

COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF MARCH 7, 2013

The regular meeting of the Coon Rapids Board of Adjustment and Appeals was called to order by Chairman Wessling at 6:30 p.m. on Thursday, March 7, 2013, in the Council Chambers.

Members Present: Chairman Gary Wessling, Commissioners Jeanette Rosand, Teri Spano-Madden, Trish Thorup and Aaron Vande Linde

Members Absent: None

Staff Present: Housing and Zoning Coordinator Cheryl Bennett, Assistant City Attorney Melissa Westervelt and Neighborhood Coordinator Kristen DeGrande

CALL TO ORDER

Chairman Wessling called the meeting to order at 6:30 p.m.

APPROVAL OF THE MARCH 7, 2013, AGENDA

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER ROSAND, TO APPROVE THE MARCH 7, 2013, AGENDA AS SUBMITTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE DECEMBER 6, 2012, MEETING MINUTES

Commissioner Rosand referred to the fourth paragraph on page two and stated the staff position titles do not match those listed on page one as being present at the meeting. She asked if it was necessary to list titles and if so, should they match those listed on page one.

Cheryl Bennett responded it was not necessary to list the staff positions again on page four but would ensure they matched.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER VANDE LINDE, TO APPROVE THE DECEMBER 6, 2013, MEETING MINUTES AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

1. CASE 13-01V – SALLY JORDAN – 110TH LANE NW – SPECIAL ASSESSMENT OBJECTION

Chair Wessling reviewed the case noting the Board of Adjustments and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$4,500. He asked for staff comment.

Kristen DeGrande stated this item was for \$4,500, which was a combination of four administrative penalties for no garbage services.

Chair Wessling stated the homeowner had noted that she hauls her garbage out of the City, bringing it up north for disposal. He asked what brought this lack of garbage service to the attention of the

City. Ms. DeGrande responded this was brought to the attention of the City by a resident. She noted citations had been issued with no response from the property owner. She indicated staff also checked with the licensed garbage haulers and learned this homeowner did not have service at that time.

Chair Wessling asked if the homeowner could choose to dispose of their garbage in another method other than to hire a garbage hauler.

Ms. DeGrande responded that City Code Chapter 8, Section 8-204, requires all residential and commercial properties to have a contract for garbage collection. She indicated an application could be made an exemption, but this homeowner had not done that. She noted the homeowner had recently expressed interest in applying for an exemption but, in terms of the assessment, there had been no response to the citations.

Chair Wessling asked if the homeowner still did not have garbage disposal services. Ms. DeGrande responded staff had received a message this week from the homeowner stating that she would obtain garbage service. She said staff would follow up to ensure a contract for garbage service was obtained.

Chair Wessling asked if the homeowner was present and wanted to make a comment.

Sally Jordan, 2098 110th Avenue NW, stated she had obtained a divorce and that her children brought the garbage to her ex-husband's township where he was living. She stated the reason she had not responded to the City's notices was due to medical issues.

Chair Wessling noted this had gone on for some time. He noted the citation was well laid out and he did not understand why no response was forthcoming.

Ms. Jordan stated she had been working two jobs and when she was not working, she was in bed due to her medical condition. She noted she was not allowed to make personal calls at work and, therefore, could not call the City and give them a response.

Chair Wessling stated he could not see any reason to reduce this assessment or change the assessment. He suggested staff's recommendation be affirmed.

MOTION BY COMMISSIONER ROSAND, SECOND BY COMMISSIONER VANDE LINDE, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$4,500 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

2. CASE 13-02(V) – GAIL AND HARRY VAN COURT – 11949 CROCUS STREET NW – SPECIAL ASSESSMENT OBJECTION

Chair Wessling reviewed the cases noting the Board of Adjustment and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$546. Chair Wessling noted there had been more than one notice sent to the homeowner. He asked for staff comment.

Ms. De Grande stated there had been only one citation sent along with a follow up. She indicated the amount of \$546 was for an administrative citation for exterior storage and the related abatement costs. She stated this was a rental property. She noted the citation was mailed to both the property owner as well as to the tenant at the property. She indicated the property owner had submitted an objection to the assessment.

Chair Wessling asked if anyone was present to address the Board. No one appeared.

Chair Wessling stated it appeared the City made an effort to contact the property owner. He indicated it was unfortunate renters could cause homeowners these types of problems.

Commissioner Spano-Madden noted it was the property owner's responsibility to check on their renters.

Chair Wessling stated he saw no reason not to affirm this.

MOTION BY COMMISSIONER THORPE, SECOND BY COMMISSIONER ROSAND, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$546 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

3. CASE 13-03(V) –RICHARD SMILEY–2720 NORTHDAL BLVD– SPECIAL ASSESSMENT OBJECTION

Chair Wessling noted the Board of Adjustments and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$600. He requested staff comment/

Ms. DeGrande stated the amount of \$600 was for a vacant property monitoring fee. She noted the property was vacant and indicated staff had gone to the property two or more times and had spent a considerable amount of time on this matter. She indicated the property owner had filed an objection to the assessment. She noted that while the applicant had paid the assessment, he had also objected to the assessment. It is being brought forward due to that objection.

Chair Wessling asked if anyone was present to address the Board. No one appeared.

Commissioner Vande-Linde noted the homeowner had already paid this and if it is was not affirmed, it would cost the City money.

Chair Wessling stated he did not see any reason not to affirm this.

MOTION BY COMMISSIONER VANDE-LINDE, SECOND BY COMMISSIONER ROSAND, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

4. CASE 13-04(V) –DANIEL AND TVONNE PUCHALLA–2933 109TH AVENUE NW–
SPECIAL ASSESSMENT OBJECTION

Chair Wessling noted the Board of Adjustments and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$866.50. He asked for staff comment.

Ms. DeGrande noted the amount of \$866.50 was for an administrative citation of \$300 for exterior storage, the related abatement cost of \$340.50, and the cost of securing a vacant property of \$226. She stated the property now had new property owners and that the sale closed after the assessment was placed on the property. She stated this pending assessment should have been caught by the title company prior to closing. She stated she had been in contact with the listing agent and the bank, but nothing had been resolved as of the date of this meeting. She indicated when the items were not removed, the City had to go out and abate the property. She noted the property also needed to be secured which was the additional fee. She stated the title company had plenty of time to find this assessment as it had been put on the property a month prior to the closing. She indicated that when she spoke with the bank and the Realtor, she had been told that they did not have an answer yet and it would be a couple more days.

Commissioner Rosand asked if this was a situation where a letter had been sent only to the bank or if the property was also posted. Ms. DeGrande responded nothing was posted on the property, but that the citation had been sent to the owner of record, which was the bank, as well as sent to the property address.

Commissioner Rosand noted that for a perspective buyer there was nothing posted that a City assessment was pending. Ms. DeGrande responded that it was the responsibility of the title company to find this information prior to the closing.

Chair Wessling stated the City did what needed to be done in a timely manner and with proper notification, which meant the assessment should stand. He indicated the property owners, however, did not need to pay this assessment at this time. He stated that as an assessment on the property, the bank has time to pay it.

Ms. DeGrande noted the assessment would be put on the property taxes, so it would not be immediately due.

Melissa Westervelt stated the homeowners could go to the bank for payment, but the homeowners would ultimately be responsible for the assessment.

Ms. Bennett indicated that while payment would not be due until the next year's taxes are due, and assessment fee would be charged and interest would begin accruing on the assessment upon approval by the City Council.

Chair Wessling asked if this could be tabled for a month to give the homeowners time to straighten this out. Ms. Bennett responded that was possible, but it would be heard again at the next assessment hearing and not next month.

Chair Wessling stated he wanted to be as fair as possible to these homeowners as they were not at fault, but he also understood that the City had put in a lot of time on this and needed to be paid. He asked the Board if they had any objection to tabling this.

It was the consensus of the Board to table this matter to the next assessment hearing meeting.

Chair Wessling acknowledged the property owners and asked if they wanted to comment. They had no comment.

MOTION BY COMMISSIONER ROSAND, SECOND BY COMMISSIONER THORUP, TO TABLE THIS MATTER UNTIL THE NEXT ASSESSMENT HEARING MEETING.

THE MOTION PASSED UNANIMOUSLY.

5. CASE 13-05(V) –RYAN AND AMANDA MORGAN– 10441 CROCUS STREET NW – SPECIAL ASSESSMENT OBJECTION

Chair Wessling noted the Board of Adjustments and Appeals was requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$600. He asked for staff comment.

Ms. DeGrande stated the amount of \$600 was for two administrative citations for expired license tabs. She noted the property owner had filed an objection to the assessment.

Chair Wessling asked if anyone was present to address the Board. No one appeared.

Commissioner Rosand stated she believed this was a reasonable assessment because the homeowners were not fully in compliance at the time of reinspection of the property.

Chair Wessling stated it appeared the homeowner knew about this, but did not finish.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER ROSAND, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

6. CASE 13-06(V) –MARVIN HANSON– 10841 KUMQUAT STREET NW– SPECIAL ASSESSMENT OBJECTION

Chair Wessling noted the Board of Adjustments and Appeals is requested to consider unpaid penalties and/or costs associated with code enforcement action against the subject property in the amount of \$2,733.50. He asked for staff comment.

Ms. DeGrande stated the amount of \$2,733.50 was for a combination of three administrative citations plus related abatement fees.

Chair Wessling asked if anyone was living in the house. Ms. DeGrande responded that nobody should be living at the property as the property had been listed as hazardous. She noted the owner of record had been deceased for many years, but the owner's sons had been living there.

Commissioner Rosand stated this property definitely needed some attention.

Commissioner Vande Linde stated it looked like there was work going on at the property. Ms. DeGrande noted people could be in the home working on it during the day, but nobody was to be staying there at night. She indicated this continued to be an active issue, and part of the problem was that the siblings are fighting over who owns the property.

Chair Wessling asked if anyone was present to address the Board. No one appeared.

MOTION BY COMMISSIONER ROSAND, SECOND BY COMMISSIONER THORP, TO RECOMMEND THE CITY COUNCIL AFFIRM THE \$2,733.50 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

OTHER BUSINESS

7. 2012 ANNUAL REPORT OF THE BOARD OF ADJUSTMENT AND APPEALS

Chair Wessling asked the Commissioners had any corrections or questions on the annual report.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER ROSAND, TO ACCEPT THE 2012 ANNUAL REPORT.

THE MOTION PASSED UNANIMOUSLY.

8. ESTABLISH THE JULY 2013 MEETING DATE

Ms. Bennett noted Board's meeting date is the first Thursday, which falls on July 4 this year. She suggested Board's July meeting be held instead on the second Thursday, which is July 11.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO CHANGE THE JULY MEETING DATE TO JULY 11, 2013.

THE MOTION PASSED UNANIMOUSLY.

9. ADJOURNMENT

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER ROSAND, TO ADJOURN THE MEETING AT 7:18 P.M. THE MOTION PASSED UNANIMOUSLY.

Respectfully submitted,
Kathy Altman
Board of Adjustment and Appeals Secretary