

#14-11V



# COON RAPIDS Minnesota

City of Coon Rapids  
11155 Robinson Drive  
Coon Rapids, MN 55433-3761  
Tel: 763-755-2880  
Fax: 763-767-6491  
www.coonrapidsmn.gov

5/9/2013

550 ASSOCIATION TWO  
4175 LOVELL RD STE # 114  
CIRCLE PINES, MN 55014

RE: CREEKSIDE ESTATES

It has been brought to our attention there are areas of concern in Creekside Estates located at 1100 Egret Blvd Coon Rapids, Minnesota. A recent survey of issued citations and a recent fire of a cluttered manufactured home have been brought to the attention of the Neighborhood Reinvestment Division.

The city of Coon Rapids Neighborhood Reinvestment Division works with owners to help them bring properties into compliance. Your property is unique considering there are over 200 units in the park. The way the City Ordinance is written, there would be a \$300.00 Citation issued for each violation. The fees are collected in the form of a special assessment and would be charged to your property taxes, not to the individual with the violation. We would like to discuss a plan of action and work with you to address these issues using an alternative format. Our intention is to address the issues efficiently. Our plan is outlined as follows:

### **May 2013**

A notification letter will be sent to every resident of Creekside Estates. (Please see attached sample of notification). Our inspections not will begin until June, 2013 and it is our hope that any issues will be addressed by the resident during the 30 days from notification before the inspections occur.

### **June 2013**

Reminder cards will be sent to every resident of Creekside Estates reminding them of the upcoming inspections.

### **June/July 2013**

Inspections will be conducted throughout Creekside Estates. All violations will be noted and an Administrative Citation will be issued. A compliance date will be set for seven (7)

days after the date of issuance. If the recipient wishes to appeal the Citation or request a time extension, an appeal form must be completed by 550 Association Two and submitted to City Staff by the compliance date. We will include this application and instructions with the citation. We will send copies of all Citations to 550 Association Two.

Reinspections of issued citations will occur after the compliance date of all citations not appealed. If the violation remains it will be abated. If the violation cannot be abated, a second Administrative Citation will be issued as prescribed by City Ordinance.

In respect to the common areas we will be inspecting 1100 Egret Blvd to ensure all areas of the conditional use permit are in compliance.

Our primary concern is for the safety of our citizens and first responders. If you have any questions, please contact me and I will be happy to assist you.

Sincerely,

Leya Drabczak  
Housing Official  
City of Coon Rapids  
[ldrabczak@coonrapidsmn.gov](mailto:ldrabczak@coonrapidsmn.gov)  
763-767-6420



5/15/2013

Current Resident  
Creekside Estates

RE: Upcoming Inspections

In an effort to make our community safer, The Coon Rapids Neighborhood Reinvestment **Division will be conducting inspections in your neighborhood beginning June 17, 2013.**

Our primary concern is for the safety of our citizens and first responders. With this in mind, the following items will be inspected to ensure they meet current requirements set forth by Coon Rapids City Ordinance, Minnesota State Fire Code and the Minnesota State Building Code.

The items inspected will include but are not limited to:

- Stairs at all exits (front and back) to be of sound condition and a handrail in place if there are more than 3 stairs
- Skirting is secure with no missing sections
- Windows are not broken or missing
- Siding is secure and weather tight
- Roofs are secure and weather tight
- All accessory structures are compliant with secure siding, doors and roofs
- Yards to be free of all junk, garbage and debris (items not intended for exterior use)
- No evidence of illegal fire pits/ recreational fires (Creekside Estates will be updating park rules and prohibiting all recreational fires)
- Vehicle violations (non-operating vehicles, expired tabs, parking off pavement)
- House numbers visible and code compliant
- Any life safety issues will be addressed on a case by case basis
- Any other violations that are found during the time of the inspection

Additionally, the Coon Rapids Fire Department will be available to check smoke detectors and carbon monoxide detectors free of charge and answer any questions that

you may have. The Fire Department would also like to remind you that for your safety a three foot clearance space in front of all doors and windows is required. After an inspection of your property occurs in June, you will receive a summary letter from the City of Coon Rapids with your inspection results.

If any violations are present, correction orders and/ or Administrative Citations will be issued to the resident/owner. Instructions on what you need to do will be included at the time the orders/ citations are issued.

Limited pre-inspection appointments will be available for the morning of 6/12/2013. If you want a pre-inspection of your property or need questions answered on-site, please call the number below to arrange an appointment.

Please find the attached list of information on how to properly dispose of unwanted items in addition to the Coon Rapids Recycling Center hours.

Thank you in advance for your cooperation.

Sincerely,

Neighborhood Reinvestment  
City of Coon Rapids  
763-767-6420  
[ldrabczak@coonrapidsmn.gov](mailto:ldrabczak@coonrapidsmn.gov)

June 2013 Postcard



**Inspections begin: June 17, 2013**

Dear Creekside Resident,

Please be reminded that inspections in Creekside will begin June 17, 2013. For a list of items to be inspected, please contact Roger Buyers at the Creekside Manager's Office, or refer to the previous letter mailed to all Creekside residents by the City of Coon Rapids.

Sincerely,  
Neighborhood Reinvestment  
763-767-6420

Reminder

Received 5pm 1/21/14

MALKERSON GUNN MARTIN LLP

1900 U.S. BANK PLAZA SOUTH TOWER  
220 SOUTH SIXTH STREET  
MINNEAPOLIS, MINNESOTA 55402  
TELEPHONE 612-344-1111  
FACSIMILE 612-344-1414

Case # 14-11 V  
10312 Wintergreen St.  
23-31-24-42-0003

January 21, 2014

SENT VIA E-MAIL

Kristin DeGrande  
City of Coon Rapids  
11155 Robinson Drive  
Coon Rapids, MN 55433

RE: Creekside Estates / City of Coon Rapids Citations

Dear Ms. DeGrande:

I write on behalf of Creekside Estates to object to each citation attached hereto and referenced below. I have divided the citations into two categories: the six (6) citations that were enclosed by letter dated January 6, 2014 and the approximate fifty-four (54) citations that were enclosed by letters dated January 8, 2014.

I will address the smaller group of six citations first and in order:

Case # 14-07 V

1. PIN # 23-31-24-42-0003 / 10475 Xeon Street – Removal & Disposal: Creekside Estates hereby appeals this citation. This alleged code violation was not committed by Creekside Estates. Instead, any debris at this home site was contributed or was otherwise the responsibility of others. Further, this is a vacant lot.

Case # 14-08 V

2. PIN #23-31-24-43-0004 / 10255 Xeon Street – Egress Window: Creekside Estates hereby appeals this citation. This alleged code violation concerns a manufactured home not owned by Creekside Estates. Further, Creekside Estates could not remedy this alleged violation even if it wished too.

Case # 14-09 V

3. PIN #23-31-24-42-0003 / 10460 Vale Street – Securing Vacant Property: This property was secured by on-site management in response to a request by a city building official. After that, there were reports of cats in the home. City staff responded, secured the home, and retained the only key. It was subsequently re-secured by Creekside Estates management after an unidentified trespasser entered the home without authorization. This citation should be withdrawn.

Case #14-10V

4. PIN #23-31-24-43-0004 / 10253 Yellow Pine Street – Removal & Disposal  
Creekside Estates hereby appeals this citation. This alleged code violation was not committed by Creekside Estates. Instead, any debris at this home site was contributed or was otherwise the responsibility of others. Further this is a vacant lot.

Case #14-11V

5. PIN #23-31-24-42-0003 / 10312 Wintergreen Street – Removal & Disposal:  
Creekside Estates hereby appeals this citation. This alleged code violation was not committed by Creekside Estates. Instead, any debris at this home site was contributed or was otherwise the responsibility of the individual(s) residing at this home site.

Case #14-12V

6. PIN #23-31-24-43-0004 / 10220 Xeon Street – Cap Gas Meter: Creekside Estates hereby appeals this citation. The gas meter is the property of Center Point Energy – not Creekside Estates. My understanding is that Creekside Estates could not remedy this alleged violation even if it wished too. Further, Creekside Estates did contact Center Point, and they remedied the situation in their normal course of conducting such repairs. There is nothing further we could have done.1

With respect to the fifty-four citations for which time extension agreements were allegedly signed, I have several comments. First, I have not had an opportunity to confirm that all 54 citations are the subject of these agreements, and I hereby request a copy of those agreements. Given the upcoming February 6<sup>th</sup> hearing date, I ask that I be provided with these extension agreements no later than 5:00 p.m. on February 3, 2014. Please let me know if there is any reason you cannot provide these agreements by that date and time. Second, I do not read those agreements to include a waiver of my right to appeal these citations to the district court. Further, many of these citations (by my count approximately thirty (30) such violations are alleged totaling some \$9,000.00+ in penalties) again relate to alleged defects in manufactured homes themselves. I have attached a copy of the citation listings and I have highlighted the thirty (30) citations that appear to allege violations relating to the condition of manufactured homes that Creekside Estates does not own and cannot repair in the manner

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1 Center Point also performed repairs at:

- 10155 Wintergreen / work order # 68199315
- 10253 Yellowpine / work order # 68199319
- 10310 Wintergreen / work order # 68199321
- 10311 Wintergreen / work order # 68199323
- 10315 Xeon / work order # 68199325
- 10345 Xeon / work order # 68200381
- 10445 Xeon / work order # 68200383
- 10489 Xeon / work order # 68200386
- 1103 101<sup>st</sup> Ave. / work order # 68200388
- 1104 101<sup>st</sup> Lane / work order # 68200571
- 1111 104<sup>th</sup> Ave. / work order # 68200574
- 1168 101<sup>st</sup> Ave. / work order # 68200575

suggested. Creekside Estates does not own these structures, nor does Creekside Estates have the ability to enter into these homes to complete the suggested repair or maintenance work.

At a prior meeting between the parties, we suggested the option of Creekside Estates providing recalcitrant residents with a thirty (30) day notice of lease violation to assist in promoting code compliance. I do not believe the City has pursued that suggestion.

Finally, with respect to on the assessment for 23-31-24-43-0005 - 1114 101st Ave., for removal of debris, Creekside Estates hired and paid Mobile Maintenance to remove the debris from that yard on August 24, 2013. I have attached a copy of Mobile Maintenance's invoice evidencing this work. I note that the date of the assessment is September 11, 2013. I ask that this assessment be withdrawn.

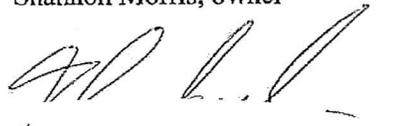
I wish to reiterate my objection to citations based on conduct of third parties and citations issued regarding property owned by third parties - not Creekside Estates. This objection is especially well taken in those instances where the alleged violation cannot be remedied by Creekside Estates. I understand that the filing of this written objection is sufficient to preserve all of our appeal rights and that Creekside Estates need not appear at tonight's City Council meeting. Please advise at once if my understanding is incorrect in any part.

Sincerely,



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Shannon Morris, owner



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Thomas F. DeVincke, Attorney

TFD  
Enclosures

cc: City Attorney David Brodie



# Property Report

Report Date: 1/28/2014

PIN: 233124420003

CLOSED

PROPERTY ADDRESS: 10312 WINTERGREEN ST

Work Order #53936

Yard And Lot Issues

Task Name	Projected Start	Actual Start	Assigned To	COMMENTS
INSPECTION 1	7/24/13	7/24/13	MITLYNG, ADAM	Loose wires, tie downs, gas line un-capped
CITATION ISSUED		7/29/13	MITLYNG, ADAM	vacant lot issues
CITATION REINSPECT	8/6/13	9/13/13	MITLYNG, ADAM	Non Compliant. Loose wires present. Gas line not capped
CITATION FEE APPLIED		9/18/13	BUCHANAN, PAUL	\$300
CITATION ISSUED		9/20/13	BUCHANAN, PAUL	For non-compliance on initial orders
CITATION REINSPECT	9/27/13	11/1/13	BUCHANAN, PAUL	Compliant
TIME EXTENSION		10/18/13	MITLYNG, ADAM	30 day ext 10-27-2013
COMPLIANCE		11/1/13	BUCHANAN, PAUL	Closing order

~ ADMINISTRATIVE CITATION INFORMATION ~ If blank, no Administrative Citation was issued on this work order.

City Code	#	Inspection Date	Fine	Inspected By	Compliance Date & Instructions	Citation Issued To
8-109	23134	7/24/13	300	MITLYNG, ADAM	remove loose wires, tie downs, from property, have gas line capped	550 Assoc Two Issue Date: 7-29-2013 4175 Lovell RD #114 Circle Pines, MN 55014
8-109		9/13/13	600	BUCHANAN, PAUL	Remove loose wires. Cap gas line.	550 ASSOC TWO Issued 9-20-2013 4175 LOVELL RD #114 CIRCLE PINES, MN 55014

Files attached to this work order:

\\WorkOrder\53936\20131018101232687.pdf  
 \\WorkOrder\53936\20131028081050647.pdf





## ADMINISTRATIVE CITATION

Citation # 53936-23134

**OPEN IMMEDIATELY**

550 Assoc Two  
4175 Lovell RD #114  
Circle Pines, MN 55014

Issue Date: 7-29-2013

Property Address: **10312 WINTERGREEN ST**  
COON RAPIDS, MN

PIN: 233124420003

This is an Administrative Citation issued under Coon Rapids City Code Chapter 2-1100. On 7/24/13 the following violation(s) of Coon Rapids City Code was found at the above property address:

<u>Compliance Date</u>	<u>Violation &amp; Corrective Action</u>	<u>Code Section &amp; Summary</u>	<u>Penalty</u>
08/05/2013	remove loose wires, tie downs, from property, have gas line capped	8-109 Building Materials, Junk and Debris. -- Any item not intended for outdoor storage is not permitted to be stored outdoors. (Vehicle parts, fluids and accessories, building materials, upholstered furniture, brush, etc.)	\$300

To avoid the above penalty/penalties, you must do one of the following:

1. Correct the violation(s) on or before the Compliance Date noted above. To be sure all issues are resolved, you may arrange for a City inspection before the Compliance Date noted above.
2. Contact the inspector below to arrange a time extension for compliance. You must sign a time extension agreement on or before the Compliance Date noted above.
3. Appeal the inspector's decision on or before the Compliance Date.

Refer to the attached/enclosed Administrative Citation Program brochure for the Notice of Appeal form, including instructions for requesting a time extension, and additional information.

If a second or subsequent Citation is issued within 180 days of the same or similar violation, the penalty will double. If you correct the conditions leading to the subsequent Citation prior to the Compliance Date, one half of the penalty will be waived. In addition to any penalties, you may also be subject to Excessive Consumption of Services fees as allowed by City Code Section 12-317 and/or abatement costs.

You can view the full City Code online at [www.coonrapidsmn.gov/citycode](http://www.coonrapidsmn.gov/citycode) or you can obtain the City Code Section(s) at Coon Rapids City Hall at 11155 Robinson Dr NW, Coon Rapids, MN 55433.

Continued on next page

10312 WINTERGREEN ST  
CITATION # 53936-23134  
PAGE 2

Please note that if your property is not brought into compliance by the Compliance Date listed above, the City may enter your property to abate the violation (correct the conditions leading to the violation). If the city abates the violation, all costs of the abatement, along with any unpaid penalty, will be charged to your property taxes in a form of a Special Assessment.

Inspectors are often not in the office. If you would like to speak with, or schedule an appointment with, the inspector regarding this citation, please call the number below.

Adam Mityng  
Code Enforcement  
763-767-6470



09/13/2013 11:31



## SECOND VIOLATION ADMINISTRATIVE CITATION

Citation # 53936-23440

**OPEN IMMEDIATELY**

550 ASSOC TWO  
4175 LOVELL RD #114  
CIRCLE PINES, MN 55014

Issued 9-20-2013

Property Address:     **10312 WINTERGREEN ST**  
                                  COON RAPIDS, MN

PIN:                         233124420003

This is an Administrative Citation issued under Coon Rapids City Code Chapter 2-1100. On 9/13/13 the following violation(s) of Coon Rapids City Code was found at the above property address:

<u>Compliance Date</u>	<u>Violation &amp; Corrective Action</u>	<u>Code Section &amp; Summary</u>	<u>Penalty</u>
09/27/2013	Remove loose wires. Cap gas line.	8-109 Building Materials, Junk and Debris. -- Any item not intended for outdoor storage is not permitted to be stored outdoors. (Vehicle parts, fluids and accessories, building materials, upholstered furniture, brush, etc.)	\$600

To avoid the above penalty/penalties, you must do one of the following:

1. Correct the violation(s) on or before the Compliance Date noted above. To be sure all issues are resolved, you may arrange for a City inspection before the Compliance Date noted above.
2. Contact the inspector below to arrange a time extension for compliance. You must sign a time extension agreement on or before the Compliance Date noted above.
3. Appeal the inspector's decision on or before the Compliance Date.

Refer to the attached/enclosed Administrative Citation Program brochure for the Notice of Appeal form, including instructions for requesting a time extension, and additional information.

If a second or subsequent Citation is issued within 180 days of the same or similar violation, the penalty will double. If you correct the conditions leading to the subsequent Citation prior to the Compliance Date, one half of the penalty will be waived. In addition to any penalties, you may also be subject to Excessive Consumption of Services fees as allowed by City Code Section 12-317 and/or abatement costs.

You can view the full City Code online at [www.coonrapidsmn.gov/citycode](http://www.coonrapidsmn.gov/citycode) or you can obtain the City Code Section(s) at Coon Rapids City Hall at 11155 Robinson Dr NW, Coon Rapids, MN 55433.

10312 WINTERGREEN ST  
CITATION # 53936-23440  
PAGE 2

Please note that if your property is not brought into compliance by the Compliance Date listed above, the City may enter your property to abate the violation (correct the conditions leading to the violation). If the city abates the violation, all costs of the abatement, along with any unpaid penalty, will be charged to your property taxes in a form of a Special Assessment.

Inspectors are often not in the office. If you would like to speak with, or schedule an appointment with, the inspector regarding this citation, please call the number below.

Paul Buchanan  
Code Enforcement  
763-767-6533

MALKERSON GUNN MARTIN LLP

1900 U S. BANK PLAZA SOUTH TOWER  
220 SOUTH SIXTH STREET  
MINNEAPOLIS, MINNESOTA 55402  
TELEPHONE 612-344-1111  
FACSIMILE 612-344-1414

Thomas F. DeVincke, Esq.  
612.455.6649  
Tom.devinke@mgmlp.com

October 3, 2013

SENT VIA FACSIMILE

City of Coon Rapids  
11155 Robinson Drive  
Coon Rapids, MN 55433

RE: Creekside Estates  
Citation No.: 53936-23440

Dear Coon Rapids, Department of Inspections:

I represent Creekside Estates, and I write to request a thirty (30) day extension to address the attached citation. I wish to note that some of the cited violations (such as failure to install compliant stairs) are the responsibility of the owner of the home and not Creekside Estates. My client is working with its residents to address these citations, and many of citations that were issued to park residents have already been addressed. I thank you in advance for your consideration in this matter. Please feel free to call should you have any questions or concerns.

Sincerely,  
  
Thomas F. DeVincke

TFD/jm  
Enclosure

cc: client

Re: Location: 10312 Wintergreen St  
Administrative Citation Number: 53936-23440  
Offense Date: 9-13-2013

AGREEMENT of the parties pursuant to 2-1105(2)  
Dated: 10-18-2013

This is an agreement by and between the City of Coon Rapids ("City") and the below-named person(s) ("Petitioner"), pursuant to Coon Rapids City Code Section 2-1105(2), regarding the above-referenced Citation. Recitals:

1. Petitioner affirms he or she is a person with a property interest in the property involved. Petitioner further verified no other person or entity has a superior right in the property subject to this Citation.
2. The below-named City Official may extend the Compliance Date established in the above-referenced Administrative Citation upon determination that a reasonable plan for remedying the violation exists. The plan must be agreed to in writing by the owner of the property for an extension to be granted. A copy of the plan must be attached to this Agreement.
3. Based on the agreement of the parties, the counts of the citation herein are conceded by Petitioner in their entirety.
4. Petitioner agrees to place the property in compliance with the Citation, as may have been modified, by 10-27-2013.
5. If compliance with City Code(s) is not achieved by the Compliance Date in Section 4. above, the Petitioner agrees to pay an administrative fine of \$600 by 10-28-2013. This administrative fine is in addition to additional costs, if any, noted below.

Notice to Petitioner: By signing this document, you waive your right to further appeal. You must remedy the above deficiency or deficiencies, and pay any agreed fines, within the time periods specified above. Unpaid fines, or uncorrected violations, are subject to the original Citation fine(s), plus costs of abatement, which amounts, if not paid, may be subject to penalty, and collected and/or levied against the property under Coon Rapids City Code Section 2-1107.

AA  
\_\_\_\_\_  
Adam Mitlyng  
City Official

CREEKSIDE ESTATES  
1100 ECRET BLVD.  
COON RAPIDS, MN 55019

\_\_\_\_\_  
Paul Schwartz  
Petitioner