

**CITY OF LAKE ELMO  
WASHINGTON COUNTY  
STATE OF MINNESOTA**

**RESOLUTION NO. 2015 - 21**

**A RESOLUTION ORDERING ABATEMENT OF EXISTING VIOLATIONS AT 8085  
HILL TRAIL NORTH, LAKE ELMO, MINNESOTA, 55042**

**THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA DOES HEREBY  
RESOLVE AS FOLLOWS:**

**WHEREAS**, the City of Lake Elmo (hereinafter “City”) has the authority to abate nuisances and code violations existing within its borders pursuant to Minnesota Statute and the Lake Elmo City Code (hereinafter “City Code”).

**WHEREAS**, there exists property conditions at 8085 Hill Trail North, Lake Elmo, MN 55042 (hereinafter “Property”) in violation of the City Code. The Property is owned, without limitation, by Daniel R. Burgess (hereinafter “Owner”).

**WHEREAS**, without limitation, the following and other conditions exist upon the Property in violation of the Lake Elmo City Code:

1. Accumulation of unlicensed, inoperable, and illegally parked vehicles on the Property without proper screening, in violation of City Code Sections 96.03B(11), 150.001(A)(4), 150.003 and 150.020(C).
2. Accumulation of exterior storage, rubbish, auto parts, junk and other debris on the Property, in violation of City Code Sections 96.03B(11), 150.001(A).
3. Failure to maintain improvements, including failure to maintain a fence enclosure so as to avoid health or safety hazards and prevent degradation in the value of adjacent property, in violation of City Code Sections 96.03B(6) and 154.205.

**WHEREAS**, the City has taken efforts to work with the Owner in order to remove the violations and the Owner has failed to bring the Property into compliance with the City Code.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, COUNTY OF WASHINGTON, MINNESOTA**, that the Property is in violation of the City Code, and the City directs and orders as follows:

1. That the owner shall bring all violating conditions into compliance with the City Code within 30 days of signing and issuance of this Resolution, and shall inform the City Inspector and Building Official, Rick L. Chase, that all violating conditions have been so removed, abated, or brought into compliance with the City Code;
2. That the City Building Inspector shall make arrangements to inspect the property upon the 30 day deadline contemplated by this resolution and upon notice provided

by the Owner that all violating conditions are in compliance, to determine whether all violating conditions have been brought into compliance with the City Code;

3. That should the City Building Inspector determine that all violating conditions are not in compliance with the City Code, he is to inform the Owner of the remaining violating conditions, and the Owner shall bring such violations into compliance immediately;
4. That should the Owner not bring any violating conditions into compliance after the City Building Inspector's determination, the City Building Inspector is to inform the City Attorney of the remaining violating conditions;
5. That the City Attorney, upon being informed by the City Building Inspector that all violating conditions are not in compliance with the City Code, shall commence legal action against the Owner, seeking a Court Order to enforce compliance with the City Code, and allowing the City Building Inspector to take all necessary measures in order to enforce the City Code and bring the Property into compliance;
6. That the Owner shall be given notice of this Resolution via U.S. Mail and by direct contact between the City Building Inspector and/or City Administrator;

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk are hereby authorized to sign all documents necessary to effectuate the intent of this resolution.

**ADOPTED BY THE LAKE ELMO CITY COUNCIL ON THE 7TH DAY OF APRIL, 2015.**

EFFECTIVE DATE: \_\_\_\_\_

Approved:

CITY OF LAKE ELMO

By: \_\_\_\_\_

Mike Pearson  
Mayor

ATTEST:

\_\_\_\_\_  
Adam Bell  
City Clerk