

Councilmember \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**RESOLUTION #19-121**

**A RESOLUTION APPROVING CODE ENFORCEMENT ACTION PLAN FOR 17646 ST FRANCIS BOULEVARD NW IN THE CITY OF RAMSEY, MINNESOTA**

**WHEREAS**, the property owner Angelia Lattery (the “Property Owner”) has an open code enforcement case on the property generally known as 17646 St Francis Blvd NW and legally described as follows:

Lot 2, Block 1, Green Valley Estates

(“Subject Property”); and

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

**WHEREAS**, the Subject Property is approximately 2.5 acres in size; and

**WHEREAS**, there are documented City Code violations dating back to at least 2009, with notices of violation regarding multiple issues, including the outdoor storage of junk and inoperable vehicles, outdoor storage of debris, work without a permit, uncompleted exterior of a building, nuisance violations, and a possible home occupation; and

**WHEREAS**, the City has had open code enforcement cases in 2009, 2010, 2012, 2016, 2018, and has continued into 2019; and

**WHEREAS**, the City has most recently opened a case on the subject property for the unfinished completion of the building (siding), the storage of junk, debris, and inoperable vehicles, off-street parking violations, nuisance complaints, and the erection of an unpermitted accessory building (hoop building); and

**WHEREAS**, in 2018, the City attempted to work with the property owner and was not allowed a full inspection of the Subject Property, though has documented each issue from the public right-of-way and areas they were allowed on the property; and

**WHEREAS**, the Property Owner has threatened lawsuit against the City for harassment; for sending code enforcement letters; and

**WHEREAS**, most recently, the City sent a formal notice of violation on September 20, 2018 for the hoop building on the Subject Property; and

**WHEREAS**, due to extreme weather conditions over the winter months, City Staff halted code enforcement actions on the Subject Property; and

**WHEREAS**, City Staff has a record of notices and emails to the Property Owner regarding the violations onsite; and

**WHEREAS**, Staff has also reviewed historical aerial photos of the Subject Property and Anoka County Pictometry imagery; 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. The Property Owner has threatened litigation against City Staff and the City for harassment for sending code enforcement letters and responding via email.
2. The City inspected the property on:
  - a. July 2, 2018
  - b. July 24, 2018
  - c. August 8, 2018
  - d. August 9, 2018 – This was a scheduled inspection with property owner and Police Officer onsite, was unable to go onto property to complete a full inspection because the property owner wanted Staff and Police Officer to sign waivers
  - e. September 6, 2018 – Property began to show signs of cleanup; City Staff were allowed onsite but not allowed to take photos; Staff noted the hoop buildings that were recently erected in the rear yard
3. The City sent formal notices via US Mail on:
  - a. July 10, 2018 with a citation for off-street parking, nuisance violations (e.g. toilet in front yard, junk vehicles in rear yard, construction debris, and unused materials), as well as siding being replaced without a permit
  - b. August 13, 2018 – notified property owner that the City would seek an administrative citation if not allowed a full inspection of the property
  - c. September 20, 2018 – specifically addressing hoop buildings
4. The City received letters from the property owner on:
  - a. September 26, 2018
  - b. October 22, 2018
5. The City corresponded with the applicant via email and has saved copies of said emails.

6. The Property Owner has stated they will not remove the hoop building(s) onsite without being taken to court.
7. The Subject Property has had years of Code Enforcement cases and actions, and City Staff believes this is the only way to gain compliance.

**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 City Attorney direction moving the case into Civil Prosecution and/or abatement.

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 28th day of May, 2019.

