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December 5, 2011

Raquel Naylor
City Council Offices
Suite 310
15 Kellogg Boulevard West
St. Paul, MN 55102

**RE: 559 South McKnight Road; property owner Leonard Anderson
VIA FAX (651-266-8574) and US MAIL**

Dear Ms. Naylor:

Please be advised that due to Mr. Anderson's surgery and resulting physical condition, as well as the hospitalization of Mr. Pothoff (witness), I will not be able to present Mr. Anderson's case on December 6, 2011 to the Legislative Hearing Officer. I had hoped that the brief postponement from November 22 to December 6 would have allowed sufficient time for Mr. Anderson's recovery, but it has not. I will refer back to the November 11, 2011 letter from Andrew D. Thomas, M.D., wherein Dr. Thomas describes a four to six week recovery period in which Mr. Anderson, who is 71 years old, cannot perform any manual labor, including writing, etc.

In light of Mr. Anderson's limitations due to the described medical conditions and use of prescription medications, whether related to attending a hearing or performing any actions pursuant to the November 4, 2011 Correction Notice, I'd like to attempt to describe my findings at this point in the matter, and get the Legislative Hearing Officer's thoughts moving forward.

Enclosed you will find numerous photographs of the property located at 559 McKnight Road South. I have applied bates numbers to the bottom of each page of photographs, and reference the specific page and photo when referring to the allegations related to the property in the Correction Notices:

- With respect to the Vehicle Abatement Order - each of the vehicles listed (Dodge, Ford and Chevrolet) are fully licensed, current, drivable and operable.
 - The trucks were not open to entry and all doors were closed and secured.
 - Is Inspector Smith inferring that the doors to the trucks were not locked? The door locks in these vehicles do work. I'm not aware of anything that requires someone to lock the doors on their vehicles while on their own property (or in general). There are many people that refuse to lock the doors on their vehicles because there is nothing of value inside and they would rather not have a thief break the glass to gain entry.
 - These vehicles are drivable and operable.
 - Mr. Anderson's parking area and driveway) are improved surfaces consisting of class 5 gravel. See photos at pages LNA PHOTOS 000001 AND 000004.

- With respect to the Summary Abatement Order, I would make the following points:
 - Although Inspector Smith would like to refer to Mr. Anderson's personal property as junk, it is not junk to Mr. Anderson. In fact Mr. Anderson's personal property has monetary value, and he has a right to have personal property at his home and on his property.
 - Mr. Anderson has a freezer on his deck. Mr. Anderson can certainly move his freezer inside his property (taking into consideration the surgery on both of his hands) – but how is a freezer on your back deck a nuisance?
 - It is not a nuisance for Mr. Anderson to store his trailers and boats on his property. All trailers are currently licensed. Mr. Anderson has a court order allowing him to do so. I can provide that court order from Judge Bjorkman upon request. See photos at pages LNA PHOTOS 000003.
 - Mr. Anderson has building materials on his property, covered from the weather elements, to build a garage in order to store some of his property. However, the City has failed to timely process his building permit application, despite certified engineering plans from Mr. Pothoff. Mr. Anderson's building permit is beyond the purview of the Legislative Hearing Officer, so I won't address this issue further at this time. See photos at pages LNA PHOTOS 000004.

- With respect to the Correction Notice:
 - Parking surfaces. Mr. Anderson has class 5 gravel for his driveway and parking surfaces, as do many of the residences in this area of St. Paul. See photos at pages LNA PHOTOS 000001 AND 000004.
 - Ground cover. Mr. Anderson has 3+ acres with mature tree growth and many pine trees. Seed or sod will not grow under heavily wooded or areas of pine trees. See photos at pages LNA PHOTOS 000001 through 000008.
 - Chimney. The chimney has no defective or missing bricks, because Mr. Anderson does not have brick chimneys. The chimneys are industrial grade ½" thick steel, and are in perfect working order. See generally City of Morris

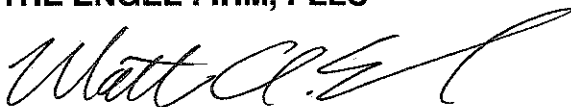
- v. SAX Invs., Inc., 749 N.W.2d 1 (Minn. 2008). See photos at LNA PHOTOS 000007.
- Deadbolt locks. Mr. Anderson can certainly install deadbolt locks (taking into consideration the surgery on both of his hands) – but is it a nuisance or violation if an older property does not have deadbolt locks? See generally City of Morris v. SAX Invs., Inc., 749 N.W.2d 1 (Minn. 2008).
 - Exterior walls, trim, boards. Mr. Anderson's home has cedar siding that does not require paint, and it has maintenance free Anderson windows. Mr. Anderson's garage has maintenance free steel siding that does not require paint. See photos at pages LNA PHOTOS 000002, 000003, and 000006.
 - Guardrails. There is a single missing intermediate rail. Mr. Anderson can certainly repair the single rail (taking into consideration the surgery on both of his hands) – but with respect to all stairways, porches, decks or steps, see generally City of Morris v. SAX Invs., Inc., 749 N.W.2d 1 (Minn. 2008). See photo at page LNA PHOTOS 000008.
 - Roof and other areas. Mr. Anderson would certainly like every aspect of his property to be in perfect condition (taking into consideration the surgery on both of his hands) – but sometimes capital improvements like replacing a roof have a timeline for homeowners based on finances, other needs, and the physical and medical condition of the homeowner. See generally City of Morris v. SAX Invs., Inc., 749 N.W.2d 1 (Minn. 2008). See photo at page LNA PHOTOS 000002.

This is a beautiful property with mature pine trees and a home with rustic cedar siding. Mr. Anderson's personal property is stored behind his house on a class 5 gravel surface. Views of Mr. Anderson's home and property from the front and rear can be seen at LNA PHOTOS 000001 and LNA PHOTOS 000005. I see this continued pursuit of a quiet, good hearted, 71 year old man as unacceptable. I have visited the property with Mr. Anderson, as well as other surrounding properties in this area of St. Paul, and I cannot fathom the reasoning for these orders other than some ulterior motive.

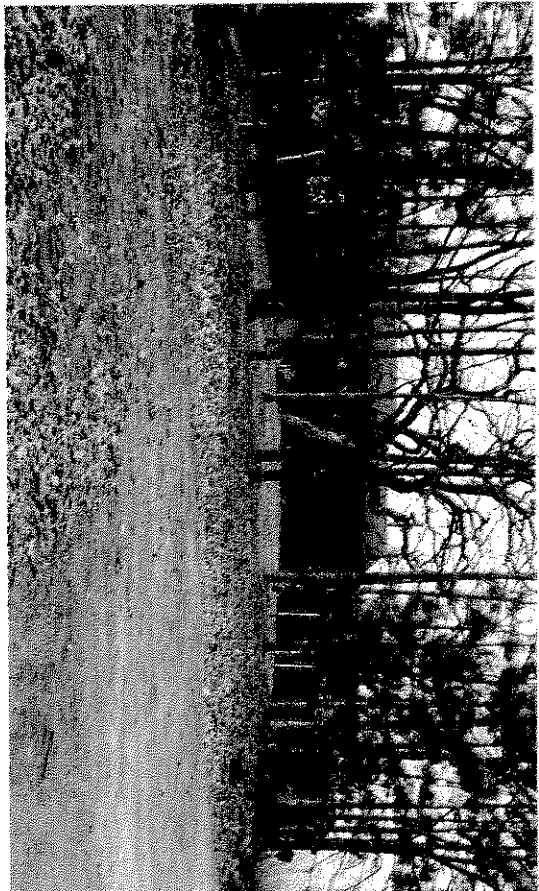
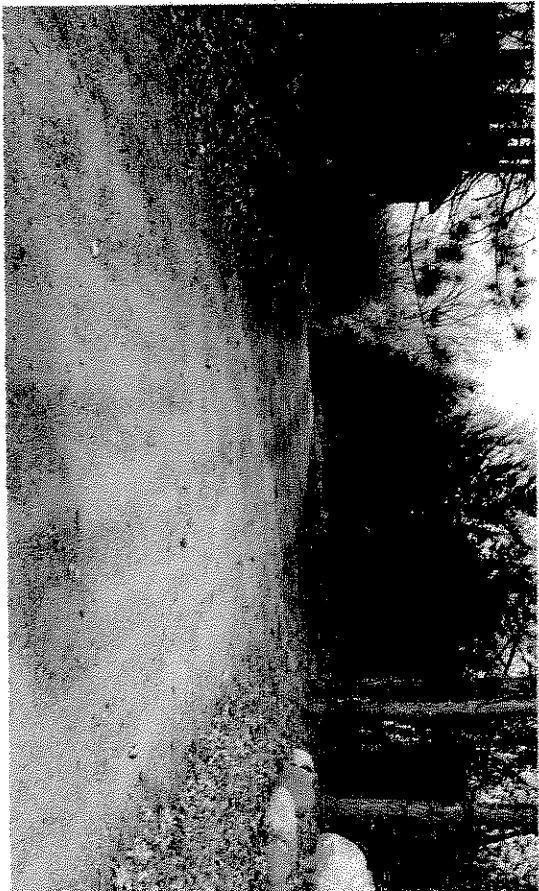
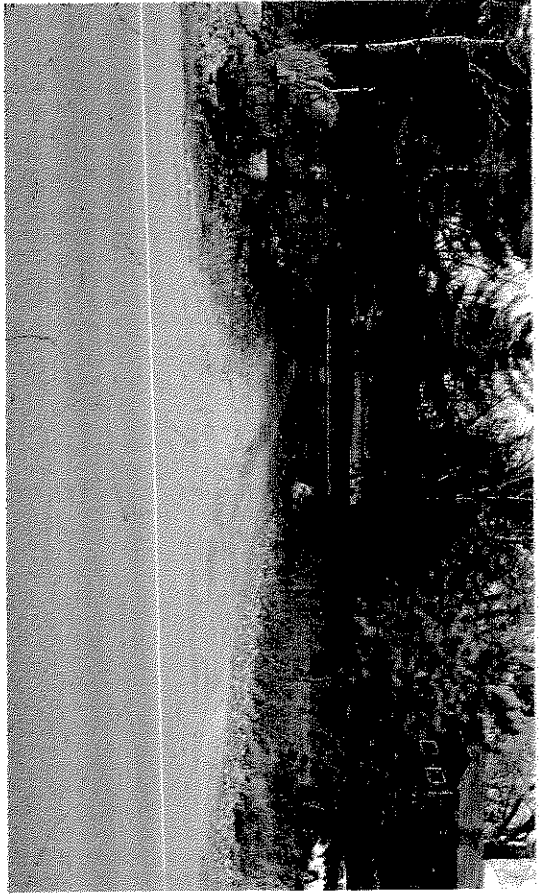
Please let me know if the Legislative Hearing Officer has any questions in response to this letter, and whether the Legislative Hearing Officer is still interested in having a hearing. If so, I propose that the Legislative Hearing Officer lay the matter over until early January to allow Mr. Anderson the recovery time suggested by Dr. Thomas.

Best regards,

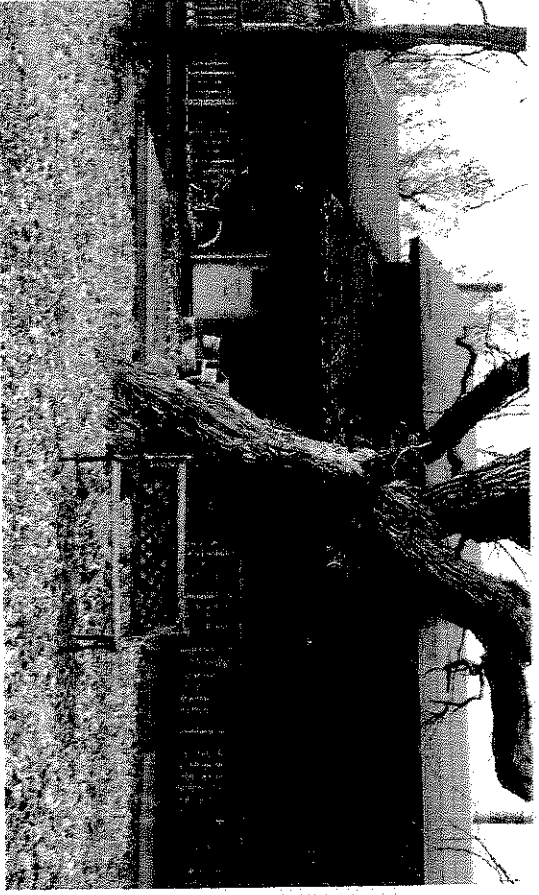
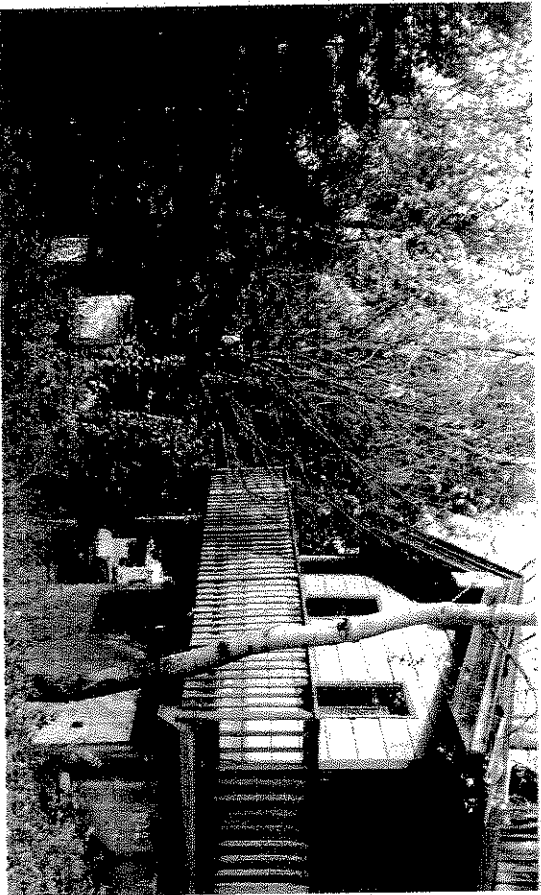
THE ENGEL FIRM, PLLC



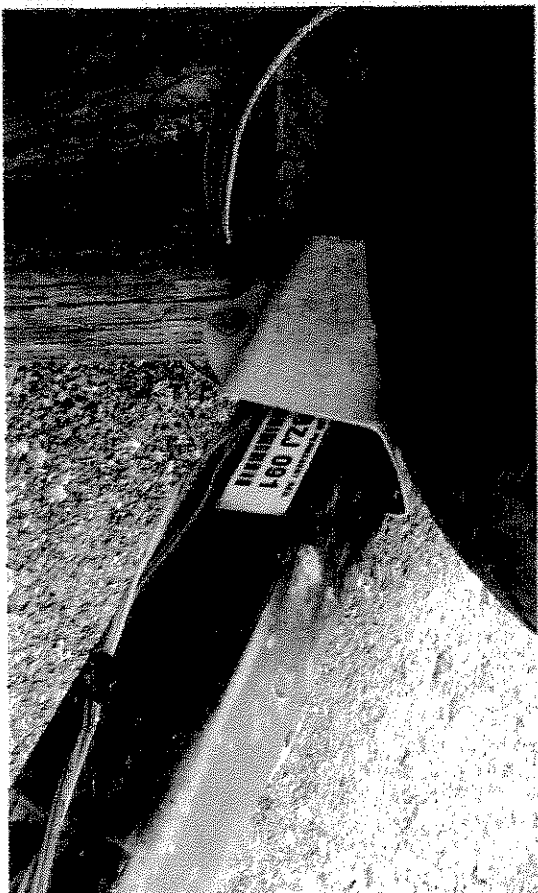
Matthew A. Engel



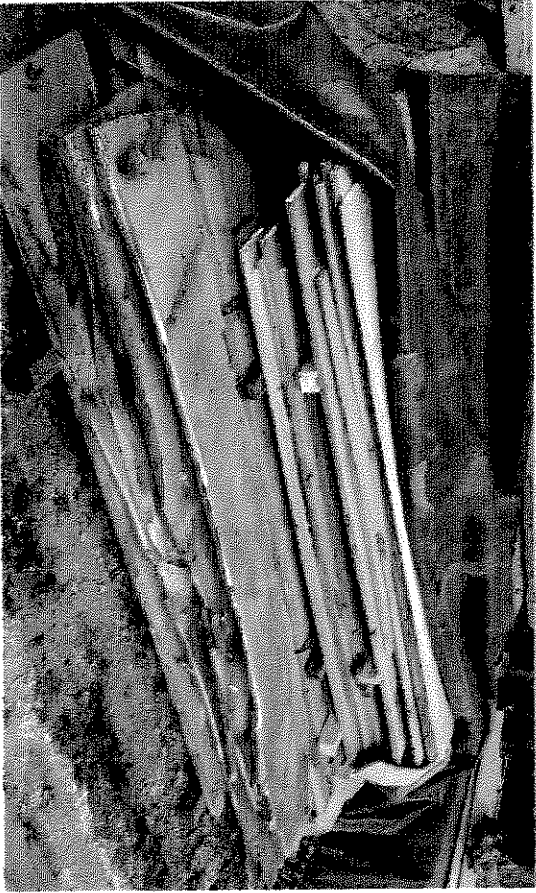
LNA PHOTOS 000001



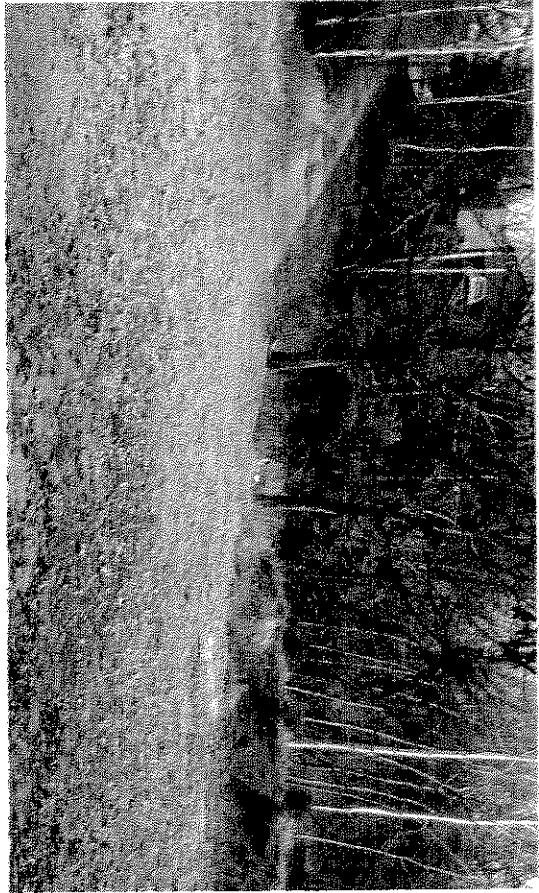
LNA PHOTOS 000002



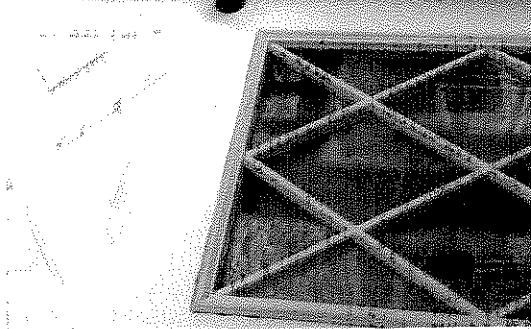
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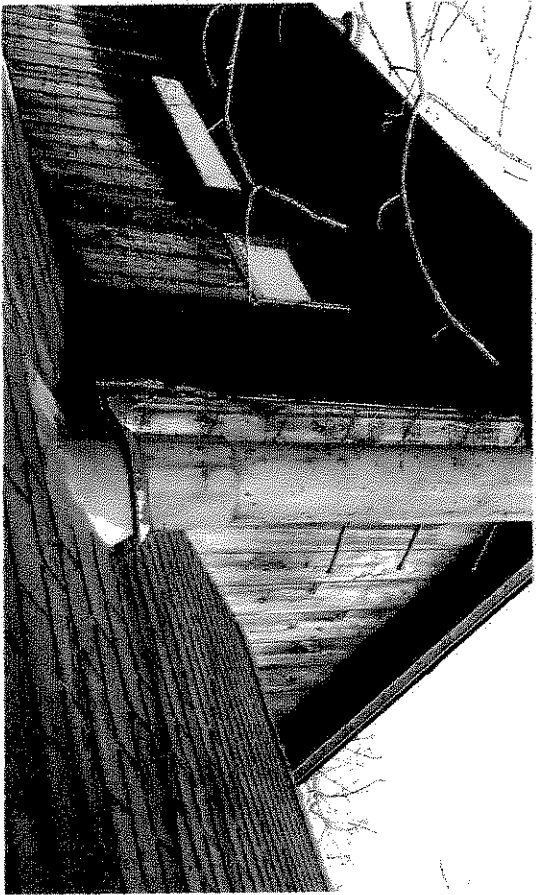
LNA PHOTOS 000004



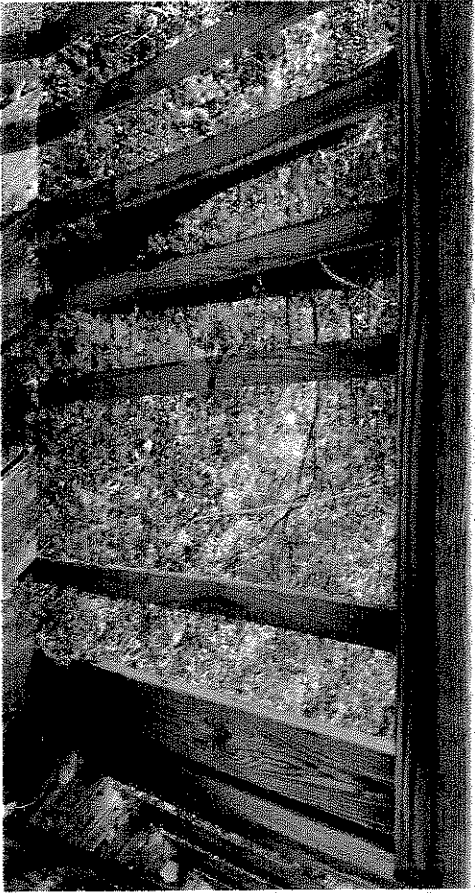
LNA PHOTOS 000005



LNA PHOTOS 000006



LNA PHOTOS 000007



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