



AGENDA ITEM # 6.2

REPORT TO CITY COUNCIL

Report Prepared by: Dawn Bittner

Date: February 5, 2019

Subject: Public Nuisance Update

Report: Please see attached Council Report.

Council Action Requested: Council direction to bring the Derksen property into compliance.

COUNCIL REPORT

Topic: Public Nuisance Update

Background Information: We have an open enforcement action for the property located at 31116 Ash Street owned by John and Barbara Derksen. Code enforcement began in 2004, with violations being remedied in 2005 and 2011. The current enforcement action was opened in May, 2014 and declared a Public Nuisance September 5, 2017.

The outstanding violation is the number and location of snowmobiles stored outside. The City Code allows three (3) Recreational Vehicles to be stored outside in the rear yard. Mr. Derksen currently has 7 snowmobiles strewn about his yard and a fifth-wheel trailer which he did move meeting the setback.

The City Code states:

Section 17-7.5 EXTERIOR STORAGE

1. Declaration of Nuisance. Excess outdoor storage of materials, equipment and other objects is declared to be a public nuisance because it is unsightly, decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, adversely affects property values and neighborhood patterns and poses a threat to the public health and safety when such objects are visible and accessible to passersby.

2. Standards. Objects stored outside that are visible from public rights of way or neighboring properties are a public nuisance if they are not stored in compliance with the following requirements.
 - D. Boats and recreational vehicles shall be allowed to be parked and/or stored outside a building on private property up to a cumulative total of 7 days per calendar year, except that boats and recreational vehicles less than 30 feet in length stored in the rear yard of a non-riparian lot not less than the applicable setback from any property line are not subject to the 7-day limit established herein if the following standards are satisfied:
 - (1) A maximum of three boats and recreational vehicles less than 30 feet in length may be stored outside in the rear of improved lots only, not less than the applicable setback from any property line or ordinary high water mark of a public water.
 - (2) All boats and recreational vehicles stored outside

more than 7 cumulative days per year shall display a current license or watercraft registration if required for such boat or recreational vehicle by the State of Minnesota.

- (3) For the purposes of this section, multiple recreational vehicles stored on a single trailer less than 30 feet in length shall be considered one recreational vehicle.

Staff sent Mr. and Mrs. Derksen two letters, September 5 and December 5, 2018, requesting they move the snowmobiles along West Sibley Street and Ash Street to the rear yard, and to reduce the total number of Recreational Vehicles (travel trailer and/or snowmobiles) to 3, which would remedy the remaining Code violations.

Mr. Derksen responded December 18, 2018 that the snowmobiles along Ash Street were part of a Holiday Light Display and would be disassembled a couple of weeks after the first of the year, weather permitting. He also stated the snowmobile along Ash Street is a piece of ART being turned into a FLOWER PLANTER. The ART DISPLAY/FLOWER PLANTER would remain indefinitely.

January 31, 2019 Staff verified the snowmobiles remain along Ash Street and West Sibley Street.
