



# MAYOR & COUNCIL COMMUNICATION

DATE: April 7, 2015

CONSENT

ITEM #: 7

**AGENDA ITEM:** Order Abatement Actions – 8085 Hill Trail North.

**SUBMITTED BY:** Dean Zuleger, City Administrator

**THROUGH:** Mike Pearson, Mayor

**REVIEWED BY:** Dean Zuleger, City Administrator  
David Snyder, City Attorney

**SUGGESTED ORDER OF BUSINESS (if removed from Consent):**

- Introduction of Item ..... City Administrator
- Report/Presentation.....City Administrator
- Questions from Council to Staff..... Mayor Facilitates
- Call for Motion ..... Mayor & City Council
- Discussion..... Mayor & City Council
- Action on Motion..... Mayor Facilitates

**SUMMARY AND ACTION REQUESTED:**

The City Council is respectfully requested to consider approving abatement actions for the two properties stated below.

The City of Lake Elmo has been working with a nuisance property – 8085 Hill Trail North – for over two decades. The City has used all of its legal remedies to clean up the property, including a Washington County court decision. As of the writing of this memo all efforts to clean up the property has stalled and the current condition of the property continues to deteriorate the quality of life for neighbors living around the property. The staff would like to request that the City Council to enact §96.11 of municipal code and order abatement (clean up) on this property.

**BACKGROUND INFORMATION:**

§96.11 of the City Code reads:

“If any nuisance occurs as defied in §96.01, the Council may, by majority vote, order the owner, lessee, or occupant or any person having care or control of the lot or land to abate the nuisance. The Council shall issue a written notice to the person allowing 5 days after the notice is served for the person to comply.

Further, §96.12 reads:

“If any nuisance is not abated within 5 days in compliance with the notice, the Council shall cause the nuisance to be abated. The Council shall recover the actual cost of the abatement by civil action, against the person or persons served. Alternatively, if service has been made upon the record owner, as shown on the records, of the County Auditor, collection may be made by ordering the Administrator to extend the sum, plus 25% of its special assessment against the property upon which the nuisance existed. The amount shall be certified to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.”

8085 Hill Trail Road has failed to progress in the upkeep of the property to the satisfaction of both the City Code and the neighborhood. Staff has made numerous efforts to have the property owner make incremental improvement to the site to no avail. The property owner cites there are many other properties not in compliance throughout the community and he does not have to remedy his property until those other properties are in compliance.

**RECOMMENDATION:**

Staff is recommending that the City Council consider approving, *as part of the Consent Agenda*, the ordering abatement actions on the referenced property. If removed from the consent agenda for discussion, the recommended motion for this action is as follows:

***“Move to approve Resolution 2015-21, A Resolution Ordering Abatement of Existing Violations At 8085 Hill Trail North, Lake Elmo, Minnesota, 55042 thereby enacting §96.11 and §96.12 of the City of Lake Elmo Code to abate 8085 Hill Trail North based on the definition of nuisance in § 96.01 of the city code”***

**ATTACHMENT(S):**

1. Resolution No. 2015-21
2. Nuisance/Abatement Code Provisions