



MEMORANDUM

DATE: September 18, 2023

TO: Honorable Mayor and City Councilmembers
Dave Perrault, City Administrator

FROM: Jessica Jagoe, Community Development Director

SUBJECT: City-Owned Land Encroachment Discussion

Budgeted Amount:
N/A

Actual Amount:
N/A

Funding Source:
N/A

Council Should Consider

Council should discuss and provide direction on handling of encroachments to City-owned property.

Resident Requested Action

At the June 12th regular City Council meeting, Mr. Bonine, Property Owner of 3274 Katie Lane, spoke during public inquires requesting to be added to a future work session in order to allow for further conversation regarding a concern with his property. At that time, he presented to the City Council a letter dated May 25, 2023 addressed to city staff which outlined a proposal for collaboration to allow plantings on city park property adjacent to his lot (Attachment A). The general consensus of the Council was to bring this discussion forward at a future work session. Staff was directed to include the background on park land encroachments as part of the staff report for this discussion.

Background

In 2019, the City received a general complaint regarding encroachments that were occurring adjacent to Floral Park as well as along a segment of city trail between Cleveland Avenue and Stowe Avenue by Hazelnut Park. At that time, the City's Code Enforcement Officer sent an informational letter to 22 households adjacent to these neighborhoods providing examples of what type of activity would be considered a park land encroachment and options for how to remedy a violation (Attachment B). Shortly thereafter, the City received another complaint specific to one property on Katie Lane and a subsequent letter was sent. The encroachments noted in the follow-up notice to Mr. Bonine were removed.

At the October 17th, 2022 work session, the City Council discussed a complaint received regarding a property on Katie Lane adjacent to the trail that was mowing into the park property and had planted trees essentially creating a vegetative fence as an extension of their rear yard. Staff was directed to send a code enforcement letter requesting that the trees be removed from city property.



The following is the city code section pertaining to this matter:

City Code Section 720.06, Subd. 1 Defacement, Destruction of Property and Resources. No person shall tamper with, injure, deface, destroy, disturb, damage or remove any part of any system building, structure, sign, lightpole, drinking fountain, hydrant, table, grill, equipment, statue, flower, tree, shrub, plant, turf, soil conditions, or mineral resource, nor shall any person plant or cause to be planted any wild, cultivated or exotic tree, shrub or plant except with the written permission of the director.

On November 4, 2022, city staff sent a letter to the Owners of 3274 Katie Lane requesting the discontinued maintenance (i.e. mowing) of city property and removal of the plantings that encroached on public park land. Given the seasonal constraints it was requested that corrective action be taken in the spring of 2023. Mr. Bonine approached city staff in May with the attached proposal (Attachment A). Based on the prior direction of the Council, city staff indicated to Mr. Bonine that this project could not be administratively approved. This led to Mr. Bonine's request to the City Council for further discussion on this topic.

In preparing this memo it was confirmed with the Public Works Director that to his knowledge there have not been instances of written permission being granted to a resident to add plantings as part of their private landscape (i.e. Owner maintained) on park property. Staff did confirm for the stretch of houses along Katie Lane (abutting park property) that there were three households issued a building/zoning permit for a fence since 1989. One site plan showed the fence extending 20 feet beyond the rear property line with the location identified as within an Xcel easement. Staff was unable to locate a corresponding site plan for the other two fence permits. To date, encroachments on park property have been complaint driven like our standard procedures for code enforcement action.

Discussion

Staff is looking for direction from the City Council on handling of City-owned land encroachments.

Budget Impact

N/A

Attachments

Attachment A – Resident Letter

Attachment B – City Informational Notice