

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

RESOLUTION #19-096

A RESOLUTION APPROVING CODE ENFORCEMENT ACTION PLAN FOR 15415 ST. FRANCIS BLVD NW COMMONLY KNOWN AS KEN'S 4X4:

WHEREAS, Ken's Repair & Sales, Inc. (the "Business") is operating on the property generally known as 15415 St. Francis Blvd NW and legally described as follows:

UNPLATTED CITY OF RAMSEY THAT PART OF THE SW1/4 OF SEC 24-32-25 IN ANOKA CNTY, MN DESC ASFOL-BEG AT THE SE CORNER OF SAID SW1/4 OF NW1/4-TH N 0 DEG 18 MIN 42 SEC E ON THE E LINE OF SAID SW1/4 OF NW1/4 A DIST OF 1491.56 FT-TH S 83 DEG 00 MIN 01 SEC W A DIST OF 991.96 FT TO THE CENTER LINE OF STATE TRK HWY NO 47 AS IT IS NOW LAID OUT & TRAVELLED-TH S 21 DEG 59 MIN 59 SEC E ALONG SAID CENTER LINE A DIST OF 1603.56 FT TO THE S LINE OF SAID SW1/4 OF NW1/4-TH E ON SAID S LINE A DIST OF 386.52 FT TO THE POINT OF BEG(SUBJ TO EASEFOR ROAD PURP OVER THE WLY 33 FT & THE S 33 FT OF THE ABOVE DE STRACT)

("Subject Property"); and

WHEREAS, the Subject Property has a split zoning with the northern two-thirds (approximately) being zoned R-2 Residential (Medium Density) and the southern one-third (approximately) zoned B-1 Business District; and

WHEREAS, the Subject Property is approximately 20.95 acres in size; and

WHEREAS, the Business, commonly known as Ken's 4x4, has been in operation prior to the City's incorporation and formal adoption of zoning authority; and

WHEREAS, the City acknowledges that certain lawful non-conforming rights related to motor vehicle repair and possibly even sales may be applicable; however, the 'footprint' of the lawful non-conforming use appears to have expanded; and

WHEREAS, there are documented City Code violations dating back to the 1990s, with notices of violation regarding multiple issues, including motor vehicle sales, inoperable vehicles, debris, expansion of a lawful non-conforming use, and temporary signs, being sent out in 1996, 1998, 1999, 2002, 2009, and 2010; and

WHEREAS, the City has a library of photos from past violations and historical aerial photos that demonstrate there have been past clean-up efforts; and

WHEREAS, City Staff received a letter from Dorn Law Firm, Ltd. about the Subject Property on October 1, 2009 in response to a September 21, 2009 Notice of Violation disputing the violations and claiming the Business was a fully protected as lawful non-conforming; and

WHEREAS, in 2010, via a City Council Work Session, Staff provided an update to the City Council regarding the Subject Property, which eventually led to the last major clean-up of violations; and

WHEREAS, in 2018, the City received additional complaints regarding the status and use of the Subject Property and verified that in addition to motor vehicle sales and repair, rentals were now also being offered; and

WHEREAS, motor vehicle and equipment rental is an illegal use within both zoning districts on the Subject Property; and

WHEREAS, most recently, the City sent notices of violation to the Property on July 11, 2018 and July 26, 2018 regarding off-street parking, inoperable vehicles, expansion of lawful non-conforming use, and debris; and

WHEREAS, City Staff has followed up with the Subject Property's Attorney, Dorn Law Firm, Ltd. on October 3, 2018 and October 25, 2018 in an attempt to cooperatively work through these violations and identify an agreed upon footprint for the lawful non-conforming use; and

WHEREAS, in reviewing historical aerial photos of the Subject Property, it seems apparent that much of the area utilized by the Business extends beyond what would be considered the footprint of the lawful non-conforming use; and

WHEREAS, an administrative search warrant is necessary to completely and accurately document all current City Code violations on the Subject Property; and

WHEREAS, upon receipt of an administrative search warrant, City Staff will complete an inspection of the Subject Property, document all existing City Code violations, and initiate the City Council approved process for code enforcement; and

FINDINGS OF FACT

1. That the City recognizes the lawful non conforming rights on the property and understands those rights to be limited to the area identified in Exhibit A.
2. That any motor vehicles or items related to the Business are limited to the area identified within Exhibit A.
3. That any motor vehicles or items related to the Business that are outside of the area identified within Exhibit A are subject to code enforcement action, up to and including abatement.

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 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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 23rd day of April, 2019.

Exhibit 1: Lawful Nonconforming Area (red)

