
TO: Kate Thunstrom, City Administrator
FROM: Colette Baumgardner, Community Development Director
SUBJECT: Special Assessment for 23462 University Ave NW
DATE: November 20, 2023

OVERVIEW

In June 2023, significant code violations were reported to code enforcement at 23462 University Ave NW. Staff has since issued citations against the property and made multiple attempts to contact the property owner via mail, phone calls, and a site visit. As of October 2023, the citations against the property totaled \$9,000. These fees were proposed as a special assessment to the City Council at the meeting on November 6, 2023. The property owner mailed in an appeal ahead of the meeting and requested a reduction in fees at the meeting. On November 6th, City Council directed staff to meet with property owner to create a plan to clean up the property. Staff worked with owner to schedule a meeting for November 13, 2023 at City Hall.

Violation Summary

On November 13th, staff met with the residents of the property to discuss a plan for cleaning up the property. Staff discussed the citations below with the result of each discussion below.

- Violation: Parking on unapproved surface, City Code: 10-68-20.
 - Result: Property is in violation of this code. Plan addresses violation.
- Violation: Refuse and junk, City Code: 8-2-1
 - Result: Property is in violation of this code. Plan addresses violation.
- Violation: Failure to Register Rental Property
 - Result: Owner claims that only one room is being used by someone other than him. The “tenant” is a neighbor who is in the process of remodeling their home and is staying at the 23462 University property on a very temporary basis.
- Violation: Using RV as Living Quarters
 - Result: Owner claims no RV is currently on the property, so no one is living in one.
- Violation: Business Use of Property
 - Result: Owner claims no business use of property. All cars on property are used to support hobby of demolition derby. The parts from vehicles are used in demo cars, and the parts vehicles have remained on property because there is space for storage.

The owner denied access for staff to perform a site visit, so owner statements cannot be verified. Additionally, the lack of site visit hinders staff's ability to know with confidence that the plan will be successful.

Plan to Compliance

Each week the owner will remove two trailers full of scrap/vehicles each week, which equals close around 10,000 lbs. The owner's trusted friend, Christie, will email a photo to designated staff, Jodie Steffes, each week by Sunday at midnight with at least four photos:

1. Load 1 – where the vehicle or scrap was located in the yard
2. Load 1 – a full trailer loaded/leaving the property.
3. Load 2 – where the vehicle or scrap was located in the yard
4. Load 2 – a full trailer loaded/leaving the property.

The photo submission will be for the previous week. For example, the photo submitted by November 26th will be for the week of November 20 – November 26. A full submission schedule is in the attachments.

If no photo is submitted, staff will contact Christie for an update and staff will send a letter to the property.

If no response by two weeks, staff will visit the property and knock on the door. Staff has been given permission to access the rear of the property – behind the no trespassing gate - to knock on the back door. The back door is used as the primary access to the home, and the door on the street side is not in use.



If no response by three weeks, citations will resume on the property and staff will prepare plans for abatement.

If there are multiple occurrences of no response and/or submission, staff will try to work with the owner to create an updated plan and represent to the City Council. If no plan can be formed, citations will resume.

The target date for compliance is Feb 14th. This will serve as checkpoint for substantial completion. The official compliance date will be June 3rd to allow for additional time due to weather and unexpected occurrences of illness and injury.

The owner understands that compliance on June 3rd means that there is no outdoor storage of junk or refuse, and all operable vehicles must be parked on an approved parking surface.

Staff feels that this plan is fair and anticipates that the time allowed is sufficient. It is challenging to fully understand the scope and if the plan will be successful without a site visit.

Assessment

The full assessed amount is \$9,000 or a total of \$1,800 per violation listed in the citations. Given that a plan has been established, staff believes it is reasonable to reduce the amount in the assessment. The owner claims that they did not receive any notices or citations prior to the assessment letter. The owner would like to see the assessment eliminated as he claims to have not received previous communications. Staff has provided a summarized list of attempted contacts in the attachments.

To date, the attorney's office has spent approximately \$3,100 preparing for the abatement. Staff recommends this value at the minimum assessment. In total, staff recommends reducing the assessment to \$3,900. This covers the full attorney's fees and some of the staff time to attempt to contact the property owner and working toward compliance.

Violation: Parking on unapproved surface, City Code: 10-68-20.

- Full amount - \$1,800

Violation: Refuse and junk, City Code: 8-2-1

- Full amount - \$1,800

Violation: Failure to Register Rental Property

- Reduce to \$100 (first citation amount). Cannot verify compliance.

Violation: Using RV as Living Quarters

- Reduce to \$100 (first citation amount). Cannot verify compliance.

Violation: Business Use of Property

- Reduce to \$100 (first citation amount). Cannot verify compliance.

New Total: \$3,900

ACTION TO BE CONSIDERED

Determine the assessment amount for the property and approve code enforcement extension plan.

ATTACHMENTS

- Compliance Plan Photo Submission Deadlines
- Summary of Attempted Contacts Prior to November 6, 2023
- Resolution 2023-66 – Amending Special Assessment for 23462 University Ave
- Agreement for Limited Waiver of Trespass