COON RAPIDS BOARD OF ADJUSTMENT AND APPEALS MEETING MINUTES OF OCTOBER 1, 2015

The regular meeting of the Coon Rapids Board of Adjustment and Appeals was called to order by Chairman Vande Linde at 6:30 p.m. on Thursday, October 1, 2015, in the Council Chambers.

Members Present: Chairman Aaron Vande Linde, Commissioners Ronald Bradley, Teri Spano-Madden, Trish Thorup, and Tracy Wigen

Members Absent: None

Staff Present: Property Maintenance Inspector Trevor White, Property Maintenance Inspector Heather Rodgers, Community Development Director Grant Fernelius, Assistant City Attorney Melissa Westervelt, Housing Inspector Leya Drabczak, and Neighborhood Coordinator Kristin DeGrande

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CALL TO ORDER

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

APPROVAL OF THE OCTOBER 1, 2015, AGENDA

Chairman Vande Linde asked applicants to identify which case they were representing in order to reorganize the requests to consider those with applicants present prior to the cases without representation.

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER THORUP, TO APPROVE THE OCTOBER 1, 2015, AGENDA AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE AUGUST 6, 2015, MEETING MINUTES

Commissioner Thorup referenced the August 6, 2015 worksession minutes. She noted on page one, under the approval of the worksession meeting minutes, it should state, "…~~aprove~~ approve…"

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO APPROVE THE AUGUST 6, 2015, WORKSESSION AND REGULAR SESSION MEETING MINUTES AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

1. CASE 15-53V – JOHN AND KATHY BRANDSTETTER – 10441 GOLDENROD STREET - FENCE SETBACK VARIANCE

Assistant City Attorney Westervelt presented the request from the Brandstetters for a variance to have a zero foot setback for a fence. She explained that the fence was removed during the Foley

Boulevard reconstruction project. She stated that during the reconstruction project there was a taking of permanent easements for additional right-of-way along both Foley Boulevard and 104th Lane NW, noting that there was an additional 4.76 feet of right-of-way for the subject property. She stated that there had been a fence on the subject property, a portion of which was removed during the project, and explained that the applicant is requesting a variance from the required three-foot setback to a zero foot setback to allow the removed portion of fence replaced in its original location.

Chairman Vande Linde opened the public hearing at 6:37 p.m.

John and Kathy Brandstetter addressed the Board. He noted that the existing fence was nonconforming and would have remained in that manner for some time had it not been for the Anoka County improvement project. He stated that a portion of the fence was removed during construction to provide better access to the public right-of-way and after completion of construction he had been told that the existing nonconforming fence could remain but the portion that must be replaced would now need to conform. He stated that this area is a cul-de-sac and noted that there is a neighbor present to voice support. He also provided a written letter of support from another neighbor. He stated that there is plenty of room for snow removal as there are no other driveways in the cul-de-sac. He noted that the County project was done without their consent and if they needed to move the fence, they would be unable to use that portion of their yard.

Diane Sikorski, 10420 Goldenrodd, stated that she supports the request as the residents are not asking for anything they did not already have.

Charles Nevala, 10431 Goldenrod, stated that he lives right next door to this property. He explained that the residents are only asking to put their fence back where it was, to the best of their ability, as the County project was not of their asking and voiced his support for the request.

Chairman Vande Linde asked and received clarification that the fence was removed as a part of the temporary easement and not the permanent easement.

Kathy Brandstetter stated that the project has been completed and the representative from the County she spoke with said that it would be okay to replace the fence.

Chairman Vande Linde asked if the temporary easement has expired.

Kathy Brandstetter noted that the County had to do an extension because the construction ran over the original timeline and therefore the lease does not technically expire until the end of the year.

Commissioner Brandley asked the homeowners how they had used the three-foot portion of yard prior to the reconstruction.

Mr. Brandstetter stated that they were using the area for gardens and for use by their dogs. He noted that a portion of their playset had been removed prior to construction as well.

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Commissioner Thorup asked if the homeowners have small children at the home.

Mr. Brandstetter stated that his children are grown but they do visit.

Chairman Vande Linde stated that he read the materials before the meeting and acknowledged that the applicant understands the criteria that must be met to issue a variance. He stated that the request must be weighed against those criteria.

Chairman Vande Linde closed the public hearing at 6:47 p.m. as there were no additional comments.

Commissioner Bradley stated that in reviewing the request against the variance criteria there would have to be a difficulty or burden presented by the applicant. He stated that the residents were compensated for the taking of the property for this project, which includes loss of use. He did not believe that there was a real hardship presented and therefore was unsure if a variance could be granted.

Chairman Vande Linde suggested that the Board walk through the criteria that must be met, noting that a number of the criteria are not met through this request.

Commissioner Spano-Madden referenced the criteria regarding reasonable use of property and stated that while everyone wants to be able to use all of their property that is not always the case because property in the city is much smaller. She stated that while she would like to grant the request she did not see how the Board could justify the variance criteria being met.

Chairman Vande Linde agreed that under the current State Statutes this request could not be justified.

Commissioner Bradley stated that even if the Board would be able to grant the variance there would still be a practical difficulty, because if the City needed to access the property within the easement the fence would need to be removed.

Chairman Vande Linde read aloud the findings of fact proposed by staff and included in the meeting packet.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER WIGEN, IN CASE 15-53V, TO ADOPT THE PROPOSED STATEMENT OF REASONS FOR DENIAL PURSUANT TO MINNESOTA STATUTE §15.99, SUBDIVISION 2.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-53V, TO DENY THE THREE-FOOT SETBACK VARIANCE FROM CITY CODE SECTION 11-1204.3(2) TO LOCATED A FENCE AT A ZERO SETBACK FROM PUBLIC STREET RIGHT-OF-WAY WHERE A THREE FOOT SETBACK IS REQUIRED BASED ON THE REQUEST FAILING TO MEET THE FINDINGS REQUIRED OF CITY CODE SECTION 11-304.9(2) BASED ON THE ADOPTED STATEMENT OF

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REASONS FOR DENIAL PURSUANT TO MINNESOTA STATUTE §15.99, SUBDIVISION 2.

THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

2. CASE 15-29V – RAYMOND WARREN JR. – 2170 108TH AVENUE NW – SPECIAL ASSESSMENT OBJECTION – 22-31-24-21-0015 (AGENDA ITEM 3)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She reported that a citation was sent for parking a boat and vehicle off pavement in May. She stated that after the citation was issued, upon reinspection the vehicle had been moved but the boat had not been moved. She noted that a second citation was sent and the applicant then made contact and requested a 30-day extension, after which time the property was made compliant. She noted that the appeal tonight applies to the first citation as the property was compliant after the extension given for the second citation.

Raymond Warren Jr., 2170 108th Avenue NW, introduced himself and his girlfriend Darlene Cronin who also lives at his property. He acknowledged that he was wrong and believed that there was an item that allowed rock to be placed for parking of recreation vehicles. He stated that he takes pride in his yard and was parking the boat and vehicle in that location for convenience. He noted that along his street there are vehicles parked in yards, even today, and did not think it was fair that he was singled out. He stated that he has a nice fence alongside his yard, that he spent a lot of money to make it look nice, and noted that he has had problems with his neighbor damaging the fence. He stated that when he contacted the City he was told that nothing could be done about his fence. He noted that since that time he has installed video cameras along that side of his property to document any further damage. He did not understand how he would be charged $300 for his boat and vehicle parked in that location but his neighbor is not punished for damaging his property.

Darlene Cronin stated that she drives up and down the street daily and has noted at least 15 people that are consistently noncompliant on a daily basis.

Chairman Vande Linde stated that from the pictures it is apparent that this resident takes care of his property and noted that based on the caseload for tonight's meeting, he does not think the property owner was singled out. He asked how City staff was alerted to this property.

Neighborhood Coordinator Kristin DeGrande stated that City staff often hears the comment that a homeowner feels singled out. She explained that violations are reported through calls from residents or neighbors and are also identified by staff and Commission or Board members that are out in the community. She provided an example of staff inspecting a complaint and then noticing issues with other properties in that area. She stated that in the past, there was only one inspector but now there has been a second inspector hired by the City, which means they are able to do more in the City. She agreed that from the pictures it is clear that the resident takes care of his yard. She noted some of the educational material that is sent to residents to advise them of City Code.

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Chairman Vande Linde stated that it appears that the compliance date was right around Memorial Day weekend.

Ms. DeGrande noted that the inspection date was May 20th and reinspection occurred on the May 28th, noting that Memorial Day was May 25th.

Mr. Warren stated that now that he has installed the pavers and agrees that surface looks much better than the rocks did.

Assistant City Attorney Westervelt reviewed the considerations the Board deliberates on when making their recommendation.

Commissioner Bradley asked and received confirmation that the particular fine arises from the citation issued on May 20th. He stated that the violation was mailed to the property owner on May 20th and asked when the property owner received the notification.

Mr. Warren estimated he most likely received the mailing in the normal length of time it takes for mail to arrive.

Commissioner Bradley stated that the first contact to City Hall was on June 4th and asked the resident for more information.

Mr. Warren acknowledged that the response time is his fault.

Commissioner Wigen stated that the resident was aware of the situation and did not correct the situation is the necessary time.

Commissioner Bradley commended Mr. Warren on the manner in which he maintains his property. He believed it would have been easier to address the objection if Mr. Warren had he contacted the City sooner to obtain his extension. He stated that attention to the issue in a prompt manner would have made the request stronger. He stated that there was proper notice, and the citation was due to violation of the Code that was not immediately addressed.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-29V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

Chairman Vande Linde thanked Mr. Warren for his well-maintained property.

3. CASE 15-38V – CHERYL LEE UPTON/CHARLES DODGE – 10885 OSAGE STREET NW – SPECIAL ASSESSMENT OBJECTION – 22-31-24-21-0057 (AGENDA ITEM 12)

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Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that the City Inspector had been to the property and spoke with someone stating that they were a tenant and there were four tenants living at that building. She noted that the City did not have a rental license on file for that property. She stated that Anoka County records did not show anything other than that address for the property owner and noted that the tenant was told to have their landlord contact the City. She stated that an administrative citation was mailed giving the property owner five weeks to comply, noting that the citation was returned as undeliverable because the property owner did not live at the property. She stated that the citation was issued in December and the fee was charged in February. She noted that a second citation was mailed and returned to the City, and with no response that fee was charged; a third citation was mailed and returned in March and another fee charged; and a fourth citation was mailed in May and returned to the City with that fee charged July. She stated that on July 10th the property owner did contact the City and request an extension, noting that the extension was granted for 30 days with a requirement that the rental license be obtained by August. She stated that the rental license application was just filed and paperwork was also filed at the County as well for the man present tonight to purchase the property through contract for deed.

Charles Dodge, 12340 Radisson Road in Blaine, stated that the owner of the property felt that her life was in danger and needed to leave town so he had volunteered to watch the property and did not have any forwarding address for the property owner. He stated that there were people living with the woman at her property who continued to live there and pay her after she had left. He stated that the first notice he received was in July and that is when he contacted City staff. He stated that when he made that contact he was informed about the multiple charges that had been assessed. He stated that in order to be licensed the woman would have needed to travel back here to sign the paperwork, which she was unable to do. He noted for that reason he offered to purchase the property from her and the process for the sale had taken longer than expected as the papers had to be sent back and forth across the country. He stated that he did file the paperwork with the County and has submitted all necessary paperwork with the City.

Chairman Vande Linde asked how Mr. Dodge was made aware of the July notice.

Mr. Dodge stated that the tenants provided him with the notice in July but the other notices were not sent to the property and had been returned. He stated that Ms. Upton left in June without a forwarding address and believed that perhaps the address change at the post office expired after 12 months and that is how the most recent citation was sent through to the property. He noted that as of the previous day he is the owner of record for the property.

Commissioner Bradley referenced the tenant that spoke with City staff last year, asking and receiving confirmation that tenant still lives at the property. He noted that the tenant was told at that time that a rental license would be necessary and that she should alert the property owner.

Mr. Dodge stated that he was told by that tenant that the inspector was at the property because of a boat she had parked and had told him that she went to the City and took care of the issue. He stated that there was no mention of the rental license from the tenant.

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Commissioner Bradley stated that it appears the normal process is to inspect the property and mail citations. He asked if any written notice is left at the property when staff speaks with someone at the property.

Ms. DeGrande stated that the inspector returns to the office to conduct the proper work necessary and mails the citation through the system used by the City. She noted that long grass citations are posted on site the day of inspection but confirmed that all other citations are issued by mail.

Commissioner Bradley commented that it is not uncommon to have absentee landlords that are hard to reach and wondered if perhaps a posting should be made on the rentals for rental related citations, as he believed that this situation has happened several times before tonight. He noted that the mail is being returned as undeliverable and an onsite posting would be helpful in this type of situation.

Ms. DeGrande stated that the citation is usually sent to the property address as well as the property owner in rental situations but noted that in this instance there was no alternate address to send the notice to.

Commissioner Bradley stated that perhaps the notification should be mailed to owner/occupant as this citation was being returned because the resident's name was attached.

Chairman Vande Linde agreed that this has been a discussion point for quite some time.

Assistant City Attorney Westervelt stated that has been an issue over the years and explained that as part of the rental license process City staff asks for the address that the property owner would like communication sent to, noting that had not been done in this instance because the property was not registered as a rental.

Commissioner Bradley stated that many times there are people ignorant of the system that have not been informed that they have to update the City with their current address.

Commissioner Spano-Madden stated that the City did what they were supposed to do, however notice was not received until July. She questioned the validity of the citations for that purpose.

Chairman Vande Linde agreed and believed that the first notice received was acted upon. He acknowledged the length of time it can take to close on a property and stated that based upon his opinion Mr. Dodge began working with the City right away once notified.

Ms. DeGrande noted that the 30-day extension was granted and additional citations were not issued after that point because Mr. Dodge was working with City and County staff.

Commissioner Bradley asked if the posting could occur onsite with rental licensing issues.

Ms. Westervelt stated that she keeps a list of issues for discussion and confirmed that staff will further discuss that option.

Commissioner Wigen agreed with the comments made thus far.

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MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER BRADLEY, IN CASE 15-38V, TO RECOMMEND THE CITY COUNCIL RESCIND THE $4,500 SPECIAL ASSESSMENT IN ITS ENTIRETY.

Further discussion: Commissioner Bradley asked if there was administrative history for this property prior to these incidents.

Ms. DeGrande did not believe so but was unsure.

THE MOTION PASSED 4-1 (VANDE LINDE OPPOSED).

4. CASE 15-41V – JEREMY GORDON – 9938 COTTONWOOD STREET NW – SPECIAL ASSESSMENT OBJECTION – 25-31-24-11-0066 (AGENDA ITEM 15)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that the pending special assessments are related to a number of different citations including parking off pavement, junk and debris, garbage can location, and maintenance of special equipment at property. She stated that the citations were issued in January and inspection occurred on January 30th, noting that the exterior debris has been cleared but the other three violations still existed so those three fees were charged. She stated that a second round of citations were issued with a compliance date of February 6th. She noted that there were changes in the City Inspector position, explaining that the previous inspector left the position in February and the new inspectors were not hired until May. She stated that for that reason the second round of citations were forgiven and those fees were not charged as reinspection did not occur.

Commissioner Spano-Madden stated that it appears the City was as fair as it could be and therefore supported affirming the special assessment in its entirety.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-41V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $900 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

5. CASE 15-45V – NANCY PHAM – 150 NORTHDALE BOULEVARD NW – SPECIAL ASSESSMENT OBJECTION – 13-31-24-42-0072 (AGENDA ITEM 19)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that the objection relates to a citation issued in May for exterior storage of items at the property. She stated that the citation was mailed to the property and property owner of record. She noted that reinspection occurred six days after the compliance date and the exterior storage had still not been moved and therefore the $300 fee was charged to property. She stated that staff visited the property for abatement the next day and spoke with people at property; therefore, the assessment includes the citation fee and cleanup costs.

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Tuan Pham, younger brother of the property owner, stated that he lives at the property with other family members including their parents. He stated that the property is situated in front of Northdale and when they received the citation, they moved the bags of leaves from the front to the back of the property and planned to remove the leaves when they had a vehicle available to bring to the compost site. He stated that they then received an abatement notice. He recognized that it was their fault because they were unclear on what needed to be done but objected to the abatement as he believed that they did what needed to be done. He stated that the building materials had existed in that location for years and they did not know there was a problem with that.

Rohan Sing, husband of the property owner, stated that they understand now that they did not comply with the City by just moving the bags of leaves from the visible area to the backyard, and agreed that the $300 should be charged. He stated that the next day the City told his in-laws, who live at the property, that they are going to take the garbage away but did not tell the property owner this information. He asked why a second citation was not sent warning that abatement could occur. He agreed with the $300 but objected to the abatement costs as there was nothing written saying that the abatement costs would be charged.

Chairman Vande Linde stated that the first citation specifies that if the issue is not brought into compliance the City may abate the situation and if the City abates the issue any costs will be charged.

Mr. Sing stated that he believed something more concrete should have been sent, rather than saying the City may do that.

Mr. Pham stated that they understood the citation to state that if the item was not corrected they would be charged $300, they did not know that additional abatement costs would be charged. He stated that they would have liked to have the time to complete the labor themselves. He stated that he lives at the property with his parents, noting that his parents are not proficient in English. He agreed that the $300 was justified but opposed the abatement costs.

Commissioner Bradley stated that $747 was the cost to remove the debris and noted that cost was paid to a vendor to remove that material therefore the City incurred that cost to remove that material. He asked the residents if they were unclear that the other materials had to be moved.

Mr. Sing stated that the building materials had been in the same location for years and there had recently been black bags of leaves along the property, therefore they believed that the leaves were the problem.

Commissioner Bradley asked if anyone from the household contacted City staff to determine what the problem was.

Mr. Sing stated that he did not believe that was done.

Commissioner Bradley stated that there was an attempt at compliance by moving the leaves. He noted that the problem he has is that the City incurred the abatement charges to correct the

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problem. He stated that he would possibly support rescinding the $300 citation fee but believed the abatement costs should be affirmed.

Commissioner Thorup noted that the citation identified the materials that needed to be addressed.

Commissioner Spano-Madden stated that she understands how a resident could think the new item is causing the problem.

Commissioner Wigen asked if there has been subsequent notice provided in other situations of this nature.

Ms. DeGrande stated that typically the answer is no, noting that abatement occurs after reinspection. She noted that if there are new items added to the area the abatement would occur on the old items and a second citation would be issued for the new items.

Commissioner Wigen stated that she would love to have seen stronger language in the citation on what needed to happen and what the next step would be.

Chairman Vande Linde stated that in his opinion it is the responsibility of the homeowner to find the additional clarification they may need.

Ms. DeGrande stated that items meant to be stored outside are not abated if they are in operable condition, referencing the before and after pictures of the property and noting the items that were not abated.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER THORUP, IN CASE 15-45V, TO RECOMMEND THE CITY COUNCIL MODIFY THE SPECIAL ASSESSMENT FROM $1,047 TO $900.

THE MOTION PASSED UNANIMOUSLY.

Mr. Sing asked how the assessment could be paid.

Ms. DeGrande stated that the assessment could be paid in full within one week and the resident would then not incur filing fees or interest charges. She noted that a letter would be sent to the property owner from the assessing department and if the full amount is not paid, the charge would be assessed to the property taxes and paid over the course of a one-year period. She noted that the resident can call City staff tomorrow for additional details.

6. CASE 15-46V – HEIDI AND CHARLES MEADE – 10348 XAVIS STREET NW – SPECIAL ASSESSMENT OBJECTION – 21-31-24-41-0007 (AGENDA ITEM 20)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that the assessments are related to a rental with an expired license. She noted that the inspector spoke with Heidi Meade on March 17th via the telephone and explained the expired status of the rental license, which expired on March 1st of the previous year. She stated that at that time the property owner paid the rental fees but did not show up for the inspections. She noted that the

inspection finally took place in September and but the property owner did not schedule a reinspection. She stated that in March 2015 the reinspection was passed. She noted that the expired rental license was mailed to the St. Francis address and in June was still not renewed, therefore the fees were charged. She stated that a second citation was mailed and not responded to, so those fees were charged as well. She stated that a third citation was mailed with a compliance date of July 17th and at that time the property owner called City Hall with questions. She noted that staff explained that would be necessary to bring the property into compliance and on July 21st the owner came into City Hall to submit the renewal fee and paperwork. She noted that on July 29th, the license was renewed and therefore the third citation fees were not charged.

Heidi Meade stated that she inherited this property when her husband passed away and she did not have knowledge about the licensing. She stated that she did not understand the citation part. She misunderstood what had been told to her and for some reason she was under the impression that the $300 citation had been waived and did not pay it. She stated that when the property was inspected she missed the part about paying for the fee to bring it into compliance. She stated that she did not received the $600 citation notice and came to City Hall once she received the larger citation. She stated that she hadn't realized that she didn't pay the $100 for the license and had been waiting for the license to arrive after the inspection. She stated that some of the mail was in her husband's name and before he passed away, some of his mail was being forwarded to a different address. She stated that she found the process to be confusing and did not understand it fully until she spoke to the staff at City Hall in person. She stated that if she would have known she needed to pay the fee should would have done that. She requested that she pay the original assessment of $300 and objected to the remaining $600. She noted that Charles Meade's name should be removed from any future correspondence to avoid problems with delivery.

Chairman Vande Linde stated that he is at a loss of why staff did not address the 2015 license when the 2014 issues were being discussed with the property owner.

Ms. DeGrande acknowledged that it is a complicated timeline. She noted that the Housing Inspector spoke with Ms. Meade in March and explained the entire process regarding the 2014 licensing and noting that the 2015 license was due for renewal as well. She noted that the 2014 inspection needed to be passed before the 2015 license could be issued.

Ms. Meade stated that when she spoke with the inspector in March she brought the items into compliance within one week, noting that she did not see the small print stating that she would need to schedule the reinspection. She noted that this has all been a learning experience for her as she inherited the property. She recognized that there was a misunderstanding in whether or not she would need to pay the $300 citation.

Commissioner Spano-Madden stated that the Board is supposed to consider whether City staff followed the proper methods, noting that the City did what they were supposed to do.

Chairman Vande Linde stated that the County records still line up with Charles Meade listed as well.

Ms. DeGrande stated that the citations were sent addressed to Heidi Meade and not Charles Meade.

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Ms. Meade stated that she did receive the $300 notice and the $1,200 notice but had not seen the $600 notice until she came into City Hall and received a copy from the clerk. She was unsure what happened to the second notice that had been mailed. She noted that she was shocked when she received the $1,200 notice as she did not believe that she owed anything. She stated that she honestly would have paid everything right away if she had known.

Commissioner Bradley stated that in reviewing the notes from staff it appears that the $600 citation was issued on June 3, 2015 and the next notation on June 24th was the fee being charged. He reviewed the notes from staff that states no mail returned after the $600 notice, which means that it was received by someone. He stated that it appears the notice was sent and that it most likely was delivered which he believed proves that the City has met their burden of notice for that citation.

Ms. Meade stated that she did receive the $300 notice and the $1,200 notice, so she is not denying the receipt of those notices. She stated that she did not see the $600 notice until she received a copy from staff.

Chairman Vande Linde noted that the $1,200 is not before the Board at this time and asked if something additional was pending.

DeGrande stated that the $1,200 was not charged. She explained that the rental license had been renewed in July and therefore the third citation fee was not charged.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER THORUP, IN CASE 15-46V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $900 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, TO BRIEFLY RECESS THE MEETING AT 8:35 P.M. THE MOTION PASSED UNANIMOUSLY.

Chairman Vande Linde reconvened the meeting at 8:44 p.m.

7. CASE 15-50V – MARY MULLER – 10424 XAVIS NW – SPECIAL ASSESSMENT OBJECTION – 21-31-24-41-0013 (AGENDA ITEM 24)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that in April there were two citations issued, one for exterior storage and one for a vehicle with expired tabs and flat tires. She stated that the citations were mailed to the property and the owner of record, noting that in May, the owner submitted for a 30-day extension and a new reinspection date was set; noting that the owner had stated that the tenant would be moving in May. She stated that staff contacted the property owner to alert of additional complaints and worsening of the condition. She stated that staff spoke with the property owner and advised that abatement would occur the following day; it was also advised that the vehicle would be cited one

more time before being towed. She noted that the items not in compliance were abated. She stated that both citation fees of $300 each were charged and would not be appealable because of the terms of the 30 days extension. She stated that because the vehicle was still in violation a second citation was issued for the vehicle, noting that upon reinspection on June 18th, the property was in compliance and therefore only half of that fee was charged.

Mary Muller and Jim Muller addressed the Board. She stated that they had horrible tenants that they had rented to in good faith. She noted that the renter worked contract jobs and was continually late on rent, but noted that she worked with the tenants because of the three children they had living with them at the property. She stated that they attempted to work with the tenants to move out in order to correct the citation and formal arrangements were made for them to move out on April 28th with the understanding that they would be out by the end of May. She noted that there was a garage sale the tenant had on their lawn, which was a mess. She noted that they constantly worked with the tenants to remove the trash. She stated that they had received a long grass notice and immediately went to the property to attempt to help the tenants fix the mower. She noted that the tenant called the police and the officer told the tenant that they were bad tenants and believed that the landlord was justified in being upset. She provided photographs of the property from May 31st through June 9th, noting that the tenants were in the process of moving. She stated that they did everything they could possibly do with the exception of having the van towed, explaining that they were fearful of the repercussions the tenant would have if they would have towed the van as the tenant had threatened them and any future tenants. She stated that the tenants moved separately, the woman moved to a safe home with her children and noted that she had seen the female tenant with a black eye. She noted that the female tenant begged them not to tow the van, and advised that they had sent numerous messages and had numerous conversations with the tenant to try to remedy the situation. She was unsure why they were being penalized for the actions of their tenants. She noted that this is the first and last rental property that they will have in Coon Rapids, noting that they have unpaid rent, five broken internal windows, and broken doors and doorframes on five interior doors.

Mr. Muller acknowledged the opinion of the neighbors and that the tenant did not get along with the neighbors. He noted that they had the tenants sign a contract stating they would be out by the end of May, even though they did not move out by that date. He stated that it appeared there was no recourse they could have taken to remove the tenants from the property.

Commissioner Bradley asked if a housing attorney had been contacted in regard to the tenants.

Ms. Muller replied that they did not.

Commissioner Bradley stated that when you become a landlord you take on a lot of responsibility. He stated that he is a lawyer and has represented both tenants and landlords in court, noting that the property owners do have recourse under the law.

Mr. Muller stated that they did not take some of those possible actions because they wanted the tenants out as soon as possible.

Commissioner Bradley empathized with the position the landlord was in but stated that as a landlord they will probably take great care to whom they rent to in the future.

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Ms. Muller stated that they are not new to rentals but are new to rentals in Coon Rapids. She noted that they have had bad tenants before but felt that they lost control in this situation.

Mr. Muller stated that he was not sure how the landlord would be responsible for a vehicle owned by the tenant. He stated that they were close to towing the vehicle but were fearful for the repercussion that would come not only to them but to the woman and her children.

Ms. Muller stated that they tried to do the best they could to work with the tenants and not take them to court or tow their vehicle.

Commissioner Bradley stated that those types of tenants are not unique and there are ways to screen them out. He noted that there are instances where landlords have incurred many charges because of activities of the tenant that took place on their property.

Chairman Vande Linde stated that it is apparent that the property owners were diligent in working with the City but not diligent in exercising their rights on the property and with the tenants. He received confirmation that the City abated the property and asked for the abatement fee.

Property Maintenance Inspector Trevor White stated that the pictures of the loaded trailers contain the items that were removed from the property by the City.

Mr. Muller stated that he was totally unaware of that.

Ms. Muller asked what is owing at this time.

Ms. DeGrande stated that staff will go back and check the invoice for the abatement as that is not included in the packet. She clarified that there was a charge of $300 for the vehicle and $300 for the exterior storage, along with the abatement costs. She stated that a conversation occurred on June 8th and those charges are not appealable because of the terms of the 30-day extension that was granted.

Commissioner Thorup asked and received clarification that this assessment is for $300 and that there may be other abatement costs that are not appealable and therefore those are not included in this case.

Ms. DeGrande stated that the special assessment that is pending is half of the $600 for the second citation that was issued on the vehicle. She confirmed that the other charges were not appealable because of the extension agreement that was signed on May 8th, noting that the abatement occurred on June 9th after a discussion with the homeowner on June 8th.

Chairman Vande Linde stated that there is a recent photograph of the property, which shows it has been cleaned up. He asked when the tenants vacated the property.

Ms. Muller stated that the van was moved by the tenant on June 26th. She noted that the female tenant and children left the property by June 16th. She noted that the house, garage and yard

were full of items they needed to remove after the tenants left. She was unsure of the exact date the male tenant left as they had been out of town for their 50th anniversary.

Ms. DeGrande stated that the total for the abatement invoice was $866.

Mr. White noted that there was a considerable weight for the items, noting there were tires that needed to be removed as well.

Mr. Muller asked where the items were located that were abated.

Mr. White stated that the items abated were all located outdoors including tires, televisions, furniture, and a 55-gallon burning barrel.

Ms. Muller stated that her grandson hauled seven pickup loads before the City abated the property.

Commissioner Bradley stated that there was adequate notice and time to comply. He stated that while there were reasons the property owner did not comply, he did not believe that excuses the owner from the penalties.

Commissioner Spano-Madden appreciated the comments and input from the property owners but stated that City staff did what they needed to do and therefore she would agree with Commissioner Bradley.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-50V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

8. CASE 15-51V – WILL ZIERHUT – 2900 109TH LANE NW – SPECIAL ASSESSMENT OBJECTION – 16-31-24-34-0049 (AGENDA ITEM 25)

Housing Inspector Leah Drabczak reviewed the background on the case. She stated that the assessment relates to a long grass and weeds citation, which was issued on May 26th and reinspected on June 3rd. She stated that the yard was not mowed and was in violation so the $300 was charged a crew had been dispatched on June 4th. She stated that the mowing had already been done by that time and therefore the crew did not complete the mowing but the $300 citation was charged because the property was not in compliance by the required date.

Will Zierhut, 2900 109th Lane NW, stated that he was in violation of his grass being too long and was not disputing that fact. He stated that on May 26th he received the citation at 10:52 a.m., which identified the issue. He explained that the notice stated to comply by June 2nd or a $300 penalty would be enforced. He stated that his issue is that he did have his grass cut that following Sunday. He noted that if they revisited the property and found it not to be compliant they would have taken additional pictures as they did in the original incident. He stated that the record shows that staff visited the property on the 3rd and the mowing company was ordered for

the 4th. He stated that the grass was cut and there is no proof that anyone even visited the site or that the grass had not been cut. He stated that the process to issue the citation was very detailed but the follow-up did not have any details. He noted that his grass was cut and he found nothing from City staff on the 2nd or 3rd and believed that the issue would have been documented in the same manner upon reinspection.

Chairman Vande Linde stated that the evidence before the Board is that the grass was cut at least by June 4th of 2015 when the crew arrived.

Ms. DeGrande stated that the grass was not cut by the compliance date of June 2nd, noting that the inspector visited the site on June 3rd in the morning.

Chairman Vande Linde stated that in the past there has usually been double documentation.

Ms. DeGrande stated that has never been done for grass but is done for other items such as junk and debris.

Chairman Vande Linde stated that he believed that a second set of photos was taken before abatement.

Ms. DeGrande confirmed that the mowing crew would have taken before and after pictures but that was not done because the yard was found to be mowed.

Commissioner Bradley stated that pictures are always nice but as a matter of evidence, records are adequate as well.

Mr. Zeirhut stated that he appreciated the due diligence upfront but did not see that on the backend. He stated that the grass was cut before June 2nd.

Chairman Vande Linde asked if the property had ever received a citation for long grass in the past.

Mr. Zeirhut stated that he had not ever been cited for that reason before this incident.

Commissioner Bradley stated that technically the City staff notes are adequate but stated that he is inclined to rescind because this property owner is not a problem property and did not think this would happen again. He stated that he does believe in second chances. He did not disbelieve the City notes, however the grass was mowed when the crew visited the property.

Commissioner Thorup referenced the noted from the long grass reinspection on June 3rd that states that the front grass was cut but the backyard was “cut bad” and was eight to ten inches long. She noted that when they came back with the crew the grass had been mowed.

Mr. Zierhut stated that he was not aware of how the grass could be cut but still be eight to ten inches long. He stated that he did not recut the lawn after that time and the lawn crew stated that the grass was cut.

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Commissioner Spano-Madden stated that in some instances there are cases that have come before the Board in which 90 percent of the lawn had been cut.

Commissioner Bradley stated that he tends to agree that the grass had been cut and the lawn crew believed that it was mowed.

Commissioner Thorup asked if the Board would be willing to modify the assessment by half based on the definition of "cut bad".

Commissioner Bradley stated that he would be in favor of rescinding the assessment in its entirety as the grass had been cut and even the notes state "cut bad".

Commissioner Spano-Madden agreed with the comments by Commissioner Bradley.

Chairman Vande Linde agreed that by the notes stating "cut bad" that shows that the grass was cut and therefore compliant.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-51V, TO RECOMMEND THE CITY COUNCIL RESCIND THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

9. CASE 15-42V – JEFF AND GLORIA EMMERICH – 12912 MARIGOLD STREET NW – SPECIAL ASSESSMENT OBJECTION – 08-31-24-42-0040 (AGENDA ITEM 16)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that the next three agenda items are very similar and the pending assessments are for expired rental licenses for properties owned by the Emmerichs in Coon Rapids. She noted that the notices were sent to the property owner and a compliance date was given of May. She noted that the notices were sent to the property owner out of state and the agent in Rogers. She advised that there was no communication and no returned mail so the citations were charged. She noted that a second round of citations were sent and at that time, the property owner and agent called to City Hall and the properties were brought into compliance by June 11th. She noted that in regard to the second set of citations, half the fee could have been charged but City staff waived those fees.

Ben Emmerich, son of Jeff and Gloria Emmerich, stated that he is not present to deny the fact that the licenses were not renewed in timely fashion. He stated that his family and his parents suffered a series of unfortunate events. He recalled receiving the notice in February and noted that he manages his parents 12 rental properties, three of them in Coon Rapids. He stated that in normal process when he receives those renewals he would normally get to that in March, since received in February. He stated that there are seven rental licenses that he needs to purchase in the twin cities. He provided detail on several medical issues that arose between his parents and himself during the month of February through May. He stated that during this time his parents called his wife after the first citation was issued in April and because there were multiple rental

licenses due, she attempted to mail the licenses she believed were due but had not seen the Coon Rapids properties. He stated that he is not trying to make excuses and asked that the Board review the record as they have owned the properties in 2006 and have never been late with any previous rental licenses and have always had a zero score on the rental inspections. He stated that he attended one of the first classes for property management that had been offered and noted that this has been a hard year for his family and himself. He asked for assistance from the Board.

Chairman Vande Linde stated that the testimony would be used for this case along with the next two cases from this property owner on the agenda.

Commissioner Bradley stated that he is very sorry to hear of the personal tragedies and of his family. He stated that these are income-generated properties and stated that perhaps it would be beneficial to turn these properties over to a management company.

Mr. Emmerich stated that his father in-law had offered to help with those duties but was told that he would need to have hip surgery in June. He stated that he did not know they were in this situation until it was too late. He stated that he immediately called once he received the second set of notifications and he would have filed the paperwork sooner but his wife's grandmother died that week and they mailed the papers when they returned.

Commissioner Bradley stated that a lot of those problems are continuing as there are continued health problems and asked how Mr. Emmerich ensures that the management of these properties will be adequate while these problems continue.

Mr. Emmerich stated that he is unsure how things could get worse, noting that they seem to be on a rebound for the time being. He stated that mentally he is on top of what is supposed to be doing and physically he is hiring more people to assist as well.

Commissioner Bradley asked if there is a plan on how things will be taken care of if he is unable to do it. He stated that the ultimate goal is for his well-being and for compliance.

Mr. Emmerich stated that he has a system of checks and balances installed through a rent right program. He stated that they did utilize a property management company in the early 2000's but had been taken advantage of because his parents live out of state. He noted that there are dates and reminders setup in the program to alert him as to when things need to be renewed.

Commissioner Bradley stated that seven rental properties is a lot and stated that there should be a plan in place, or a way that if there is a problem things can still be taken care of, as the properties are important assets to his family.

Mr. Emmerich stated that this series of events was a perfect storm, noting that he has been assisting his parents since 2003 and he has managed hundreds of tenants, noting that he has only had to do one eviction. He stated that there are tenants that have lived in their properties for six or seven years, noting that two of those properties are in Coon Rapids. He stated that he likes what he does and enjoys the process of assisting renters and the community. He appreciated the concern and stated that he will talk this over with his wife to ensure there is a backup plan. He noted that he now has a number cheat sheet for his wife to use as well.

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Chairman Vande Linde stated that the extenuating circumstances are vast but the Board needs to determine if City staff follows the procedure. He noted that it took about 1.5 months for a response to the City. He stated that an oversight would be that the paperwork was sent to the wrong city, but he had a problem with the length of response time. He recognized that the properties have been compliant and did not doubt that the property owner is a good landlord.

Mr. Emmerich stated that he believes that the City followed the correct procedure but did not recall seeing the $300 citation notice, although he did acknowledge that they did receive the warning that the license was going to expire.

Chairman Vande Linde stated that the citation for the $600 fine was sent to South Carolina.

Ms. Drabczak stated that an original is to the record of owner and a duplicate was sent to the agent.

Ms. DeGrande stated that the zip code is the same but acknowledged that it does say South Carolina.

Commissioner Spano-Madden stated that it seems this is just the $300 and not the additional $300.

Commissioner Thorup noted that there are multiple rental licenses and only the Coon Rapids properties were not received.

Commissioner Wigen stated that this is an income property and while she has sympathy for the property owner, she believes the fees should be charged.

Commissioner Bradley empathized with the personal tragedy but noted that rental properties are a business and things need to be done.

Commissioner Spano-Madden stated that City staff did everything they were tasked with doing.

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER WIGENS, IN CASE 15-42V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

10. CASE 15-43V – JEFF AND GLORIA EMMERICH – 3749 123RD LANE NW – SPECIAL ASSESSMENT OBJECTION – 08-31-24-21-0063 (AGENDA ITEM 17)

Chairman Vande Linde noted that Ben Emmerich presented testimony in the previous case that also applies to this case.

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MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 15-43V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

11. CASE 15-44V – JEFF AND GLORIA EMMERICH – 11990 ORCHID STREET NW – SPECIAL ASSESSMENT OBJECTION – 08-31-24-42-0040 (18)

Chairman Vande Linde stated that Ben Emmerich provided testimony for this case in a previous case, which extends to this case.

Ben Emmerich commented that as landlords and property managers it is sometimes very hard to maintain the integrity of tenants, property value, and condition and for every property manager of his caliber there are a dozen that do not care. He stated that he has maintained a high standard in Coon Rapids and his tenants have not been a problem to the City, neighbors, or himself. He stated that there are numerous landlords that attempt to thwart the system, circumventing fees and fines, noting that he is not one of those. He stated that when people such as the Board are put in their position there is a reason why, noting that people are put in that position because they are capable of being compassionate and have understanding that the law is not always black and white. He greatly appreciated the time he was given to present his case and hoped that the Board appreciates the responsibility that they have in being human deciders of people based on a black and white law system. He stated that while he does not agree with affirming the assessments he will comply.

Chairman Vande Linde appreciated the input from Mr. Emmerich and echoed the comments the other Commissioners have made in sympathizing with the hardships the Emmerich family has had to endure. He hoped that the conditions improve for the family and that they continue to be great landlords in the City. He stated that the Board volunteers for their position and they have to judge whether or not the City staff follows the proper procedure. He stated that there was nothing in front of the Board that would allow them to exercise anything other than the letter of the law. He thanked Mr. Emmerich for allowing other residents to be considered before his cases.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER THORUP, IN CASE 15-44V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, TO BRIEFLY RECESS THE MEETING AT 10:22 P.M. THE MOTION PASSED UNANIMOUSLY.

Chairman Vande Linde reconvened the meeting at 10:26 p.m.

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12. CASE 15-28V – USMAN MIAN – 1290 105TH AVENUE NW – SPECIAL ASSESSMENT OBJECTION - 23-31-24-24-0074 (AGENDA ITEM 2)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that the assessment was in relation to a citation for long grass in May, noting that this was a vacant property. She stated that upon reinspection the property was not compliant, although the grass had been cut prior to the mowing crew arriving.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-28V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

13. CASE 15-30V – NERA MURATOVIC – 12334 NORWAY STREET NW – SPECIAL ASSESSMENT OBJECTION – 12-31-24-22-0037 (AGENDA ITEM 4)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that City staff knocked on the door when visiting the property to investigate a possible unlicensed rental property. She stated that a violation for parking off pavement was issued and upon reinspection there were then two cars parked off pavement. She stated that a second citation was issued and upon and reinspection there were then three cars parked off pavement, so the second set of fees were charged. She stated that a third citation was sent as well but noted that was not included in this case because the property owner has not yet appealed that citation. She noted that the property owner also had $4,500 charged against the property for rental license violations but noted that the homeowner has since been able to prove that they have lived at the property the entire time and simply had not claimed homestead status, therefore those fees are being administratively reviewed.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-30V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $900 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

14. CASE 15-31V – LIQUENDA ALLOTEY – 1040 105TH AVENUE NW – SPECIAL ASSESSMENT OBJECTION - 23-31-24-42-0037 (AGENDA ITEM 5)

Housing Inspector Leah Drabczak stated that staff was inspecting the property along with a Conexus disconnect notice, which prompted a water shutoff notice and that is when staff spoke with the current tenant. She stated that the property owner was issued a citation for operating a rental without proper licensing. She stated that the owner did not contact the City and the fees escalated to $2,100 over the course of the citations being issued. She noted that there is also $1,121.61 in delinquent utility charges. She stated that the property owner lives in Texas and has never called City staff.

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MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 15-31V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $2,100 ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

15. CASE 15-32V – KATIE AND ANTHONY FICOCELLO – 11434 NORTH HEIGHTS DRIVE NW – SPECIAL ASSESSMENT OBJECTION – 16-31-24-13-0096 (AGENDA ITEM 6)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that Anoka County records shows the property in the foreclosure status, which began in February. She noted that this case was in regard to a long grass citation.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-32V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

16. CASE 15-33V – ANDREA WAYTASHEK – 9748 FOLEY BOULEVARD – SPECIAL ASSESSMENT OBJECTION – 25-31-24-24-0019 (AGENDA ITEM 7)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that she and Assistant City Attorney Westervelt met earlier and have decided to administratively remove the fees associated with this case.

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER THORUP, IN CASE 15-33V, TO STRIKE THE CASE FROM THE AGENDA.

THE MOTION PASSED UNANIMOUSLY.

17. CASE 15-34V – MICHAEL GROVER – 10740 GROUSE STREET NW – SPECIAL ASSESSMENT OBJECTION – 22-31-24-11-0016 (AGENDA ITEM 8)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that this property is vacant and in foreclosure, noting the citation was for long grass.

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER THORUP, IN CASE 15-34V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

18. CASE 15-35V – CHARLES OKUSANYA – 1562 119TH LANE NW – SPECIAL ASSESSMENT OBJECTION – 11-31-24-32-0102 (AGENDA ITEM 9)

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Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that in past meetings, $150 is charged whenever a property owner receives two long grass citations in one growing season but are compliant on the violations. She noted that the property owner complied with both citations but upon the second violation, $150 is charged.

Commissioner Thorup understood the amount to be $150 and asked if interest accrued between August 5th and December 31st should also be mentioned.

Ms. DeGrande stated that the interest does not accrue until the assessment is affirmed.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 15-35V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $150 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

19. CASE 15-36V – CHAD MORGAN – 11021 OLIVE STREET NW – SPECIAL ASSESSMENT OBJECTION – 14-31-24-44-0032 (AGENDA ITEM 10)

Housing Inspector Leah Drabczak stated that in November 2014 staff sent a notice for a rental license renewal, noting that the crime free certificate had also expired. She stated that at that time the owner did not hold the certificate as the agent had, and when the agent and owner separated ways, the property became noncompliant. She stated that the property was not found to be compliant and so the fees were charged and a second set of citations were issued. She stated that City staff phoned the property owner asking for certification and reviewed the case again in January and because there was not response those fees were charged and a third citation was issued. She stated that in March the owner attended the necessary class but did not turn in his certificate. She noted that staff verified attendance with the police and therefore waived the last fee.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-36V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $900 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

20. CASE 15-37V – NANCY SKAGER – 10324 HOLLYWOOD BOULEVARD NW – SPECIAL ASSESSMENT OBJECTION – 21-31-24-42-0078 (AGENDA ITEM 11)

Property Maintenance Inspector Trevor White stated that on May 20th a citation was issued for long grass, and upon reinspection on May 28th the front yard had been mowed but the backyard remained in violation. He stated that a crew was dispatched to the property on June 3rd but could not access the backyard due to a locked gate and therefore the $300 penalty was applied. He stated that on June 15th, a citation was issued for $300 for expired tabs on a junk vehicle and upon reinspection on June 23rd the vehicle still had expired tabs and the fee was charged. He noted that there were also new violations for outdoor storage, junk and debris, and parking off pavement noted so new citations were issued for those violations. He stated that reinspection

occurred on July 7th and as there was no change, the fees were charged. He noted that additional citations have been issued but have not yet been appealed so they were not included in this case.

Ms. DeGrande stated that the property is in the process of foreclosure.

Mr. White recommended that the Board affirm the special assessment in the amount of $1,800.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER SPANO-MADDEN, IN CASE 15-37V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $1,800 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

21. CASE 15-39V – JASON AND RONDA TWADDLE – 10558 MARTIN STREET NW – SPECIAL ASSESSMENT OBJECTION – 22-31-24-13-0104 (AGENDA ITEM 13)

Property Maintenance Inspector Trevor White stated that on June 3rd a citation was issued for junk and debris, parking off pavement, and expired tabs. He noted that upon reinspection, two of the items were found to be compliant but the junk and debris remained in violation and therefore the tenants were informed of abatement and the citation costs. He recommended that the Board affirm the $300 citation fee and $307.50 abatement costs for a total assessment of $607.50.

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER THORUP, IN CASE 15-39V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $607.50 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

22. CASE 15-40V – ANDREW GABATINO – 3356 115TH LANE NW – SPECIAL ASSESSMENT OBJECTION – 17-31-24-11-0107 (AGENDA ITEM 14)

Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that this was a citation for long grass and the mowing crew could not get to the backyard to mow because of a locked gate, noting that the full $300 was charged for noncompliance.

Commissioner Spano-Madden referenced a written response from the homeowner.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 15-40V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $300 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

23. CASE 15-47V – BRIANNA ROBINSON – 2263 110TH LANE NW – SPECIAL ASSESSMENT OBJECTION – 15-31-24-33-0056 (AGENDA ITEM 21)

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Neighborhood Coordinator Kristin DeGrande reviewed the background on the case. She stated that similar to a previous case two citations had been issued for long grass during a growing season and while the property was brought into compliance on both incidents, a fee of $150 is still recommended to be charged.

MOTION BY COMMISSIONER SPANO-MADDEN, SECOND BY COMMISSIONER THORUP, IN CASE 15-47V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $150 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

24. CASE 15-48V – CITI MORTGAGE INC – 798 NORTHDALE BOULEVARD NW – SPECIAL ASSESSMENT OBJECTION – 14-31-24-11-0015 (AGENDA ITEM 22)

Neighborhood Coordinator Kristin DeGrande noted that there is a packet on the desk for the Board, which includes the full appeal with attachments.

Housing Inspector Leah Drabczak stated that the foreclosure process began in May of 2010 and since that time City staff have had numerous code enforcement issues and contact with the property. She stated that per City Code the citation is valued at the highest tier of $2,400 due to history and length of violations. She recommend that the Board affirm the $2,400 assessment in its entirety.

Commissioner Bradley stated that this is one of thousands of properties in foreclosure and this is nothing new.

Commissioner Thorup asked if the $2,400 fee was included in an affidavit of additional costs during foreclosure sale.

Chairman Vande Linde stated that the charges were not assessed at that time.

Commissioner Bradley stated that there should have been an alert in the assessment search.

Housing Inspector Leah Drabczak stated that the unit was occupied with squatters after the tenants vacated. She stated that staff was there last January disconnecting utilities and had the bank on phone asking for permission to vacate the squatters with police assistance because of proximity to the nearby school and the drug activity but the bank would not give permission. She stated that staff could not get cooperation with bank.

Ms. DeGrande stated that she had a conversation with the bank stating that the items should be moved inside to become compliant. She noted that the bank did eventually clean up the property, the City did not abate the property.

MOTION BY COMMISSIONER WIGEN, SECOND BY COMMISSIONER BRADLEY, IN CASE 15-48V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $2,400 ASSESSMENT IN ITS ENTIRETY.

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THE MOTION PASSED UNANIMOUSLY.

25. CASE 15-49V – CARLA ITIE – 10253 MISSISSIPPI BOULEVARD NW – SPECIAL ASSESSMENT OBJECTION – 21-31-24-43-0003 (AGENDA ITEM 23)

Housing Inspector Leah Drabczak that there was a February 24th police report which provided photographs of the violations which included expired tabs and parking off pavement. She stated that upon reinspection one vehicle remained in violation and therefore only one fee was charged. She stated that a second citation was charged and upon reinspection the property was found to be compliant therefore only half of that $600 was charged. She recommended that the Board affirm the $600 assessment in its entirety.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 15-49V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $600 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

26. CASE 15-52V – MARVIN HANSON – 10841 KUMQUAT ST NW – SPECIAL ASSESSMENT OBJECTION – 24-31-24-21-0100

Property Maintenance Inspector Heather Rodgers stated that on May 21st staff issued five citations to the property including expired tabs on inoperable vehicle, junk and debris, junk cargo van, major recreational vehicles, and dismantled trailers. She noted that upon reinspection all five violations remained and staff spoke with the resident to advise them of the required abatement. She stated that the residents were given another week to remove the inoperable vehicles and major recreational equipment and upon reinspection the property was in compliance. She noted that the appeal of the resident is in regard to the boat citation, which was compliant by the necessary date and therefore had not been charged a fee. She recommended that the Board affirm the fees and abatement costs.

MOTION BY COMMISSIONER THORUP, SECOND BY COMMISSIONER WIGEN, IN CASE 15-52V, TO RECOMMEND THE CITY COUNCIL AFFIRM THE $1,037 SPECIAL ASSESSMENT IN ITS ENTIRETY.

THE MOTION PASSED UNANIMOUSLY.

<u>OTHER BUSINESS</u>

NONE.

27. ADJOURNMENT

MOTION BY COMMISSIONER BRADLEY, SECOND BY COMMISSIONER SPANO-MADDEN, TO ADJOURN THE MEETING AT 11:15 P.M. THE MOTION PASSED UNANIMOUSLY.

DRAFT

Respectfully submitted,
Amanda Staple
Board of Adjustment and Appeals Secretary

DRAFT