

**July 15, 2019  
Special Meeting**

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Halstad was duly called and held at the Halstad Telephone Company Meeting Room in said City on July 15, 2019 at 5:15pm.

Mayor Lori DeLong called the regular meeting to order at 5:15 p.m.

The following council members were present: Jeremy Melting, Veronica Dye, and Brandon Mickelson

The following council members were absent: Darin Johnson

Others in attendance: Cynthia Julin, Yvonne Nelson, Pamela Hawn, and Samuel Borchert

Mayor DeLong explained the need for the special meeting was to address several items in the city right-of-way along 2nd Avenue West by the trailer court parcel 28-3580000. The City engineer has designed a plan to widen the road for 45 degree parking on the west side of the street for additional parking at the community center (LRC). In order for this project to continue, all items in the right-of-way must be moved. The property owner and tenants were mailed a letter on May 30, 2019, requesting the removal of these items and notifying them of the special meeting on June 12, 2019 regarding this matter. A 30 day extension was requested by the owner and tenants and granted by the Council at that meeting.

As of the date of this meeting, the items have been removed from the right-of-way in lot #12 (Borchert tenant), but the items still remain in the right-of-way in lot #1 (Nelson tenant).

Councilmember Darin Johnson arrives 5:22 p.m.

Mayor Lori DeLong read the following resolution out loud and moved to approve:

**CITY OF HALSTAD, MINNESOTA  
RESOLUTION NO. 2019-07-15**

**ORDER TO FIND ZONING VIOLATIONS AT 581 2ND AVENUE WEST  
UNDER CITY OF HALSTAD ORDINANCES NO. 62 AND 93**

**WHEREAS**, the City Council of Halstad, Minnesota, finds the building and/or property located at 581 2nd Avenue West, to be in violation of City of Halstad Ordinance Chapter 62, Section 62.12 and Chapter 93, Section 93.03, for the following reasons:

1. Shed, fence, and other personal property located on Lot #1 (far Southeast corner-Nelson tenant) are placed in the right-of-way and does not meet setback requirements.

**WHEREAS**, the zoning violations listed above are more fully documented in the Notice of Violation prepared by the City Council on May 30, 2019, a copy of which is attached to this resolution as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HALSTAD, MINNESOTA, AS FOLLOWS:**

1. That, in accordance with Minn. Stat. §462.351, and City of Halstad Ordinances Chapter 62, Section 62.12 and Chapter 93, Section 93.03, and pursuant to the foregoing findings, the council orders the record owners and the above tenants of the above building and/or property or their representatives to make the following abatement of the zoning violations on the property at 581 2nd Avenue West:
  - a. All accessory structures located in the City right-of-way and within 3 feet of the property line along 2nd Avenue West must be removed.
2. That the abatement listed above must be made within ten (10) days after this Order is served upon the property owner and the above tenants. The abatement must be completed in compliance with all applicable codes and regulations and done pursuant to proper permits from the city.
3. That, in accordance with Minn. Stat. §462.362, failure to abate the conduct constituting the violation or to otherwise resolve the matter with the city attorney within thirty (30) days of the service of notice, a

complaint for relief and/or motion for summary enforcement of this Order will be made with the District Court of Norman County unless an answer is filed within the time specified in Minn. R. Civ. P. 12.01, which is twenty (20) days.

4. That, upon proof of a violation, the District Court of Norman County will issue a permanent injunction and enter an order for abatement directing the violation abated. Prior to enforcement, the owner of the property will be served with the abatement order and a notice of the right to file a motion.
5. That the order for abatement will direct the removal of any movable property used in conducting or maintaining the violation and direct the sale of property. The sale shall be conducted pursuant to Minn. Stat. § 550.01 *et seq.*
6. That, if the city must take actions to enforce this Order, as well as any subsequent injunction or order issued by the District Court of Norman County, all enforcement costs will be specially assessed against the property and collected in accordance with Minn. Stat. § §429.061 and 429.101.
7. That the city attorney is authorized to serve this Order upon the owner and the above tenants of the premises at 581 2nd Avenue West and all lien-holders of record.
8. That the city attorney is authorized to proceed with the enforcement of this Order.

Motion was seconded by Darin Johnson. The following voted aye: Lori DeLong, Darin Johnson, Brandon Mickelson, Veronica Dye, and Jeremy Melting. The following voted nay: none. Motion carried.

Motion by Veronica Dye to adjourn at 5:55 p.m. with second by Darin Johnson. Motion carried.

---

Veronica L. Dye, Clerk/Treasurer