

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

RESOLUTION #21-191

**A RESOLUTION APPROVING CODE ENFORCEMENT PROCESS AND HIRING OF
A CONTRACTOR AT 14781 POTASSIUM ST NW**

WHEREAS, the property owners Guy and Deborah Peterson (the “Property Owners”) have an open code enforcement case on the property generally known as 14781 Potassium Street NW and legally described as follows:

Lot 1 Block 2 Chestnut Ridge 3rd Add, Anoka County, Minnesota

(the “Subject Property”); and

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

WHEREAS, the Subject Property is approximately 0.40 acres in size; and

WHEREAS, the City has most recently opened a case on the Subject Property for violations related to fence requirements; and

WHEREAS, the City has a previous code enforcement case on the Subject Property from 2018 for public nuisance items; and

WHEREAS, the Property Owners have applied for a fence permit with a different proposed location than where it is currently placed; and

WHEREAS, Staff estimates the fence is approximately eight (8) feet from the curb of the road, and is required to be at least fifteen (15) feet from the curb to remain out of the right-of-way; and

WHEREAS, the City sent a formal first notice of violation on December 14, 2020 for fence and public nuisance violations; and

WHEREAS, the Property Owners stated they would move the fence to the appropriate location when the weather improved; and

WHEREAS, additional notices of violation and zoning citations were sent for the fence not being moved to the appropriate location; and

WHEREAS, City Staff discussed the violation case with the Property Owners on June 25, 2021; and

WHEREAS, City Staff is seeking guidance for next steps at the City Council’s regular meeting on July 13, 2021.

FINDINGS OF FACT

1. The City inspected the property from the road on:
 - a. December 11, 2020; and
 - b. May 28, 2021; and
 - c. June 10, 2021.

2. The City sent formal notices via US Mail on:
 - a. December 14, 2020 for a first notice of violation requesting a zoning permit for the construction of the fence, and the storage of construction materials. The notice cited City Code requesting public nuisance items to be removed or properly stored and requirements for construction of a fence.
 - b. May 28, 2021 for an additional first notice of violation for an incomplete fence permit application, and construction of the fence without a permit.
 - c. June 10, 2021 for a second notice of violation requesting an updated site plan for the fence permit application with the intention of continuing discussion regarding placement of the fence. A first citation of \$75.00 was included.
 - d. June 23, 2021 for a third notice of violation for continued violations. A second citation of \$250.00 was sent.

3. The City has not received payment for the zoning citations.

4. The City has spoken with the property owner over the telephone on:
 - a. December 11, 2021 to speak about fence permit requirements, and to let the Property Owners know that the City would be following through with the code enforcement process. The Property Owners stated they would remediate the fence distance in the spring.
 - b. June 25, 2021 regarding current status of the violation and required corrective actions. The Property Owners stated they would seek legal counsel if necessary.

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 hire and utilize contractor to uninstall the unpermitted fence (“garage”). The materials will be left for the Property Owners to rebuild the fence in the appropriate location.

2. The City of Ramsey Staff will schedule contractor for abatement of the fence for the week of August 2, 2021.

3. The City of Ramsey Staff shall utilize Reshetar Systems Inc. for abatement services per City policy.
4. The City of Ramsey Staff shall send abatement notice to the property on the week of July 19, 2021.
5. The Property Owners must receive an approved zoning permit from the City of Ramsey prior to reinstallation of the fence.
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 (a).
 - 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 13th day of July, 2021.

