

**CITY OF ORONOCO, MINNESOTA
CITY COUNCIL RESOLUTION 2024-30**

**DECLARING A HAZARDOUS BUILDING AND ORDERING REMOVAL OF
HAZARDOUS CONDITIONS OR RAZING OF HAZARDOUS BUILDINGS**

WHEREAS, based on the evidence presented at the August 20, 2024 City Council meeting, the City of Oronoco, Minnesota, and its City Council finds the following facts:

1. That there is a single-family dwelling and three sheds (the “Dwellings”), on the real property located at 115 3rd St SW in the City of Oronoco (the “Property”), legally described as:

*The South 45 feet of Lot 8, Block 28, Original Plat, City of Oronoco,
Olmsted County, Minnesota.*

2. That the records on file with the Olmsted County Recorder reveal that the owner of the the Property is Mary Nash Smith (the “Owner”), and that there no lienholders or other interested parties in the Property.
3. That Minn. Stat. Sec. 463.15 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.
4. That after numerous attempts to notify and work with the Owner to remove the hazardous conditions, Randy Bothun, Building Official for the City, sent a letter on July 17, 2024 to the Owner providing notice that the Dwellings are in a dilapidated condition.
5. That on June 24, 2024 the City was granted an Administrative Search Warrant by Olmsted District Court Judge Lisa Hayne to enter and inspect the Property.
6. That Randy Bothun inspected the real property on June 27, 2024 and prepared a Building Report on June 28, 2024 compiling his findings, incorporated herein by reference as Exhibit A, and took photographs of the condition of the Property on June 26, 2024, which are attached hereto as Exhibit B and incorporated herein by reference.
7. That the notice letter dated July 8, 2024 was properly served on the Owner, including findings pertaining to the condition of the real property, incorporated herein by reference as Exhibit C.
8. That the City Council, following proper notice to the Owner, considered this matter on August 20, 2024 following a public hearing. A list of persons offering testimony at the public hearing is attached hereto as Exhibit D.
9. That the Dwellings have been deemed unsafe for reasons including, but not limited to: the Dwellings are structurally unsafe, a fire hazard, dangerous to human life, unsanitary, and

an electrical hazard.

10. That the Dwellings are manifestly unsafe for purposes of use as a dwelling unit.
11. That portions or members of the Dwellings are likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or property.
12. That the Dwellings are in such a deteriorated condition as to constitute a public health and safety hazard and a public nuisance.
13. That no estimate of rehabilitation costs to meet applicable codes has been made. It appears likely that the current condition of the Property that any necessary repairs will exceed the value of the Dwellings.

NOW, THEREFORE, it is found as a matter of fact that the Dwellings located at 115 3rd St SW in the City of Oronoco are hazardous buildings and that the property on which the Dwellings are located is hazardous and that the buildings must either be repaired to remove the hazardous conditions or must be razed.

YOU, Mary Nash Smith, are hereby ordered to abate the hazardous conditions on the property within Twenty (20) days after service of this Order upon you, so that there will be no hazard to the public health and safety; and you are further ordered to remove from said premises any personal property and fixtures within Twenty (20) days after service of this Order upon you.

The City will make a motion for summary enforcement of this Order to the District Court of Olmsted County, Minnesota, if the corrective action is not taken as ordered, or unless an answer is served as provided in Minnesota Statutes Section 463.18.

PASSED by the City Council of the City of Oronoco this 20 day of August 2024.

ATTEST



City Clerk



Mayor

VOTE: A EICHHORST A PENDERGRASS
 A RICHARDS A PHILLIPS A DE VLAEMINCK

EXHIBIT A
BUILDING REPORT



A Division of WSE Engineering
Services, Ltd

1765 Restoration Rd SW
Rochester, MN 55902
507-282-8206

June 28, 2024

Mary Nash Smith
115 3rd St SW
Oronoco, MN 55960

RE: Property located at 115 3rd St SW, P.O. Box 316, Oronoco, MN & adjacent vacant lot.

As the Building Official for the City of Oronoco, MN; I am posting this notice to declare this building (single family dwelling) and 3 sheds on the property as unsafe buildings. This is provided for by the current building code, as stated in the 2020 Minnesota Building Code, under administration section 1300.180. The single family dwelling is deemed unsafe for at minimum the following reasons: structurally unsafe, a fire hazard, dangerous to human life, unsanitary conditions, and electrical hazard. The sheds on the property also fit one or more of the previous conditions. The buildings shall not be occupied or used. The buildings shall be vacated and/or remain vacated.

The above administration section states:

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, Sections 463.15 to 463.26.

Randy Bothun
Building Official for City of Oronoco, MN.
Construction Management Services

EXHIBIT B
PHOTOS OF PROPERTY









EXHIBIT C
NOTICE LETTER

August 13, 2024

Mary Nash Smith
115 3rd Street SW
Oronoco, MN 55960

VIA CERTIFIED MAIL AND
PERSONAL SERVICE

**Re: City Ordinance Violations; Hazardous Building at 115 3rd St SW, P.O. Box
316, Oronoco, MN**

Dear Ms. Smith:

I am writing in my capacity as the Building Official for the City of Oronoco (the "City"). City staff have attempted to contact you on numerous occasions concerning your property located at 115 3rd St SW in the City of Oronoco (the "Property") and its potentially hazardous condition. Because of your continued refusal to allow the City onto the premises to inspect the Property, on June 27, 2024, the City executed an Administrative Search Warrant to enter the Property to prevent and abate nuisance conditions. The condition of the Property on June 27, 2024 is documented in the digital photographs attached hereto as Exhibit A.

I have declared the building (single family dwelling) and 3 sheds located at the above-referenced address to be a hazardous structure pursuant to Minn. Stat. Sec. 463.15, subd. 3, which is copied here for your review:

463.15 DEFINITIONS.

...

Subd. 3. Hazardous building or hazardous property.

"Hazardous building or hazardous property" means 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.

The condition of the Property is hazardous based on the following facts and descriptions of the structural conditions of the Property:

- The Property is structurally unsafe,

- The Property is a fire hazard,
- The Property is dangerous to human life,
- The Property is in an unsanitary condition, and
- The Property is an electrical hazard.
- There are items of personal property and vehicles on the exterior of the structures causing hazardous conditions.

The sheds on the property also fit one or more of the previous conditions. The buildings shall not be occupied or used. The buildings shall be vacated and/or remain vacated.

In order to bring the building(s) into compliance, the safety issues must be repaired, replaced, or completely removed.

The City of Oronoco City Council has the authority to order the owner of a hazardous building or property within the City to correct or remove the hazardous condition or to raze the building pursuant to Minn. Stat. 463.16.

You are hereby notified that the City of Oronoco City Council will be considering an Order declaring the Property hazardous and directing you to remove the hazardous conditions at the regular City Council meeting on August 20, 2024 at 6:30 p.m. at Oronoco City Hall, 115 2nd St NW, Oronoco, MN 55960. You will be given an opportunity to address the Council at that time.

If the Council issues an Order pursuant to Minn. Stat. Sec. 463.17, the same will be served on you. Thereafter, if you do not comply with the terms of the Order or file an Answer pursuant to Minn. Stat. Sec. 463.18, the City will pursue summary enforcement in the District Court and obtain a court order to abate the hazardous conditions on the Property in the manner described in Minn. Stat. Sec. 463.21. The costs of removing the hazardous conditions may be charged to you and unpaid charges may become a lien against the Property. The proposed order for Council consideration will be available prior to the August 20 meeting and can be obtained by contacting the City Administrator.

Please contact the City Administrator at 507-367-4405 you have any questions about this letter or wish to discuss this matter further. If you wish to consent to allowing the City to remove the hazardous conditions, the City will prepare a contract between you and the City to accomplish this.

Sincerely,

Randy Bothun
City of Oronoco Building Official

Encl.

cc: Jason Baker City Administrator, City of Oronoco (via email)
Oronoco City Council (via email)

EXHIBIT D

List of persons testifying at hearing

1. ...
2. ...