

**RESOLUTION NO. 091817-03  
CITY OF WAITE PARK**

**A RESOLUTION TO ABATE NUISANCE AND ASSESS COSTS**

WHEREAS, the City Council has heard the report of Jon Noerenberg, the Planning and Community Development Director acting as the Building/Code Enforcement Officer, regarding nuisance conditions on the property located at 212 5<sup>th</sup> Avenue North in Waite Park, Minnesota, legally described as follows:

Lots 17 and 18, Block 6, in the Townsite, now City of Waite Park, according to the plat and survey thereof on file and of record in the office of the County Recorder in and for Stearns County, Minnesota;

and

WHEREAS, the City Council has conducted a duly noticed public hearing on the abatement as hereinafter defined at which the views of all interested parties were heard; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Waite Park, Stearns County, Minnesota, as follows:

1. Findings.

a) The owner of record of the above described property is Pamela M. Olson of Waite Park, Minnesota.

b) Jon Noerenberg has contacted Pamela M. Olson several times beginning April 15, 2015, via certified mail or personal service, with the most recent letter on August 18, 2017, via personal service by posting on the property, requesting Pamela Olson remove various rubbish items (junk vehicles, items on hoist, tires, miscellaneous parts and other items) located on the above described property determined by Jon Noerenberg to be a public nuisance as defined in City Ordinance 90.

c) Mr. Noerenberg's letter of August 18, 2017, requested Ms. Olson remove the nuisance conditions including a newly created fenced-in area and any attachment to neighboring fence by August 23, 2017. The letter included pictures of the problem items and storage.

d) The August 18, 2017, letter also included notice to Ms. Olson that if the property is not cleaned up pursuant to the terms of the Order, the City will pursue an abatement proceeding by which the City will undertake the abatement and recover the costs by assessing them against her property in the same manner as taxes.

e) The conditions present on the above described property constitute a public nuisance as defined in Ordinance 90 of the City of Waite Park's Code of Ordinances.

f) As of August 23, 2017, the nuisance conditions still exist on the above described property.

g) Due to continued nuisance issues and non-compliance with multiple correction orders issued by City staff, the City has scheduled an abatement hearing. Pamela M. Olson was served with notice of the abatement hearing scheduled for September 18, 2017, at 6:30 p.m. at the Waite Park City Hall, 19-13<sup>th</sup> Avenue North, Waite Park, Minnesota, via personal service by posting on the above described property on September 6, 2017.

2. Abatement.

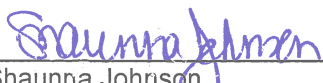
a) In accordance with Ordinance 90 of the City of Waite Park's Code of Ordinances, a public nuisance exists on the above described property.


b) The City of Waite Park is authorized to clean up, remove and/or abate the nuisance conditions on the above described property at the expense of the City of Waite Park.

c) In accordance with Ordinance 90, Section 90.14, Subd. 5, any personal property removed from the premises during the abatement proceeding shall be disposed of in accordance with the provisions of Ordinance 28 of the City of Waite Park's Code of Ordinances. Motor vehicles shall be disposed of in accordance with the provisions of Minnesota Statutes Chapter 168B.

d) The costs incurred by the City of Waite Park relating to the clean-up, removal and/or abatement of the nuisance conditions and the costs of the enforcement action shall be assessed against the above described real property in the same manner as taxes and special assessments are certified and collected. Costs of enforcement shall include administrative costs, including costs of service and posting.

Adopted by the City Council this 18<sup>th</sup> day of September, 2017.

  
\_\_\_\_\_  
Shaunna Johnson  
City Administrator

  
\_\_\_\_\_  
Richard E. Miller  
Mayor

**ACTION ON THIS RESOLUTION:**

Motion for adoption: Member Schulz

Seconded by: Member Schneider

Voted in favor of: Mayor Miller, Members Linquist, Schneider, Schulz, Theisen

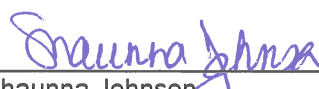
Voted Against: None

Abstained: None

Absent: None

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Waite Park City Council at a duly authorized meeting held on September 18, 2017.

  
\_\_\_\_\_  
Shaunna Johnson  
City Administrator