

RLH SAO 18-47



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

RECEIVED

JUL 12 2018

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 18019 CHECK)
- Copy of the City-issued orders/letter being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR Mail-In
- for abatement orders only: Email OR Fax

CITY CLERK

HEARING DATE & TIME (provided by Legislative Hearing Office)	
Tuesday,	<u>JULY 31, 2018</u>
Time	<u>11:00</u>
Location of Hearing: Room 330 City Hall/Courthouse	

Address Being Appealed:

Number & Street: 1122 Jackson Street City: St. Paul State: MN Zip: 55117

Appellant/Applicant: Roger Stadler Email: pallydoll@yahoo.com

Phone Numbers: Business _____ Residence 651-489-5310 Cell 651-707-5897

Signature: Roger Stadler Date: 7/12/2018

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: Same 1122 Jackson

Phone Numbers: Business 651-292-1556 Residence 651-489-5310 Cell 651-707-5897

What Is Being Appealed and Why? Attachments Are Acceptable

- Vacate Order/Condemnation/
- Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Comments:

(see letter)



320

CITY OF SAINT PAUL
DEPARTMENT OF SAFETY AND INSPECTIONS
DIVISION OF CODE ENFORCEMENT
375 Jackson Street, Suite 220
Saint Paul, MN 55101- 1806
SUMMARY ABATEMENT ORDER

June 28, 2018

18 - 077259

Yog hais tias koj hais tsis to taub tsab ntawv no, hu rau tus txhais lus ntawm (651) 266- 8989. Nws yog pab dawb xwb. Si necessita un traductor, por favor llamanos al (651)266- 8989. No costo.

ROGER W STADLER
1122 JACKSON ST
ST PAUL MN 55117- 5012

As owner or person(s) responsible for : 1122 JACKSON ST you are hereby ordered to eliminate all nuisance conditions which are in violation of Chapter 45 of Saint Paul Legislative Code.

- 1. Remove improperly stored or accumulated refuse which may include: garbage, rubbish, loose and scattered litter, discarded furniture, appliances, vehicle parts, scrap wood and metal, recycling materials, household items, building materials or rubble, tires, brush, etc., from entire property including yard, boulevard, alley, and driveway. PLEASE REMOVE THE TWO TEMPORARY AWNING STRUCTURES FROM THE YARD. THE CASE SKID- STEER MUST ALSO BE REMOVED. COMMERCIAL EQUIPMENT CANNOT BE STORED ON A RESIDENTIAL PROPERTY. THANK YOU. Comply before July 30, 2018**

If you do not correct the nuisance or file an appeal **before July 30, 2018** , the City will correct the nuisance and charge all costs, including boarding costs, against the property as a special assessment to be collected in the same way as property taxes.

Charges: If the City corrects the nuisance, the charges will include the cost of correction, inspection, travel time, equipments, etc. The rate will be approximately \$260 per hour plus expensed for abatement.

**You must maintain the premises in a clean condition and provide proper and adequate refuse storage at all times
FAILURE TO COMPLY MAY RESULT IN A CRIMINAL CITATION**

Issued by: Richard Kedrowski Badge: 320 Phone Number: 651- 266- 9141

If you have any questions about this order, the requirements or the deadline, you should contact the Inspector listed above, Monday through Friday.

Also Sent To:

Occupant

APPEALS: You may appeal this order and obtain a hearing before the City Council by completing an appeal application with the City Clerk before the appeal deadline noted above or seven (7) days after the date mailed, which ever comes first. No appeals may be filed after that date. You may obtain an appeal application from the City Clerk's Office, Room 310 in City Hall, 15 W Kellogg Blvd., St. Paul, MN 55102. The telephone number is (651) 266- 8688. You must submit a copy of this Summary Abatement Notice with your appeal application.

***WARNING** Code inspection and enforcement trips cost the taxpayers money. If the violations are not corrected within the time period required in this notice, the city's costs in conducting a reinspection after the due date for compliance will be collected from the owner rather than being paid by the taxpayers of the city. If additional new violations are discovered within the next following 12 months, the city's costs in conducting additional inspections at this same location within said 12 months will be collected from the owner rather than being paid by the taxpayers of the city. Any such future costs will be collected by assessment against the real property and are in addition to any other fines or assessments which may be levied against you and your property.

sa.rpt 9/15



320

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sa.rpt 9/15

July 12, 2018

City Clerk's Office
310 City Hall
15 West Kellogg Boulevard
Saint Paul, MN 55102

Re: *Application for Appeal*
 Summary Abatement – 1122 Jackson Street

Dear Sir or Madam:

I have been a resident of 1122 Jackson Street in Saint Paul, 55117 since October of 1975. I am 74 years old and live alone. I still work on engine repairs in order to pay taxes and be self sufficient. I have not had any complaints with the property and I believe I have been a good resident and neighbor.

For purposes of disclosure, I have had two major surgeries in the past three years for cancer, including treatment by chemotherapy which has side effects such as neuropathy.

The request is to remove the skid-steer which has been on the property since 1992. It is not used for commercial purpose but is used after plowing on Jackson street to remove snow from the sidewalks. The use of the skid-steer is necessary because the city plows the snow on the street onto the sidewalk at speeds of 40 mph. As a result, the snow combines with chemicals and as temperatures change, it freezes at about 4-feet tall. A snow blower cannot manage to clear this. Also, I use my lot to deposit the snow since there is no other place to put it besides back onto the street. I use the skid-steer to do the whole neighborhood and my neighbor's driveway. The skid-steer is stored in the back of my property and covered with a plastic tarp. It is also used to make safe passage of pedestrians on city sidewalks resulting from city plowing.

With respect to the awning structures, I was instructed by a city inspector 15 years ago to anchor them and install pavers. The greenhouse has a heated floor and proper heating which the inspector did not have a problem with. At that time, I relied on the city's inspector with respect to the awnings and the greenhouse and pavers. This has not been an issue in 15 years and I am disappointed that it has been raised. I believe there have been no complaints by the neighbors or other past city action concerning the awnings.

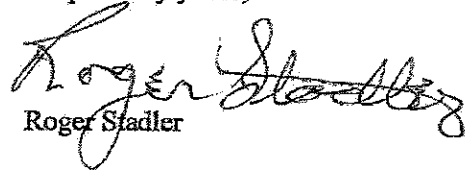
My intention is to resolve these recent issues raised by the inspector. There must be consideration of the clearing of the public sidewalk as a result of snow plowing for the benefit of pedestrian safety. The skid-steer should not be considered a commercial vehicle and is only used for the benefit of the neighborhood. Please see attached city ordinances. I do not believe that the present state of my property is under chapter 45 – nuisance. However, I do see my snow clearing activities by use of the skid-steer may come under section 113.05 – alternative abatement methods.

The following are attached photographs of the city snow plowing action on Jackson street, impacting my property:

- 1) Plowing that impacts egress and ingress on my driveway
- 2) Plowing view of Jackson street from the front of my property, note the sidewalk had been cleared but reflects the amount of snow prior to clearance
- 3) View looking east, pile of snow placed on my residential lot after clearance (by me)
- 4) View looking west from my residential lot of the city's plower snow from Jackson street that I had placed on my residential lot
- 5) View from my backyard into my residential lot of the city's plowed snow onto my sidewalk which I remove and store in this lot since there's nowhere else to place it.
- 6) Removing snow from neighbors driveway
- 7) Snow plowed onto the sidewalks representing the result of plowing
- 8) Snow that still remained on my residential lot that had been a result of plowing

Thank you for reviewing my application. I look forward to hearing from you.

Respectfully yours,


Roger Stadler

2-12-18

Sec. 45.01. - Declaration of policy.

The purpose of this chapter is to protect the public health, safety and welfare by enactment of provisions which:

- (1) Define public nuisances and nuisance conditions.
- (2) Determine the responsibilities of owners and operators of dwellings and property for correction of nuisance conditions.
- (3) Provide remedies to eliminate public nuisances.
- (4) Provide for administration, enforcement and penalties.
- (5) Promote the stabilization and maintenance of neighborhoods.

(Ord. No. 17861, § 1, 8-13-91)

Sec. 45.02. - Definitions.

The following definitions shall apply to this chapter:

Attractive nuisance: A condition such as a dangerous structure, an unsecured vacant or condemned building, or other condition which in the opinion of the enforcement officer may attract nonowner(s) or other unauthorized person(s) and which would expose them to risk, peril or danger.

Enforcement officer: The director of the department of safety and inspections, the director of the department of police, or their duly authorized representative.

Extermination: The control and/or the elimination of insects, rodents and other pests by integrated pest management which promotes sanitation, harborage control and other nonlethal control methods before the use of legal approved pesticides, trapping and other pest elimination methods.

Hazardous waste: Any waste material so defined by Minnesota Statutes 116.06, subdivision 13 or described or listed as hazardous waste in Minnesota Rules Chapter 7045, known as Minnesota Pollution Control and Hazardous Waste Division Hazardous Waste Rules.

Interested party: Any owner of record, occupying tenant or lien holder of record.

Last known address: The address shown on the records of the Ramsey County Department of Property Taxation or a more recent address known to the enforcement officer. In the case of parties not listed in these records, the last known address shall be that address obtained by the officer after a reasonable search.

Mail: Service by mail shall mean by depositing the item with the United States Postal Service addressed to the intended recipient at his or her last known address with first class postage prepaid thereon.

Noxious substances: Substances, solid or fluid, gaseous or odorous, which are detrimental to health, hurtful or dangerous. Noxious substances shall include, but not be limited to, any dead animal or portion thereof, putrid carcass, decayed animal matter, green hides, or any putrid, spoiled, foul or stinking beef, pork, fish, offal, hides, skins, fat, grease, liquors, human or animal excrement or manure.

Nuisance building: A vacant building or portion of a vacant building as defined in section 43.02 which has multiple housing code or building code violations or has been ordered vacated by the city and which has conditions constituting material endangerment as defined in Saint Paul Legislative Code section 34.23(g), or which has a documented and confirmed history as a blighting influence on the community.

Nuisance outdoor swimming pool: Any outdoor swimming pool that has stagnant water, lacks maintenance such as damaged sides, broken ladders, missing or damaged equipment, or is out of service for two (2) years, and/or is not secured as defined in section 34.08(12).

Outdoor swimming pool: Any structure designed, constructed or intended to be used for outdoor swimming, either above or below grade, with a capacity of twenty-four (24) or more inches deep and having one hundred fifty (150) or more square feet of surface area.

Owner: Those shown to be owner or owners on the records of the Ramsey County Department of Property Taxation.

Personal service: Service by personally handing a copy to the intended recipient or by leaving a copy at the intended recipient's residence or place of business with a person of suitable age and discretion.

Privy: Any type of nonflush fixture for the receipt and storage of human waste including fixed units with vaults as well as portable units.

Property: Any parcel of land whether vacant or not, whether any structure thereon is occupied or not, or whether submerged or not.

Refuse: Putrescible and nonputrescible and combustible and noncombustible waste, including paper, garbage, material resulting from the handling, processing, storage, preparation, serving and consumption of food, vegetable or animal matter, offal, rubbish, plant wastes such as tree trimmings or grass cuttings, ashes, incinerator residue, street cleanings, construction debris, detached vehicle parts, and solid industrial and market wastes.

Responsible party: Any one (1) or more of the following:

- (1) Agent;
- (2) Assignee or collector of rents;
- (3) Holder of a contract for deed;
- (4) A mortgagee or vendee in possession;
- (5) Receiver or executor or trustee;
- (6) Lessee;
- (7) Those known to the enforcement officer as having an ownership interest; or
- (8) Other person, firm or corporation exercising apparent control over a property.

Weeds shall mean and include not only such noxious weeds as are enumerated in Agriculture Rule 1505.0730 of the State of Minnesota Rules, but also such useless and troublesome plants as are commonly known as weeds to the general public that are over eight (8) inches in height.

(Ord. No. 17861, § 1, 8-13-91; C.F. No. 93-1000, 8-17-93; C.F. No. 94-140, § 1, 3-2-94; C.F. No. 93-1757, § 1, 4-20-94; C.F. No. 99-751, § 1, 9-1-99; C.F. No. 03-887, § 5, 11-5-03; C.F. No. 07-149, § 13, 3-28-07; Ord 15-50, § 1, 10-14-15)

Sec. 45.03. - Nuisance.

A "nuisance" shall mean any substance, matter, emission or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds or other property located within the city. Nuisances shall include, but not be limited to, those set forth in this section.

- (1) *Dangerous structure.* A structure which is potentially hazardous to persons or property including, but not limited to:
 - a. A structure which is in danger of partial or complete collapse; or
 - b. A structure with any exterior parts which are loose or in danger of falling; or
 - c. A structure with any parts such as floors, porches, railings, stairs, ramps, balconies or roofs which are accessible and which are either collapsed, in danger of collapsing, or unable to support the weight of normally imposed loads.
- (2) *Dumped snow.* Accumulated snow and ice that is brought in from another location and dumped, kept or stored in such a condition that litter, gravel or melting snow/ice create a dangerous or unhealthy condition.
- (3) *Exterior surfaces.* All exterior surfaces of residential structures or accessory thereto having a surface covering material that is blistered, cracked, flaked, scaled or chipped away, or has exposed wood that is not protected from the elements and decay by paint or other protective covering treatment, which creates a blighting influence on the community.
- (4) *Fire hazards.* Any thing or condition on the property which, in the opinion of the enforcement officer, creates a fire hazard or which is a violation of the fire code.
- (5) *Firewood.* Piles of wood cut for fuel which are detrimental to the health, safety and welfare of the public because of conditions including, but not limited to, improper or unsafe storage, unelevated piles of wood, excessive quantities, conducive to vermin harborage, and more than five (5) feet in height or closer than ten (10) feet to a habitable building.
- (6) *Graffiti.* Any initials, marks, symbols, designs, inscriptions or other drawings, scratched, painted, inscribed or otherwise affixed upon any structure without the permission of the owner.
- (7) *Grass and weeds.* Grass which has grown upon any property to a height of eight (8) or more inches or weeds.
- (8) *Hazards.* Any thing or condition on the property which, in the opinion of the enforcement officer, may contribute to injury of any person present on the property. Hazards, which shall include, but not be limited to, open holes, open foundations, open wells, dangerous trees or limbs, abandoned refrigerators or trapping devices.
- (9) *Health hazards.* Any thing or condition on the property which, in the opinion of the enforcement officer, creates a health hazard or which is a violation of any health or sanitation law.
- (10) *Insects, rodents and pest harborage.* Conditions which are conducive to the presence, harborage or breeding of insects, rodents or other pests. Bees or pigeons kept with written permission from and maintained in accordance with the regulations of the division of public health are exempt from the provisions of this chapter.
- (11) *Nuisance building.* Any building or portion of a building which is a nuisance as defined in section 45.02.
- (12) *Nuisance outdoor swimming pool.* Any outdoor swimming pool which is a nuisance as defined by 45.02.
- (13) *Obstructions over public sidewalks.* Shrubs, bushes, trees, vines or other uncontrolled vegetation which has grown over the public sidewalk and which obstructs, interferes or renders dangerous for passage any public sidewalk.
- (14) *Open sewer lines and connections.* Any broken sewer line or defective connection to an underground sewer system which is open, broken, disconnected or which has not been properly sealed and which could allow the egress of rodents from the sewer.
- (15) *Pests.* Pests shall include, but not be limited to, pigeons, grackles, starlings, snakes, bats, skunks, raccoons and squirrels.

- (16) *Pest feeding.* The intentional feeding of pests where such feeding reasonably can be determined by the enforcement officer to cause or contribute to the harborage, breeding or pest infestation in that area or neighborhood. The enforcement officer may take into account the numbers of pests which are fed, the overall population of pests in the area, the danger to the public health and welfare, and the increased difficulty of control of the pests in the area in making the determination. The term "pest," for the purpose of this subsection, shall include, but not be limited to, pigeons, grackles and starlings.
- (17) *Rank plant growth.* Overgrown, uncontrolled vegetation, shrubs, trees, vines that are conducive to the accumulation of refuse, debris or the harborage of vermin.
- (18) *Refuse, noxious substances, hazardous wastes.* Refuse, noxious substances or hazardous wastes lying, pooled, accumulated, piled, left, deposited, buried or discharged upon, in, being discharged or flowing from any property, structure or vehicle, except for:
- a. Refuse deposited at places designated and provided for that purpose by this Legislative Code;
 - b. Refuse stored in accordance with provisions of this Legislative Code or vehicle parts stored in an enclosed structure;
 - c. Compost piles established and maintained in accordance with the regulations of Chapter 357 of this Legislative Code;
 - d. Dead animals buried with written permission from, and in accordance with the regulations of, the department of safety and inspections; or
 - e. Green hides received, stored, dressed, packed or sold with written permission from, and in accordance with the conditions set by, the department of safety and inspections.
- (19) *Sanitary structures.* Structures for sanitation such as privies, vaults, sewers, private drains, septic tanks, cesspools, drain fields which have failed or do not function properly or which are overflowing, leaking or emanating odors. Septic tanks, cesspools or cisterns which are abandoned or no longer in use unless they are emptied and filled with clean fill. Any vault, cesspool or septic tank which does not meet the following criteria:
- a. The bottom and sides are cemented to make impervious to water;
 - b. The bottom is at least six (6) feet below grade;
 - c. Proper ventilating pipes and covers are provided;
 - d. It is properly located in accordance with applicable Minnesota State Statutes and city ordinances;
 - e. It is cleaned at least once a year; and
 - f. The property served is located such that connection to the public sewer is impractical.
- (20) *Stagnant water.* Stagnant water standing on any property or in a swimming pool. Any property, container, swimming pool or material kept in such a condition that water can accumulate and stagnate.
- (21) *Statute and common law nuisances.* Any thing or condition on property which is known to the common law of the land, the Statutes of Minnesota, or the Saint Paul Legislative Code as a nuisance.
- (22) *Unsecured unoccupied buildings.* Unoccupied buildings or unoccupied portions of buildings which are unsecured.
- (23) *Vehicles.* Overweight and commercial vehicles as regulated in chapter 151, Traffic Code—General Provisions, and as defined in subsections 151.02(6) and (9).
- (24) *Vermin harborage.* Conditions which, in the opinion of the enforcement officer, are conducive to the harborage or breeding of vermin.
- (25) *Vermin infestations.* Infestations of vermin such as rats, mice, squirrels, skunks, snakes, bats, grackles,

starlings, pigeons, bees, wasps, cockroaches or flies; except for bees or pigeons kept with written permission from, and in accordance with the regulations of, the department of safety and inspections.

(Ord. No. 17887, § 1, 11-21-91; C.F. No. 93-1066, 8-12-93; C.F. No. 93-1449, 4-20-94; C.F. No. 93-1473, 4-20-94; C.F. No. 93-1757, §§ 1, 2, 4-20-94; C.F. No. 94-1310, § 1, 11-2-94; C.F. No. 97-280, § 1, 4-9-97; C.F. No. 00-165, § 1, 3-25-00; C.F. No. 04-741, 9-1-04; C.F. No. 07-149, § 14, 3-28-07; Ord 14-11, § 1, 2-26-14; Ord 15-50, § 1, 10-14-15)

Sec. 113.02. - Snow and ice removal from sidewalks.

The owner or occupant of any building or lot abutting a public sidewalk is responsible for and shall remove any accumulation of snow and/or ice from said public sidewalk within twenty-four (24) hours after the snow and/or ice has ceased to fall, gather or accumulate.

(Ord. No. 17187, 11-27-84)

Sec. 113.03. - Nuisance.

Snow and/or ice which is allowed to remain upon any public sidewalk in the City of Saint Paul for a period of longer than twenty-four (24) hours after the snow and/or ice has ceased to fall, gather or accumulate thereon is hereby declared to be a nuisance. The department is authorized to remove the snow and/or ice or arrange for the removal of same and charge the costs incurred against the abutting property.

(Ord. No. 17187, 11-27-84)

Sec. 113.05. - Alternative abatement methods.

The department may, in cases of extreme hardship or difficulty, require in the notice an additional or alternative method of abatement including, but not limited to, sanding or salting of the sidewalk.

(Ord. No. 17187, 11-27-84; Ord. No. 17710, § 1, 2-6-90)



Handwritten text, likely a label or description, is visible on the white surface beneath the specimen. The text is written in cursive and is partially obscured by the specimen's shadow. It appears to contain several lines of text, possibly including a name and a date, but the specific words are difficult to decipher due to the angle and lighting.

1475

12-21-2010

10:48:51

They is what the city puts back
in my driveway after I
clear it out with my
Case Loader



12-27-2010 } #1483
11:31:23 AM }

View of Jackson St
from the front of my Extra Lot

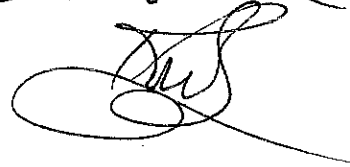


#1484

12-27-2010

11:31:34 AM

Looking East in my extra lot
full of City's plowed snow.
moved with my Case Loader

A stylized, cursive handwritten signature, possibly reading "J. S.", located at the bottom right of the page.



#1485

12-27-2010

11:32:00 AM

Looking West of my extra lot
storage of City's plowed
snow from Jackson Street.
Moved with my Case Loader

A stylized, cursive handwritten signature, possibly reading "D. J. [unclear]".



1489

12-31-2010

9:24:56 AM

View from my backyard
into my Extra Lot (132 Jackson)
of City's plowd onto my sidewalk
snow I had to remove
and store in this extra lot
with my Case loader



1455 12-12-2010 1:30:18 PM

Things I do for the neighbors with
my Case Loader when there is a big Snow
Storm.



1458

2-17-2010 / 1:30:47

Is the city inspector going to come
out here and move the city's snow
window with a snow blower?

Get me his home number or cell number
so I can get hold of him to move these
ton's of snow (I'll supply the snow blower)





#1608

3-10-2011

9:58:56 AM

Snow storage from City's plows
in my extra lot (1132 Jackson)
toward winter season's end.