EMERGENCY ORDINANCE NO. 214, 2nd Series
CITY OF WINDOM, MINNESOTA

AN EMERGENCY ORDINANCE RATIFYING THE EMERGENCY DEMOLITION OF THE UNSAFE STRUCTURE AND AUTHORIZING THE IMMEDIATE SECURING OF THE PROPERTY AT 1048 DRAKE AVENUE

BE IT ORDAINED BY THE CITY OF WINDOM, MINNESOTA, AS FOLLOWS:

SECTION 1. PURPOSE AND AUTHORITY.

This emergency ordinance is adopted pursuant to Section 3.05 of the Windom City Charter and Section 90.07(E) of the Windom City Code to ratify the emergency demolition of the unsafe single-level principal structure formerly located at 1048 Drake Avenue, Windom, Minnesota (the "Property"), and to authorize the immediate securing and abatement of remaining emergency conditions on the Property. Section 90.07(E) provides that "nothing in this section shall prevent the City, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety." This emergency ordinance is necessary for the immediate preservation of the public peace, health, morals, safety and welfare of the City and its residents.

SECTION 2. FINDINGS.

The City Council finds as follows:

1. On September 19, 2026, at approximately 3:50 a.m., the Windom Fire Department responded to assist with an active-shooter incident and remained on standby until approximately 1:30 p.m., when the incident concluded. At the request of the Windom Police Department, Fire Chief Ben Derickson and First Assistant Chief Jordan Bussa thereafter inspected the residence to assist in securing it and identified substantial damage and concerns that the structure was unsafe. Building Official Matthew Fast was called to the Property.
2. At approximately 2:00 p.m. on September 19, 2026, the City's Fire Chief contacted Building Official Matthew Fast concerning the principal structure at the Property following a public-safety incident and requested an assessment of the stability of the remaining structure and the risk to the public.
3. Building Official Fast inspected the Property, photographed the conditions, and documented the findings summarized in his September 20, 2026 Report of Condition of Structure, attached as Exhibit A. Fire officials participated in the inspection. Both fire officials and Building Official Fast determined that the structure, as it then stood, presented an immediate danger to public safety, health, and welfare.
4. The front of the structure was heavily damaged. The north half of the front wall assembly was missing, and the remainder of the front wall assembly had shifted off the foundation and was resting on the natural-gas service line to the structure.
5. Approximately one-third of the rear wall assembly was torn from the structure. The supporting foundation was also missing in that area.

6. The ceiling was damaged and exposed in the north portion of the structure. The roof assembly and roof trusses sustained substantial damage, including broken or damaged bottom chords and truss bracing.
7. The roof assembly depended on structural support from the front and rear walls. Because those walls were missing, displaced, or otherwise compromised, the damaged rafter and truss assemblies could not reliably support the required dead loads.
8. The loss and displacement of wall assemblies and the compromise of shear-wall support rendered the structure unstable and unsafe for occupancy or entry.
9. A collapse could damage the natural-gas service line, cause a natural-gas leak, and damage or compromise the neighboring residence to the north, thereby endangering occupants, emergency responders, adjoining property, and members of the public.
10. Delay of the removal of this unsafe and dangerous structure would have unreasonably endangered persons or property and would have increased the risk of injury, death, fire, collapse, vandalism, trespass or other harm to the public.
11. The person occupying the Property at the time of the incident was not the record fee owner. The property tax record identifies Joyce Carey as the listed owner, and the obituary attached as Exhibit E establishes that Joyce Carey is deceased. The property records reviewed by the City disclose no recorded mortgagees or lienholders affecting the Property. The property tax record is attached as Exhibit D.

SECTION 3. DECLARATION OF EMERGENCY.

Based on the foregoing findings, the City Council affirms the determination of the City Building Official and City Administrator that the condition of the structure constituted a public emergency and an imminent and serious hazard to human life and safety within the meaning of Section 3.05 of the Windom City Charter and Section 90.07(E) of the Windom City Code. Immediate action was necessary to prevent unauthorized entry, collapse, fire, explosion, utility damage, injury, death, and damage to adjoining property. Because delay would have materially increased those risks, demolition of the structure as an emergency abatement measure appropriately proceeded without prior notice or other process as permitted by Section 90.07(E), and the City Council ratifies that emergency demolition. The City Council further declares that the conditions remaining on the Property following demolition, including unsecured access, debris, possible exposed or damaged utilities, and other hazards resulting from the incident and demolition, constitute a continuing public emergency and an imminent and serious hazard to human life and safety under the same authorities. Immediate securing of the Property is therefore necessary to prevent unauthorized entry, injury, utility damage, and damage to adjoining property, and the City Council authorizes the securing measures set forth in this ordinance.

SECTION 4. ORDER AND AUTHORIZATION TO FURTHER SECURE.

The City Council orders and authorizes the City Administrator, Building Official, Fire Chief, City Attorney, and their respective designees to enter the Property and take the following actions, using reasonable means and limiting the work to measures reasonably necessary to eliminate or control the remaining emergency conditions:

1. Establish and maintain a safe exclusion zone around the property by fencing, barricades, warning signs, or other access-control measures.

2. Remove persons from the unsafe area except by authorized emergency personnel, inspectors, utility personnel, contractors, or other persons authorized by the City.
3. Coordinate the shutoff, disconnection, protection, or relocation of natural gas, electric, water, sewer, and other utility services as necessary to eliminate immediate hazards.
4. Remove or control loose debris or building components that present an immediate risk of falling, displacement, ignition, or interference with emergency operations.
5. Take any other temporary and proportionate measure the Building Official determines is immediately necessary to protect human life or safety, adjoining property, or public infrastructure.
6. Pursue abatement of the remaining nuisance conditions under otherwise applicable law.

SECTION 5. IMPLEMENTATION, DOCUMENTATION, AND COSTS.

City personnel shall document the condition of the Property and the emergency work performed, including photographs, invoices, and staff or contractor time when practicable. The City may seek recovery of its costs from the responsible property owner or other responsible person, and may assess, certify, or otherwise collect those costs, only as authorized by applicable law.

SECTION 6. SEVERABILITY.

If any provision of this ordinance is held invalid, the invalidity does not affect any other provision that can be given effect without the invalid provision.

SECTION 7. EFFECTIVE DATE.

The City Council finds that this ordinance is immediately necessary for the preservation of public health and safety. This ordinance takes effect immediately upon adoption in the manner required by Section 3.05 of the Windom City Charter and shall be signed, recorded, and published as required by the Charter and applicable law. This ordinance shall automatically expire when the City Administrator or Building Official determines that the nuisance and hazardous conditions on the Property have been abated through City action or voluntary remediation by the property owner.

Adopted by the City Council of the City of Windom, Minnesota, this ____ day of September, 2026.

Vote: Ayes ____; Nays ____; Absent ____.

CITY OF WINDOM, MINNESOTA

By: _____

Mayor

Attest: _____

City Clerk

Emergency Ordinance No. ____

City of Windom, Minnesota

EXHIBIT A

BUILDING OFFICE REPORT OF CONDITION OF STRUCTURE

AT 1048 DRAKE AVENUE

Emergency Ordinance No. ____

City of Windom, Minnesota

EXHIBIT B PHOTOGRAPHS

Emergency Ordinance No. ____

City of Windom, Minnesota

Emergency Ordinance No. ____

City of Windom, Minnesota

Emergency Ordinance No. ____

City of Windom, Minnesota

EXHIBIT C: FIRE CHIEF REPORT

EXHIBIT D: PROPERTY TAX RECORD

Property tax record for 1048 Drake Avenue identifying Joyce Carey as the listed owner.

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EXHIBIT E: OBITUARY OF JOYCE CAREY

Washburn-McReavy obituary record for Joyce Carey