

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

RESOLUTION #21-161

**A RESOLUTION ESTABLISHING BOUNDARIES OF LAWFUL
NON-CONFORMING USES AT 7127 HIGHWAY 10 NW**

WHEREAS, the property owner Ronald & Lori Touchette (the “Property Owners”) have an open code enforcement case on the property generally known as 7127 Highway 10 NW and legally described as follows:

TH PT OF W 33 RODS OF SW1/4 OF SW1/4 OF SEC 27 TWP 32 RGE 25 DESC AS FOL: COM AT INTER W LINE OF SD 1/4 1/4 WITH SLY R/W LINE OF GREAT NORTHERNRAILWAY, TH SELY ALG SD SLY R/W, 297.57 FT TO ACT POB , TH CONT SELY ALG SD SLY R/W 261.50 FT +OR- TO INTER/W E LINE OF SD W 33 RODS, TH S ALG SD E LINE 206.35, TH NWLY PRLL/W R/W TO ELY LINE OF W 31 RODS TH,SLY ALG SD E LINE TO NLY R/W LINE OF T H NO 10 TH NWLY ALG NLY R/W T H NO 10 TO A PT 299 .65 FT SELY FROM W LINE OF SD 1/4 OF 1/4 AS MEAS ALG SD NLY R/W LINE, TH N TO ACT POB, (INCL LOT 6, AUD SUB 31) EX RD SUBJ TO EASE OF REC., Anoka County, Minnesota

(the “Subject Property”); and

WHEREAS, the Subject Property is a used car dealership, Hirschfield’s; and

WHEREAS, the Subject Property is zoned H-1: Highway 10 Business District; and

WHEREAS, the Subject Property is approximately 2.08 acres in size; and

WHEREAS, there are documented City Code violations dating back to 2012 with notices of violation regarding triple stacking vehicles, required permits, permitted uses, and outdoor storage of inoperable vehicles; and

WHEREAS, the City has most recently opened a case on the Subject Property for violations related to off-street parking, outdoor storage, and permitted uses; and

WHEREAS, the Property Owner has not submitted a conditional use permit (CUP) to establish the boundaries of lawful, non-conforming rights on the Subject Property; and

WHEREAS, the City sent a formal first notice of violation on October 28, 2020 for off-street parking, outdoor storage, and permitted uses; and

WHEREAS, the City of Ramsey City Code would allow the Subject Property to properly store all items in accordance with Section 117-356 regarding commercial and industrial off-street parking; and

WHEREAS, the City of Ramsey City Code requires a conditional use permit (CUP) for motor vehicle sales and service in the H-1 Highway 10 Business district; and

WHEREAS, the Property Owner has not been cooperative in efforts made by staff; and

WHEREAS, the City Council approved this resolution outlining the lawful, nonconforming status of the Subject Property on June 22, 2021.

FINDINGS OF FACT

1. The City inspected the property from the road on:
 - a. October 28, 2020; and
 - b. November 18, 2020; and
 - c. May 26, 2021; and
 - d. June 3, 2021.
2. The Property Owners returned correspondence with voicemail alleging to sue the City for harassment caused by code enforcement notices.

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. The City of Ramsey Staff shall send a first letter of notice of violation on June 11, 2021 via certified mail with a citation of \$250.
2. The City of Ramsey Staff shall re-inspect from road on the week of June 28, 2021 and send a second letter of notice of violation with a citation via certified mail.
3. The City of Ramsey Staff shall re-inspect from road on the week of July 12, 2021 and send a first notice of abatement via certified mail.
4. The City of Ramsey shall utilize Northstar Towing and Reshetar Systems Inc. for abatement services per City policy.
5. That the week of July 26, 2021, the City of Ramsey will work with the abatement contractors listed above to remove triple stacked vehicles, cars on gravel surfacing, and remove the expanded gravel area.
6. That future violations within twelve (12) months of the same type will result in financial penalties and quicker escalation of violation notices.
7. That the City Council reserves the right to escalate future violations directly to District Court for Temporary Restraining Order.

8. That if the Property Owner misses one of the aforementioned deadlines, Staff has the approval to:
 - a. Reinspect the Subject Property and document all items out of compliance.
 - b. Issue an abatement notice for specific items outlined in step (5).
 - c. Abate the Subject Property of items and charge abatement back to Property Owner.

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:

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 22nd day of June, 2021.

