

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2008-002

**COPY**

Original given  
to J. F. Ha

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 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, have allowed the City to connect their homes to the City's water system, but have not consented to having their wells capped and sealed ("**Non-Compliant Property Owners**"):

David L. Cubus and Teresa M. Truax 8488 Stillwater Blvd., Lake Elmo, MN 55042

Linda Hardy 2742 Ivy Ave., Lake Elmo, MN 55042

WHEREAS, some of 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:

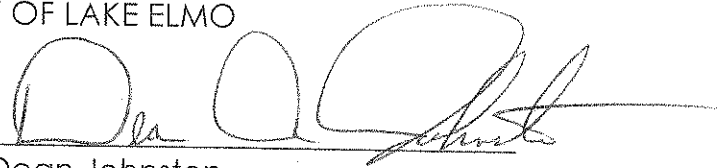
1. Directs the City Administrator or her designee to send a written notice to the Non-Compliant Property Owners, by certified mail, indicating that such property owners have five (5) business days from the date of the written notice to allow the City and its contractors onto such property in order to abate the health hazard nuisance; and
2. In the event that the health hazard nuisance is not abated pursuant to the first stated directive, the Lake Elmo City Council further directs the City Attorney to commence the appropriate civil proceedings in order to abate the health hazard nuisance and in order to recover all costs incurred by the City, including reasonable attorney's fees.

CITY OF LAKE ELMO

Dated:

January 22, 2008

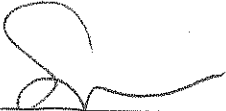
By:



Dean Johnston

Its: Mayor

ATTESTED BY:



Susan Hoyt

Its: City Administrator

Mayor Johnston	Ayes
Council Members	X
DeLapp	X
Johnson	X
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Park	X
Smith	X