

Memorandum

TO: City Council
FROM: Niki Hill, AICP , Assistant Community Development Director
DATE: February 2, 2026
SUBJECT: Nuisance abatement - 5595 Donegal Drive
ITEM NUMBER: 10.b
SECTION: GENERAL BUSINESS

REQUESTED MOTION

To adopt Resolution No. 25-92, approving the abatement of a public nuisance for property located at 5595 Donegal Drive.

INTRODUCTION

The city council is being asked to order an abatement of a public nuisance for the property located at 5595 Donegal Drive. The council has the authority to declare and abate nuisances on private property that do not comply with the city's property maintenance standards. This item was originally scheduled to be heard at the December, but the property owner requested a delay due to medical issues.

DISCUSSION

An initial complaint of a deteriorated deck was received on June 23, 2025. An initial notice was sent; however, there was no response from the property owner.

Prior to scheduled re-inspection, staff was informed the property was going to public auction in September 2025. The case was temporarily paused to allow time for correction by the new homeowner.

On October 22, 2025, staff was notified that the current property owner would be retaining ownership of the property. A 1st re-inspection notice was sent, as the deck remained non-compliant and the deck had further deteriorated. The deck was deemed unsafe at that time. The second re-inspection was done November 3, 2025. No contact had been made by the property owner, and the deck remained non-compliant. Due to the unsafe nature of the deck, staff determined that immediate abatement was warranted.

Staff contacted a member of the homeowners association to check on the status of the property owner, given their age and lack of movement at the property. Staff was informed the property owner's daughter was in and out of the property months earlier but had not been seen recently. The board member also reported that the daughter stated the property owner was now residing in an assisted living facility in Southern Minnesota, to be closer to where the daughter

lives. The board member noted that they have not observed any activity or lights at the property for the past several months.

An abatement hearing notice was sent November 13, 2025. Prior to the hearing on December 1st, staff had contact with the daughter stating that they had been in Rochester at the Mayo hospital. They requested additional time to gather information/documents regarding the removal of the deck as they have been trying to work with the association and the management company but they have had no resolution and no contact for the past 2 years.

On December 31, the city received a call that they are working with a lawyer, but needed to further speak to them in regards to the code enforcement case. She stated that she would be sending documentation by the end of the week of January 5, 2026. The city has not received any documentation nor contact since.

Listed below is the section of the code and the violations that have been documented:

- City Code Section 28-6 (a) General Property Maintenance and City Code Section 8-11 State Building Code- The deck is in a deteriorated and unsafe condition, with rotting boards and non-compliant supports.

Section 22-24 - Abatement Procedure

The conditions identified above are defined as a public nuisances in the City's Code.

Abatement notices are posted on the property and also sent via mail to the property owner of record. The notice specifies that the nuisance deck must be remedied within five (5) working days, and if that nuisance remains, the city council will hold a hearing to order the abatement of the nuisance. The notice also identifies the time and date of the hearing scheduled before the city council. The property owner has the right to appear at the hearing.

If the council orders the abatement, the city will abate the nuisance and the cost of the abatement, including administrative costs, will be charged to the property owner and certified against the property for collection with taxes if the bill is not paid. Staff has prepared Resolution 25-92 ordering the abatement of the public nuisance conditions, for consideration by the City Council.

The Abatement Hearing Notice/Correction Notice has been mailed to the property owner, requiring the property be brought into compliance. If the abatement is ordered, the staff will work to correct the conditions. The cost of correcting the public nuisance condition will be recovered by the city either by a lien against the property, by obtaining a judgment against the owner, or by special assessment.

Included with this report is a resolution to order the abatement of the nuisance on the property at 5595 Donegal Drive and documentation showing photographs of the property.

RECOMMENDATION

The property owner has been notified on numerous occasions regarding the code violation. Staff recommends the city council conduct the required hearing and adopt Resolution No. 25-92, approving the abatement of the nuisance at 5595 Donegal Drive. The order specifies the

corrections required to bring the property into compliance with the city's property maintenance codes and would permit the city to abate the conditions. If the council approves the motion, staff will move forward with abatement of the nuisance conditions if they are not corrected within 30 days.

ATTACHMENTS

[Location Map](#)

[Resolution 25-92 - Nuisance Abatement - 5595 Donegal Drive](#)

[5595 Donegal Drive Abatement Packet](#)