

CITY OF MANKATO, MINNESOTA

**RESOLUTION ORDERING THE ABATEMENT OF HAZARDOUS CONDITIONS,
CODE VIOLATIONS AND PUBLIC NUISANCES AT 703 WEST 3rd STREET IN THE
CITY OF MANKATO, MN**

FINDINGS

WHEREAS, on April 25, 2025, the City observed, from public rights-of-way, significant code violations at the property located at 703 West 3rd Street in the City of Mankato, County of Blue Earth, State of Minnesota (the “Property”) and legally described on **Exhibit A**; and

WHEREAS, on April 25, 2025, the City sent a standard nuisance complaint letter, attached hereto as **Exhibit B**, which was addressed “Dear Resident” and mailed to the property address along with the City’s Spring Cleanup Property Checklist. This letter requested that the property be brought into compliance by June 1, 2025; and

WHEREAS, according to Blue Earth County property records, Richard Jeff Rosillo, is the owner of the Property (“Property Owner”) with free and clear title; and

WHEREAS, the Property is located in the R-2 Zoning District and is not a licensed junkyard nor zoned for junkyard; and

WHEREAS, Devan Mortwedt, Community Resource Coordinator for the City of Mankato, viewed nuisance conditions and violations of City Code from public rights of way upon reinspection on or around June 1, 2025, and noted junk vehicles in the yard, along with trash, tires, debris, old furniture, junk and construction materials; and

WHEREAS, the City sent a “First Notice of Violation and Order to Abate” letter, attached hereto as **Exhibit C**, on August 7, 2025, via hand delivery, notifying Mr. Rosillo of the nuisance conditions and the existence of junk vehicles in violation of City Code and citing the applicable City Code sections; and

WHEREAS, the City sent a “Second Notice of Violation and Order to Abate letter”, attached hereto as **Exhibit D**, on August 20, 2025, reiterating the violations and directing removal of (i) any and all junked motor vehicle, (ii) any and all motor vehicles, trailers, and other vehicles parked in the yard, (iii) and any and all junk, trash, scrap metal, and auto body parts, strewn throughout the yard; and

WHEREAS, on September 3, 2025, and on September 5, 2025 from public rights-of-way, Devan Mortwedt, Community Resource Coordinator for the City of Mankato, took pictures of the Property, which are attached hereto as **Exhibit E** documenting the continued existence of code violations on the Property, creating nuisance conditions; and

WHEREAS, the City Attorney, on October 28, 2025, sent a letter, attached hereto as **Exhibit F**, via certified mail with receipt requested, to Mr. Rosillo, notifying Mr. Rosillo of the

City's intent to bring an abatement action against him if the nuisance conditions were not remedied by November 3, 2025; and

WHEREAS, on November 7, 2025, the City Attorney received updated pictures taken from public rights-of-way, by Devan Mortwedt, Community Resource Coordinator for the City of Mankato, showing that the nuisance conditions remain on the property, attached hereto as **Exhibit G**; and

WHEREAS, **Exhibits B-G** attached hereto represent the Nuisance Packet to be attached as an Exhibit to the Abatement Order; and

WHEREAS, the City Attorney has provided, via U.S. Mail, courtesy notice to the property owner of the intended consideration of this Abatement Resolution by the City Council on November 24, 2025.

NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MANKATO, MINNESOTA, THAT COUNCIL MAKES THE FOLLOWING FINDINGS:

MANKATO CODE SECTIONS AND STATE LAW

A. City Code Violations.

Mankato City Code §11-1 recognizes that one of the purposes of Chapter 11 of City Code, addressing Nuisances, is to “[d]etermine the responsibilities of owners and operators of dwellings and property for correction of nuisance conditions” and to “[p]romote the stabilization and maintenance of neighborhoods”; and

Mankato City Code §11-2 defines nuisance as “any substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, being discharged from, or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds or other property located within the city. The term "nuisance" includes acts and omissions defined in this Code or by state law as nuisances.”.

Mankato City Code § 11-3 sets forth the conditions designated as Class I nuisances and includes:

(1) “[t]hings or conditions on the property which, in the opinion of the city inspector, may contribute to injury of any person present on the property, which shall include, but not be limited to, open holes, open foundations, open wells, dangerous trees or limbs or abandoned appliances...”

...

(5) “[c]onditions which are conducive to the presence, harborage or breeding of insects, rodents or other pests. . .”

(12) “[m]otor vehicles not parked on hard surfaced parking areas as required by section 10-1619(6) . . .”

(14) “[s]poil piles of fill, excavation or construction debris existing for periods longer than seven days unless otherwise approved by the city. . .”

(16) “[a]ny other conditions whereby a substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, being discharged, or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds or other property located within the city exists or is allowed to exist.”

Mankato Code Section § 11-32 (b) requires “[t]he owner of any premises within the City upon which premises refuse, garbage, swill or waste matter is or may be present, shall provide and maintain on such premises sufficient containers for the storage of all refuse, garbage, swill, or waste matter placed, accumulated or stored on such premises....”.

Mankato Code Section § 11-32 (c) provides that “[a]ny accumulation upon any premises within the City of any refuse, garbage, swill or waste matter not stored in a container or containers as required by the subsection for any period of time in excess of seven (7) days, is hereby declared to be a hazard to the public health and safety, and a public nuisance, and shall be abated according to the provisions of this Chapter.

Mankato Code Section § 11-33 makes it “unlawful for any person to deposit garbage, rubbish, offal, the body of a dead animal, or other litter in or upon any public street, public or private lands, water or the ice thereon”.

Mankato City Code § 11-35(a) defines junk vehicle, as “any motor vehicle . . . which does not have lawfully affixed or attached thereto an unexpired state registration or license plate, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded” and (b) prohibits the “[s]toring or parking junked motor vehicles” including making it “unlawful for any person to park, store or leave any junked motor vehicle, whether attended or not, upon any public or private property within the city, or for any person, as an owner of or an occupant having control of private property within the city, to permit the parking, storing or leaving of any junked motor vehicle upon such private property, unless such junked motor vehicle is within an enclosed building or structure lawfully situated upon private property or is so parked, stored or left upon private property lawfully zoned and operated as a junkyard”.

Mankato City Code § 11-35(c) states “[t]he presence of a junked motor vehicle upon private or public property within the city, except as permitted by the provisions of this section, is a hazard to the public health and safety, a violation of this chapter, and a public nuisance which shall be abated according to the provisions of this chapter”.

Mankato City Code § 11-5 states that “[n]o person shall directly or indirectly or by omission create a nuisance, and no owner or responsible party shall allow a nuisance to remain upon or in any property or structure under his or her control.”

B. City Code Enforcement.

Mankato City Code §§ 11-11, 11-12 and 11-13 authorize pursuit of abatement processes to resolve nuisance conditions within the city and to assess any unpaid charges and administrative penalties for each type of order issued or work performed to abate the nuisance.

Mankato Code Section § 11-32 (c) authorizes abatement of any accumulation upon any premises within the City of any refuse, garbage, swill or waste matter not stored in a container for any period of time in excess of seven (7) days.¹

Mankato City Code § 11-35(c) authorizes abatement of junk vehicles.²

C. State Law.

Minnesota Statutes Section 462.357 provides City authority to pursue remedying land use violations, including recognizing them as nuisances and abating them for non-compliance.

Minnesota Statutes § 609.74, 561.01 Minnesota Statutes defines nuisance as "[a]nything which is injurious to health, or indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property" and provides both civil and criminal statutory remedies to protect the public against such nuisances.

Minnesota Statutes § 168B.04, subd. 1, states that "[u]nits of government and peace officers may take into custody and impound any abandoned or junk vehicle".

Minnesota Statutes, section 463.161 et seq., in addition to various sections of the Mankato City Code cited herein authorize the city to correct or remove a hazardous condition of any hazardous property if the owner of record fails to do so after a reasonable time and assess for the costs to do so.

FURTHER FINDINGS

WHEREAS, Mankato City Code and state law provide authorization for legal action to enforce city zoning and to ensure compliance with, or to prevent or abate any violation of the zoning code, including directing the City Attorney to initiate any and all actions to enforce of city zoning; and

WHEREAS, photographs taken by city staff demonstrate that there is an accumulation of garbage, rubbish, construction materials and other litter at the Property, which represents nuisance conditions under City Code and state law; and

¹ Mankato City Code§ 11-33(c) provides that "[a]ny accumulation upon any premises within the City of any refuse, garbage, swill or waste matter not stored in a container or containers as required by the subsection for any period of time in excess of seven (7) days, is hereby declared to be a hazard to the public health and safety, and a public nuisance, and shall be abated according to the provisions of this Chapter.

²Mankato City Code § 11-35(c) states "[t]he presence of a junked motor vehicle upon private or public property within the city, except as permitted by the provisions of this section, is a hazard to the public health and safety, a violation of this chapter, and a public nuisance which shall be abated according to the provisions of this chapter".

WHEREAS, photographs taken by city staff demonstrate junk vehicles at the Property, as well as improperly parked vehicles, which represent nuisances under City Code and state law which City has authority to abate; and

WHEREAS, the documentation shows the City has notified the Property Owner of the nuisance and the Property Owner has allowed and continues to allow these violations and nuisances; and

WHEREAS, based on all the code and state law violations, the Property creates a hazard to public health and safety and a public nuisance; and

WHEREAS, based on information presented by staff and incorporated herein, the City Council of the City of Mankato finds that the condition of the Property, as summarized in this Resolution, violates state law and City Code, is hazardous, unsafe and a danger to the health, safety, and general welfare of the citizens of the City, and represents a public nuisance in violation of state and local law, and therefore, said conditions must be abated in accordance with applicable state and local laws; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Mankato:

1. The City Council adopts, as factual findings, all of the above recitals.
2. Based on the aforementioned findings, the Property is hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15.
3. Based on all the findings and documentation, the condition of the Property also constitutes a public nuisance within the meaning of Minnesota Statutes, sections 609.74, 609.745, 617.81 and Chapter 11 of Mankato City Code and can be abated.
4. Based on the aforementioned findings, the junk vehicle allowed to remain on the Property violates Chapter 11 Mankato City Code of the Mankato City Code and Minnesota Statutes 168B.011 and 168B.04, respectfully and represent a nuisance which should be abated through removal.
5. The City Council finds the owners of the property have had reasonable time in which to remedy the violations.
6. The City Attorney shall prepare an Abatement order substantially similar to that attached hereto as **Exhibit H** (the "Abatement Order").
7. City staff and consultants are further authorized to take all necessary and convenient steps to secure compliance with the requirements contained in the attached Abatement Order and may further effectuate the removal and abatement of the garbage, construction materials junk vehicles, construction materials, debris and the hazardous and nuisance

conditions on the Property by court order or contract and shall subsequently facilitate assessment of the costs thereof against the Property in accordance with state and local laws.

8. The City Attorney and City staff are authorized to take all necessary legal steps to effectuate service of this Resolution and the Abatement Order, in the manner required by state or local law, including by posting the Abatement Order at the Property and by serving the Order on the owner of record, and any lienholders.

Adopted this 24th day of November, 2025.

Najwa Massad, Mayor

ATTEST:

Renae Kopischke, MMC
City Clerk

EXHIBIT A

Legal Description of the Property

Lot 9 and Fractional Lot 10, Block 190, Shepard's Corrected Plat of a part of West Mankato, together with vacated Spence Street adjacent, Blue Earth County, Minnesota.

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT E

EXHIBIT F

EXHIBIT G

EXHIBIT H
Abatement Order

ABATEMENT ORDER

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous and Nuisance
Property and Building Located at 703 West 3rd Street,
Mankato, Minnesota

**ORDER FOR ABATEMENT OF
HAZARDOUS AND NUISANCE
PROPERTY AND STRUCTURES**

TO: All owners, occupants, and lienholders of record for the property located at 703 West 3rd Street, Mankato, Minnesota (the “Property”)

The City Council of the City of Mankato (the “City”) orders that within 30 days of service of this Abatement Order you remove the garbage, construction materials, debris and junk vehicle from the Property and generally abate the hazardous and nuisance conditions which currently exist on the Property, as described on **Abatement Order Exhibit A** and as detailed in the Nuisance Packet included as **Abatement Order Exhibit C** attached to this Abatement Order (the “Property”).

The City, pursuant to Minnesota Statutes, chapters 463, 609 and 617, and the Mankato City Code, has determined, based on the aforementioned findings and the City Council Findings set forth in the Resolution to Abate attached hereto as **Abatement Order Exhibit B**, that (1) the Property is hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15; (2) based on all the findings and documentation, the condition of the Property, including the accumulation of garbage, debris, construction materials, and other trash constitutes a public nuisance within the meaning of Minnesota Statutes, sections 609.74, 609.745 and Chapter 11 of the Mankato City Code which should be abated through removal; and (3) the junk vehicles currently allowed to remain on the Property violate Chapter 11 of the Mankato City Code and

Sections 168B.011 and 168B.04 of Minnesota Statutes and represent a nuisance which should be abated through removal.

Accordingly, it is hereby ORDERED that you abate the aforementioned conditions within 30 days of the date of service of this Abatement Order by:

- (i) removing the junk vehicle(s) from the Property or into an enclosed structure;
- (ii) removing non-junk vehicles and trailers from yard onto hard surface; and
- (iii) removing the junk, garbage, scrap metal, auto body parts, construction materials, debris, tires, equipment, and trailer from the property.

You are further advised that unless such corrective action is taken or an Answer is timely served on the City within **20 days** of the date of service of this Abatement Order upon you, a motion for summary enforcement of this Abatement Order will be made to the Blue Earth County District Court.

Finally, you are further advised that if you do not comply with this Abatement Order and the City is compelled to take corrective action, as authorized under law, all necessary costs incurred by the City in enforcing this Abatement Order will be assessed against the Property pursuant to Minnesota Statutes, sections 463.21 and 617.83, and Chapters 8 and 11 of the Mankato City Code. In connection to such assessment, the City further intends to recover all of its expenses incurred in carrying out this Abatement Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert witness fees and traveling expenses incurred by the City from the time this Abatement Order was originally made pursuant to Minnesota Statutes, section 463.22 and the Mankato City Code.

Dated _____, 2025

KENNEDY & GRAVEN, CHARTERED

By: _____

Pamela Whitmore (#0232440)
700 Fifth Street Towers
150 South Fifth Street
Minneapolis, MN 55402
(612) 337-9300
Attorney for City of Mankato

ACKNOWLEDGMENT

The undersigned acknowledges that costs, disbursements and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. § 549.211, subd. 2, to the party against whom the allegations in this pleading are asserted.

Pamela J.F. Whitmore

EXHIBIT A TO ABATEMENT ORDER

Legal Description of the Property

Lot 9 and Fractional Lot 10, Block 190, Shepard's Corrected Plat of a part of West Mankato, together with vacated Spence Street adjacent, Blue Earth County, Minnesota.

**EXHIBIT B TO ABATEMENT ORDER
COUNCIL APPROVED RESOLUTION**

(to be completed after Council approval)

**EXHIBIT C TO ABATEMENT ORDER
NUSIANCE VIOLATIONS PACKET**

(to be added after Council approval of Resolution)