

CITY OF MANKATO, MINNESOTA

RESOLUTION NO. _____

**RESOLUTION ORDERING THE ABATEMENT OF HAZARDOUS STRUCTURE AND
CONDITIONS, CODE VIOLATIONS AND PUBLIC NUISANCES AT 312 HUBBELL
AVENUE IN THE CITY OF MANKATO, MN**

FINDINGS

WHEREAS, Sandra and Norman Weston, a married couple, are the fee owners of the Property ("Fee Property Owners"), legally described as Lot 10 Block 1, Hubbell's Addition to Mankato (the "Property"); and

WHEREAS, Alastair Weston resides at the Property ("Contract for Deed Owner or Resident", as used interchangeably herein) and has purchased the property on a contract for a deed from the Fee Property Owners; and

WHEREAS, the Fee Property Owners and Contract for Deed Owner collectively may be referred to herein as the "Property Owners"; and

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

WHEREAS, a single-family residence sits on the Property (the "Dwelling"); and

WHEREAS, the City has received numerous complaints of nuisance and hazardous conditions at the Property over the course of many years; and

WHEREAS, in June 2024, after getting consent from the Property Owners, city staff inspected the exterior of the Property and found and documented numerous code violations and nuisance conditions existing in the yard and on the porch of the Dwelling on the Property; and

WHEREAS, the Property Owners voluntarily entered into an Abatement Agreement ("Agreement") with the City in August 2024; and

WHEREAS, the nuisance conditions existing in the yard and on the porch of the Dwelling on the Property were cleaned up by the City pursuant to the Agreement with the Property Owners; and

WHEREAS, on July 13, 2026 (the "inspection date"), Sandra Weston and Alastair Weston consented to multiple members of city staff to come onto the Property and enter the Dwelling to inspect both the exterior and the interior of the residence. Staff members present included Sergeant Gilbertson, Officer Wanderscheid, Fire Marshall Hayes, Fire Inspector Wetzell, Building Official Krause and Community Resource Coordinator Mortwedt; and

WHEREAS, Community Resource Coordinator Mortwedt, on the inspection date, photographed renewed nuisance conditions in the yard and on the exterior porch of the Dwelling including debris and junk vehicles in the yard, trash, clothes, household items, mattresses, old furniture, junk and construction materials; and

WHEREAS, during the July 13, 2026, inspection, the City of Mankato's Building Official Thomas Krause (the "City Building Official") found multiple building code violations and safety issues that pose an immediate danger to public health and safety, as described in the Order to Vacate which was delivered to the Property Owners, posted at the Property; and is attached hereto as Resolution Attachment A; and

WHEREAS, Community Resource Coordinator Mortwedt took photographs of the interior conditions viewed by the City Building Official on July 13, 2026, upon which he based the finding of conditions dangerous to life, health and safety of occupants. True and correct copies of these photographs, along with the photographs of the exterior of the property on the same date, are attached as Resolution Attachment B, Nuisance Packet; and

WHEREAS, city staff, while on site at the time of the inspection, were informed that the basement stairs were not structurally safe for anyone to go down into the basement and that, in addition to other unsafe and nuisance conditions, there was standing sewage in the basement; and

WHEREAS, Minn. R. 1300.0180 authorizes city building officials to order any building or portion of a building to be vacated if its continued use is dangerous to life, health, or safety of the occupants; and

WHEREAS, Minn. R. 1300.0180 further provides building officials with authority to order disconnection of utility services to any building, structure, or system, regulated by the code, in the case of an emergency to eliminate a hazard to life or property; and

WHEREAS, after City of Mankato Building Official Krause found violations related to improper installation or maintenance of electrical equipment, he contacted XCEL Energy pursuant to his authority under Minnesota Rule 1300.0180, and XCEL Energy disconnected the utility services to the residence because of several electrical and mechanical system hazards; and

WHEREAS, Building Official Krause found that other interior conditions of and violations at the Property pose an immediate risk to public health, welfare, and safety including violations of the 2020 Minnesota State Fire Code, the 2020 Minnesota State Residential Code, and City of Mankato Ordinance Chapter 5, Article 1, Section 5-1, which included exposed and damaged electrical wiring and fixtures, improper use of extension cords and power strips, missing electrical cover plates, missing or broken windows, removed or inoperable plumbing and kitchen facilities, obstructed and inadequate means of egress, missing handrails and guardrails, a deteriorated access sidewalk, removal of required smoke and carbon monoxide alarms, and hazardous accumulation of household belongings that creates a heavy fuel load and restricts access to plumbing and mechanical equipment; and

WHEREAS, these documented conditions collectively create fire, electrical, sanitation, and egress/access conditions that create a danger to health and safety; and

WHEREAS, these documented conditions represent health, and safety hazards, and expose the dwelling to the elements, as well as prevent compliance with minimum standards for heating, light, ventilation, sanitation, and maintenance; and

WHEREAS, as a result of the severity of the code violations at the Property, Contract for Deed Owner, Mr. Alastair Weston, the only legal occupant of the Dwelling located on the Property, vacated the residence pursuant to the Order to Vacate; and

WHEREAS, Minn. Stat. §463.251, subd. 4 allows the City Council, by ordinance, to order the emergency securing of a vacant building that presents an immediate danger to the health and safety of persons in the community; and

WHEREAS, Section 2.15 of the City of Mankato Charter allows for adoption of emergency ordinances “to meet a public emergency affecting life, health, property or the public peace” by a vote of at least five members of the Council; and

WHEREAS, on Thursday, July 30, 2026, the City of Mankato City Council held an emergency meeting and adopted Emergency Ordinance No. O-2026-0730-12, to secure the Dwelling on the Property, finding that the Property presented an immediate danger to the health and safety of occupants, invitees and other persons in the community due to the unsafe conditions; and

WHEREAS, on Thursday, July 30, 2026, after the adoption of Emergency Ordinance No. O-2026-0730-12, the City delivered the Notice to Vacate the Property to the Property Owners and the Property was boarded up and secured; and

WHEREAS, Resolution Attachments A and B consist of the Order to Vacate and the Nuisance Packet, respectively, and will be incorporated into the Abatement Order as Exhibits B and C; and

WHEREAS, the City Manager has provided, via U.S. Certified Mail, courtesy notice to Norman and Sandra Weston, with copy delivered to Alastair of the intended consideration of this Abatement Resolution by the City Council on August 10, 2026.

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

I. APPLICABLE 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 §11-2 defines dangerous structure to mean “a structure which is potentially hazardous to persons or property, including, but not limited to: (1) A structure which is in danger of partial or complete collapse; or (2) A structure with any exterior parts which are broken, loose, or in danger of falling; or (3) A structure with any parts, such as floors, porches, railings, stairs, ramps, balconies or roofs, which are accessible and which are either collapsed, in danger of collapsing or unable to support the weight of normally imposed loads”.

Mankato City Code §11-2 defines nuisance building to mean “a vacant building or portion of a vacant building which has multiple housing code or building code violations or has been ordered vacated by the city or which has a documented and confirmed history as a blighting influence on the community”.

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

- (1) Hazards generally. Things 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...”
- (2) Fire hazards. A thing or condition on the property which, in the opinion of the city inspector, creates a fire hazard or which is a violation of the fire code.
- (3) Health hazards. A thing or condition on the property which, in the opinion of the city inspector, creates a health hazard or which is a violation of any health or sanitation law.
. . .
- (5) Insects, rodents or pests. Conditions which are conducive to the presence, harborage or breeding of insects, rodents or other pests. . .”
- (6) Nuisance buildings. Any building or portion of a building which is a nuisance as defined in this chapter.
- (12) Improperly parked vehicles. Motor vehicles not parked on hard surfaced parking areas as required by section 10-1619(6) . . .”
- (14) Construction Debris. Spoil piles of fill, excavation or construction debris existing for periods longer than seven days unless otherwise approved by the city. . .”

(15) Dangerous structures. Any structure meeting the definition of the term "dangerous structure" in section 11-2.

(16) Other Conditions. Any 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 463.15, subdivision 3 defines a "hazardous building" as "any building, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health.

Minnesota Statutes, sections 463.16 and 463.17, in addition to City Code, sections 11-11 and 11-12, authorize the City Council to order the owner of any hazardous building or property within the City to correct or remove the hazardous condition of the building or property or to raze or remove the building; and

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.

Minnesota Statutes, section 463.161 et seq., in addition to City Code, authorizes a city to correct or remove a hazardous condition of any hazardous property or building if the owner

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.

² 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".

of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city's order.

Minnesota Rules, section 1300.0180 defines a building as unsafe "if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life" and further expressly provides that all unsafe buildings are public nuisances that "must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26.

II. FINDINGS

1. The City Council adopts, as factual findings, all of the above recitals in this Resolution.
2. 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 city zoning.
3. Photographs taken by city staff demonstrate that there is an accumulation of garbage, rubbish, construction materials, household items, mattresses, clothing and other litter at the Property, which represents nuisance conditions under City Code and state law.
4. Photographs taken by city staff document junk vehicles sit on the Property, as well as improperly parked vehicles, which represent nuisances under City Code and state law which City has authority to abate.
5. Photographs taken by city staff document, along with findings of the City's Building Official, document unsafe and dangerous conditions exist within the Dwelling, including broken and missing windows; inoperable plumbing systems and fixtures; compromised water systems, mechanical equipment, electrical equipment, and sanitation fixtures; missing carbon monoxide alarms, smoke alarms, and interior coverings and wall finishes; and noncompliance with egress requirements due to accumulation of junk, debris, household items and garbage.
6. The Property and the Dwelling on the Property are hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15.
7. The Property and Dwelling is hereby deemed unsafe, as that term is defined by Minnesota Rules, section 1300.0180 based upon the professional opinion of the City's Chief Building Official.
8. The Property and Dwelling constitutes a public nuisance within the meaning of Minnesota Statutes, sections 609.74, 609.745, 617.81, Minn. R. 1300.0180, and Chapter 11 of Mankato City Code.

9. The junk vehicles on the Property violate Chapter 11 Mankato City Code of the Mankato City Code and Minnesota Statutes 168B.011 and 168B.04, respectfully and represent a nuisance.
10. The Property Owners of the Property have had reasonable time in which to remedy the violations.
11. The City Attorney shall prepare an Abatement Order substantially similar to that attached hereto as Attachment C (the "Abatement Order").
12. 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 junk vehicles, household items, garbage, construction materials, debris, and 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.
13. 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 ____ day of _____, 2026.

Najwa Massad, Mayor

ATTEST:

Renae Kopischke, City Clerk

(SEAL)

ATTACHMENT A: ORDER TO VACATE

ATTACHMENT B: NUISANCE PACKET

ATTACHMENT C

DRAFT ABATEMENT ORDER

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF BLUE EARTH

FIFTH JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous Building and Nuisance
Property Located at 312 Hubbell Avenue
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 312 Hubbell Avenue, Mankato, Minnesota (the "Property")

The City Council of the City of Mankato (the "City") orders that within 20 days after service of this Abatement Order you must either serve an Answer on the City or commence abatement of the hazardous and nuisance conditions at 312 Hubbell Avenue, Mankato, Minnesota, legally described in Exhibit A to this Abatement Order (the "Property"), including the violations inside the single-family residence on the Property (the "Dwelling"). If you elect to abate, all corrective work must be completed within 20 days after service unless, within seven (7) days after service, you contact the City and obtain approval of a mutually agreeable abatement plan that begins within fourteen (14) days after service and is completed within no more than ninety (90) days, by which time the City's Building Official must determine that the Property and Dwelling are sanitary, safe, structurally sound, and in good repair.

The City Council, at its August 10, 2026, meeting, reviewed the list of violations which were identified in the inspection of the Dwelling and Property by the City's Building Official and reviewed photographs of the interior of the Dwelling and the exterior porch and yard of the Property. Based on the evidence presented to City Council, and after a

presentation to Council by city staff, the Council, pursuant to Minnesota Statutes, chapters 463 and 609, Minnesota State Building Code and the Mankato City Code, has determined the following with respect to the Property and the Dwelling: (i) documented unsafe and dangerous conditions exist and are listed in the Order to Vacate attached hereto as Exhibit B to the Abatement Order in the interior of the Dwelling on the Property and must be remedied or the structure demolished and (ii) documented garbage, liter, refuse, clothes, furniture, household items, construction materials, and junk vehicles exist on the Property as described in the Nuisance Packet included as Abatement Order Exhibit C attached to this Abatement Order and must be abated or removed from the Property. The interior work of the Dwelling includes needing to repair the Dwelling's windows so that they comply with Building Code, and ensuring the Dwelling's plumbing systems and fixtures, water systems, mechanical equipment, electrical equipment, sanitation fixtures, carbon monoxide alarms, smoke alarms, and interior coverings and wall finishes are properly installed and in a safe, working and approved manner. Further, the interior of the Dwelling must comply with all egress requirements.

Certain work listed above may require building permits and you must first apply for and obtain any such permits required for the work you intend to perform from the appropriate City offices and any other entity with jurisdiction. This Abatement Order is NOT a permit. Further, all such work completed is subject to inspection by the City's Building Official, Fire Inspector, or other city staff as may be required to ensure compliance with applicable laws, regulations, and this Order.

The City, pursuant to Minnesota Statutes, chapters 463, 609 and 617, and the Mankato City Code, has determined, as set forth in the Resolution to Abate attached hereto as Abatement Order Exhibit D, that (1) the Property is hereby deemed hazardous, as that

term is defined by Minnesota Statutes, section 463.15; (2) the condition of the interior of the Dwelling on the Property violates the 2020 Minnesota State Fire Code, the 2020 Minnesota State Residential Code, and City of Mankato Ordinance Chapter 5, Article 1, Section 5-1, and included exposed and damaged electrical wiring and fixtures, improper use of extension cords and power strips, missing electrical cover plates, missing or broken windows, removed or inoperable plumbing and kitchen facilities, obstructed and inadequate means of egress, missing handrails and guardrails, a deteriorated access sidewalk, removal of required smoke and carbon monoxide alarms, and hazardous accumulation of household belongings that creates a heavy fuel load and restricts access to plumbing and mechanical equipment; and (3) the condition of the exterior porch of the Dwelling and the yard of the Property represent a public nuisance with the accumulation of garbage, debris, construction materials, and other trash within the meaning of Minnesota Statutes, sections 609.74, 609.745 and Chapter 11 of the Mankato City Code; 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.

Accordingly, it is hereby ORDERED that you abate the aforementioned conditions within 20 days of the date of service of this Abatement Order by:

- (i) repairing the Dwelling's windows so that they comply with Building Code;
- (ii) ensuring the Dwelling's plumbing systems and fixtures, water systems, mechanical equipment, electrical equipment, sanitation fixtures, carbon monoxide alarms, smoke alarms, and interior coverings and wall finishes are properly installed and in a safe, working and approved manner. Further, the interior of the Dwelling must comply with all egress requirements;
- (iii) removing the junk vehicle(s) from the Property; and

- (iv) removing the junk, debris, furniture, household items, clothing, garbage, scrap metal, auto body parts, construction materials, and equipment 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 Chapter 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 _____, 2026

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 PROPERTY**

Lot 10 Block 1, Hubbell's Addition to Mankato

**EXHIBIT B TO ABATEMENT ORDER
ORDER TO VACATE**

(TO BE ADDED AFTER ADOPTION OF RESOLUTION)

**EXHIBIT C TO ABATEMENT ORDER
NUISANCE PACKET**

(TO BE ADDED AFTER ADOPTION OF RESOLUTION)

**EXHIBIT D TO ABATEMENT ORDER
COUNCIL RESOLUTION**

(TO BE ADDED AFTER ADOPTION OF RESOLUTION)