

CITY OF PIPESTONE  
PIPESTONE COUNTY, MINNESOTA

RESOLUTION 2026-8

**RESOLUTION ORDERING THE ABATEMENT OF A HAZARDOUS PROPERTY AND BUILDINGS AND PUBLIC NUISANCES LOCATED AT 601 3<sup>rd</sup> AVENUE NE**

**WHEREAS**, the property located at 601 3<sup>rd</sup> Avenue NE in the City of Pipestone (“City”) and legally described on the Exhibit A attached hereto, Pipestone County PID 18.112.2200 (“Property”), contains a residential dwelling (“Dwelling”) and an accessory structure (collectively, the “Buildings”); and

**WHEREAS**, the Property is located in the City’s Urban Residential (R-2) Zoning District; and

**WHEREAS**, according to property records obtained by the City, the Property is owned by Kevin E. Kellen (“Owner”); and

**WHEREAS**, the Dwelling and Buildings are inadequately maintained, collapsing and dilapidated and abandoned, and the Property contains unlicensed and presumably inoperable recreational vehicles and motor vehicles, a boat and lawn mowers, tractors and other nuisances; and

**WHEREAS**, an inspection of the Property revealed that the Buildings are collapsing and in an extreme state of disrepair and revealed the following hazardous conditions:

- The storage of numerous unlicensed and presumably inoperable motor vehicles and a recreational vehicle that are in an extreme state of disrepair;
- The storage of a boat and lawn tractor in a state of disrepair; and
- Weeds, grass and rank vegetation significantly greater than six inches in height.

**WHEREAS**, the Property and the Buildings have become a hazard and a nuisance, a harborage for rodents, and an invitation to vandals and vagrants; and

**WHEREAS**, the City has communicated with the Owner with regard removal of the hazardous and nuisance conditions on the Property; and

**WHEREAS**, despite communicating with the Owner and providing him the opportunity to repair or abate the hazardous conditions on the Property, the Owner has not taken sufficient steps to address the hazardous condition of the Buildings or the Property; and

**WHEREAS**, the City has exhausted its efforts attempting to accommodate the Owner and has significant concerns about the hazardous conditions of the Buildings and the Property; 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, sections 463.16 and 463.17, authorize the City Council to order the owner of any hazardous building or property within the City to remove the hazardous conditions of the building or property or to raze or remove the building; and

**WHEREAS**, Minnesota Statutes, section 463.161 et seq., authorizes a city to correct or remove a hazardous condition of any hazardous property or building 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

**WHEREAS**, Minnesota Rules, section 1300.0180 defines a building as unsafe “if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life” and specifically deems all unsafe buildings as public nuisances that “must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26”, the Hazardous or Substandard Buildings state abatement statutes; and

**WHEREAS**, Minnesota Statutes, section 609.74 deems it a public nuisance to maintain or permit a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; and

**WHEREAS**, Chapter 151 (the Property Maintenance Code for the City of Pipestone) of the City of Pipestone City Code (“City Code”), and generally Section 151.14 of the City Code, governs the minimum conditions and responsibilities of persons for maintenance of structures, equipment, and exterior property; and

**WHEREAS**, Section 151.15 of the City Code requires that all exterior property and premises shall be “maintained in a clean, safe, and sanitary condition”; that all “sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions”; and that all “accessory structures, including detached garages, fences, and walls shall be maintained structurally sound and in good repair”; and

**WHEREAS**, Section 151.18 of the City Code requires that the exterior of a structure shall be maintained in good repair; that exterior wood surfaces shall be protected from the elements by painting or treatment; and that peeling or flaked paint shall be eliminated and surfaces repainted; and that all siding and masonry joints and those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water-tight; that exterior walls shall be free from holes, breaks, and loose or rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration; and

**WHEREAS**, Section 92.05 of the City Code deems it a nuisance to park or store vehicles, materials, supplies, or equipment not customarily used for residential purposes on residentially-zoned property and requires that only properly licensed and operable motor vehicles, recreational vehicles, equipment, construction or landscaping materials or equipment currently being used on the property and properly stacked firewood may be stored on residential property and specifies that all other items must be stored within an enclosed structure; and

**WHEREAS**, to date, the Owner has failed to take any steps necessary to abate the hazardous and nuisance conditions of the Buildings and the Property and has failed to cooperate with the City in response to the City's efforts; and

**WHEREAS**, based on information presented, the City Council finds that the condition of the Property and the Buildings, as summarized in this Resolution, are hazardous, unsafe, a danger to the health, safety, and general welfare of the citizens of the City, and a public nuisance, and therefore, said conditions must be abated in accordance with applicable state and local laws.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council as follows:

1. The City Council adopts, as factual findings, all of the above recitals.
2. The Property and the Buildings are hereby deemed hazardous, as that term is defined by Minnesota Statutes, section 463.15 and unsafe, as that term is defined by Minnesota Rules, section 1300.0180.
3. The condition of the Property and Buildings also constitutes a public nuisance within the meaning of Minnesota Statutes, section 609.74 and Minnesota Rules, section 1300.0180 and violate Sections 92.05 the City Code.
4. The City Attorney shall prepare an Abatement Order substantially similar to that attached hereto as Exhibit B (the "Abatement Order").
5. The City Attorney is authorized to take all necessary legal steps to effectuate service of this resolution and the corresponding Abatement Order in the manner required by law.
6. The City Attorney, along with City Council and City Clerk, is further authorized to take all necessary legal steps in order to secure compliance with the Abatement Order and may effectuate the securing of the Buildings and otherwise abate the hazardous conditions on the Property by either agreement with the Owner or by court order and subsequently assess the costs thereof against the Property in accordance with law.

Passed and adopted by the City Council of the City of Pipestone this 20<sup>th</sup> day of January 2026.

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Dan Delaney  
Mayor

ATTEST:

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Megan DeWitte  
City Clerk

**EXHIBIT A**  
Legal Description of the Property

A tract of land commencing at a point 79.86 feet East of the Southeast Corner of Block Five (5), Bennett and Davies Addition to the City of Pipestone; thence East on a line parallel with 7<sup>th</sup> Street N.E. (formerly Fremont Avenue) Seventy (70) feet; thence North on a line parallel with 3<sup>rd</sup> Avenue N.E. (formerly Florence Street) One Hundred Fifty (150) feet; thence West parallel with said 7<sup>th</sup> Street N.E. Seventy (70) feet; thence South along the East line of said 3<sup>rd</sup> Avenue N.E. One Hundred Fifty (150) feet to the place of beginning, all in the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 12, Township 106, Range 46.

**EXHIBIT B**

**STATE OF MINNESOTA**  
**COUNTY OF PIPESTONE**

**DISTRICT COURT**  
**FIFTH JUDICIAL DISTRICT**

Case Type: Other Civil

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In In the Matter of the Hazardous and Nuisance  
Property and Building Located at  
601 3rd Avenue NE, Pipestone, Minnesota.

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

To: All owners, occupants, and lienholders of record.

The City Council of the City of Pipestone (“City”) orders that within 30 days of service of this Abatement Order you abate the hazardous and nuisance conditions which currently exist on the property located at 601 3rd Avenue NE, Pipestone, Minnesota, which property is legally described on Exhibit A attached to this Abatement Order (“Property”), including those conditions related to the residential dwelling (“Dwelling”) and the accessory structure on the Property (collectively, the “Buildings”). As further detailed in this Abatement Order, such abatement shall occur by (1) removing the Buildings in their entirety and removing all remaining materials and personal property, (2) removal of unlicensed and inoperable motor vehicles and the recreational vehicle, (3) removal of the boat and lawn tractor and (4) maintenance or removal of the weeds, grass and rank vegetation greater than six inches in height.

The City, pursuant to Minnesota Statutes Sections 463.15 to 463.261, finds the Buildings and Property located at the above-referenced property constitute hazardous buildings and hazardous property within the meaning of Minnesota Statutes Section 463.15 subdivision 3,

specifically due to the collapsing Buildings, the storage of vehicles and the failure to maintain vegetation on the Property and the overall condition of the Buildings and Property.

Accordingly, it is hereby ORDERED that you abate the aforementioned conditions within 30 days of the date of service of this Abatement Order by (1) removing the Buildings in their entirety and removing all remaining materials and personal property, (2) removal of unlicensed and inoperable motor vehicles and the recreational vehicle, (3) removal of the boat and lawn tractor and (4) maintenance or removal of the weeds, grass and rank vegetation greater than six inches in height.

Certain work listed above may require permits, and you must first apply for and obtain any such permits required for the work you intend to perform from the City and any other entity with jurisdiction. This Abatement Order is not a permit. Further, all such work completed is subject to inspection by the City or other officials as may be required to ensure compliance with applicable laws, regulations, and this Abatement Order.

You are further advised that unless such corrective action is taken or an Answer is timely served on the City within 20 days of the date of service of this Abatement Order upon you, a motion for summary enforcement of this Abatement Order will be made to the Pipestone County District Court.

Finally, you are further advised that if you do not comply with this Abatement Order and the City is compelled to take corrective action, as authorized under law, all necessary costs incurred by the City in enforcing this Abatement Order will be assessed against the Property pursuant to Minnesota Statutes, section 463.21 and the City of Pipestone City Code. In connection to such assessment, the City further intends to recover all of its expenses incurred in carrying out this Abatement 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 Abatement Order was originally made pursuant to Minnesota Statutes, section 463.22 and the City of Pipestone City Code.

Dated: January \_\_\_\_\_ 2026

**TOWN LAW CENTER PLLP**

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Jason M. Hill, #298438  
1250 Wayzata Boulevard E., Unit #1065  
Wayzata, MN 55391  
Telephone: (612) 361-7041  
jason@townlawcenter.com

**ATTORNEY FOR CITY OF PIPESTONE**

**ACKNOWLEDGEMENT**

Pursuant to Minn. Stat. § 549.211, the undersigned acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded to the opposing party or parties for actions in bad faith; the assertion of a claim or a defense that is frivolous and that is costly to the other party; the assertion of an unfounded position solely to delay the ordinary course of the proceeding or to harass; or the commission of a fraud upon the court.

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Jason M. Hill

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