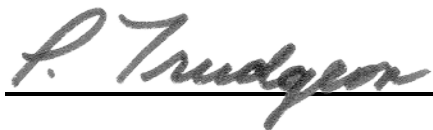


ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 03-10-2014
Item No.: 13 . C

Department Approval

City Manager Approval



This item is a Request to Perform a City Abatement for Unresolved Public Nuisance Violations at 3021 Fairview Avenue.

BACKGROUND

The subject property is a single-family detached home.

The current owner is Pastor Randol Davis.

Current violations include:

- Soils excavated from a recent building addition project at 3021 Fairview have been placed along the south property line in such a manner that erosion onto an adjacent property has occurred and there is the potential for additional erosion with the coming spring melt. Failure to contain the excavated soils qualifies as a nuisance under Section 407.01 Definitions and is a violation of Section 407.02.D Accumulation of Debris (ground).
 - In October of 2013, following receipt of a complaint that erosion was occurring onto an adjoining property, City Code Enforcement staff and Engineering Department staff inspected the construction site. Required erosion control measures that had been initially installed by the property owner were now failing, and, soils were eroding onto adjoining property.
 - On October 18, 2013 the property owner was instructed to: remove soils from up against the erosion control fabric (causing it to fail), remove soils that were piled up against a fence (functioning as erosion control), re-establish all areas of erosion control to functionality, and, stabilize all exposed soils.
 - A subsequent inspection revealed that the property owner had: stabilized significant areas of exposed soil with sod, removed significant amounts of soil up against the erosion control fabric and fence, and, re-established many areas of erosion control fabric. However, these efforts were not complete repairs and the potential for soil erosion, onto the adjoining property, remained.
 - On November 26, 2013 staff notified the property owner to complete the erosion control repairs by removing the last of the soils piled against the fabric and the fence, and, to stabilize all remaining areas of exposed soils. However, to date no additional repairs to the erosion control measures have been observed (likely due to winter weather freezing all soils and making repairs difficult).
 - Therefore, the potential for additional soil erosion, onto adjoining property, remains high.

33 Based upon past response, there is every reason to believe the property owner will make further repairs
34 to erosion control. However, it also appears the property owner does not fully understand his
35 responsibilities regarding erosion control, and, his responses in the past have not always been timely.
36 Furthermore, this is very much a time-sensitive issue. If soil erosion does occur onto adjacent property
37 with the spring melt, immediate repair measures will be necessary.

38 With an abatement action approved, any delay by the property owner in containing erosion could be
39 met with quick action by the City to install additional erosion control measures and limit erosion
40 leaving the site (the City would give the property owner 3 days advance notification). An erosion
41 control abatement action would include hay bales, erosion control fabric and/or tarps.

- 42 • Without an abatement action approved, any delay by the property owner in containing erosion
43 could result in greater harm to the adjoining property as City staff would have to initiate the
44 abatement process at that time. This could result in a delay of 2-3 weeks or more.

45 Council approval of this precautionary abatement action would also be a strong incentive for the
46 property owner to complete erosion control repairs and ensure erosion from his property remains
47 contained. The City has used precautionary abatement actions in the past with success.

48 A status update, including pictures, will be provided at the public hearing.

49 **POLICY OBJECTIVE**

50 Property maintenance through City abatement activities is a key tool to preserving high-quality
51 residential neighborhoods. Both Imagine Roseville 2025 and the City's 2030 Comprehensive Plan
52 support property maintenance as a means by which to achieve neighborhood stability. The Housing
53 section of Imagine Roseville suggests that the City "implement programs to ensure safe and well-
54 maintained properties." In addition, the Land Use chapter (Chapter 3) and the Housing and
55 Neighborhoods chapter (Chapter 6) of the Comprehensive Plan support the City's efforts to maintain
56 livability of the City's residential neighborhoods with specific policies related to property maintenance
57 and code compliance. Policy 6.1 of Chapter 3 states that the City should promote maintenance and
58 reinvestment in housing and Policy 2.6 of Chapter 6 guides the City to use code-compliance activities
59 as one method to prevent neighborhood decline.

60 **FINANCIAL IMPACTS**

61 A City abatement action would encompass the following:

- | | | |
|----|--|---------------------------------|
| 62 | • Install erosion control to limit erosion leaving the site: | Approximately \$1,500.00 |
| 63 | • <u>Stabilize exposed soils to limit erosion:</u> | <u>Approximately \$1,500.00</u> |
| 64 | Total: | Approximately - \$3,000.00 |

65 In the short term, costs of any abatement action would be paid out of the HRA budget, which has
66 allocated \$100,000 for abatement activities. The property owner would then be billed for actual and
67 administrative costs. If charges were not paid, staff would recover costs as specified in Section
68 407.07B. Costs would be reported to Council following any abatement.

69 **STAFF RECOMMENDATION**

70 Staff recommends that the Council direct Community Development staff to abate the above referenced
71 nuisance violations at 3021 Fairview Avenue by hiring a contractor to re-establish erosion control and
72 stabilize exposed soils (if the property owner does not contain erosion after a three day notice of erosion
73 occurring).

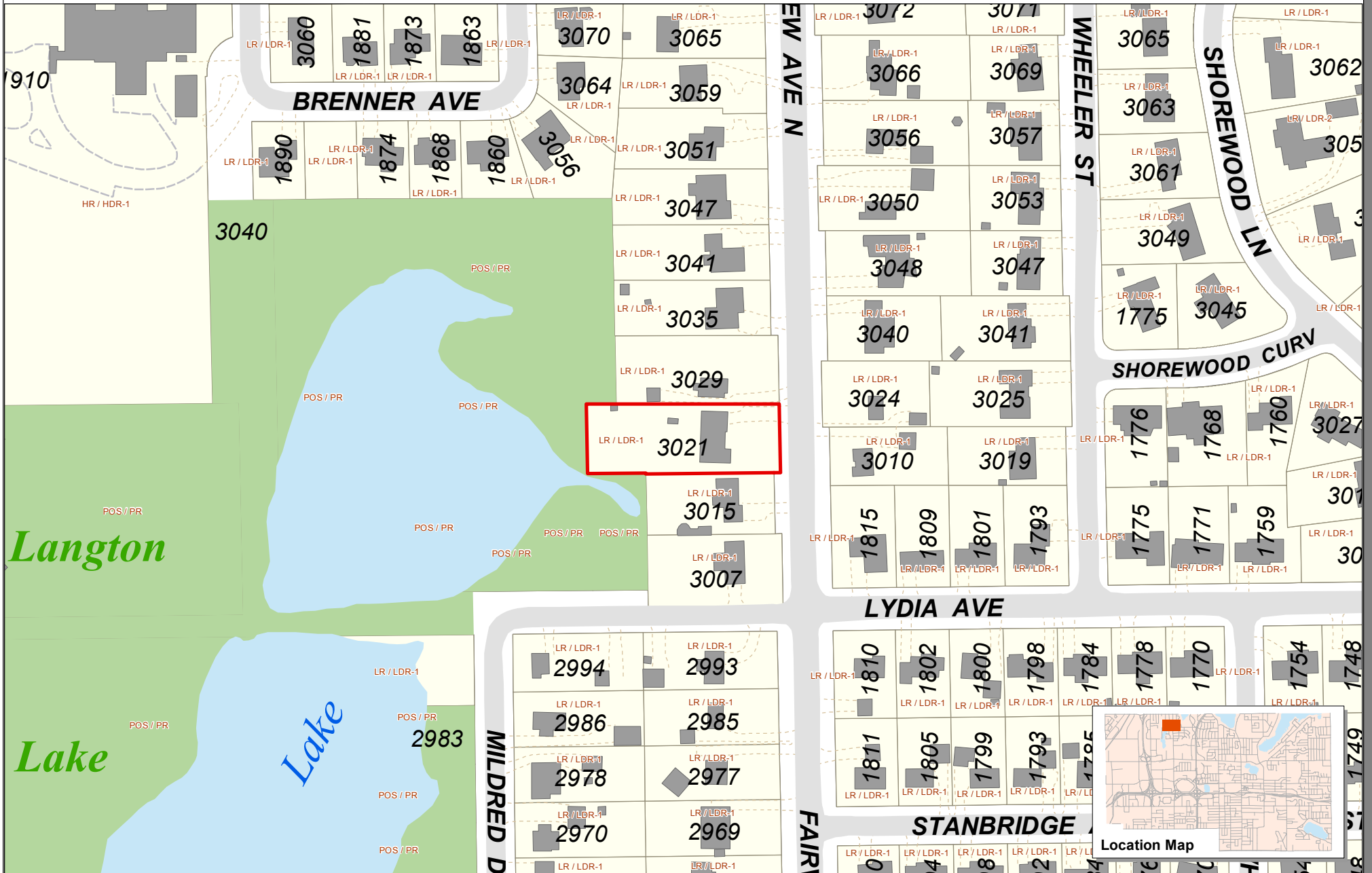
74 **REQUESTED COUNCIL ACTION**

75 Direct Community Development staff to abate the above referenced nuisance violations at 3021
76 Fairview Avenue by hiring a contractor to re-establish erosion control and stabilize exposed soils (if the
77 property owner does not contain erosion after a three day notice of erosion occurring).
78 The property owner will then be billed for actual and administrative costs. If charges are not paid, staff
79 will recover costs as specified in Section 407.07B.

Prepared by: Don Munson, Codes Coordinator
Attachments: A: Map of 3021 Fairview Avenue
B: Photo

3021 Fairview Ave N

ATTACHMENT A



Prepared by:
Community Development Department
Printed: December 16, 2013



Site Location

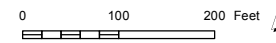
LR / LDR-1 Comp Plan / Zoning Designations

Data Sources

* Ramsey County GIS Base Map (12/3/2013)
For further information regarding the contents of this map contact:
City of Roseville, Community Development Department,
2660 Civic Center Drive, Roseville MN

Disclaimer

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