

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

RESOLUTION #21-214

**A RESOLUTION APPROVING HIRING CONTRACTORS TO ABATE A FENCE
FROM 8405 167th LANE NW**

WHEREAS, the property owner Willis Ware Jr. (the “Property Owner”) has an open code enforcement case on the property generally known as 8405 167th Lane NW and legally described as follows:

LOT 7 BLOCK 4 AUTUMN HEIGHTS, Anoka County, Minnesota (the “Subject Property”); and

WHEREAS, the Subject Property is an owner-occupied property; and

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

WHEREAS, the Subject Property is approximately .76 acres in size; and

WHEREAS, the City has recently opened a case on the Subject Property for violations related to a fence location and work without a permit in July 2020; and

WHEREAS, the City sent a formal first notice of violation on July 1, 2020; and

WHEREAS, the Property Owner applied for and was issued a fence permit on November 6, 2020 with the condition that the fence be moved after Winter; and

WHEREAS, the City received another complaint regarding the fence location, upon which Staff discovered the fence had not been removed from the Easement; and

WHEREAS, the City sent a recent formal first notice of violation on July 15, 2021 for public nuisances and off-street parking; and

WHEREAS, the City of Ramsey City Code would allow a fence to be placed on the Subject Property in accordance with Section 117-111 regarding fences; and

WHEREAS, the City of Ramsey had the Easement surveyed to confirm encroachment; and

WHEREAS, the Property Owner has had notice for the last year that the fence is encroaching on a City owned Easement and a neighboring property; and

WHEREAS, the Property Owner has not removed the fence from the Easement or neighboring property.

FINDINGS OF FACT

1. The City recently inspected the property from the road on:
 - a. July 1, 2020;
 - b. June 15, 2021; and
2. Property Owner has applied for and was issued a permit for the fence “after-the-fact” with notice that the fence would need to be moved out of the Easement by the following Spring; 2021.
3. The City sent formal notices via US Mail on:
 - a. July 1, 2020 for a first notice of violation requesting a submitted application for the fence, or the removal of the fence on the property. The notice cited City Code regarding work without a permit violation and fence location violation.
 - b. July 15, 2021 for a most recent first notice of violation requesting the fence location removed from the Easement. The notice cited City Code regarding fence placement.
4. The fence has not been removed from the Easement.

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 shall utilize Reshetar Systems Inc. for abatement services per City policy.
2. That the City Staff will send a first notice of abatement on July 29, 2021 requesting the fence be removed from the Easement or a contractor will be hired to remove the portion of the fence in the easement.
3. City of Ramsey Staff will work with the abatement contractors listed above to remove:
 - a. Fence
4. That future violations within twelve (12) months of the same type will result in financial penalties and quicker escalation of violation notices.
5. That the City Council reserves the right to escalate future violations directly to District Court for Temporary Restraining Order.
6. 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 27th day of July, 2021.

