

A G E N D A
CITY COUNCIL MEETING
MONDAY, AUGUST 19, 2024
5:30 P.M.
COUNCIL CHAMBERS

Call to Order.

Pledge of Allegiance.

Roll Call.

(mot) 1. Adoption of Agenda

(mot) 2. Approving Minutes from August 5, 2024

3. Recognitions and Awards:

Kathy Larson – Mayor for the Day

(mot) 4. *Consent Agenda

Licenses:

Sign Installer: Kingston Maxwell Inc., Green Bay, WI

Tree Service: Aware Tree Care Specialist, LLC, Austin MN

Claims:

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

Event Applications:

Austin ArtWorks Festival – August 23-25, 2024

Hormel Special Event – September 11, 2024

Appointments:

James Arop Majak as the Honorary Council Member – September 3rd to November 18th, 2024

PETITIONS AND REQUESTS:

(mot) 5. Approving the Hormel Foundation Grant Request Rankings

(mot) 6. Reviewing a Fence Appeal from Megan Xiquita
a. Approve or Deny Variance Request

(res) 7. Declaring the Structure at 1002 6th Avenue NE as Hazardous

(res) 8. Declaring the Structure at 800 11th Street NE as Hazardous

(res) 9. Declaring the Structure at 1507 4th Avenue SW as Hazardous

10. Granting the Planning and Zoning Department the Power to Contract for the Removal of Junk and/or Illegally Stored Vehicles at the Following Locations:
 - (mot) a. 910 5th Avenue NE, Arte & Mohammaed Property
 - (mot) b. 510 3rd Avenue SE, Lindahl Property
- (res) 11. Accepting Donations to the City of Austin
- (res) 12. Certifying the August 13, 2024 Primary Election Results

CITIZENS ADDRESSING THE COUNCIL

HONORARY COUNCIL MEMBER COMMENTS

REPORTS AND RECOMMENDATIONS:

City Administrator
City Council

(mot) Adjourn to **Tuesday, September 3, 2024** 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
August 5, 2024
5:30 PM
Council Chambers

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

MEMBERS ABSENT:

STAFF PRESENT: City Administrator Craig Clark, Director of Administrative Services Tom Dankert, Police Chief David McKichan, Fire Chief Jim McCoy, Public Works Director Steven Lang, Planning and Zoning Administrator Holly Wallace, Park and Rec Director Jason Sehon, Library Director Julie Clinefelter, City Attorney Craig Byram, Human Resources Director Trish Wiechmann, and City Clerk Brianne Wolf

APPEARING IN PERSON: MetroNet Representative Jill Cordes and Toby Bremmer, Attorney for the City Brian Grogan, Honorary Council Member Issac Obang

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

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

Moved by Council Member Postma, seconded by Council Member Fischer, approving Council minutes from July 15, 2024. Carried.

AWARDS AND RECOGNITIONS

Director of Public Works Steven Lang recognized Tony Martin on his retirement and years of service in the Street Department. Mayor King presented Mr. Martin with a plaque and thanked him for his years of service to the City of Austin.

Officer Mike Hartman recognized Officer Daniel Osborne and Pastor Dan Mielke for their work on a negotiation/stand-off crisis situation that resulted in a positive outcome for everyone involved.

Chief David McKichan presented Officer Osborne and Pastor Dan Mielke with Letters of Accommodation for their outstanding work on the stand-off situation. He stated he is very proud of the work they performed during this event.

Pastor Dan Mielke thanked the police for their work, their care, and compassion while working on this call. Officer Osborne thanked Pastor Dan Mielke for his assistance that day.

CONSENT AGENDA

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

Licenses:

Mobile Business: Neveria Azteca LLC, Austin MN
Tree Service: Travis's Tree Service, Albert Lea, MN
Sign Installer: Vision Sign Company LLC, Blaine, MN
Exempt Gambling (raffle): Austin Morning Lions on October 25, 2024

Claims:

- a. Pre-list of Bills
- b. Financial Report
- c. Credit Card Report

Appointments:

Justin Heskett to the Parks & Rec Board – Term Expiring December 31, 2026

Carried.

PETITIONS AND REQUESTS

City Administrator Craig Clark reviewed the cable television franchise ordinance with MetroNet. He stated MetroNet would like to discontinue with their cable television provision and repeal the cable television franchise ordinance. Mr. Clark clarified MetroNet will still be providing their fiber streaming services but not their cable television services. MetroNet also requested approval of a settlement agreement related to the discontinuation of the cable franchise agreement with the City of Austin.

Mr. Clark requested Council approval for the repeal of the ordinance and approval of the settlement agreement.

Attorney for the City, Brian Grogan of Moss & Barnett, stated MetroNet, also known as Jaguar, has been in town for eight to ten years. MetroNet still plans on providing fiber needs for the City of Austin. With the discontinuation of the cable franchise agreement, the City would receive payment of approximately \$40,000.

Mr. Grogan stated the downsides are the City doesn't have to continue to have a contract with MetroNet for the delivery of cable service. That doesn't mean they don't have to comply with the City code right of way restoration, provide insurance, provide identification, all the things that you would expect of any company using your right of way. He stated there have been some concerns about right of way restoration and right of way occupation, which is one reason why we have representatives of MetroNet here to be able to answer those questions for the Council.

Council Member Baskin asked MetroNet representatives what the game plan is on right of way restoration.

MetroNet representative Jill Cordes stated ideally install takes about fourteen days this time of year. In the winter, they are playing catch up with trying to get installations completed. MetroNet representative Toby Bremmer stated MetroNet has a footprint ticketing system. They have twenty-four hours to respond and the majority of these tickets have been closed. He stated additionally, City of Austin employees Mr. Lang and Mr. Wenum have sent in complaints that they have taken care of.

Council Member Poshusta asked about turnaround time and Mr. Bremmer stated they have eight days to complete these tickets.

Council Member Fischer asked about the poles located around town that have cords hanging out of them and wanted to know when they will be completed. Mr. Bremmer stated with the work being stopped last year they are behind and now they are working with their contractors to get those issues addressed.

Council Member Poshusta asked who was carrying the liability insurance. She wanted to know if someone were to trip and fall who would be at fault. MetroNet stated if a person were to trip and fall as a result of something they had left out or behind that would be on them.

Council Member Postma stated he has emails from citizens about complaints with misuse in the right of way. He stated there is frustration in the City about the work that MetroNet is doing. He stated this has gone very poorly.

MetroNet representative Jill Cordes stated she would like to continue this conversation and stated being good stewards to the community is very important to MetroNet. She stated if this is a meeting that needs to be done together with their construction crews, they are all in.

Council Member Fischer asked about a call that he had given to Mr. Lang. Mr. Lang stated he relayed the information to MetroNet and they would give that information to their contractors and then they would go and fix the issue.

Council Member Poshusta would like a deadline and if MetroNet doesn't finish by said deadline, can we fine them.

Brian Grogan, stated yes you have tools available to you to impose penalties. He stated within the settlement agreement, part of the provisions and indemnifications will move forward until 2031. Also, there are provisions built into the City code that address anyone that works in the right of way and with that you have enforcement tools, lastly you have rules from the Minnesota Public Utilities Commission. Council has all of these tools to utilize.

Mr. Grogan also relayed the MetroNet Residential Customer Service Telephone Number (877) 407-3224

Mayor King requested a motion for preparation of the ordinance for MetroNet.

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

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

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, approving the settlement agreement with MetroNet. Carried 7-0.

Director of Administrative Services Tom Dankert requested that Council authorize adding the verbiage “or a credit union” to allow the City specific authority to invest in such. Mr. Dankert requested approval of the update to the investment policy.

Moved by Council Member Baker, seconded by Council Member Poshusta, for approval of an update to the investment policy. Carried 7-0.

Moved by Council Member Baker, seconded by Council Member Postma, accepting donations to the City of Austin. Carried 7-0.

REPORTS AND RECOMMENDATIONS

City Administrator Craig Clark thanked the members of the Benin Community for inviting him to their 64th Celebration of Independence from France.

COUNCIL REPORTS

Council Member Helle thanked City leaders for participating in the Matchbox Theater. She stated the Parks and Recreation Department will be meeting on Wednesday, August 6th at the Nature Center at 5:15 p.m. and will be discussing dogs in parks.

Council Member Postma thanked all involved in the crisis incident. He invited all to attend National Night Out on August 6th at the Bandshell. He acknowledged the Park and Recreation Department for all their work getting the parks cleaned and updated with the new ADA compliant surfaces. He thanked everyone working in the PFAS focus group.

Council Member-at-Large Austin stated there is a Primary Election next week and to get out and vote.

Council Member Baker thanked Park and Recreation Director Jason Sehon for his work on getting a property taken care of that was not well maintained and Council Member Baker received complaints on.

Council Member Baskin thanked City staff for all their great work. He stated the fair starts tomorrow so to get out and enjoy this event.

Council Member Fischer thanked the Street and Sewer Department for the many hours they spent fixing the broken sewer main on 4th Avenue NW.

Council Member Poshusta stated we have a fantastic city and thanked all the departments for their service.

Mayor King thanked Public Works Director Steven Lang for standing in for him at the Southeast League of Minnesota Cities meeting recently. He also stated he was in a middle in a Fire Relief meeting and a call came in and it was great watching all respond to the call. It was very impressive and it was so seamless the way they operated. He read off the August anniversaries.

Moved by Council Member Baker, seconded by Council Member-at-Large Austin, adjourning the meeting to August 19, 2024. Carried.

Adjourned: 6:20 p.m.

Approved: August 19, 2024

Mayor: _____

City Recorder: _____

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



Phone: 507-437-9940

www.ci.austin.mn.us

MEMO

TO: Mayor and City Council

TMD

FROM: Tom Dankert

DATE: August 19, 2024

SUBJECT: Hormel Foundation Grant Requests for 2025

<U:\Word\2024\Hormel Foundation\Hormel Foundation 2025 Grant Requests to CC.doc>

The listing below is the final listing of the 12 projects as decided by the Mayor and City Council at the August 5, 2024 work session. These are now listed in order of priority, as follows:

1. Emerald Ash Borer Treatment/Planting - \$400,000
2. Affordable Housing Project - \$900,000
3. 4th of July Fireworks - \$25,000
4. Police Chaplaincy Program - \$15,600
5. Police Drones - \$18,185
6. Todd Park Playground Equipment - \$80,000
7. Jay C. Hormel Nature Center Education Programs - \$50,000
8. ADA Walkways - \$20,000
9. HRA Daycare Program - \$10,000
10. Delivering the Data: Hotspot Data Plans 2025 - \$60,000
11. Fire Prevention and Education - \$5,000
12. Speakers/Picnic Tables - \$11,000

Not included in the rankings is one project that is being requested to be funneled through the City of Austin, but is not our specific request and as such is not ranked:

- Quality of Life - \$74,858 (Austin Artworks Center for operations support, rent and property tax reimbursement).

We would request Council approval of the above rankings for submittal to The Hormel Foundation. Please call if you have any questions.

| | | | SK | JA | PF | JB | GB | LH | MP | JP | Total | RANK |
|--|----|---------|----|----|----|----|----|----|----|----|-------|------|
| Fire Prevention and Education | \$ | 5,000 | 4 | 1 | 2 | 6 | 2 | | 7 | 4 | 26 | 11 |
| Police Chaplaincy Program | \$ | 15,600 | 6 | 10 | 11 | 10 | 1 | | 10 | 12 | 60 | 4 |
| Delivering the Data: Hot Spot Data Plans | \$ | 60,000 | 1 | 5 | 5 | 2 | 6 | | 2 | 10 | 31 | 10 |
| HRA Daycare Grant Program | \$ | 10,000 | 3 | 6 | 1 | 8 | 5 | | 1 | 8 | 32 | 9 |
| HRA Affordable Housing Project | \$ | 900,000 | 11 | 11 | 12 | 9 | 10 | | 11 | 7 | 71 | 2 |
| Police Drones | \$ | 18,185 | 2 | 9 | 8 | 7 | 11 | | 9 | 6 | 52 | 5 |
| Ash tree Removal | \$ | 400,000 | 12 | 12 | 9 | 11 | 12 | | 5 | 11 | 72 | 1 |
| Todd Park Playground Equipment | \$ | 80,000 | 10 | 4 | 7 | 3 | 7 | | 8 | 3 | 42 | 6 |
| ADA Walkways | \$ | 20,000 | 7 | 3 | 3 | 1 | 4 | | 6 | 9 | 33 | 8 |
| Speakers/Picnic Tables in Park | \$ | 11,000 | 5 | 2 | 4 | 4 | 3 | | 4 | 1 | 23 | 12 |
| Nature Center Educational Programs | \$ | 50,000 | 9 | 8 | 6 | 5 | 8 | | 3 | 2 | 41 | 7 |
| 4th of July Fireworks | \$ | 25,000 | 8 | 7 | 10 | 12 | 9 | | 12 | 5 | 63 | 3 |
| | | | 78 | 78 | 78 | 78 | 78 | 0 | 78 | 78 | 78 | 78 |

Council Member Helle did not vote as her organization is involved in the \$900,000 affordable housing request.

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: August 15, 2024

Re: Fence Appeal Submitted by Megan Xiquita, 1300 28th St SW

During the August 14, 2024, meeting of the Austin Planning Commission, the commission reviewed a fence appeal submitted by petitioner, for a proposed 6 foot privacy fence installed on the property line of the rear side yard. The property is located on a corner lot. City ordinance requires a 12.5 foot setback from the property line for privacy fences on corner lot side yards.

After review, with six Planning Commission members present, the commission recommended approval of this request with the condition that it not be built in the utility easement area. The vote was as follows:

6 - Ayes 0 - Nays

- This recommendation comes from a discussion of the impacts on neighboring properties, public right of way, review of practical difficulties and reasonableness of the petitioner's requested use.
- Addition: The Planning Commission did discuss allowing approval to build from Austin Utilities, but did not make that motion. I think it was unintentional and would recommend that the petitioners be allowed to seek approval from Austin Utilities, in the event that adding the fence is not a concern in that location.

Petitioner: Megan Xiquita
1300 28th St SW
Austin, MN 55912

Property Location: 1300 28th Street SW

Legal Description: N/A

Present Land Use: Residential

Zoning Classification: "R-1" Single Family Residential

Surrounding Land Uses and Zoning Classification: All "R-1" Residential

Requested Action: The petitioner appeals from Austin City Code Section 4.70 Subd. 5. A solid or opaque fence may be constructed, but must be setback 25 feet in a front yard and 12.5 feet in a corner side yard in an "R-1" Residential District. The Petitioner wishes to install a 6-foot privacy fence, replacing a chain link fence and moving it to the property line of the side yard, which will not comply with the 12.5 ft setback requirement.

Staff Report: The proposed fencing is a 6-foot tall privacy fence located on a corner lot.

Staff Recommendations:

1. The fence will be located in the rear/rear side yard.
2. There are no drives or intersections in the area of the fence.
3. The fence should not affect visibility.

This is a recommendation to council. Planning commission may recommend to approve, deny, or approve with conditions.



| |
|-------------------|
| OFFICE USE ONLY |
| Amount Due \$ 150 |
| Type of Variance |
| Receipt No. 80612 |
| Date: 08/06/24 |

APPLICATION FOR CONSIDERATION OF PLANNING REQUEST

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

CITY OF AUSTIN

Street Location of Property: 1300 28th Street SW, Austin, MN 55912

Legal Description of Property: SubdivisionName ORCHARD CHEEK Lot 001 Block 005 SubdivisionCd 34558

Owner Name Megan Xiquita Phone 563-379-4696

Address 1300 28th Street SW

City Austin State MN Zip 55912

Fence Appeal

Type of Request: Variance CUP IUP Rezone Other

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

Description of Request Requesting to extend current fencing 13 feet out towards the road to the North and 27.9 feet to the east from the current fence installation on the north side; also planning to extend the South side of the fencing East toward front of house by 30 feet and will be sure to stay within the property line. *
My house is on a corner lot, that requires a larger setback; however there is no visual
obstruction caused by the change in this instance, i.e. not at an intersection

Reason for Request or near a driveway or sidewalk where an accident could occur.

To extend the fence by 13 feet outward on the North side from the current fence line and bring it more up east towards the front of the house extending 27.9ft. approximately on the North side of the house and extending east approximately 30 feet on the South side of the house. Plan to purchase and install a 6ft tall white fence in August or September 2024 pending approval of the city of Austin.

Present Zoning Classification _____

Existing Use of the Property fence on the south and west side of neighbors.

Has a request for a rezoning, variance, or conditional use permit on the subject site or any part thereof been previously sought? no When? N/A

Megan Xiquita
Signature of Applicant

07/08/2024

Date

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

Approved _____ Denied _____ by the Common Council

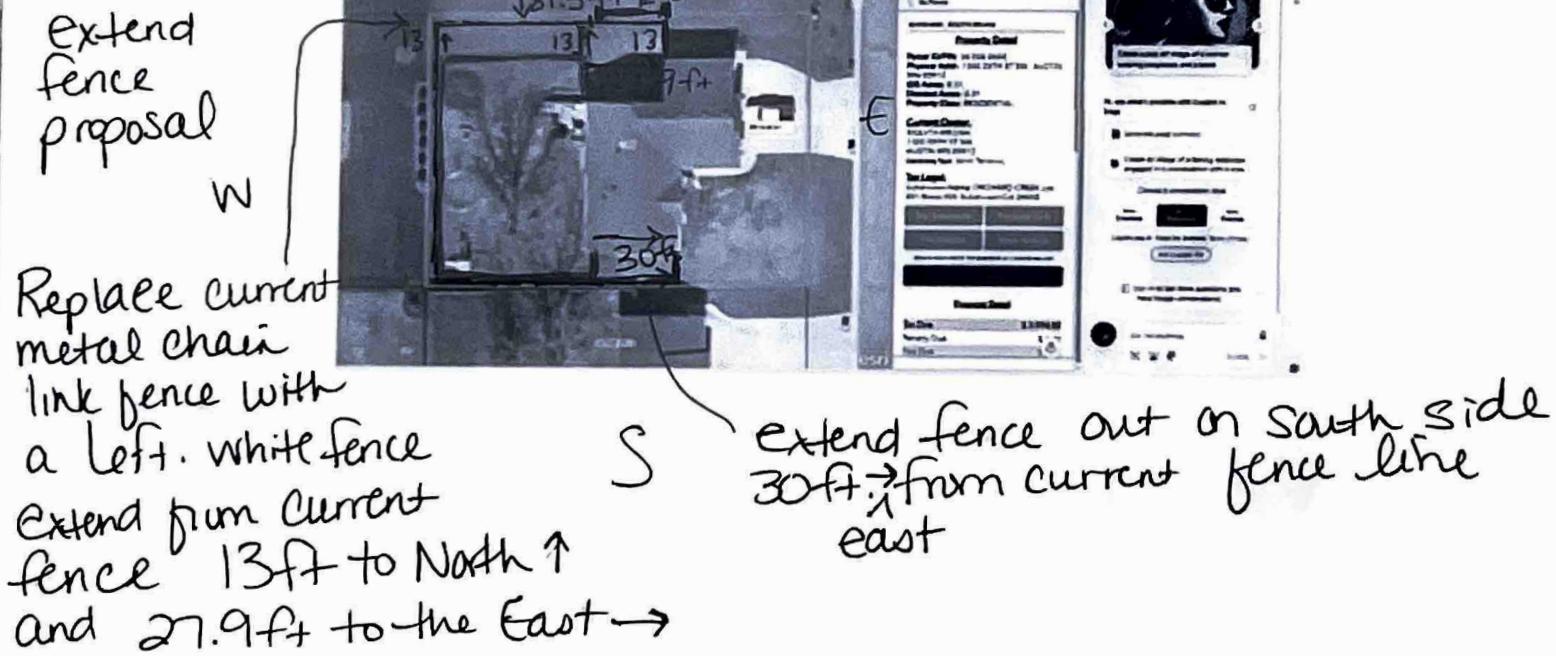
Comments _____

July 8, 2024

Fence Appeal Proposal

Megan Xiguita
1300 28th St. SW
Austin, MN 55912

N



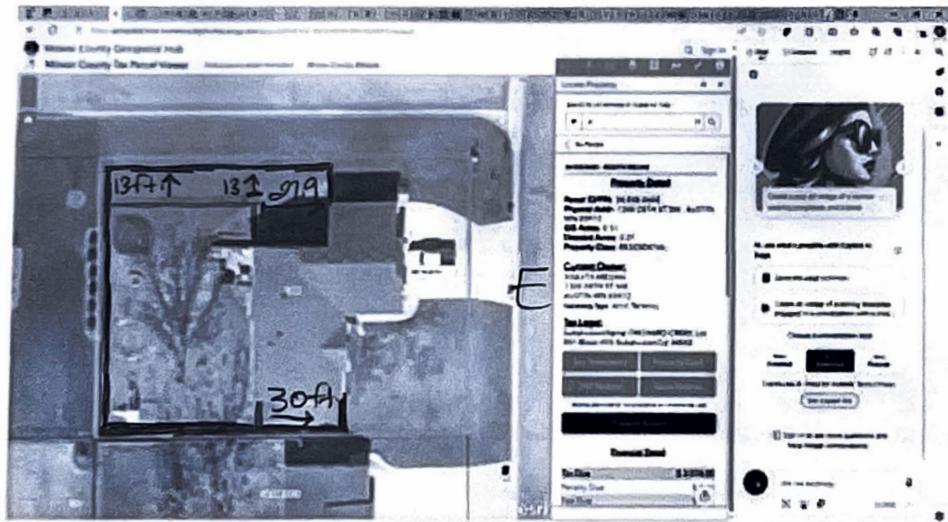
New — Proposed fence line
— Current fence line

Fence Appeal

July 8, 2024
Megan Xiguita
1300 28th St SW
Austin, MN 55913

N

W



Current fence —
New fence proposal —

S

City of Austin
Zoning Department



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

Memorandum

To: Mayor and City Council

Cc: Scott Mcgee
612 9th St NE
Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structure (Garage Only) located at **1002 6th Ave NE Austin MN 55912**

Date: **August 14, 2024**

May I ask the City Council to review and approve this resolution classifying the property located at 1002 6th 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!



June 13th, 2024

Scott Mcgee
612 9th St NE
Austin, MN 55912

RE: Housing Violations at 1002 6th Ave NE, Austin, MN 55912

Dear Scott:

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 21st, 2019, June 18th 2021, June 2nd, 2022, July 14th, 2023 & June 13th, 2024 at this site, and the following issues need to be resolved:

1. **Exterior wall areas need weatherproofing on house**
2. **Protective treatment on bare wood on house**
3. **Replace rotted exterior boards on house**
4. **Repair/Replace/Demo dilapidated garage- permit required**

*** No progress has been made on garage; some work left on house.

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

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.

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

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drain- age shall be adequate to prevent dampness or

deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

Sincerely,

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

Brent Johnson
Zoning Inspector



July 14th, 2023

Scott Mcgee
612 9th St NE
Austin, MN 55912

RE: Housing Violations at 1002 6th Ave NE, Austin, MN 55912

Dear Scott:

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 21st, 2019, June 18th 2021, June 2nd, 2022 and July 14th, 2023 at this site, and the following issues need to be resolved:

1. Exterior wall areas need weatherproofing on house and garage
2. Protective treatment on bare wood on house and garage
3. Replace rotted exterior boards on house and garage
4. Replace roof decking on garage
5. Or Demo garage- permit required

***** No progress has been made on garage; some work left on house.**

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

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.

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

Sincerely,



Brent Johnson
Zoning Inspector



June 3rd, 2022

Scott Mcgee
612 9th St NE
Austin, MN 55912

RE: Housing Violations at 1002 6th Ave NE, Austin, MN 55912

Dear Scott:

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 21st, 2019, June 18th 2021 and June 2nd, 2022 at this site, and the following issues need to be resolved:

1. **Exterior wall areas need weatherproofing on house and garage**
2. **Protective treatment on bare wood on house and garage**
3. **Replace rotted exterior boards on house and garage**
4. **Replace roof decking on garage**

***** No progress has been made other than roof on house and some siding work on house*****

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

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.

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

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

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

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

Sincerely,



Brent Johnson
Zoning Inspector



June 18th, 2021

Scott Mcgee
612 9th St NE
Austin, MN 55912

RE: Housing Violations at 1002 6th Ave NE, Austin, MN 55912

Dear Scott:

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 21st, 2019, June 18th 2021 at this site, and the following issues need to be resolved:

1. Replace roofing system on house and garage
2. Exterior wall areas need weatherproofing on house and garage
3. Protective treatment on bare wood on house and garage
4. Replace rotted exterior boards on house and garage

***** No progress has been made other than roof on house*****

The violation of International Property Maintenance Code Sections 302 and 304 were found. Minnesota Accessibility Code Section 303. These Property Maintenance Code Sections and Accessibility Code Sections read as follows:

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.

304.6 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.

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exception:

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

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

Sincerely,



Brent Johnson
Zoning Inspector



November 25th, 2019

Scott Mcgee
612 9th St NE
Austin, MN 55912

RE: Housing Violations at 1002 6th Ave NE, Austin, MN 55912

Dear Scott:

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 21st, 2019 at this site, and the following issues need to be resolved:

1. Replace roofing system on house and garage
2. Exterior wall areas need weatherproofing on house and garage
3. Protective treatment on bare wood on house and garage
4. Replace rotted exterior boards on house and garage
5. Unsafe accessory structure

The violation of International Property Maintenance Code Sections 302 and 304 were found. Minnesota Accessibility Code Section 303. These Property Maintenance Code Sections and Accessibility Code Sections read as follows:

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.

304.6 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.

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exception:

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

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

Sincerely,



Brent Johnson
Zoning Inspector

August 14, 2024
10:46 AM



PRINTSTAMP C-5

TIME STAMP

August 14, 2024
10:47 AM

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDINGS
(GARAGE ONLY)
LOCATED AT 1002 6TH AVE NE AUSTIN, MINNESOTA
OWNED BY SCOTT MCGEE**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 1002 6th Ave NE to be a hazardous building for the following reasons:

1. Repair/Remove/Replace dilapidated garage

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on November 25st, 2019, June 18th 2021, June 3rd, 2022, July 14th, 2023 & June 13th, 2024 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 to 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:

1. Repair/Remove/Replace dilapidated 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 19th day of August, 2024

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: Scott & Tina Granle
800 5th Ave SW
Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structures located at 800 11th St NE Austin MN 55912

Date: August 14, 2024

May I ask the City Council to review and approve this resolution classifying the property located at 800 11th St 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
Building Department



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

April 19th, 2024

Scott & Tina Granle
800 5th Ave SW
Austin, MN 55912

RE: Housing Violations at 800 11th St NE, Austin, MN 55912

Dear Scott & Tina:

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 15th, 2021 & April 4th, 2022, April 13th, 2023 and April 19th, 2024 at this site, and the following issues need to be resolved:

1. Repair/Replace roof decking on the garage and house
2. Protective treatment on all exterior trim on the garage and house
3. Exterior walls on the garage and house shall be weatherproof and properly surfaced coated to prevent deterioration

(No progress has been made)

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

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

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

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

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

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above-mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$2,000, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,

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

Brent Johnson
Zoning Inspector



April 13th, 2023

Scott & Tina Granle
800 5th Ave SW
Austin, MN 55912

RE: Housing Violations at 800 11th St NE, Austin, MN 55912

Dear Scott & Tina:

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 15th, 2021 & April 4th, 2022 & April 13th, 2023 at this site, and the following issues need to be resolved:

- 1. Repair/Replace roof decking on the garage and house**
- 2. Protective treatment on all exterior trim on the garage and house**
- 3. Exterior walls on the garage and house shall be weatherproof and properly surfaced coated to prevent deterioration**

(No progress has been made)

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

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

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

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drain- age shall be adequate to prevent dampness or

deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above-mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. Council generally meets the first and third Mondays of every month. You will be fined a minimum of \$800, the amount varies depending on the type of violations. Your cooperation with this matter is greatly appreciated.

Sincerely,



Brent Johnson
Zoning Inspector



April 4th, 2022

Scott & Tina Granle
800 5th Ave SW
Austin, MN 55912

RE: Housing Violations at 800 11th St NE, Austin, MN 55912

Dear Scott & Tina:

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 15th, 2021 & April 4th, 2022 at this site, and the following issues need to be resolved:

- 1. Repair/Replace roof decking on the garage and house**
- 2. Protective treatment on all exterior trim on the garage and house**
- 3. Exterior walls on the garage and house shall be weatherproof and properly surfaced coated to prevent deterioration**

(No progress has been made)

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

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

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

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drain- age shall be adequate to prevent dampness or

deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

Sincerely,

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

Brent Johnson
Zoning Inspector

City of Austin
Building Department



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

November 16th, 2021

Scott & Tina Granle
800 5th Ave SW
Austin, MN 55912

RE: Housing Violations at 800 11th St NE, Austin, MN 55912

Dear Scott & Tina:

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 15th, 2021 at this site, and the following issues need to be resolved:

1. **Repair/Replace roof decking on the garage and house**
2. **Protective treatment on all exterior trim on the garage and house**
3. **Exterior walls on the garage and house shall be weatherproof and properly surfaced coated to prevent deterioration**

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

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

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

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

downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

Sincerely,

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

Brent Johnson
Zoning Inspector

TIME STAMP 

August 14, 2024
10:55 AM

TIME STAMP 



August 14, 2024
10:49 AM

TIME STAMP L



**August 14, 2024
10:50 AM**

THE STAMP



August 14, 2024
10:50 AM

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDINGS
LOCATED AT 800 11th ST NE AUSTIN, MINNESOTA
OWNED BY SCOTT & TINA GRANLE**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 800 11th St NE to be a hazardous building for the following reasons:

- 1. Repair/Replace roof decking on the garage and house**
- 2. Protective treatment on all exterior trim on the garage and house**
- 3. Exterior walls on the garage and house shall be weatherproof and properly surfaced coated to prevent deterioration**

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on November 16th, 2021, April 4th, 2022, April 13th, 2023 and April 19th, 2024 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 to 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
 - 1. Repair/Replace roof decking on the garage and house**
 - 2. Protective treatment on all exterior trim on the garage and house**
 - 3. Exterior walls on the garage and house shall be weatherproof and properly surfaced coated to prevent deterioration**
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 19th day of August, 2024

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: Susan Frost
1507 4th Ave SW
Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Hazardous Structures located at 1507 4th Ave SW Austin MN 55912

Date: August 14, 2024

May I ask the City Council to review and approve this resolution classifying the property located at 1507 4th Ave SW, Austin, Minnesota, as hazardous pursuant to Minnesota Statues 463.15 – 463.261. City staff has been dealing with numerous complaints regarding this property and the owner has failed to repair these structural deficiencies. (See attached)

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

Thank You!



April 17th, 2024

Susan Frost
1507 4th Ave SW
Austin, MN 55912

RE: Housing Violations at 1507 4th Ave SW, Austin, MN 55912

Dear Susan:

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 May 26th, 2022, October 19th, 2022, June 7th, 2023, April 17th, 2024 at this site, and the following issues need to be resolved:

1. **Repair foundation wall cracks**
2. **Exterior free from breaks, loose and rotting material and maintained weatherproof**
3. **Protective treatment on all trim**
4. **Repair/Replace roof decking on front gable**

(No progress has been made)

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

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

304.5 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.

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

Sincerely,



Brent Johnson
Zoning Inspector



June 7th, 2023

Susan Frost
1507 4th Ave SW
Austin, MN 55912

RE: Housing Violations at 1507 4th Ave SW, Austin, MN 55912

Dear Susan:

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 May 26th, 2022, October 19th, 2022 and June 7th, 2023 at this site, and the following issues need to be resolved:

1. **Repair foundation wall cracks**
2. **Exterior free from breaks, loose and rotting material and maintained weatherproof**
3. **Protective treatment on all trim**
4. **Repair/Replace roof decking on front gable**

(No progress has been made)

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

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This is our third letter. Have a timeline ready for the repairs of the above-mentioned Property Maintenance Code violations within the next **30 days** and please contact the Austin Planning & Zoning Department at 437-9950 to discuss. 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



May 26th, 2022

Susan Frost
1507 4th Ave SW
Austin, MN 55912

RE: Housing Violations at 1507 4th Ave SW, Austin, MN 55912

Dear Susan:

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 May 26th, 2022 at this site, and the following issues need to be resolved:

1. **Repair foundation wall cracks**
2. **Exterior free from breaks, loose and rotting material and maintained weatherproof**
3. **Protective treatment on all trim**
4. **Repair/Replace roof decking on front gable**

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

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

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section, a protective surface of a building shall be deemed to be out of repair if: a) The protective surface is paint (25%) of the area of any plane or wall or other area including window trim, cornice members, porch railing and other such areas; b) More than (25%) of the finish coat of a stucco wall is worn through or chipped away.

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

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. 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



October 19th, 2022

Susan Frost
1507 4th Ave SW
Austin, MN 55912

RE: Housing Violations at 1507 4th Ave SW, Austin, MN 55912

Dear Susan:

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 May 26th, 2022 and October 19th, 2022 at this site, and the following issues need to be resolved:

1. **Repair foundation wall cracks**
2. **Exterior free from breaks, loose and rotting material and maintained weatherproof**
3. **Protective treatment on all trim**
4. **Repair/Replace roof decking on front gable**
(No progress has been made)

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

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

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section, a protective surface of a building shall be deemed to be out of repair if: a) The protective surface is paint (25%) of the area of any plane or wall or other area including window trim, cornice members, porch railing and other such areas; b) More than (25%) of the finish coat of a stucco wall is worn through or chipped away.

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

Please contact the Austin Planning & Zoning Department at 437-9950 to discuss the above mentioned Property Maintenance Code violations within the next **30 days**, or the City of Austin will take further action in efforts to resolve these violations. 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 



August 14, 2024
11:03 AM

RESOLUTION NO. _____

**RESOLUTION ORDERING SECURING AND RAZING OF A HAZARDOUS BUILDINGS
LOCATED AT 1507 4TH AVE SW AUSTIN, MINNESOTA
OWNED BY SUSAN FROST**

WHEREAS, Pursuant to Minnesota Statutes, Section 463.15 to 463.61, the City Council of Austin, Minnesota, finds the building located at 1507 4th Ave SW to be a hazardous building for the following reasons:

1. Repair foundation wall cracks
2. Exterior free from breaks, loose and rotting material and maintained weatherproof
3. Protective treatment on all trim
4. Repair/Replace roof decking on front gable

WHEREAS, The conditions listed above are more fully documented in the inspection report prepared by Brent Johnson on May 26th, 2022, October 19th, 2022, June 7th, 2023 & April 17th, 2024 a copy (or copies) of which is (are) attached to the resolution as Exhibit A.

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

1. Pursuant to the foregoing findings and in accordance with Minnesota Statutes, Sections 463.15 to 463.261, the City Council hereby orders the record owner(s) of the above hazardous buildings to make such buildings safe to the public health, welfare, and safety by taking the following actions:
 1. Repair foundation wall cracks
 2. Exterior free from breaks, loose and rotting material and maintained weatherproof
 3. Protective treatment on all trim
 4. Repair/Replace roof decking on front gable
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 19th day of August, 2024

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: Urmah Arte & Aisha Mohammed
2068 48th St NW, Rochester, MN 55901

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 910 5th Ave NE, Arte & Mohammed Property

Date: August 16, 2024

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 910 5th Ave NE. The property owner has been notified of this violation to the City Code Sections 10.14 Subd.1(B), 10.14 Subd.4-6 but has failed to resolve this issue. (See Attached)

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

Thank You



July 30th, 2024

Urmah Arte & Aisha Mohammed
2068 48th St NW
Rochester, MN 55901

RE: Zoning Violations at 910 5th Ave NE, Austin, MN 55912

Dear Urmah & Aisha:

The City of Austin Planning and Zoning Department has observed a violation of City Code on your property. An investigation of this complaint was conducted on July 29th, 2024 this site and the following issues need to be resolved:

1. Remove all junk/garbage from property
2. All refuse must be in watertight containers and 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 maximum 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

TIME STAMP 

August 14, 2024
10:45 AM



NO
TRESPASSING

NO
TRESPASSING

**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: Behren Lindahl & Bernice Lindahl
504 18th St NW, Austin, MN 55912

From: Holly Wallace, Planning & Zoning Administrator

Re: Accumulation of Refuse and Junk
At 510 3rd Ave SE, Lindahl Property

Date: August 16, 2024

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 510 3rd 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



June 25th, 2024

Behren Lindahl
C/O Bernice Lindahl
504 18th St NW
Austin, MN 55912

RE: Zoning Violations at 510 3rd Ave SE Austin, MN 55912

Dear Behren and Bernice:

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 June 24th, 2024 at this site and the following issues need to be resolved:

Remove all junk from property

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

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

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

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

B. Public nuisances affecting health

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

D. Public nuisances affecting peace and safety.

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

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

NOTICE AND ABATEMENT.

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

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

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

City Code Section 10.14, Subd. 5:

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

City Code Section 10.14, Subd. 6:

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

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

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

Sincerely,



Brent Johnson
Zoning Inspector

TIME STAMP 

August 14, 2024
1:30 PM



TIME STAMP 

August 14, 2024
1:29 PM



RESOLUTION NO.

ACCEPTING DONATIONS TO THE CITY OF AUSTIN

WHEREAS, the City has received gift as follows:

| Gift | Donor | For |
|------------|---------------|-----------|
| \$ 500.00 | L. Schindler | Bike Club |
| \$1,000.00 | Morning Lions | Bike Club |

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 19th day of August, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor

City of Austin
Brianne Wolf,
City Clerk



500 Fourth Avenue N.E.
Austin, Minnesota 55912-3773
Phone: 507-437-9944
briannew@ci.austin.mn.us
www.ci.austin.mn.us

TO: Mayor and City Council Members

FROM: Brianne D. Wolf, City Clerk

DATE: August 16, 2024

RE: Primary Election Results 2024

Attached is a resolution affirming the 2024 primary election results. The City canvassing board met on August 16 to review the returns and certify the results.

The City Clerk's office thanks the election judges for their dedication. If you have any questions, please feel free to contact me.

Thank you

RESOLUTION NO.

ACCEPTING THE PRIMARY ELECTION RESULTS OF AUGUST 13, 2024

WHEREAS, the City Council of the City of Austin, Minnesota, has heretofore and by resolution duly published provided for the holding of a City Primary Election on the 13th day of August, 2024; and

WHEREAS, the following votes were cast for the following named candidates, to-wit:

COUNCIL MEMBER FIRST WARD

| | |
|------------------|-----|
| Miguel Garate | 111 |
| Rebecca Waller | 154 |
| Varinh VanVugt | 84 |
| Patrick L. Lange | 110 |

COUNCIL MEMBER THIRD WARD

| | |
|-----------------------|-----|
| Paul Fischer | 273 |
| Alexander T. Marshall | 52 |
| Brian Prentis | 87 |

MAYOR

| | |
|-----------------|-----|
| Steve King | 688 |
| Jeff Austin | 404 |
| Bradley Johnson | 420 |

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Austin, Minnesota, that the following named persons are hereby declared nominees for the respective office and their names are hereby certified to the City Clerk to be placed upon the City Charter Election Ballot for November 5, 2024.

COUNCIL MEMBER FIRST WARD

Miguel Garate
Rebecca Waller

COUNCIL MEMBER SECOND WARD

Michael Postma

COUNCIL MEMBER THIRD WARD

Paul Fischer
Brian Prentis

MAYOR

Steve King
Bradley Johnson

UTILITY BOARD COMMISSIONERS (3 POSITIONS)

Kristin S. Johnson
Tyler Hulsebus
Jay Lutz

BE IT FURTHER RESOLVED, that the following notice of election of November 5, 2024, be given by the City Clerk by posting and publishing said notices as provided by law. Said notice shall be substantially in the following form:

NOTICE OF CITY CHARTER ELECTION

Pursuant to resolution of City Council, NOTICE IS HEREBY GIVEN, that on Tuesday, November 5, 2024, the biennial Charter Election of the City of Austin, Minnesota will be held for the election of city officers for the ensuing four year respectively for the terms of offices hereinafter designated. The following officers will be elected to the following terms:

- 1 Mayor - 4 years
- 1 Council Member from 1st Ward - 4 years
- 1 Council Member from 2nd Ward - 4 years
- 1 Council Member from 3rd Ward - 4 years
- 3 Utility Board Commissioners - 4 years

NOTICE IS HEREBY GIVEN that the polling places will be open from 7:00 am - 8:00 pm. The polling places are designated as follows:

FIRST WARD

| | |
|--------------------------|--|
| First Election Precinct | Voting Place: City Hall |
| Second Election Precinct | Voting Place: Austin High School, Hastings Gym |

SECOND WARD

| | |
|--------------------------|--------------------------------|
| First Election Precinct | Voting Place: Southgate School |
| Second Election Precinct | Voting Place: Banfield School |

THIRD WARD

| | |
|--------------------------|--|
| First Election Precinct | Voting Place: Mower County Senior Citizen Center |
| Second Election Precinct | Voting Place: Ellis School |

Passed by a vote of yeas and nays this 19th day of August, 2024.

By Order Of The City Council

City Clerk

BE IT FURTHER RESOLVED, that the voting at said Charter Election shall be with voting machines and in accordance with the provisions of Chapter 200.01, as amended, and the rules and instructions heretofore prescribed by this Council and approved by the Attorney General, that the City Clerk shall cause to be prepared such number of ballots as shall be deemed necessary for use of absentee voters and also to be used by the voters in the event that any voting machine shall become out of order. The City Clerk is also authorized to procure all additional and necessary election supplies.

BE IT FURTHER RESOLVED, that publication of this Notice of City Charter Election shall be notice to all persons and parties concerned.

Passed by a vote of yeas and nays this 19th day of August, 2024.

YEAS

NAYS

ATTEST:

APPROVED:

City Recorder

Mayor