

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2006-138

A RESOLUTION DIRECTING ABATEMENT ACTION

WHEREAS, on March 6, 2006, the Lake Elmo City Council adopted Resolution 2006-025 which declared that all private wells located within the West Central Lake Elmo Area (“WCLE Area”) are known or potential health hazards. The determination of the City Council is based upon data received from the Minnesota Department of Health, the Minnesota Pollution Control Agency, and the City’s Consulting Engineer; and

WHEREAS, Resolution 2006-025 also directed that the wells located within the WCLE Area be sealed and that the private dwellings within the WCLE Area be connected to the City’s water system when it became available; and

WHEREAS, on June 6, 2006, the Lake Elmo City Council adopted Resolution 2006-047 which awarded a contract for the construction of water main, water connections, and the sealing of wells (“Improvement Project”) within the WCLE Area; and

WHEREAS, the water main portion of the Improvement Project is substantially complete and the City’s water system is available to the parcels within the WCLE Area; and

WHEREAS, the City has sent a certified letters to the property owners within the WCLE Area requesting that the City be allowed to enter upon their property in order to connect the residential dwellings to the City’s water main and to seal their private wells; and

WHEREAS, the following property owners, who reside within the WCLE Area, have not responded to the City’s certified mail request, and/or have indicated to the City that they will not permit the City, its contractors, and consultants to enter upon their property for the purpose of connection their homes to the City’s water system and/or for the purpose of sealing their wells (“Non-Compliant Property Owners”):

Have Not Given Permission

Jon C. Bergstrom and Sherry J. Bergstrom 9198 31st Street North, Lake Elmo, MN 55042

WHEREAS, the known and potential health hazards, as originally determined by the adoption of City Council Resolution 2006-025 continue to exist on the parcels owned by the Non-Compliant Property Owners.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council directs the City Staff to send written notices to the Non-Compliant Property Owners indicating that such property owners have five (5) days after receipt of the notice to abate the health hazard nuisance on their property by agreeing to allow the City onto the Property to connect their dwelling units to the City's water main and to seal their private wells and, upon failure of the Non-Compliant Property Owners to abate such health hazard nuisance, and the Lake Elmo City Council further directs the City Attorney to commence the appropriate civil proceedings to require abatement of the health hazard nuisances.

CITY OF LAKE ELMO

By:



Dean A. Johnston
Its: Mayor

ATTESTED BY:



Thomas Bouthilet
Its: Acting City Administrator