



STAFF REPORT

DATE: June 20, 2107

REGULAR

ITEM #: 12

MOTION

TO: City Council
FROM: Mike Bent, Building Official

AGENDA ITEM: Hazardous Building Abatement Order, 9224 and 9240 31st St N – Adopt Resolution

REVIEWED BY: Sarah Sonsalla, City Attorney/Kristina Handt, City Administrator

BACKGROUND: The property located at 9224 and 9240 31st St. N. has received multiple complaints from nearby neighbors. The property has been found to be in disrepair and hazardous to the occupant and surrounding properties. Multiple attempts have been made to work with the property owner to make the necessary repairs and clean up the property, but conditions have continued to deteriorate. The property has been found to be a public nuisance per city ordinance and state statute. The Abatement Order and the resolution have been prepared by the city attorney based on the information gathered during the investigation of this case.

ISSUE BEFORE COUNCIL: As part of its Consent Agenda, the City Council is asked to approve Resolution No. 2017-66 and the Hazardous Building Abatement Order for the property at 9224 and 9240 31st St N. No specific motion is needed, as this is recommended to be part of the *Consent Agenda*.

PROPOSAL DETAILS/ANALYSIS: Approve Resolution No. 2017-66 and the Hazardous Building Abatement Order for the property at 9224 and 9240 31st St N. based on the attached supporting documents and lengthy investigation outlining the attempts to gain voluntary compliance. The property clearly falls within the definition of a public nuisance as defined by city ordinance and state statute. All attempts to gain voluntary compliance have failed.

FISCAL IMPACT: All necessary costs incurred by the City in taking the corrective action will be assessed against the property pursuant to Minnesota Statutes Section 463.21.

RECOMMENDATION:

Motion to: Approve Resolution No. 2017-66 ordering the abatement of the properties listed.

ATTACHMENTS:

1. Exhibit A Resolution 2017-66
2. Exhibit B Hardy Notice
3. Exhibit C Photos

**CITY OF LAKE ELMO
WASHINGTON COUNTY
MINNESOTA**

RESOLUTION NO. 2017- 066

*A RESOLUTION REGARDING THE ABATEMENT OF CONDITIONS CREATING A
HAZARDOUS BUILDING, HAZARDOUS PROPERTY, AND NUISANCE EXISTING AT 9224
AND 9240 31st STREET NORTH, LAKE ELMO, MINNESOTA 55042*

WHEREAS, the property located at 9224 and 9240 31st Street North, legally described on Exhibit A, attached hereto, which contains single-family dwelling, detached garage, and approximately 0.74 acres of land (the “Subject Property”); and

WHEREAS, the City has received multiple complaints regarding property maintenance violations at the Subject Property; and

WHEREAS, Linda L. Hardy is the owner (“Owner”) of the Subject Property; and

WHEREAS, on April 25, 2016, the Lake Elmo Building Official sent the Owner a Notice to Vacate the dwelling on the Subject Property due to lack of a required utility (water), accumulation of rubbish or garbage including unlicensed inoperable motor vehicles, missing or decayed wood siding and trim on the dwelling, improperly flashed siding and roofing, and piles of dried brush, tree trimmings, parts of dead trees and timber susceptible to fire; and

WHEREAS, on August 12, 2016, the Lake Elmo Building Official sent the Owner a Notice to Vacate the dwelling for identical reasons to the April 25, 2016 Notice via certified mail; and

WHEREAS, the August 12 Notice was returned because the Owner failed to pick it up from the post office; and

WHEREAS, the Lake Elmo Building Official posted a copy of the August 12 Notice on the door of the dwelling at the Subject Property on September 19, 2016; and

WHEREAS, the Owner was convicted of a misdemeanor for storing inoperable, junk, and unlicensed vehicles on the Subject Property on November 21, 2016; and

WHEREAS, as part of the Disposition Agreement from the misdemeanor case the Owner is required to remove junk vehicles and garbage from the Subject Property by June 15, 2017; and

WHEREAS, the Lake Elmo Building Official inspected the Subject Property from the right of way on March 30, 2017 and observed accumulation of rubbish or garbage, multiple motor vehicles which appeared inoperable and in disrepair, decayed wood siding and trim on

structures which was falling off in places, peeling and flaking paint on structures, rotten windows which were not properly flashed, foundation of one of the structures was caving in, siding was missing from parts of the structures, piles of dried brush, tree trimmings, fallen leaves, parts of dead trees and timber causing a fire hazard; and

WHEREAS, the Lake Elmo Building Official made numerous attempt to obtain the Owner's consent to further investigate the Subject Property by calling the Owner on four different days in April 2017 (April 10, 14,17, and 19) and sending the Owner a letter on April 19, 2017; and

WHEREAS, the Owner did not respond to the Lake Elmo Building Official; and

WHEREAS, on May 9, 2017, a Washington County Circuit Court judge approved an application by the Lake Elmo Building Official for an administrative search warrant for the Subject Property; and

WHEREAS, on May 11, 2017, the Lake Elmo Building Official along with deputies from the Washington County Sherriff's Office served the Owner with the administrative search warrant and inspected the dwelling and detached garage on the Subject Property; and

WHEREAS, during the May 11, 2017 inspection of the Subject Property, the Lake Elmo Building Official observed multiple violations of the property maintenance and building codes including foundation caving in, missing exterior trim, missing exterior flashing, a rotten window that is falling into the dwelling, a missing window where the opening is covered by plywood, rotten siding and trim boards on the exterior of the dwelling, debris and garbage strewn throughout interior of dwelling such that there are no discernable walking areas or paths, walls in dwelling lack insulation and interior finish such as sheetrock, exposed high voltage electrical wiring throughout the dwelling, no bathroom facility or plumbing fixtures in the dwelling, lack of a required water service, lack of required sewage service, lack of a required heating system, main floor beam that supports the second floor framing is bowed and shows signs of structural failure, the floor joists to the second floor are bowed or cracked due to excessive load, and the detached garage is dilapidated and structurally unsafe to enter, as described in further detail in the May 16, 2017 inspection report addressed to the Owner attached as Exhibit B; and

WHEREAS, the Lake Elmo Building Official took photographs of the Subject Property during the May 11, 2017 inspection, as shown in Exhibit C; and

WHEREAS, as a result of the May 11, 2017 inspection, the Lake Elmo Building Official determined the Subject Property constituted a hazardous property under Minn. Stat. § 463.15 due to the multiple life-safety and health issues and deemed the dwelling unfit for human habitation; and

WHEREAS, the Lake Elmo Buidling Official attempted to hand-deliver the May 16, 2017 inspection report to the Owner on two different days, however, the Owner did not answer the door so the Lake Elmo Building Official posted the report on the Owner's front door; and

WHEREAS, the Lake Elmo Building Official drove by the Subject Property the day after posting the report and observed it was no longer posted on the front door; and

WHEREAS, the Lake Elmo Building Official viewed the Subject Property from the right of way on June 16, 2017 and observed no changes or improvements to the amount of debris in the yard of the Subject Property including the numerous inoperable vehicles; and

WHEREAS, the Owner of the Subject Property has taken no steps to abate the hazardous conditions of the structures on the Subject Property or the surrounding land which was subject to the Disposition Agreement; and

WHEREAS, Lake Elmo City Code Section 96.03 provides that a public nuisance affecting peace and safety includes the failure to maintain improvements and any fire hazard caused by a building in poor condition and the accumulation of brush or fallen leaves; and

WHEREAS, Lake Elmo City Code Section 96.04 provides that a public nuisance affecting health, comfort, or repose includes the accumulation of refuse, rubbish, or garbage; and

WHEREAS, Minnesota Statutes, Section 463.161 authorizes the governing body of any city or town to order the owners of any hazardous building or property within the municipality to correct or remove the hazardous condition; and

WHEREAS, Minnesota Statutes, Section 463.15, subdivision 3 defines a “hazardous building or hazardous property” as “any building or property, which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition or abandonment, constitutes a fire hazard or a hazard to public safety or health;” and

WHEREAS, Minnesota Statutes, Section 463.161 *et seq.* authorizes a city to correct or remove a hazardous condition of any hazardous building or hazardous property if the owner of record fails to do so after a reasonable time and the district court enters a judgment sustaining the city’s order; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Lake Elmo as follows:

1. The dwelling and detached garage located on the Subject Property are hazardous as defined by Minnesota Statutes, Section 463.15.
2. The Subject Property is hazardous as defined by Minnesota Statutes, Section 463.15.
3. The Subject Property also constitutes a public nuisance within the meaning of Minnesota Statutes Section 609.74 and Lake Elmo City Code Sections 96.03 and 96.04.

4. An Abatement Order substantially similar to that attached hereto as Exhibit D shall be served upon all parties with an interest or a purported interest in the Subject Property to effectuate this Resolution.
5. The City Attorney and City staff are authorized to take all necessary legal steps to secure compliance with the Order and to obtain authority to remove and abate the hazardous conditions on the Subject Property by court order or consent and assess the costs thereof against the Subject Property.

Passed and duly adopted this 20th day of June, 2017, by the City Council of the City of Lake Elmo, Minnesota.

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

EXHIBIT A

Legal Description

That part of the Southwest Quarter (SW1/4) of Section Fifteen (15), Township Twenty-nine (29) North, Range Twenty-One (21) West, described as follows:

Commencing at the Southwest corner of said Section Fifteen (15), thence North Four Hundred Forty-Five and Two-Tenths (445.2) feet to intersection of the West line of the Southwest Quarter (SW1/4) of said Section and the center line of road (Old Stillwater and St. Paul road); thence Easterly along said center line of road Twelve Hundred Twenty-eight and Nine-Tenths (1228.9) feet to the point of beginning of this description; thence North and parallel by Eleven Hundred Seventy-Five (1175) feet with the said West line of Section Fifteen (15) for a distance of One Hundred Eighty-Seven and Four-Tenths (187.4) feet to the South right-of-way line of C. St. Paul, Minneapolis and Omaha Ry. Company; thence Westerly along said right-of-way line One Hundred Five and Four-Tenths (105.4) feet; thence South and parallel by One Thousand Seventy (1070) feet with the said West line of Section Fifteen (15) to the center line of said road, thence Easterly along said center line of road to the point of beginning.

and

The West Sixty-Three (63) feet of that part of the Southwest Quarter (SW 1/4) of Section Fifteen (15), Township Twenty-Nine (29) North, Range Twenty-One (21) West, described as follows: Commencing at the Southwest corner of said Section Fifteen (15), thence North 445.2 feet to the intersection in the West line of the Southwest Quarter (SW 1/4) of said Section, and the center line of road (Old Stillwater and St. Paul road); thence Easterly along said center line of road, 1228.09 feet to the point of beginning of this description; thence North and parallel by 1175 feet with the said West line of Section Fifteen (15), for a distance of 187.4 feet to the South right-of-way line of C. St. P.M.C.R.R. Company; thence Easterly along said right-of-way line 225.7 feet; thence South and parallel by 1400 feet with the said West line of Section Fifteen (15) to the center line of said road, 130.5 feet; thence Westerly along said center line of road, 235.5 feet to the point of beginning, Washington County, Minnesota.

EXHIBIT D

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF WASHINGTON

TENTH JUDICIAL DISTRICT

Case Type: Other Civil

In the Matter of the Hazardous
Building and Property Located at 9224 and 9240
31st Street North, Lake Elmo, Minnesota

**ORDER FOR ABATEMENT OF
HAZARDOUS BUILDINGS AND
HAZARDOUS PROPERTY AND
NUISANCE**

TO: All owners, occupants, and all lienholders of record.

The City Council of the City of Lake Elmo orders that within 20 days of service of this Order that you abate the hazardous conditions which exist on the property located at: 9224 and 9240 31st Street North, in the City of Lake Elmo, which property is legally described on Exhibit A attached hereto.

The City of Lake Elmo, pursuant to Minnesota Statutes Sections 463.15 to 463.261, finds the buildings, a dwelling and a detached garage, located at the above-referenced address constitute hazardous buildings within the meaning of Minnesota Statutes Section 463.15 subdivision 3, specifically due to the structural deficiencies and defects, lack of required utilities including water, sewer, and heat, lack of any plumbing fixtures, significant amount of garbage and debris throughout, hazardous electrical issues including exposed high voltage wiring, and overall condition of the structures.

The City of Lake Elmo, pursuant to Minnesota Statutes Sections 463.15 to 463.261, finds the property located at the above-referenced address constitutes a hazardous property within the meaning of Minnesota Statutes Section 463.15 subdivision 3, specifically due to the numerous

inoperable motor vehicles, significant amount of garbage and debris throughout the property, and piles of leaves and timber.

The City of Lake Elmo finds the property located at the above-referenced address constitutes a public nuisance within the meaning of Minnesota Statutes Section 609.74 and City Code Sections 96.03 and 96.04.

Pursuant to the above-referenced statutes, it is hereby ORDERED that you abate the hazardous property conditions within 20 days of the date of service of this Order by either removing the structures and the hazardous conditions on the property or completing the following:

1. Install water service, sewage disposal facilities, and heating facilities, including a working bathroom, kitchen sink, and heating source;
2. Remove all excess junk, garbage, and unnecessary articles from inside and outside the dwelling and the detached garage;
3. Ensure proper ingress and egress exists throughout the dwelling;
4. Clean and sanitize the dwelling and the detached garage;
5. Obtain an assessment from a licensed structural engineer to determine what needs to be done to remedy the numerous structural deficiencies throughout the dwelling and the detached garage;
6. Obtain permits and begin work on needed structural repairs according to structural engineer's assessment;
7. Interior walls of the dwelling need to be finished including but not limited to adding proper insulation and interior finish;

8. Stairs to the second floor must be repaired including adding stair treads where missing and adding handrail or guards and make the stairs structurally sound;
9. Repair rotten windows and install window in opening where window is currently missing and ensure all windows are operable;
10. Install a door where the current opening has plywood nailed over it;
11. Test for mold and remediate any mold present in the dwelling;
12. Ensure safe access to all rooms in the dwelling including the basement which is presently inaccessible due to garbage accumulation;
13. Install doors to interior rooms;
14. Repair and cover high voltage wiring and electrical boxes currently exposed in the dwelling and detached garage in accordance with the Minnesota Electrical Code;
15. Install working smoke alarms and carbon monoxide detectors throughout the dwelling; and
16. Properly dispose of all junk, garbage, debris, and yard waste from the property, including but not limited to the inoperable vehicles, piles of junk and garbage, and piles of leaves and tree debris.

You must apply for and obtain any appropriate permit(s), if applicable, for the work you intend to perform from the appropriate City offices before abating the hazardous conditions. This Order is not a permit. Further, all work completed is subject to inspection by the City's building inspector, Fire inspector, and other staff as required to ensure compliance with applicable rules and law.

You are further advised that unless such corrective action is taken or an Answer is served on the City and filed with the Washington County District Court Administrator within 20 days of

the date of service of this Order upon you, a motion for summary enforcement of this Order will be made to the Washington County District Court.

You are further advised that if you do not comply with this Order and the City is compelled to take any corrective action, all necessary costs incurred by the City in taking the corrective action will be assessed against the property pursuant to Minnesota Statutes Section 463.21. In connection thereto, the City intends to recover all its expenses incurred in carrying out this Order, including specifically but not exclusively, filing fees, service fees, publication fees, attorneys' fees, appraisers' fees, witness fees, including expert witness fees and traveling expenses incurred by the City from the time this Order was originally made pursuant to Minnesota Statutes Section 463.22.

Dated June __, 2017.

KENNEDY & GRAVEN, CHARTERED

By:

Sarah J. Sonsalla (#0313464)
Elizabeth Brodeen-Kuo (#0391949)
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
(612) 337-9300

**ATTORNEYS FOR THE
CITY OF LAKE ELMO**

EXHIBIT A

Legal Description

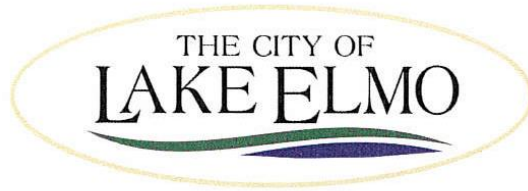
That part of the Southwest Quarter (SW1/4) of Section Fifteen (15), Township Twenty-nine (29) North, Range Twenty-One (21) West, described as follows:

Commencing at the Southwest corner of said Section Fifteen (15), thence North Four Hundred Forty-Five and Two-Tenths (445.2) feet to intersection of the West line of the Southwest Quarter (SW1/4) of said Section and the center line of road (Old Stillwater and St. Paul road); thence Easterly along said center line of road Twelve Hundred Twenty-eight and Nine-Tenths (1228.9) feet to the point of beginning of this description; thence North and parallel by Eleven Hundred Seventy-Five (1175) feet with the said West line of Section Fifteen (15) for a distance of One Hundred Eighty-Seven and Four-Tenths (187.4) feet to the South right-of-way line of C. St. Paul, Minneapolis and Omaha Ry. Company; thence Westerly along said right-of-way line One Hundred Five and Four-Tenths (105.4) feet; thence South and parallel by One Thousand Seventy (1070) feet with the said West line of Section Fifteen (15) to the center line of said road, thence Easterly along said center line of road to the point of beginning.

and

The West Sixty-Three (63) feet of that part of the Southwest Quarter (SW 1/4) of Section Fifteen (15), Township Twenty-Nine (29) North, Range Twenty-One (21) West, described as follows:

Commencing at the Southwest corner of said Section Fifteen (15), thence North 445.2 feet to the intersection in the West line of the Southwest Quarter (SW 1/4) of said Section, and the center line of road (Old Stillwater and St. Paul road); thence Easterly along said center line of road, 1228.09 feet to the point of beginning of this description; thence North and parallel by 1175 feet with the said West line of Section Fifteen (15), for a distance of 187.4 feet to the South right-of-way line of C. St. P.M.C.R.R. Company; thence Easterly along said right-of-way line 225.7 feet; thence South and parallel by 1400 feet with the said West line of Section Fifteen (15) to the center line of said road, 130.5 feet; thence Westerly along said center line of road, 235.5 feet to the point of beginning, Washington County, Minnesota.



May 16, 2017

Linda Hardy
9224 31st St N
Lake Elmo, MN 55042

Re: Property Maintenance –IMMEDIATE ACTION REQUIRED

Dear Ms. Hardy,

My office has received multiple complaints regarding property maintenance violations that exist at your property located at 9224 31st St N and 8240 31st N in the City of Lake Elmo.

On April 19th, 2017, I sent you a request via the United States Postal Service to inspect your property. The notice requested you contact my office to schedule an inspection by April 30th, 2017. I received no response from you regarding the request to inspect.

On May 9th, 2017, I submitted an application for an administrative search warrant to the court of Tenth Judicial District in Washington County and was granted an Administrative Search Warrant for your property by Judge Ellen L. Maas.

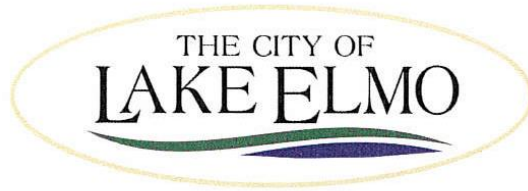
On May 11th, 2017, along with deputies from the Washington County Sheriffs office, I served you with the administrative search warrant and executed the search of your home and other structures on your property to inspect interior and exterior condition as it relates to property maintenance, building code compliance, and compliance with the Lake Elmo Property Maintenance Code.

The following violations were cited during my inspection of your property:

Main House

East Side Exterior:

1. East entry door is rotted and not secured in opening to home, exterior trim and flashing is missing, sill is rotted and the opening is not weather tight. (Exhibit 1, Exhibit 7)



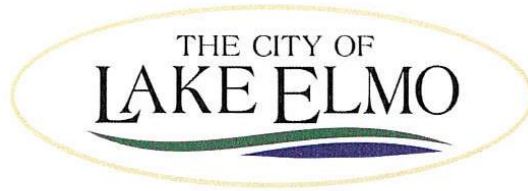
2. Foundation is caving in east side of home below grade. Block foundation grout is missing at the concrete block foundation, block is cracked and is caving in along the east wall. (Exhibit 2, Exhibit 3, Exhibit 4 & Exhibit 5)
3. The sill and floor joist area of the main floor east wall is exposed to the weather, no siding or protective weather barrier nor is flashing present in any area along the east wall. The main floor system rim and joists are rotted and structural integrity is compromised on the east exterior wall. (See Exhibit 3 & Exhibit 5)
4. The double hung window to the north of the electric meter on the east wall is rotted and falling into the house. There is no flashing present, the wood is rotted and not weather tight. (See Exhibit 6, Exhibit 8 & Exhibit 9)
5. The siding and trim boards on the east wall of the house is rotted and does not extend to the top of the wall. (See Exhibit 10 & Exhibit 11)

North Side Exterior

1. Foundation grout is missing at the concrete block foundation, block is cracked and is separating along the length of the north wall. (See Exhibit 12)
2. Structural framing of the wood frame floor system and walls above foundation is not flashed or weather tight. (See Exhibit 12)
3. Door opening on the north wall is missing the door, plywood pieces nailed over opening from the interior. Opening is not weather tight. Structural framing at the floor framing is rotted at the door opening. (See Exhibit 12)
4. Window opening on the north wall is missing the window, plywood has been nailed over the opening from the interior. Opening is not weather tight. (See Exhibit 12)
5. Exterior sheathing is missing along the north wall near the window opening. (See Exhibit 12)
6. Siding and trim missing from the north wall, sheathing is exposed to the weather and approx. top half of the exterior wall is not flashed or protected from the weather or weather tight. (See Exhibit 12)
7. Window at the top of the wall is not flashed or weather tight. (See Exhibit 12)

West Side Exterior

1. West patio door is not weather tight in opening, exterior siding, trim and flashing is missing, the opening is not weather tight. (See Exhibit 13 & Exhibit 14)
2. Foundation grout is missing at the concrete block foundation, block is cracked and is separating along the length of the north wall. Multiple location block is



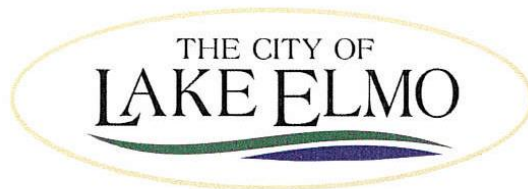
- broken and missing at the foundation. (See Exhibit 15, Exhibit 16, Exhibit 17 & Exhibit 18)
3. The siding and trim boards on the west wall of the house is rotted and does not extend to the top of the wall. (See Exhibit 13)

South Side Exterior

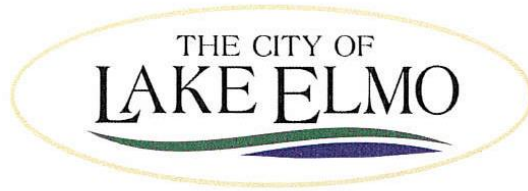
1. Foundation grout is missing at the concrete block foundation, block is cracked and is separating along the length of the south wall. Multiple location block is broken and missing at the foundation. (See Exhibit 18)
2. The siding and trim boards on the west wall of the house is rotted and does not extend to the top of the wall. (See Exhibit 11)
3. South entry door is rotted and not secured in opening to home, exterior trim and flashing is missing, sill is rotted and the opening is not weather tight. (See Exhibit 19)
4. Window opening on the south wall is rotted and not secure in opening. Opening is not weather tight.(See Exhibit 20)

Interior

1. Debris and garbage is stacked throughout the main floor at all floor/walking areas. There is no discernable walking area or paths on the main floor. The arear where the floor was found and visible, there is no finish flooring and multiple areas had sub flooring missing and plywood sitting over floor opening. (See Exhibit 23, 24, 25, 26, 27, 28, 29, 34, 38, 45,48, 49)
2. House has a definitive odor from feces, urine and garbage throughout. Household garbage is strewn throughout.
3. Homeowner has a dog present, Sherriff Deputy required owner put dog away inside kennel in bedroom area. (See Exhibit 29)
4. Exterior walls throughout do not have interior finish. Approximately half of the exterior walls have kraft faced fiberglass insulation installed. Approximately half of the exterior walls including the areas where plywood has been nailed over door and window openings have no insulation. (See Exhibits 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 43)
5. Room on the south side of the main floor has polyethylene sheet plastic draped over the door opening. The interior of the room has some kraft faced fiberglass insulation in the exterior walls and the windows have cloth draped over the openings. Polyethylene sheet plastic has been installed over all of the interior surfaces, walls and ceiling of this room creating a double vapor barrier over all of



- the wall and ceiling surface areas. High voltage electrical wiring is exposed in multiple areas throughout the room. This room has a bed and as confirmed by the property owner, this is the bedroom. There is no smoke alarm or carbon monoxide detector present. (See Exhibits 25, 26, 27, 28 29)
6. There is no identifiable bathroom facility or plumbing fixtures present in the home. There is no kitchen sink nor any food preparation area in the home. Homeowner stated she does not have running water nor is there a sewage system connection present. The natural gas meter is shut off, homeowner stated she heats with a portable electric heater.
 7. The main floor beam that runs north and south in the center of the home and supports the second floor framing is bowing in the center from excessive load. Beam is showing signs of structural failure and requires verification of sizing, additional support needed and verification of support through to the footings in the basement. (See Exhibits 22, 23, 36)
 8. The floor joists to the second floor are bowing uniformly from the front to back due to excessive load. Multiple joist have split and broken and have had sister 2 x 4 framing added incorrectly along the side but have not been added full length and add little additional support. The second floor system is unsafe and should be evaluated by a structural engineer for the required additional structural support needed. The same floor joists are rotted on the ends in multiple areas along the east wall at the plate due to the lack of a weather tight exterior. (See Exhibits 21, 22, 23, 32, 33, 46, 47, 50)
 9. Stair to the second floor area is loose and not secure. No handrails or guards are present and top stair treads are broken off. (See Exhibits 34, 36, 40, 41)
 10. Second floor is unfinished. Kraft faced fiberglass insulation has been partially installed in the rafters and polyethylene sheet plastic has been installed over the top creating a double vapor barrier. There are multiple signs of areas where trapped moisture is present between the paper face of the insulation and the polyethylene sheeting and blackened areas that appear to be mold is present throughout. Verification should be made to determine mold presence throughout the second floor area. (See Exhibits 38, 39, 43)
 11. Guard is missing along the stair opening. (See Exhibits 40, 41)
 12. High voltage electrical wiring is present and exposed throughout the second floor. There are open and exposed wires and electrical boxes throughout. (See Exhibits 37, 42, 43)
 13. The basement was inaccessible. Debris and garbage was blocking the path to the basement stairs, upon crawling over the garbage to get to the basement stairs, garbage and debris is blocking the stairway to the basement (It appears that garbage has been thrown down the basement stairway, filled the stairway and



beyond and is stacked shoulder high on the main floor preventing access to the basement. Further inspection and evaluation was not possible. (See Exhibit 34)

Detached Garage

The detached garage located to the north of the house is dilapidated and structurally unsafe to enter. The following observations were completed from the exterior and from looking inside the service door located on the east side of the structure:

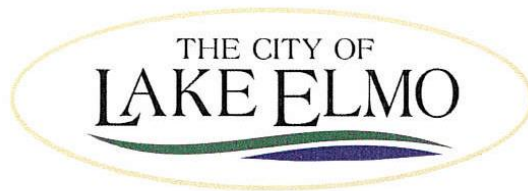
1. The bottom chord of the roof trusses are bowing and near breaking in several locations, likely due to the large amount of storage placed in the roof system. Trusses are spaced 4' on center and are not designed for storage. Sills and framing near the bottom plates are rotted and structurally unsound.
2. High Voltage Electrical wiring and open electrical boxes throughout the building.
3. Siding is rotted and decayed.
4. Door and window openings are not flashed and rotted allowing weather inside the structure further creating damage and rot to the framing structure.
5. (See Exhibits 56, 57, 58, 59, 60, 61, 62, 63, 81, 82)

The above detailed and cited items are in violation of the following sections of the City of Lake Elmo Property Maintenance Code (Also known as the 2006 International Property Maintenance Code, which the City of Lake Elmo adopted per City Code § 150.325):

1. **LEPMC 108.1.3** Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or the public.

The property does not have water service, sewage disposal, heating facilities, a working bathroom or kitchen sink and is structurally unsafe, is in disrepair, lacks maintenance, is unsanitary and constitutes a hazard to the occupants.

2. **LEPMC 305 Interior Structure 305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition, every owner of a structure



containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

The interior of the property is not maintained in good repair, it is not structurally sound and is unsanitary.

3. **305.2 Structural members.** All structural members shall be maintained structurally sound; and be capable of supporting the imposed loads.

The property is not being maintained structurally sound or capable of supporting imposed loads.

4. **305.3 Interior Surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

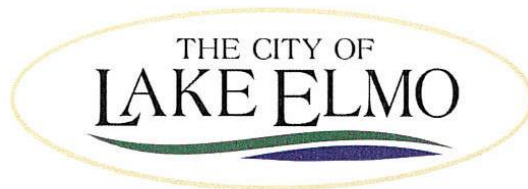
Interior surfaces, windows, doors, interior walls and finishes are not being maintained in clean and sanitary condition.

5. **305.4 Stairs and walking surfaces.** Every stair, ramp; landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Stairs to the second floor are not maintained in sound condition and good repair. The stairs to the basement level are inaccessible, the stairway is filled with debris making the area inaccessible.

6. **305.5 Handrails and guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. **306.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Handrails and guardrails are missing where required.



7. **305.6 Interior doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

There are no doors to any rooms, the bedroom has polyethylene sheeting hung between the rooms.

8. **307.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

Garbage is strewn about the interior of the structure and piled in multiple locations throughout the house.

9. **402.1 Habitable spaces.** Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

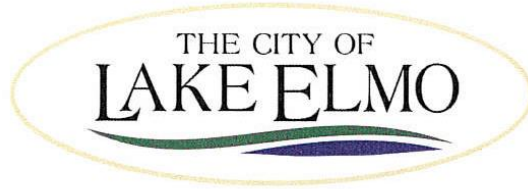
All of the windows in the home are boarded over or covered with fabric or polyethylene plastic sheeting and do not open or ventilate.

10. **502.1 Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

The home does not have a bathroom or kitchen sink.

11. **505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain; water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.



505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

The home does not have running water, plumbing, heated water or fixtures.

12. **506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

The home is not connected to a sewage system.

13. **602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

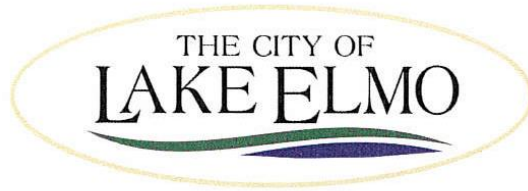
The home does not have heating facilities capable of maintaining the required temperature as required.

14. **604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.3 Electrical system' hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.



The property has high voltage wiring and electrical boxes exposed in multiple locations throughout the property.

15. **702.1 General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools, Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

704.2 Smoke alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-Z, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

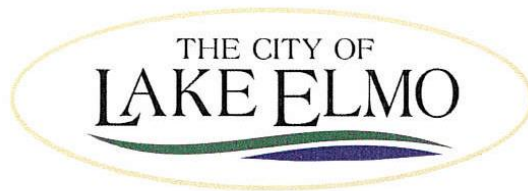
Single or multiple-station smoke alarms shall be installed in other groups in accordance with the International Fire Code.

The property does not have any openable/egress windows/emergency escape windows, the home does not have working smoke alarms or carbon monoxide detectors.

In addition to the above referenced Lake Elmo Property Maintenance Code Sections, your property is in violation of the following city ordinances:

§ 96.04 PUBLIC NUISANCES AFFECTING HEALTH, COMFORT, OR REPOSE.

(11) An accumulation of refuse, rubbish, or garbage (as defined in § 96.05) or debris of any nature or description.



§ 96.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. *Failure to maintain improvements.* In all zoning districts it is hereby declared necessary that all structures, landscaping, and fences be reasonably maintained so as to avoid health or safety hazards and prevent a degradation in the value of adjacent property. Failure to so maintain the improvements is declared to be a nuisance;

§ 150.325 The Property Maintenance Code of Lake Elmo Section 307.1 requires all exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

§ 96.03 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. *Fire hazards.* Any building or structure which, by reason of age, dilapidated condition, defective chimneys or stove pipes, defective electric wiring, defective gas connections, defective heating apparatus, or other defect, is susceptible to fire, and which thus endangers life or limb or other buildings or property within the city; and any accumulations of brush, tree trimming, fallen leaves, parts of dead trees, timber, or other materials or substances on either vacant or improved property, which accumulations are susceptible to fire or capable of spreading fire to adjacent property;

Based on my inspection, I have determined this property constitutes a hazardous property under Minn. Stat. § 463.15. This property has multiple life-safety and health concerns. Most importantly, the primary structure is not fit for human habitation. **If the conditions outlined above are not corrected by June 15th 2017 the city will proceed with corrective actions including but not limited to a hazardous property abatement order to have the structures on the property demolished.**

If you dispute any of the violations listed in this notice, please contact me as soon as possible. Also, if you correct the conditions above, please contact me with evidence demonstrating the corrections.

Per the Property Maintenance Code of Lake Elmo Section 106.3, any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Please contact me with any questions regarding this correspondence. I can be reached at (651) 747-3910.

Respectfully,

Michael Bent
Building Official
City of Lake Elmo

EXHIBIT C





