESIGN LLC

RESIDENTIAL ARCHITECTURE

714 County Rd. B, Suite 100, St. Paul, MN 55116

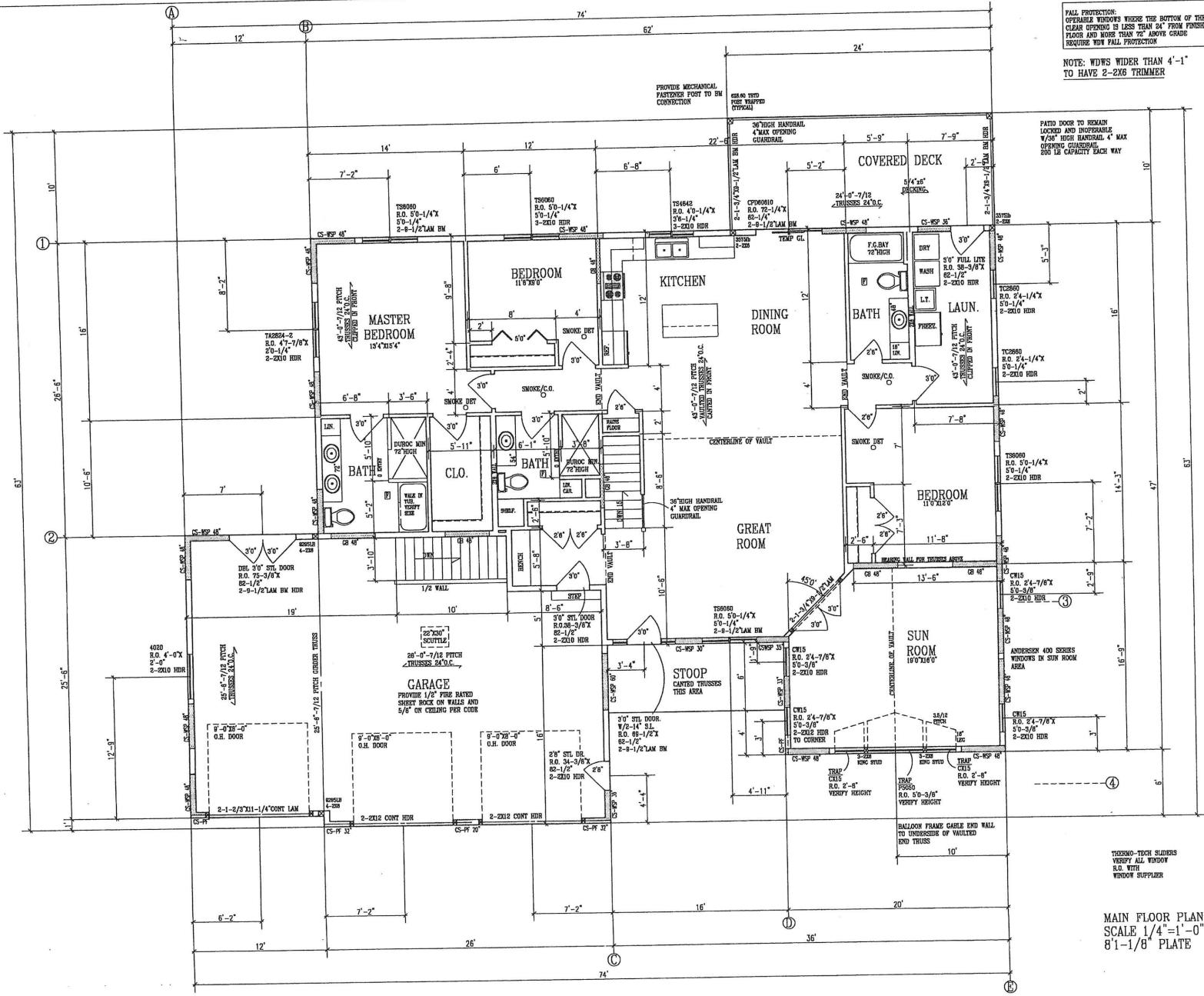
Phone: (651) 750-5877

www.progressiveplan.com

info@progressiveplan.com

Date:

Accepted by: Contractor/Architect Signature



PURCHASE AGREEMENT

RECEIVED OF New Horizon Homes, LLC the sum of \$500.00 as earnest money in part payment for the purchase of property in Mower County, Minnesota, described as:

Lot 3, Block 1, Nature Ridge Third in Outlot D and Outlot 3, Nature Ridge and Northeast Quarter of the Southeast Quarter of Section 35, Township 103 North, Range 18 West, Austin, Mower County, Minnesota.

LEGAL TO GOVERN, all of which property the undersigned has this day sold to the buyer for the sum of \$55,000.00, which the buyer agrees to pay as follows: Earnest money \$500.00 and \$54,500.00 cash when the buyer obtains the construction loan but not later than September 1, 2022. Seller will defer \$10,000.00 of the purchase price until the spec home is sold by buyer herein and buyer will sign a Promissory Note for 10,000.00 with no interest to accrue.

The real estate taxes due and payable in the year 2022 shall be prorated as of the date of closing. The real estate taxes due and payable in the year 2023 and thereafter shall be paid by the buyer.

Any special terms, conditions or representations, not readily determined by actual inspection are to appear on the reverse side of this contract.

Subject to performance by the buyer, the seller agrees to execute and deliver a Warranty Deed conveying a marketable title to said premises subject only to the following exceptions: (a) Building regulations, zoning laws, ordinances, state and federal regulations, (b) Restrictions relating to use or improvement of premises not subject to unreleased forfeiture, (c) Reservation of any minerals or mineral rights to the State of Minnesota. Utility Easements. Subject to rights of tenants, if any.

Seller certifies that there are no wells or septic system on said property.

To the best of Seller's knowledge, there are no hazardous substances or underground storage tanks except herein noted: NONE.

Seller is not aware of any methamphetamine production that has occurred on the property.

The seller further agrees to deliver possession not later than September 1, 2022 PROVIDED THAT ALL THE CONDITIONS OF THIS AGREEMENT HAVE BEEN COMPLIED WITH. Closing date shall be on or before September 1, 2022.

The Seller shall at its sole cost and expense provide Buyer with a current Commitment from a title insurer acceptable to Buyer for issuance of an Owner's Title Insurance Policy (the "Title Commitment"). Buyer shall be allowed twenty (20) days after receipt of the Title Commitment for examination and the making of any objections thereto, such objections (exclusive of any of the Permitted Title Exceptions) to be made in writing or deemed to be waived. If any objections are so made, Seller shall be allowed sixty (60) days after receipt of such objections to make title marketable. If title is not marketable and is not made to within said sixty (60) days of

this Agreement, Buyer may either (i) waive the uncured title defect and proceed with this transaction; (ii) terminate this Agreement by written notice to Seller, whereupon the Earnest Money shall be returned to Buyer and the parties shall be relieved of all further liability under this Agreement; (iii) exclude from this Agreement in writing the portions of the Property affected by the uncured title defect and proceed with this Agreement as to the remainder of the Property, with appropriate adjustment in the Purchase Price. If the title to the Property is found marketable or is made so within said time, and this Agreement is terminated by Seller in accordance with Minnesota Statutes Section 559.21, all Earnest Money shall be retained by Seller as liquidated damages.

(1) The following shall be Permitted Title Exceptions:

- (a) Easements of record which do not interfere with the Buyer's intended use of the Property.
- (b) Reservations of minerals or mineral rights by the State of Minnesota.
- (c) Building, zoning and subdivision laws and regulations provided the Property and its current use are in compliance with the same.
- (d) The lien of real estate taxes which are payable by Buyer pursuant to the terms and conditions of this Agreement.

(2) The following shall not be Permitted Encumbrances:

- (a) Any mortgage now of record against the Property.
- (b) Judgments or liens not satisfied at or before Closing.
- (c) Real estate taxes and special assessments which are the responsibility of Seller pursuant to the terms and conditions of this Agreement.

Buyer has a general willingness to take title subject to the listed Permitted Title Exceptions subject to the other provisions of this Agreement and to an examination of title based upon the Minnesota Title Standards and upon Minnesota law.

Buyer also reserves the right to evaluate the Permitted Title Exceptions in the light of Buyer's intended uses and enjoyment of the Property. Buyer shall have until the end of the period for stating Title Objections under subparagraph B above to make the evaluation and determine if these title issues will affect Buyer's intended use and enjoyment of the Property. If Buyer, in Buyer's sole discretion, determines that these title issues will adversely affect Buyer's intended use and enjoyment of the Property, Buyer may declare this Purchase Agreement void by timely notice to Seller, neither party shall be liable for damages hereunder to the other, and earnest money shall be refunded to Buyer. If the period for stating Title Objections passes without Buyer's declaring that these title issues will adversely affect Buyer's intended use and enjoyment of the Property, then, subject to Seller's covenant to deliver a good and marketable title of record, Buyer shall take title subject to all Permitted Title Exceptions.

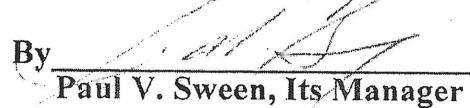
By delivery of the foregoing documents to Purchaser, Seller shall be deemed to have represented that all such documents and information are to Seller's Knowledge true, correct and complete.

Buyer shall pay for the cost of an Owner's Title Insurance Policy.

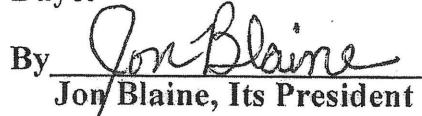
I hereby agree to sell/purchase the said property for the price and upon the terms above mentioned, and subject to all conditions herein expressed.

Dated this 5th day of August, 2021.

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

By 
Paul V. Sween, Its Manager

**NEW HORIZON HOMES, LLC,
Buyer**

By 
Jon Blaine, Its President

**THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER AND
SELLER. IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN
APPROPRIATE PROFESSIONAL.**

F:\SFM\SFM PVS DICTATION\91226 PURCHASE AGREEMENT Lot 3, Block 1, Nature Ridge 3rd - 8-5-21.docx

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

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

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, April 17, 2023, at 5:30 p.m. to consider a tax abatement request from Jon Blaine, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City’s portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$12,480.00. The subject property is located at 1803 18th Place NE, Austin, Minnesota and is legally described as:

Lot 3, Block 1, Nature Ridge Third Addition, City of Austin, County of Mower

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

Publish: April 5, 2023

RESOLUTION NO.

**RESOLUTION APPROVING TAX ABATEMENT
FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813**

WHEREAS, the Austin Home Initiative's purpose is to provide incentives to encourage the construction of new owner occupied and residential housing units within the City of Austin for the public benefit including, but not limited to, capturing future taxes from units that would not have otherwise been constructed and increasing housing inventory to support local business growth.

WHEREAS, Minnesota Statute 469.1813 gives authority to the City of Austin to grant an abatement of taxes imposed by the City if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, the City of Austin has adopted the Austin Home Initiative guidelines which must be met before an abatement of taxes will be granted for residential development; and

WHEREAS, New Horizon Homes, LLC is the owner of certain property within the City of Austin legally described as follows:

Lot 3, Block 1, Nature Ridge Third Addition to the City of Austin, Mower County.

WHEREAS, New Horizon Homes, LLC has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

WHEREAS, New Horizon Homes, LLC has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision (1) and Subdivision 2(i) as well as the Austin Home Initiative guidelines for abatement;

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

The City of Austin does hereby grant an abatement of the City of Austin's share of real estate taxes upon the above-described parcel for the construction of a single family dwelling on the subject property.

The tax abatement will commence with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, and shall continue for five years.

The City shall provide the awarded abatement payments following the payment of due real estate taxes annually. Payments shall be made to the owner of record at the time of the payment.

The tax abatement shall be limited to the increase in property taxes resulting from the improvement of the property. Land values are not eligible and will not be abated.

The abatement shall be null and void if construction is not commenced within one year of the approval of this resolution or if the real estate taxes are not paid on or before the respective payment deadlines annually.

Passed by a vote of yeas and nays this 17th day of April, 2023

Yea

Nay

ATTEST:

APPROVED

City Recorder

Mayor

HOUSING TAX ABATEMENT APPLICATION

(Application Period 1-1-2023 through 12-31-2025)

Property Owner / Applicant: Bigelow & Lennon ConstructionCurrent Address: 201 1st St SW Byron, MN 55920Telephone: 507-775-7068 E-Mail: jill@bigelowlennon.comHas applicant ever defaulted on property taxes? Yes No If Yes, provide details on separate page(s).Are property taxes current? Yes No

PROJECT		(check all that apply)	
Single-Family		Multi-family Complex	
<input checked="" type="checkbox"/> New Construction ("stick build")	<input type="checkbox"/> Modular	<input type="checkbox"/> Duplex	<input type="checkbox"/> Townhomes
<input type="checkbox"/> Manufactured on permanent foundation	<input type="checkbox"/> Shouse	<input type="checkbox"/> Apartment Building	<input type="checkbox"/> Other:
Is this an application for a replacement of an existing housing unit on the same parcel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Is this application for an existing housing unit you intend to move to this parcel? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, where is the unit being relocated from? <input type="checkbox"/> Outside Mower County OR <input type="checkbox"/> Within Mower County but currently uninhabited			
Project Address: <u>1302 18th St NE Austin, MN 55912</u>			
Project Legal Description: <u>Lot 5, Block 2 Nature Ridge 3rd</u>			
Parcel Number: <u>34.468.0250</u>	Estimated Project Valuation: \$ <u>350,000.00</u>		

Attach building plans, site plan, certification from zoning entity that housing project complies with zoning regulations and there are no outstanding land use issues. (Include letter of consent from property owner if subject to purchase agreement or include a copy of the purchase agreement.)

I / We as applicant(s) for the Housing Tax Abatement submit this application having read the policy and understand the provisions as outlined including, but not limited to, the potential of a partial abatement in year one, due to % of completion on January 2nd, there are not any non-compliance or non-conformity outstanding land use issues on the parcel, construction must commence within one year of the approval, assessors cannot be refused access to the property for assessment purposes and the abatement is awarded annually following full payment of real estate taxes due.

Jill Lennon 3/29/23

Signature of Applicant(s)

Date

FOR OFFICE USE ONLY: ELIGIBLE / APPLICABLE APPROVALS

Mower County

Date:

 City or Township of

Date:

School District of

Date:

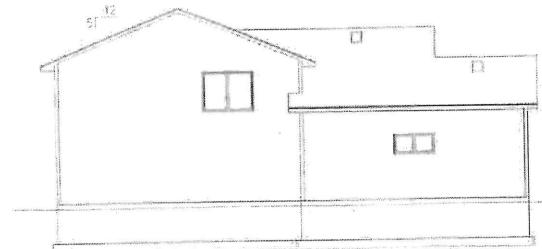
Disclaimer: Each taxing entity makes its own decision on approval or denial of application for tax abatement. Applications must comply with all requirements of the policy/program as outlined in the policy/program guidelines and build within allotted timeframe or tax abatement offer will be automatically terminated.

Please submit completed application with attachments to:

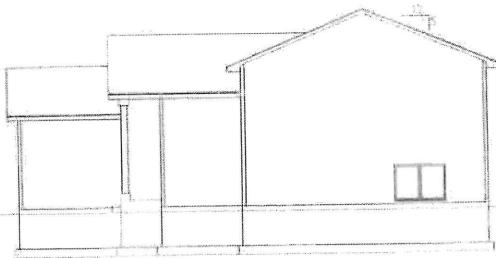
Mower County Administration
201 1st Street NE, Suite 9, Austin MN 55912
507-437-9549
Office Hours: M-F 8 a.m. – 4:30 p.m.
deniseb@co.mower.mn.us

Notice – City of Austin Housing Projects

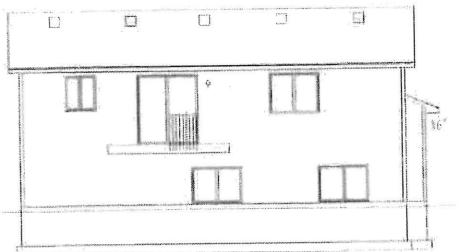
This application must be approved prior to the building permit being issued by the City of Austin.



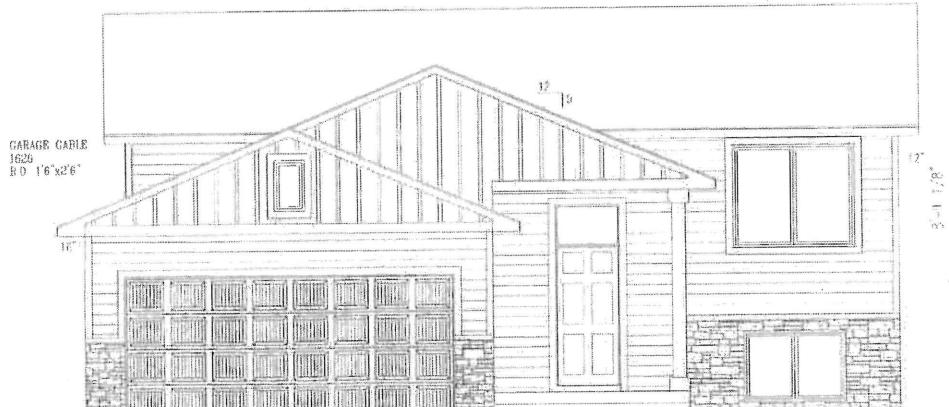
SIDE ELEVATION
SCALE=1/8"



SIDE ELEVATION
SCALE=1/8"



REAR ELEVATION
SCALE=1/8"



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

BL-399
1302 18th ST NE
Austin, MN

02	22	23
NOTE		
2313568		
NOTE		

PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE
(607) 775-6677
714 COUNTY RD C N W BYRON MN 55920
PROGRESSIVEPLANDESIGN@GMAIL.COM

PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE
(607) 775-6677
714 COUNTY RD C N W BYRON MN 55920
PROGRESSIVEPLANDESIGN@GMAIL.COM

BIGELOW LENNON
ALISON DEBRUYN

PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE
(607) 775-6677
714 COUNTY RD 3 N W BYRON MN 56920
progressiveplandesign@gmail.com

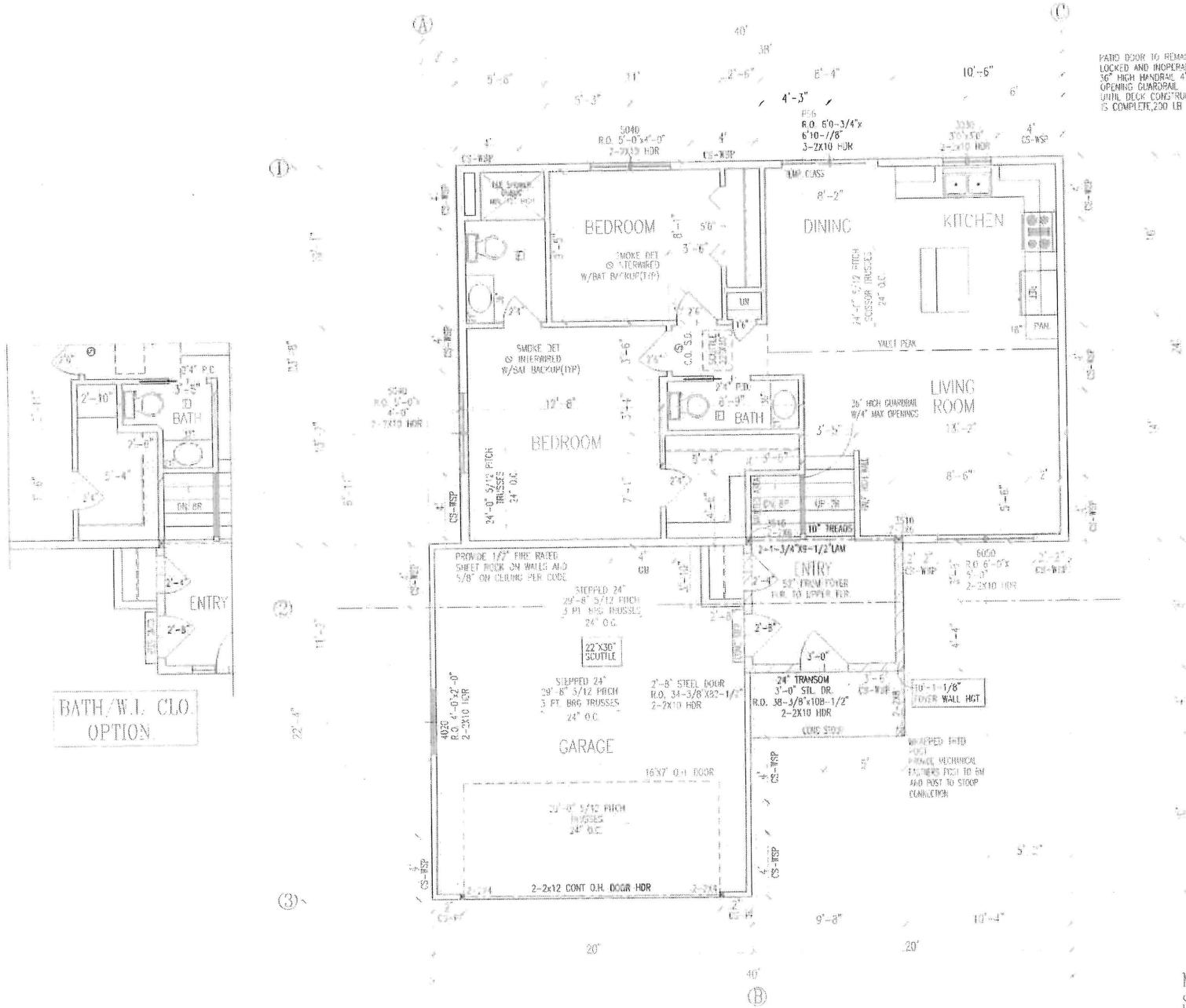
CONTRACTOR:
BIGELOW LENNON
OWNER:
ALISON DEBRUYN

VERS. A11
R.O. WIL ANDERSEN
WINDOW SUPPLIER

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

BB
02-22-23
1,092.00
2313569
NOTED

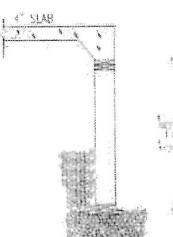
PATIO DOOR TO REMAIN
LOCKED AND INOPERABLE WITH
36" HIGH HANDMADE 4" MAX O.C.
OPENING GUARDRAIL
UNTIL DECK CONSTRUCTION
IS COMPLETED, 200 LB CAPACITY



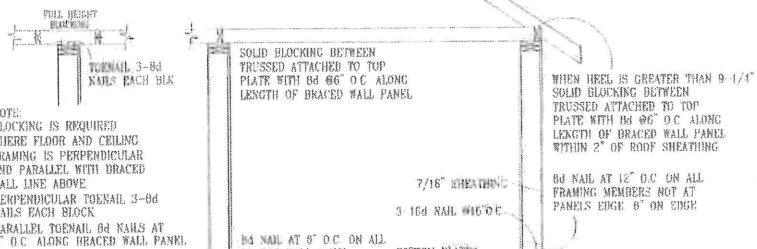
PROGRESSIVE PLAN
DESIGN LLP
RESIDENTIAL ARCHITECTURE
(507) 775-6677
714 COUNTY RD 3 N W BYRON MN 56920
PROGRESSIVEPLANDESIGNLLC.COM

DESCRIPTION: MAIN FLOOR

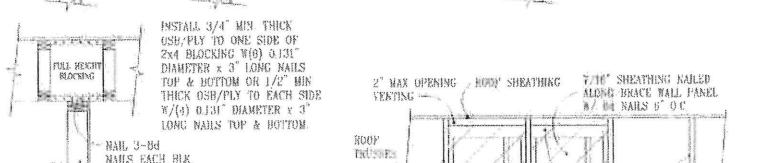
BRACED PANEL LENGTH TABLE BASED ON WIND SPEED (<90mph)										
WALL TYPE	BRACING METHOD TABLE REF ID: 111	WALL LINE SPACING	BRACED WALL LENGTH FEET	EXPOSURE FACTOR CONDITION	RFE TO RAVE	WALL HEIGHT TOTAL	NUMBER OF WALL LINES	BRACED WALL LENGTH FEET	REDUCED BRACING LENGTH	WALL LINE SPACING FEET
①	CS-WSP	20 FT	4.7	10	10	0.90	1.3	5.49'	12'-0"	
②	CS-WSP	20 FT	9.0	10	10	0.90	1.3	10.50'	15'-0"	
③	CS-WSP	20 FT	3.5	10	10	0.95	1.3	4.32'	6'-0"	



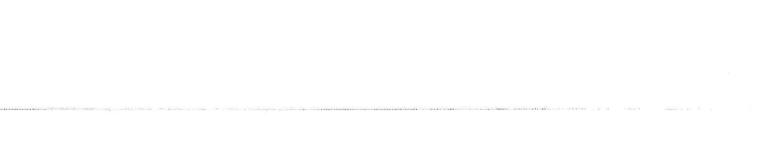
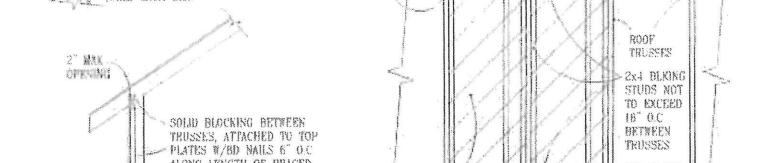
STOOP
2X6 16D IRID FOOTING PLATE
2X6 16D IRID EIM PLATE
2X6 16D IRID WALL STUDS 24" O.C.
SEE MAIN FOUNDATION FOR DETAILS
PROVIDE METAL FLASHING
BETWEEN CONCRETE
STOOP AND RIM



NOTE:
BLOCKING IS REQUIRED
WHERE FLOOR AND CEILING
FRAMING IS PERPENDICULAR
AND PARALLEL WITH BRACED
WALL LINE ABOVE
PERPENDICULAR TORNAIL 3-8d
NAILS EACH BLOCK
PARALLEL TORNAIL 6d NAILS AT
6" O.C. ALONG BRACED WALL PANEL

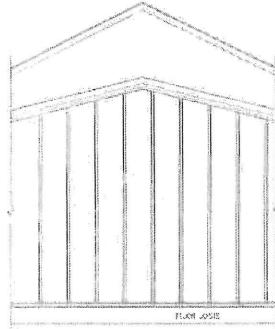


INSTALL 3/4" MIN THICK
OSB/PLY TO ONE SIDE OF
2X4 BLOCKING W/6 0.131" DIAMETER X 3" LONG NAILS
TOP & BOTTOM OR 1/2" MIN
THICK OSB/PLY TO EACH SIDE
W/6 0.131" DIAMETER X 3" LONG NAILS TOP & BOTTOM



DESCRIPTION: MAIN FLOOR

BRACED PANEL LENGTH TABLE BASED ON WIND SPEED (<90mph)										
WALL TYPE	BRACING METHOD TABLE REF ID: 111	WALL LINE SPACING	BRACED WALL LENGTH FEET	EXPOSURE FACTOR CONDITION	RFE TO RAVE	WALL HEIGHT TOTAL	NUMBER OF WALL LINES	BRACED WALL LENGTH FEET	REDUCED BRACING LENGTH	WALL LINE SPACING FEET
①	CS-WSP	30 FT	5.0	10	10	0.90	1.45	6.53'	6'-0"	
②	CS-WSP	30 FT	5.8	10	10	0.90	1.45	7.50'	12'-0"	
③	CS-WSP	30 FT	5.0	10	10	0.90	1.45	6.53'	6'-0"	
④	CS-WSP	38 FT	5.6	10	10	0.90	1.45	7.56'	12'-0"	



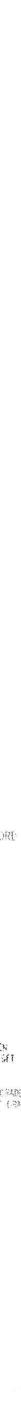
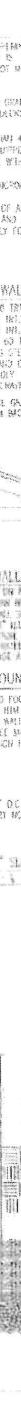
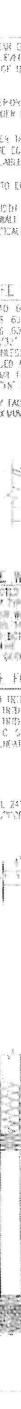
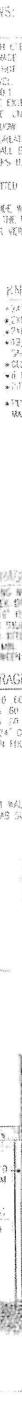
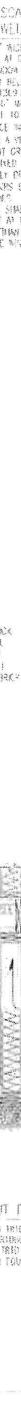
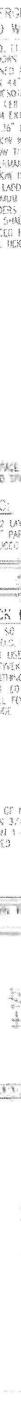
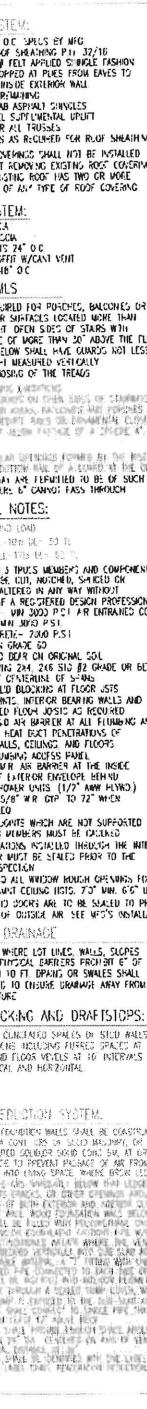
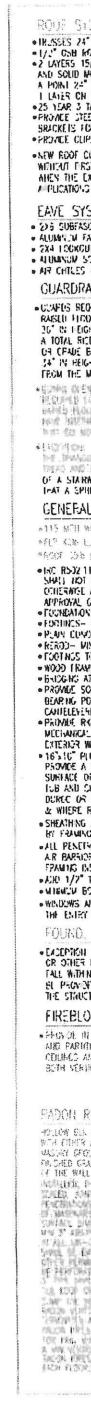
WHICH SCISSOR TRUSSES ARE USED
THE GABLE END FRAME SHALL MATCH
THE PROFILE OF THE SCISSOR TRUSSES
ADJACENT TO IT FOR PROPER BOTTOM CHORD
PLATE BEARING TO BE INSTALLED
ALL OPENING IN EXTERIOR WALL OR
BALLOON FRAME SHOULD HAVE A MIN
OF TWO KING STUDS OR EACH SIDE
OF OPENING TO RESIST WIND LOAD

WALL BRACING NOTES: CS-WSP
1 ALL WALLS SHALL BE CONTINUOUSLY SHEATHED
WITH WOOD STRUCTURAL PANELS
2 CS-WSP ON PLANS INDICATE AREAS OF BRACED
PANELS
3 BRACED PANELS SHALL BE CONSTRUCTED WITH
16" O.C. STUDS TOP PLATE FASTENED TO SOLID
FRAMING WITH 6d NAILS 6" O.C.
BOTTOM PLATES FASTENED TO SOLID FRAMING
W/ 3-16d NAILS 16 O.C.
7/16" OSB SHEATHING (24/16 INDEX) FASTENED W/
6d COMMON NAILS 6" O.C. ON EDGES AND 12" O.C. IN
FIELD
SOLID BLOCKING BETWEEN TRUSSES WITH HEEL GREATER
THAN 9-1/4" TO WITHIN 2" OF ROOF SHEATHING FASTENED WITH
MIN 6d NAILS 6" O.C. ALONG LENGTH OF PANEL
4 ANY OTHER TYPE OF BRACING METHOD SHALL BE INDICATED
ON PLAN AND SEPARATE DETAIL WILL BE PROVIDED.

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

BIGELOW LENNON
ALISON DEBRUYN
CIVIL/CP

B.B.
02-22-23
NOTED
2313569
NOTED



PROGRESSIVE PLAN DESIGN LLP

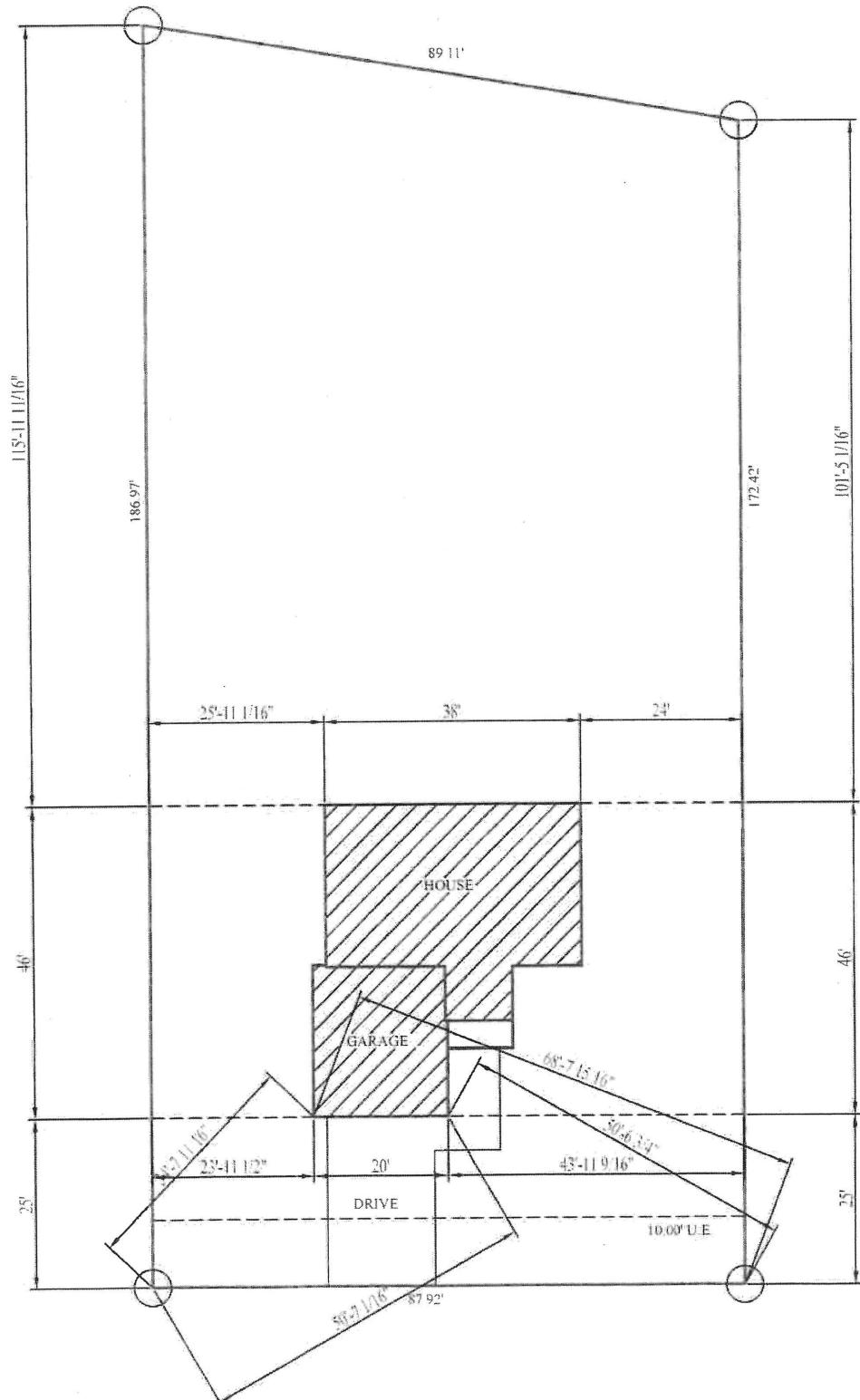
RESIDENTIAL ARCHITECTURE
714 CO. RD. 3 N.W. Byron, MN 55920
(507)775-6877

LOT, #5 BLK. #2
SUBDIVISION: NATURE RIDGE 3RD.
CITY: AUSTIN STATE: MN
CONTRACTOR: BIGELOW HOMES
CUSTOMER: ALISON DEBRUYN

#2313568



SCALE: 1" = 25'



PURCHASE AGREEMENT

RECEIVED OF Bigelow & Lennon Construction, LLC the sum of \$500.00 as earnest money in part payment for the purchase of property in Mower County, Minnesota, described as:

Lot 5, Block 2, Nature Ridge Third in Outlot D and Outlot 3, Nature Ridge and Northeast Quarter of the Southeast Quarter of Section 35, Township 103 North, Range 18 West, Austin, Mower County, Minnesota.

LEGAL TO GOVERN, all of which property the undersigned has this day sold to the buyer for the sum of \$32,400.00, which the buyer agrees to pay as follows: Earnest money \$500.00 and \$31,900.00 cash when the buyer obtains the construction loan but not later than September 1, 2023. Seller will defer \$10,000.00 of the purchase price until the spec home is sold by buyer herein and buyer will sign a Promissory Note for 10,000.00 with no interest to accrue.

The real estate taxes due and payable in the year 2023 shall be prorated as of the date of closing. The real estate taxes due and payable in the year 2024 and thereafter shall be paid by the buyer.

Any special terms, conditions or representations, not readily determined by actual inspection are to appear on the reverse side of this contract.

Subject to performance by the buyer, the seller agrees to execute and deliver a Warranty Deed conveying a marketable title to said premises subject only to the following exceptions: (a) Building regulations, zoning laws, ordinances, state and federal regulations, (b) Restrictions relating to use or improvement of premises not subject to unreleased forfeiture, (c) Reservation of any minerals or mineral rights to the State of Minnesota. Utility Easements. Subject to rights of tenants, if any.

Seller certifies that there are no wells or septic system on said property.

To the best of Sellers knowledge, there are no hazardous substances or underground storage tanks except herein noted: NONE.

Seller is not aware of any methamphetamine production that has occurred on the property.

The seller further agrees to deliver possession not later than September 1, 2023 PROVIDED THAT ALL THE CONDITIONS OF THIS AGREEMENT HAVE BEEN COMPLIED WITH. Closing date shall be on or before September 1, 2023.

The Seller shall at its sole cost and expense provide Buyer with a current Commitment from a title insurer acceptable to Buyer for issuance of an Owner's Title Insurance Policy (the "Title Commitment"). Buyer shall be allowed twenty (20) days after receipt of the Title Commitment for examination and the making of any objections thereto, such objections (exclusive of any of the Permitted Title Exceptions) to be made in writing or deemed to be waived. If any objections are so made, Seller shall be allowed sixty (60) days after receipt of such objections to make title marketable. If title is not marketable and is not made to within said sixty (60) days of

this Agreement, Buyer may either (i) waive the uncured title defect and proceed with this transaction; (ii) terminate this Agreement by written notice to Seller, whereupon the Earnest Money shall be returned to Buyer and the parties shall be relieved of all further liability under this Agreement; (iii) exclude from this Agreement in writing the portions of the Property affected by the uncured title defect and proceed with this Agreement as to the remainder of the Property, with appropriate adjustment in the Purchase Price. If the title to the Property is found marketable or is made so within said time, and this Agreement is terminated by Seller in accordance with Minnesota Statutes Section 559.21, all Earnest Money shall be retained by Seller as liquidated damages.

(1) The following shall be Permitted Title Exceptions:

- (a) Easements of record which do not interfere with the Buyer's intended use of the Property.
- (b) Reservations of minerals or mineral rights by the State of Minnesota.
- (c) Building, zoning and subdivision laws and regulations provided the Property and its current use are in compliance with the same.
- (d) The lien of real estate taxes which are payable by Buyer pursuant to the terms and conditions of this Agreement.

(2) The following shall not be Permitted Encumbrances:

- (a) Any mortgage now of record against the Property.
- (b) Judgments or liens not satisfied at or before Closing.
- (c) Real estate taxes and special assessments which are the responsibility of Seller pursuant to the terms and conditions of this Agreement.

Buyer has a general willingness to take title subject to the listed Permitted Title Exceptions subject to the other provisions of this Agreement and to an examination of title based upon the Minnesota Title Standards and upon Minnesota law.

Buyer also reserves the right to evaluate the Permitted Title Exceptions in the light of Buyer's intended uses and enjoyment of the Property. Buyer shall have until the end of the period for stating Title Objections under subparagraph B above to make the evaluation and determine if these title issues will affect Buyer's intended use and enjoyment of the Property. If Buyer, in Buyer's sole discretion, determines that these title issues will adversely affect Buyer's intended use and enjoyment of the Property, Buyer may declare this Purchase Agreement void by timely notice to Seller, neither party shall be liable for damages hereunder to the other, and earnest money shall be refunded to Buyer. If the period for stating Title Objections passes without Buyer's declaring that these title issues will adversely affect Buyer's intended use and enjoyment of the Property, then, subject to Seller's covenant to deliver a good and marketable title of record, Buyer shall take title subject to all Permitted Title Exceptions.

By delivery of the foregoing documents to Purchaser, Seller shall be deemed to have represented that all such documents and information are to Seller's Knowledge true, correct and complete.

Buyer shall pay for the cost of an Owner's Title Insurance Policy.

I hereby agree to sell/purchase the said property for the price and upon the terms above mentioned, and subject to all conditions herein expressed.

Dated this 25 day of March, 2023.

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

By Paul V. Sween, Its Manager

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

By Nate Rud
Its: Vice President

**THIS IS A LEGALLY BINDING CONTRACT BETWEEN BUYER AND
SELLER. IF YOU DESIRE LEGAL OR TAX ADVICE, CONSULT AN
APPROPRIATE PROFESSIONAL.**

[http://localhost:63539/Clio Drive/Nature Ridge Properties of Austin Co/91226/2023,03.23 91226 PURCHASE AGREEMENT Lot 5, Block 2, Nature Ridge 3rd.docx](http://localhost:63539/Clio%20Drive/Nature%20Ridge%20Properties%20of%20Austin%20Co/91226/2023,03.23%2091226%20PURCHASE%20AGREEMENT%20Lot%205,Block%202,Nature%20Ridge%203rd.docx)

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

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

NOTICE IS HEREBY GIVEN that the City Council (the “Council”) of the City of Austin, Mower County, Minnesota, will hold a public hearing on Monday, April 17th, 2023 at 5:30 p.m. to consider a tax abatement request from Bigelow & Lennon Construction, pursuant to Minnesota Statutes 469.1813 and 116J.993 through 116J.995. The request is to abate 100% of the City’s portion of real estate taxes related to the new residential improvements on the subject property for a period of 5 years. The estimated amount of the abatement is \$7,812.00. The subject property is located at 1302 18th Street NE, Austin, Minnesota and is legally described as:

Lot 5, Block 2, Nature Ridge Third Addition, City of Austin, County of Mower

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

Publish: April 5th, 2023

RESOLUTION NO.

**RESOLUTION APPROVING TAX ABATEMENT
FOR CERTAIN PROPERTY PURSUANT TO MINN. STAT. 469.1813**

WHEREAS, the Austin Home Initiative's purpose is to provide incentives to encourage the construction of new owner occupied and residential housing units within the City of Austin for the public benefit including, but not limited to, capturing future taxes from units that would not have otherwise been constructed and increasing housing inventory to support local business growth.

WHEREAS, Minnesota Statute 469.1813 gives authority to the City of Austin to grant an abatement of taxes imposed by the City if certain criteria are met; and

WHEREAS, in addition to the statutory requirements, the City of Austin has adopted the Austin Home Initiative guidelines which must be met before an abatement of taxes will be granted for residential development; and

WHEREAS, Bigelow & Lennon Construction is the owner of certain property within the City of Austin legally described as follows:

Lot 5, Block 2, Nature Ridge Third Addition, City of Austin, County of Mower

WHEREAS, Bigelow & Lennon Construction has made application to the City of Austin for the abatement of taxes as to the above-described parcel; and

WHEREAS, Bigelow & Lennon Construction has met the statutory requirements outlined under Minnesota Statute 469.1813 Subdivision (1) and Subdivision 2(i) as well as the Austin Home Initiative guidelines for abatement;

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

The City of Austin does hereby grant an abatement of the City of Austin's share of real estate taxes upon the above-described parcel for the construction of a single family dwelling on the subject property.

The tax abatement will commence with the receipt of the Certificate of Occupancy, or not more than one year following approval of the taxing authority's resolution, whichever is first, and shall continue for five years.

The City shall provide the awarded abatement payments following the payment of due real estate taxes annually. Payments shall be made to the owner of record at the time of the payment.

The tax abatement shall be limited to the increase in property taxes resulting from the improvement of the property. Land values are not eligible and will not be abated.

The abatement shall be null and void if construction is not commenced within one year of the approval of this resolution or if the real estate taxes are not paid on or before the respective payment deadlines annually.

Passed by a vote of yeas and nays this 17th day of April, 2023.

Yea

Nay

ATTEST:

APPROVED

City Recorder

Mayor

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



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

Memorandum

To: Mayor & Council
From: Mitch Wenum, PE
Date: April 13, 2023
Subject: Bids – Asphalt Street Reconstruction
 CP 23103 7th Avenue NE & 19th Drive NE

The City of Austin received bids for the reconstruction of 7th Ave NE (from 19th Drive to Highway 218) and 19th Drive NE (from 6th Ave to 7th Ave NE) on April 12, 2023. This project will consist of pavement removal, sanitary sewer and storm sewer improvements, curb & gutter, asphalt paving, and sidewalk extension and replacement. The bids are summarized below.

Contractor	Total Bid Amount
Ims Contracting, LLC	\$1,124,695.30
Ulland Brothers, Inc.	\$1,150,730.15
Elcor Construction	\$1,515,203.75
Rochester Sand & Gravel	Rejected – Incomplete Bid
Engineer's Estimate	\$1,129,774.50

The project will be funded using Municipal State Aid Street Funds and Local Funds 49, 61 & 67. We would recommend awarding the project to Ims Contracting, LLC. If you have any questions, please contact me.

Municipal State Aid Street Fund	\$ 720,255.00
Fund 49 – Capital Improvement Fund	\$ 287,639.50
Fund 61 – WWTP Fund	\$ 100,300.80
Fund 67 – Stormwater Utility Fund	\$ 16,500.00

RESOLUTION NO.

AWARDING BID FOR ASPHALT STREET RECONSTRUCTION PROJECTS

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

Asphalt Street Reconstruction Project – 7th Avenue NE & 19th Drive NE

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

<u>Contractor</u>	<u>Bid</u>
Ims Contracting, LLC	\$1,124,695.30
Ulland Brothers, Inc.	\$1,150,730.15
Elcor Construction	\$1,515,203.75
Rochester Sand & Gravel	Rejected
Engineer's Estimate	\$1,129,774.50

AND, WHEREAS, it appears Ims Contracting, LLC is the lowest responsible bidder.

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

Asphalt Street Reconstruction Project – 7th Avenue NE & 19th Drive NE

Passed by a vote of yeas and nays this 17th day of April, 2023.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

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



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

Memorandum

To: Mayor & Council
From: Mitch Wenum, PE
Date: April 13, 2023
Subject: Bids – Concrete Street Reconstruction
 CP 23101 – 1st Street NW

The City of Austin received bids for the reconstruction 1st Street NW (from Oakland Ave W to 1st Drive NW) on April 13, 2023. This project will consist of pavement removal, sanitary sewer and storm sewer improvements, concrete paving, decorative street lighting, and sidewalk replacement. The bids are summarized below.

Contractor	Base Bid	Alternate Bid 1 Concrete Storm Sewer Pipe	Alternate Bid 2 Plastic Storm Sewer Pipe	Total Base Bid + Alternate 2
Doyle Conner Co.	\$2,365,720.89	\$431,719.92	\$347,824.57	\$2,713,545.46
Elcor Construction	\$2,589,038.00	\$519,921.00	\$432,399.00	\$3,021,437.00
Engineer's Estimate	\$2,174,417.50	\$234,176.00	\$169,750.00	\$2,344,167.50

Bid prices were higher than anticipated. Talking to contractors that bid the job, the higher costs were due to the following reasons:

- Very difficult conditions for underground construction. One contractor described it as slightly less difficult than digging in downtown Minneapolis.
- Extra mobilization costs due to phasing to minimize impact to downtown businesses and visitors.
- Space constraints for material and equipment staging.

We must select either Alternate 1 or Alternate 2. We recommend selecting Alternate 2 due to the lower cost and easier constructability.

While bids came in higher than anticipated, we feel that we received competitive bids on this project. We followed the competitive bidding process and there were 26 contractors that reviewed the plans, resulting in two bidders. The second highest bidder is still significantly more costly than the low bidder. We recommend awarding the Base Bid and Alternate Bid 2 to Doyle Conner Co.

The project will be funded using Municipal State Aid Street Funds and Local Funds 61 and 67. If you have any questions, please contact me.

Municipal State Aid Street Fund	\$ 2,235,754.96
Fund 61 – WWTP Fund	\$ 129,965.93
Fund 67 – Stormwater Utility Fund	\$ 347,824.57

RESOLUTION NO.
AWARDING BID FOR CONCRETE STREET IMPROVEMENTS

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

1st Street NW Street Reconstruction

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

Contractor	Base Bid	Alternate Bid 1 Concrete Storm Sewer Pipe	Alternate Bid 2 Plastic Storm Sewer Pipe	Total Base Bid + Alternate 2
Doyle Conner Co.	\$2,365,720.89	\$431,719.92	\$347,824.57	\$2,713,545.46
Elcor Construction	\$2,589,038.00	\$519,921.00	\$432,399.00	\$3,021,437.00
Engineer's Estimate	\$2,174,417.50	\$234,176.00	\$169,750.00	\$2,344,167.50

AND, WHEREAS, it appears Doyle Conner Co. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Austin, Minnesota that the bid plus alternate number 2 of Doyle Conner Co. is hereby accepted and the Mayor and City Recorder are hereby authorized and directed to enter into the standard city contract with Doyle Conner Co. in the name of the City of Austin for the following:

1st Street NW Street Reconstruction

Passed by a vote of yeas and nays this 17th day of April, 2023.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

Gift	Donor	For
\$872	Austin Disc Golf Club	Disc Golf Fund
\$500	Austin Morning Lions	Bike Club
\$850	Kane Family	Memorial Bench
\$500	B. Schindler	Bike Club
\$25	Fred and Helen Bruckmeier	Flower

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

Passed by a vote of yeas and nays this 17th day of April, 2023.

YEAS

NAYS

ATTEST:

City Recorder

APPROVED:

Mayor

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



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

Memorandum

To: Mayor & Council
From: Steven J. Lang, P.E.
Date: April 12, 2023
Subject: 2023 Electronics Recycling Event (12th Annual)

The City of Austin and Mower County Public Works Departments have been working together to sponsor an electronics recycling event each year since 2011. These events have been extremely successful, each year hauling away 5+ semi-trailer loads of recyclable materials.

Based on the overwhelming response to these events we are planning another event in spring of 2023. We again this year are working with, The Retrofit Companies and have set a date of Saturday, May 13th, 2023 from 9am-2pm. We would recommend as follows:

- City of Austin and Mower County partner to sponsor this event
- City of Austin Transfer Station budget and Mower County Recycling Center to each provide \$500 for advertising
- Event to occur Saturday, May 13th, 2022, 9am-2pm
- Event to be held at the Mower County Fairgrounds
- Event signage to be a joint project between City and County
- City of Austin to furnish fork lift for the event
- May require additional paid staffing, depending upon volunteers

This is a cooperative project between the City and County Public Works Departments with minimal costs involved. The end result will be that residents will have the opportunity to get rid of electronics at minimal cost and less of this waste stream will end up being dumped in our parks and ditches.

This may be the final year of this event, as Mower County is planning an expansion project at the Recycling Center to allow drop-off of electronics year-round.

ACCEPTED electronics items:

- TV's & Computer Monitors Any Screen FLAT or CRT
- Console & Projection TV's
- White Goods (stove/dryer/washer)
- Kitchen appliances (microwaves/toasters)
- Misc. small electronics (wire, mice, keyboards, etc.)
- Misc. items (vacuum cleaner/printers/speakers/CPU/LAPTOPS)
- Extra cost for Freon units (refrigerator/freezer/dehumidifier) and hard drive cleansing

NOT ACCEPTED equipment at the event:

- Smoke detectors, hazardous waste (broken glass), equipment with PCBs (capacitors), liquids, light bulbs, fluorescent tubes or mercury containing devices

If you have any questions, please contact me.



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



Holly Wallace
Planning & Zoning Administrator
507-437-9952 / Fax 507-437-7101
Cellular 1-507-438-2380
Email: hollyw@ci.austin.mn.us

Memorandum

To: Mayor & City Council
From: Austin Planning Commission
Date: March 12, 2023
Re: Baumann Interim Use Permit Renewal

During the March 11, 2023, meeting of the Austin Planning Commission, the commission reviewed a petition for renewal of a five-year Interim Use Permit to keep horses on various parcels owned by Nikola and Christoph Baumann. The attached factors considered by the planning commission are for your additional review and consideration.

Two neighbors appeared in support of the renewal.

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

7 - Ayes 0 - Nays

the Planning Commission recommended approval of the Interim Use Permit with the following conditions:

1. Horses limited to five and to an area consisting of approximately 3 acres of the property owned by the Baumann's.
2. A building addition to the existing horse stalls. Building permits and building code compliance are required. Petitioner has provided examples.
3. Vegetative cover must be maintained in the pasture to prevent erosion and other water contamination.
4. Due to adjacent major roads and the safety of the animals in general, fencing must effectively secure the horses.
5. The property and adjacent properties must consist of ten acres or more to buffer the use from adjacent properties.
6. The horses must have basic needs met: shelter, food, grooming, water and veterinary care.
7. Buildings must be maintained and in good condition, including exterior finishes.

8. Waste must be properly handled.
9. Required permits and licenses must be obtained and current.
10. Permanent structures will conform with zoning requirements. A variance must be obtained.

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



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

Memorandum

To: Mayor and City Council

From: Austin Planning Commission

Re: Recommendation for Variance Requested by:
Nikola and Christoph Baumann (Wolfgang J. Baumann Estate)
2806 Oakland Ave. W
Austin MN 55912

Date: April 13, 2023

On March 11, 2023, the petitioner received a recommendation for approval to renew an existing interim use permit to keep horses on her property as well as expand a building associated with their care. As part of the IUP, the Petitioner is required to seek a variance for the structural addition she proposes.

The Austin Planning Commission reviewed a request from Nikola Baumann, et al. for a variance from the requirements of Austin City Code Section 11.031, Subd.1(B) allowing a maximum coverage of 1,800 sq. ft.

The petitioner owns six parcels, four of which are used for the purpose of providing housing and maintenance structures for the care of the horses. There are currently two detached accessory structures with a proposed 60' x 80' addition to the existing barn (shelter).

Square footage of existing accessory structures: 7,088 sq. ft.

Allowed: 1,800 sq. ft.

Proposed: 11,888 sq. ft.

Lot coverage of existing structures: 1.1%

Allowed: 40%

Proposed: 1.8%

Here the lot coverage is far less than a typical city lot.

The Petitioner requests the variance due to the unusually large size of her property, its rural characteristics and to provide the level of care for the animals consistent with the IUP renewal.

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

Ayes – 7 Nays – 0

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

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

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: Abraham & Maria Hernandez
1011 7th Ave NE
Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure located at **1005 8th Ave NE, Austin MN 55912**

Date: **April 12, 2023**

May I ask the City Council to review and approve this resolution classifying the property located at 1005 8th Ave NE, Austin, Minnesota, as hazardous pursuant to Minnesota Statues 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!

City of Austin
Zoning Department



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

September 16, 2022

Maria Neri

RE: Zoning Violations at 1005 8th Ave NE Austin, MN 55912

Dear Maria:

The house is located in a I-2 Industrial district in which single family homes are not allowed unless they are legal non-conformities. This home was legal, but unfortunately has been vacant for multiple years. If a non-conforming use is discontinued for more than 12 consecutive months it shall not be reconstructed. The house must be demoed.

Austin City Code Sections

11.086 GENERAL PROVISIONS.

Subd. 2. D. 4. A nonconforming land use may not be resumed if the use has been discontinued for a period of 12 consecutive months; or if the use requires the existence of a nonconforming structure that has been removed and not replaced for a period of 12 consecutive months.

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Austin City Code violations within the next **10 days**, or the City of Austin will take further action in efforts to resolve these violations. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$100, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,

Brent Johnson
Zoning Inspector



February 21st, 2023

Abraham Palma Hernandez
Marie Neri Hernandez
1011 7th Ave NE
Austin, MN 55912

RE: Housing Violations at 1005 8th Ave NE, Austin, MN 55912

Dear Abraham & Maria:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation on September 16th, 2022 and February 17th, 2023 at this site, and the following issues need to be resolved:

- The property at 1005 8th Ave NE is located in a I-2 Industrial district in which single family homes are not allowed unless they are legal non-conformities. This home was legal, but unfortunately has been vacant for multiple years. If a non-conforming use is discontinued for more than 12 consecutive months it shall not be reconstructed. The property must be demoed.

Austin City Code Sections

11.086 GENERAL PROVISIONS.

Subd. 2. D. 4. A nonconforming land use may not be resumed if the use has been discontinued for a period of 12 consecutive months; or if the use requires the existence of a nonconforming structure that has been removed and not replaced for a period of 12 consecutive months.

Below are the International Property Maintenance Code violations on this property. No renovating of these nonconforming residential structures in a I-2 Industrial district. The list is for reference of the exterior violations of the buildings on the property.

1. House is unsafe- dilapidated and structurally unsafe.
2. House is unfit for human occupancy.
3. House is dangerous structure or premises.
4. House has unsafe conditions- Foundation system is not plumb and free from open cracks. Exterior walls not free of holes, cracks or breaks.
5. Protective treatment on all door, window and fascia on house and garage.
6. Foundation walls on house- maintained plumb and free from open cracks and breaks.

7. Exterior walls- shall be free from holes, breaks, loose or rotting material and maintained weatherproof and property surfaced coated. House and garage.
8. Front stairway & covered porch in rear of house- every exterior stairway and porch shall be maintained structurally sound, in good repair and capable of supporting the imposed loads.
9. Windows- shall be kept in sound condition, good repair and weather tight.
10. Rear porch roof- shall be sound, tight and not have defects.
11. Install side door on garage, repair/replace garage main door.

The violation of International Property Maintenance Code Sections 108, 302, 304 and 702 were found. These Property Maintenance Code Sections read as follows:

108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

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

108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.

7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

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.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

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

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

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

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

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

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

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

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

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

Sincerely,



Brent Johnson
Zoning Inspector

TIME STAMP



September 13, 2022
11:15 AM



TIME STAMP

September 13, 2022
11:15 AM



**September 13, 2022
11:15 AM**



**September 13, 2022
11:16 AM**



TIME STAMP L

April 12, 2023
9:58 AM

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDING
LOCATED AT 1005 8TH AVE NE AUSTIN, MINNESOTA
OWNED BY ABRAHAM & MARIA HERNANDEZ**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 1005 8TH Ave NE to be a hazardous building for the following reasons:

- 1. Discontinued nonconforming land use**
- 2. House is unsafe- dilapidated and structurally unsafe**
- 3. House is dangerous structure or premises**
- 4. House is unfit for human occupancy**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on September 16th, 2022 and February 21st, 2023 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. Demolish house and garage- 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 _____, 2023

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: Jose Morales & Rufina Castaneda
406 1st Ave SE, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 406 1st Ave SE, Morales/Castaneda Property

Date: April 14, 2023

May I ask the City Council to approve granting the Planning & Zoning Department the power to contract for the removal of refuse and junk at 406 1st Ave SE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You

City of Austin
Zoning Department



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

November 3rd, 2022

Jose Morales & Rufina Castaneda
406 1st Ave SE
Austin, MN 55912

RE: Zoning Violations at 406 1st Ave SE, Austin, MN 55912

Dear Jose & Rufina:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on November 3rd, 2022 at this site and the following issues need to be resolved:

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

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

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

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

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

City Code Section 10.01 Subd 4. Containers

A. *General requirement.* Every householder, occupant or owner of any residence and any restaurant, industrial establishment or commercial establishment shall provide on the premises one or more containers to receive and contain all refuse which may accumulate between collections or other disposal. All normal accumulations of refuse shall be deposited in such containers, except that leaves, trimmings from shrubs, grass clippings, shavings, excelsior and other rubbish of similar volume and weight may be stored in closed containers not meeting the requirements of Subpar.

B. Tree limbs under four inches in diameter in five-foot lengths and tied in bundles not to exceed 60 pounds, bundles of newspapers, cardboard or magazines tied securely not to exceed 60 pounds. Furniture, rugs and carpeting will be accepted by a licensed hauler if notified 24 hours in advance of regular pickup time. The following

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

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

C. *Placement.*

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

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

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

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

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

B. *Public nuisances affecting health*

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

D. *Public nuisances affecting peace and safety.*

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

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

NOTICE AND ABATEMENT.

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

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

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

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

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

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

Sincerely,



Brent Johnson
Zoning Inspector

CC: Gary Olson



406 1st
Ave SE



April 12, 2023
9:36 AM