



MAYOR & COUNCIL COMMUNICATION

DATE: 06/03/2014
REGULAR
ITEM # 11

AGENDA ITEM: Request for Abatement - 8350 38th Street

SUBMITTED BY: Rick Chase, Building Official

THROUGH: Rick Chase, Building Official

REVIEWED BY: Kyle Klatt, Community Development Director

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

POLICY RECOMMENDER: Building Department

FISCAL IMPACT: None – Fully reimbursed via property assessment

SUMMARY AND ACTION REQUESTED: The City Council is being asked to order the abatement of all exterior nuisances at 8350 38th Street, including current and future mowing of the lawn. When the abatement is completed a resolution will be brought to Council for approval to assess the cost of the abatement to the property taxes. 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 8350 38th Street based on the definition of nuisance in § 96.01 of the city code.”

LEGISLATIVE HISTORY: A complaint was received on 4/22/14 regarding the exterior nuisances at 8350 38th Street. An administrative citation was issued on 4/23/14 and a letter and pictures were mailed to the tenant and JP Morgan who is listed as the owner on Washington County. On 5/5/14 the City received notice that JP Morgan is not the current owner. On 5/6/14 the City spoke with a representative of the Shapiro, Nordmeyer, Zielke law office who was going to contact the property manager. The Building Official asked for a response from the property manager within 7 days and to date, there has been no response. As of 5/14/14 there has been no progress on the site and there is a foreclosure notice on the door.

BACKGROUND INFORMATION (SWOT):

Strengths The property will be cleaned up and will no longer be a nuisance to surrounding neighbors. The cost for abatement can be billed to the property and assessed, thereby reimbursing the cost.

Weaknesses This is a foreclosed property and it is more difficult to collect on.

Opportunities If this foreclosed property is cleaned up, it will be more attractive to a potential purchaser.

Threats None identified.

RECOMMENDATION: The City Council is respectfully requested to order the abatement of the exterior nuisance and current lawn care at 8350 38th Street. 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 8350 38th Street based on the definition of nuisance in § 96.01 of the city code.”

AUTHORITY:

Minnesota State Statute: § 1335.13, 1997 Code; City Code 96.12 Assessment of Costs

“If the 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 it as a special assessment against the property upon which the nuisance existed. This amount shall be certified to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected.”

ATTACHMENTS:

1. List of action taken
2. Response from Chase
3. 4/25/14 Letter to resident & Owner