

Councilmember _____ introduced the following resolution and moved for its adoption:

RESOLUTION #19-118

**A RESOLUTION APPROVING CODE ENFORCEMENT ACTION PLAN FOR 5751
177TH AVENUE NW:**

WHEREAS, Tracer Landscaping and Concrete, Inc. (the “Business”) is operating on the property generally known as 5751 177th Avenue NW and legally described as follows:

Lot 1 Block 1, Echo Ridge 2nd Addition

(“Subject Property”); and

WHEREAS, the Subject Property is zoned R-1 Residential (Rural Developing); and

WHEREAS, the Subject Property is approximately 7.92 acres in size; and

WHEREAS, there are documented City Code violations dating back to September of 2017, when it was reported to City Staff that a business, Tracer Landscape and Concrete, was operating from the property and that they property was serving as a dispatch location for company staff and for the purposes of storing equipment and materials related to the business.; and

WHEREAS, The Applicant submitted to the City an application for a Conditional Use Permit for the purposes of running the business from the property however prior to formal action by the City the Applicant rescinded the application. The property owner has since leased commercial space in Fridley which has resulted in a large reduction of complaints at the property especially over the winter months; and

WHEREAS, Staff has received complaints related to landscaping materials being brought to the property. In speaking with the property owner it was indicated that the material (retaining wall block) was provided by his supplier and was material to be used at various home and garden shows and would ultimately be used on his own property. The Minneapolis Home and Garden show was on February 21-23 and February 28 - March 1s; and

WHEREAS, The landscaping block was initially unloaded at the property on February 20, 2019. It was documented leaving the property on March 26, 2019 in a Tracer Landscaping vehicle. It was again documented back on the property on April 9, 2019. It was documented on April 16, 2019 being loaded onto Tracer Landscaping Vehicles and again driven off site; and

WHEREAS, In speaking with the property owner, he indicated that the block was his own personal landscaping block and that he would be completing a project at his mother in law's house as well as his sister in laws house with the block. The property owner provided the addresses (both outside of Ramsey) of the project location and staff was able to verify that those projects were in fact taking place; and

WHEREAS, Staff has referred both the property owner and the complainant to mediation services through Anoka County however it does not appear at this time that mediation has taken place; and

WHEREAS, While the projects were personal in nature, they resulted in both equipment and employees from the business coming and going from the property at 5751 177th Ave NW for purposes related to the business which Staff believes to be a violation; and

FINDINGS OF FACT

1. Should the City Council deem the above actions a violation of City Code, it will direct staff as to which of the following notices is to be sent to the property owner:
 - a. Issue a 1st Notice of Violation and \$250.00 citation to the property owner for violation of City Code related to the property serving as a storage and dispatch location for Tracer Landscaping, Inc.; or
 - b. Issue a Notice of Decision to the property owner that the situation described above would be considered a violation of City Code and if it occurred again in the future, a Notice of Violation would be sent and would include an administrative fine.
2. Should the City Council not deem the above actions a violation of City Code this provides direction to Staff on how to handle future complaints on the property that are similar in nature.

NOW THEREFORE, BE IT RESOLVED BY THIS CITY COUNCIL OF THE CITY OF RAMSEY, ANOKA COUNTY, STATE OF MINNESOTA, as follows:

That the Ramsey City Council hereby grants approval of the proposed code enforcement action plan on the Subject Property as outlined below, contingent upon verification of any violation(s) of City Code:

- 1) City Staff is directed to issue a notice to the property owner consistent with the City Council direction on the above Findings of Fact.
- 2) Should future violations be reported and confirmed, City Staff is authorized to seek an administrative search warrant to conduct a complete and thorough inspection of the Subject Property and to accurately document any and all violations of City Code.
- 3) Upon receipt of said administrative search warrant, City Staff will complete an inspection of the Subject Property to document any and all violations of City Code.
- 4) Upon completion of the inspection of the Subject Property, City Staff will send a First Notice of Violation to the owner of the Subject Property outlining any and all City Code violations as well as identifying the necessary corrective actions to be completed

within fourteen (14) days. An Administrative Citation of \$250 will accompany the First Notice of Violation.

- 5) Once the fourteen (14) day timeframe has expired, City Staff will conduct a second inspection of the Subject Property to document any and all City Code violations.
- 6) If City Code violations are documented, a Second Notice of Violation will be sent to the owner of the Subject Property once again outlining any and all City Code violations as well as identifying the necessary corrective actions to be completed within fourteen (14) days. An Administrative Citation of \$250 will accompany the Notice of Violation.
- 7) If City Code violations are still present, City Staff shall seek a declaratory action with the District Court with the assistance of the City Attorney.
- 8) Upon receipt of a declaratory action from District Court, the City will proceed with scheduling an abatement of the Subject Property to remove correct any remaining City Code violations.

The motion for the adoption of the foregoing resolution was duly seconded by Councilmember _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Ramsey City Council this the 14th day of May, 2019.

Exhibit 1: Lawful Nonconforming Area (red)

