



## **MAYOR & COUNCIL COMMUNICATION**

DATE: 6/18/2013

**CONSENT**

ITEM #: 10

**AGENDA ITEM:** Order Abatement Actions – 9447 Stillwater Blvd.; 9224 31<sup>st</sup> St. N.

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

**THROUGH:** Mike Pearson, Mayor

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

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### **SUGGESTED ORDER OF BUSINESS:**

- 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 two extreme nuisance properties – 9447 Stillwater Boulevard (Johnson) and 9224 31<sup>st</sup> N. (Hardy) for a better part of twelve months. The City has used all of its legal remedies to clean up both properties, including eviction and Washington County Health abatement orders. As of the writing of this memo all efforts to clean up both properties have stalled and they continue to deteriorate the quality of life for neighbors living around both properties. The staff will like to request that the City Council to enact §96.11 of municipal code and order abatement (clean up) on these two properties.

### **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.”

9447 Stillwater Blvd. has been clouded in nuisance and unruly tenant behavior for at least 15 months. The landlord has formally evicted the tenants and they have left – but mounds of debris and discarded material remain on the front lawn of the residence and scattered throughout the property. Attempts to get the site cleaned up via voluntary compliance of the landlord have been unsuccessful. The current residence has been red tagged as uninhabitable.

9224 31<sup>st</sup> St. North has been a chronic problem for the City. In the spring of 2013, the Washington County Health Department issued clean up orders for nuisance / health violations on the outside of the property. No progress has been made to clean up the site. It is the City’s belief that there is no running water to the site and the residence is uninhabitable.

**RECOMMENDATION:**

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

***“Move to enact §96.11 and §96.12 of the City of Lake Elmo Code to abate 9447 Stillwater Blvd. based on the definition of nuisance in § 96.01 of the city code,”***

and

***“Move to enact §96.11 and §96.12 of the Lake Elmo City Code to abate 9224 31<sup>st</sup> Street North based on the definition of nuisance in §96.01 of the city code.”***

**ATTACHMENT(S):**

1. Abatement Code Provisions