



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

| Agenda | Action Requested: | |
|----------------|--|----------------------|
| CONSENT AGENDA | Approve/Deny Motion | Direction Requested |
| P&F COMMITTEE | Adopt Resolution (attach draft) | Discussion Item |
| SPW COMMITTEE | Ordinance 1 st Reading | Hold Public Hearing* |
| MAIN AGENDA | <i>*provide copy of published hearing notice</i> | |

Submitted by:

Department:

Presenter:

Estimated Time Needed:

Summary of Issue:

Alternative, Options, Effects on Others/Comments:

Recommended Action/Motion:

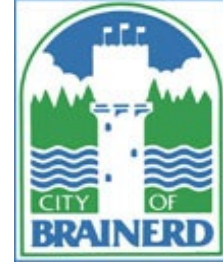
Financial Impact:

Is there a cost associated with this request:

What is the total cost, with tax and shipping:

Is this budgeted? (Please Explain)

MEMO



TO: Mayor and City Council
FROM: James Kramvik, Community Development Director
DATE: November 7, 2022
RE: Contested Nuisance Abatement Assessments

Carie Houghton - 516 1st Ave NE – PID 41191552 (Staff Recommendation to Waive)

- 1) The first issue is related to junk and debris on the property, which was called in as a complaint this Spring. Staff worked with the property owner after the first citation to address the large furniture items and work on other issues through the summer. If compliance was met, staff agreed to waive the citation of \$125.00.
- 2) The second issue is related to property maintenance of the soffit and fascia board of the accessory structure. Staff agreed to stop all citations through the summer while the property owner worked on hiring a contractor to repair the issue. The repair has not yet occurred, and additional citations were sent. This issue was reviewed by SPW at the October 3rd meeting as staff had not heard from the property owner after sending the additional citations. Outstanding citation amount of \$675.00.

The property owner contacted staff after receiving the nuisance abatement assessment letter and believed she had until winter to complete these issues and told staff that it will be completed. Staff should have sent an additional letter with a date of completion so there would be no miscommunication.

Gregory Gakin - 923 9th Ave NE – PID 41191107 (Staff Recommendation to Waive)

Staff agreed to waive the citations for junk and debris if the property owner cleaned up the site. The property was cleaned up and is in compliance, but because of the date of reinspection of 9/23/2022 the citations could not be removed administratively. Outstanding citation amount of \$350.00.

Brian Timmers – 1209 Oak St – PID 41300564 (Council Member Erickson Recommendation to Waive)

- 1) Sent violation letter on 7/12/22 for junk/debris/blight
- 2) Sent first citation letter 07/29/22
- 3) Reinspection took place on 9/27/22 – owner complied by installing a 6' fence to screen the yard so the case was closed.

Mike Thelen - 218 2nd Ave NE – PID 41191789

- 1) Property maintenance letter sent on 09/20/21 regarding condition of roof
- 2) Citation was issued 10/21/21
- 3) Property maintenance citation activity ceased through the winter
- 4) Property was revisited in spring/summer 2022 and the issue had been repaired during that time.
- 5) From May 2021 – Oct 2021, This property was also sent violation letters for long grass, junk/debris, broken fence, and unlicensed vehicle; all of which were corrected, and no citations were issued.
- 6) Fence issue with neighboring property – Staff met with the neighboring property owner at the site to determine ownership of the fence. The property pins were located, which placed the fence on Mr. Thelen’s property by approximately 2 feet. Mr. Thelen was notified the pins were located and the fence was his. At some point this past year, the fence was removed.

Matthew Jager - 9206 Northtown St – PID 41330653

- 1) Unlicensed vehicle violation letter sent 06/08/22
- 2) Citation letters sent 06/23/22, 07/29/22, 08/08/22
- 3) Went to SPW 09/06/22 – motion to send 10-day order to correct letter and work with City Attorney for abatement.
- 4) Mr. Jager responded to staff after receiving the 10-day order to correct letter. The car belonged to a patient at Teen Challenge and has now been removed from the property.

Roy Parker - 1720 Laurel St – PID 41300794

- 1) Property maintenance concerns go back to 2009
- 2) Roofing permit issued in 2016 with no activity
- 3) Roofing permit issued in 2020 with no activity
- 4) Property maintenance letters sent 09/02/2021, 05/09/22, 05/17/22
- 5) Citations sent 10/04/2021, 10/11/2021, 10/18/21, 10/25/21, 11/01/21, 11/08/21, 06/09/22, 06/21/22, 07/01/22, 07/12/22, 07/19/22
- 6) Roofing permit issued 07/26/22, thus ceasing the citation process. Mr. Parker has started repairing the roof issues but is not yet complete.

Craig Matich - 823 Brook St – PID 41360806 (Staff Recommendation to Waive)

- 1) Property maintenance letters sent 07/06/20 (grass), 05/20/22 (junk/debris)
- 2) Zoning Code violation letters sent 05/20/22 (parking RV, semi-trailers)
- 3) Property maintenance citations sent 07/13/20, 07/01/22, 07/11/22
- 4) Zoning Code citations sent 08/01/22, 08/11/22, 08/22/22
- 5) Mr. Matich has been working with staff this summer regarding the long grass and junk/debris. He has taken care of these violations and Jason voided \$300 in citations.

- 6) The open citations he spoke of are for zoning violations of parking an RV and semi-trailers on the property in unapproved areas. The RV has been removed while the semi-trailer has not.
- 7) The property owner has continually improved the property this summer and has worked with staff to correct the issues.

Wallace Goodrich – PID 41191502

- 1) Zoning Code issues and go back to 2019 regarding parking/storage of vehicles and equipment on a vacant lot.
- 2) Property maintenance issues go back to 2019 regarding long grass/weeds, junk/debris, and unlicensed/inoperable vehicles.
- 3) The vacant property has been used as a storage lot for trailers, cars, miscellaneous equipment.
- 4) Zoning Code and property maintenance letters sent 06/02/20, 06/20/20, 08/13/20, 09/11/20, 06/11/21, 10/07/21, 10/13/21, 4/22/22, 05/19/22,
- 5) Property maintenance citations sent 07/17/20, 08/27/20, 09/11/20, 09/23/20, 09/30/20, 10/09/20, 06/28/21, 07/13/21, 07/20/21, 07/27/21, 08/03/21, 08/13/21, 10/28/21, 11/16/21, 11/24/21, 12/2/21, 12/10/21, 12/20/21, 06/03/22, 06/14/22, 06/24/22
- 6) No responses from Mr. Goodrich or attempts to question/work with current staff regarding these letters.
- 7) Went to SPW 04/18/22 – motion to issue notices of violation and if compliance does not occur within 30 days, work with the City attorney for abatement.
- 8) Obtained Administrative Search Warrant 10/04/22 to abate the property.
- 9) The property owner has kept the site free of vehicles and trailers since abatement. Staff has explained the expectations for the property going forward and Mr. Goodrich has agreed to keep the vehicles and trailers off the property.

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 17, 2022, to pass upon the proposed assessment for the following improvements:

DOWNTOWN SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

Laurel Street from South 6th Street to South 8th Street
Front Street from South 6th Street to South 8th Street
South 7th Street from Maple Street to Front Street

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations

Miscellaneous properties around the City

The areas proposed to be assessed for these improvements are the properties abutting and/or benefitting from the above-described projects.

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost of Downtown Special Services District is \$113,815.18 of which \$60,402.62 is proposed to be assessed.

The total cost of Nuisance Abatement is \$40,125.00 of which \$40,125.00 is proposed to be assessed.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is four and ninety-one hundredths' percent (4.91%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of one (1) year.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this 19th day of September 2022

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 24, 2022

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCEL OF LAND DESCRIBED BELOW, THE REPSECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY NUISANCES 101-22.

| District | Parcel Status | District Status | Parcel Number | Remaining Principal | Orig Yrs | Rem No Yrs | Interest Rate | 2023 Principal Installmnt | 2023 Interest Installmnt | 2023 Total Installmnt |
|----------|---------------|-----------------|---|---------------------|----------|------------|---------------|---------------------------|--------------------------|-----------------------|
| 101-22 | Active | Active | 41191107 GAKIN, GREGORY SCOTT & | 125.00 | 1 | 1 | 4.9100000 | 0.00 | 0.00 | 0.00 |
| 101-22 | Active | Active | 41191502 GOODRICH, WALLACE D | 1,425.00 | 1 | 1 | 4.9100000 | 0.00 | 0.00 | 0.00 |
| 101-22 | Active | Active | 41191552 HOUGHTON, CARIE | 800.00 | 1 | 1 | 4.9100000 | 0.00 | 0.00 | 0.00 |
| 101-22 | Active | Active | 41191789 THELEN, CARMON K TRUST (UND 1/2 INT | 125.00 | 1 | 1 | 4.9100000 | 0.00 | 0.00 | 0.00 |
| 101-22 | Active | Active | 41300564 TIMMERS, BRIAN S | 125.00 | 1 | 1 | 4.9100000 | 0.00 | 0.00 | 0.00 |
| 101-22 | Active | Active | 41300794 PARKER, ROY C | 2,425.00 | 1 | 1 | 4.9100000 | 0.00 | 0.00 | 0.00 |
| 101-22 | Active | Active | 41330653 JAGER, MATTHEW L | 675.00 | 1 | 1 | 4.9100000 | 0.00 | 0.00 | 0.00 |
| 101-22 | Active | Active | 41360806 MATICH, JAMES R & BEVERLY | 675.00 | 1 | 1 | 4.9100000 | 0.00 | 0.00 | 0.00 |
| | | | District Totals | 6,375.00 | | | | 0.00 | 0.00 | 0.00 |
| | | | -----> Totals For 101-0000-36101 | 6,375.00 | | | | 0.00 | 0.00 | 0.00 |
| | | | Grand Totals | 6,375.00 | | | | 0.00 | 0.00 | 0.00 |

DATED THIS 30TH DAY OF NOVEMBER 2022

TOTAL: \$6,375.00

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

KELLY BEVANS, PRESIDENT OF COUNCIL

INTEREST RATE: 4.91%
YEARS CERTIFIED: 1 YEAR

**** THIS SCHEDULE IS ADJUSTED FOR PEOPLE WHO PREPAID AND ANY PARTIAL PREPAIDS, AS WELL AS 76 DAYS OF INTEREST IN 2022 AND ALL OF 2023.

R E S O L U T I O N
NO. _____

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for 2021-2022 nuisance abatement concerning the properties listed and abutting on the following:

CONTESTED NUISANCE ABATEMENT ASSESSMENTS

PID 41191789
PID 41330653
PID 41300794
PID 41191502

Mike Thelen
Matthew Jager
Roy Parker
Wallace Goodrich

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations

Misc properties around the City

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA:

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in full within 9 days from the adoption of this Resolution without interest at the office of the City Administrator. Thereafter, the entire amount of the assessment shall be payable to the Crow Wing County Auditor with interest at the rate of four and ninety-one hundredths' percent (4.91%).

3. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this ____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this ____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator